

Atrocity Prevention and the UN Human Rights Council's 54th Session

The 54th regular session of the UN Human Rights Council (HRC) was held in Geneva between 11 September and 13 October 2023. As the primary international human rights body, the HRC has the capacity to prevent and respond to mass atrocity crimes, as systematic violations and abuses of human rights can be an indicator of potential genocide, war crimes, crimes against humanity or ethnic cleansing. The summary below highlights major outcomes and relevant dialogues from the 54th session as they relate to the Responsibility to Protect (R2P), atrocity prevention and populations at risk of atrocity crimes. During the session, Luxembourg delivered two statements on behalf of the Group of Friends of R2P.

MASS ATROCITY SITUATIONS AND THE HRC

RESOLUTIONS

Afghanistan

On 11 September the HRC held an Interactive Dialogue with the UN Special Rapporteur on the situation of human rights in [Afghanistan](#). In his briefing, the Special Rapporteur highlighted that policies and actions by the Taliban amount to gender persecution and further emphasized that the systematic, widespread, institutionalized discrimination that seeks to exclude women from all facets of life necessitates an examination of the evolving phenomenon of “gender apartheid.” The Special Rapporteur also emphasized human rights violations against children, human rights defenders and ethnic and religious minority groups, including the Hazara, and drew attention to the findings by the UN Assistance Mission in Afghanistan of extrajudicial killings, enforced disappearances, arbitrary arrests and detention, torture and ill treatment and threats targeting former government officials and security forces. The Special Rapporteur further emphasized the need for accountability and the importance of documentation and preservation of information, highlighting potential avenues for justice via the International Criminal Court (ICC), universal jurisdiction and the International Court of Justice (ICJ).

On 12 September the HRC held an Interactive Dialogue on the report by the Office of the UN High Commissioner for Human Rights (OHCHR) on Afghanistan. The UN High Commissioner for Human Rights, Volker Türk, emphasized that human rights in Afghanistan are in a “state of collapse” and highlighted how the systematic erosion of the laws and institutions has essentially stripped protections for human rights at all levels in the country. The High Commissioner also emphasized that the restrictions and edicts by the Taliban have resulted in an “immeasurably cruel” level of oppression against Afghan women and girls.

On 11 October the HRC adopted a resolution without a vote that extended the mandate of the UN Special Rapporteur for one year. The resolution requests the Special Rapporteur to prepare a report for the HRC's 56th session on the institutionalized system of discrimination, segregation, disrespect for human dignity and exclusion of women and girls, with the support of other relevant special procedure mandate holders, treaty bodies and OHCHR. The resolution also decided that the Special Rapporteur would benefit from additional dedicated and specific resources and expertise provided by OHCHR with the aim of strengthening documentation and preservation. The resolution further condemned all human rights violations and abuses committed in Afghanistan, and expressed serious concern about the grave, institutionalized, widespread and systematic oppression of women and girls by the Taliban.

Burundi

On 22 September the HRC held an Interactive Dialogue with the Special Rapporteur on the situation of human rights in [Burundi](#), Fortuné Gaetan Zongo, who presented his latest report to HRC. The report, dated 11 August, noted that multiple visit requests by the Special Rapporteur have gone unanswered by the government of Burundi. The Special Rapporteur warned that despite the return of Burundi to the international stage and the lifting of economic and individual sanctions by several of its bilateral and multilateral partners, the human rights situation has not improved. Violations and abuses persist in a climate of impunity, compounded by serious restrictions on civic space and the lack of an independent judiciary. Human rights defenders, media professionals and political opponents have been arbitrarily arrested and detained on a recurring basis since the 2015 crisis, and cases of torture, extrajudicial executions and enforced disappearances continue to be documented daily.

The Special Rapporteur warned that the Burundian political scene is characterized by a de facto monopoly, with absolute control of power and institutions by the Conseil national pour la défense de la démocratie-Forces de défense de la démocratie (CNDD-FDD). Although the previous Commission of Inquiry on (CoI) Burundi – which investigated serious human rights violations and abuses and possible international crimes between 2016 and 2021 – identified high-ranking members of the CNDD-FDD, as well as the party’s youth wing, the Imbonerakure, as alleged perpetrators of crimes against humanity, the Special Rapporteur report noted that no authorities close to the regime have been held to account and warned that the CNDD-FDD and the Imbonerakure, together with the National Intelligence Service, continue to commit violations and abuses.

On 12 October – two days after Burundi was elected for HRC membership starting in January 2024 – the HRC adopted a resolution renewing the mandate of the Special Rapporteur for a period of one year, in line with a [joint NGO call](#) dated 24 August. The resolution was adopted by 20 votes in favor, 10 against and 17 abstentions. The resolution requested the Special Rapporteur to present an oral update to the HRC at its 56th session, as well as to submit a comprehensive report to the HRC at its 57th session and to the General Assembly at its 79th session.

Central African Republic

During an Interactive Dialogue on 10 October, the Independent Expert on the situation of human rights in the [Central African Republic \(CAR\)](#), Yao Agbetse, presented his latest report to the HRC. The report, which covered the period of 1 July 2022 to 30 June 2023, noted that the civilian population continues to suffer from persistent and widespread violence, grave human rights violations and abuses and a lack of access to basic services due to protracted insecurity. During a visit to the country, the Independent Expert received reports of Russian bilateral forces perpetrating myriad human rights violations, including, among others, sexual violence, summary executions and kidnappings, while fighters from the armed group Unité pour la paix en Centrafrique committed torture, extortion, rape and other forms of sexual violence, particularly against children, with impunity. Independent Expert Agbetse emphasized that there remains more to be done to advance justice in CAR and called upon the international community to provide continued support to the Special Criminal Court and Truth, Justice, Reparation and Reconciliation Commission. The Independent Expert also expressed concern regarding heightened political tensions, the propagation of hate speech, continued shrinking of civic space and the persecution of human rights defenders, political opposition and independent media.

On 12 October the HRC adopted a consensus resolution, renewing the mandate of the Independent Expert for a period of one year. The resolution called for a high-level dialogue to assess human rights developments, with a particular focus on the situation of children, at the HRC’s 55th session. The resolution also called for the Independent Expert to provide an oral update at the HRC’s 56th session and to submit a written report at its 57th session, as well as the 79th session of the General Assembly. The resolution also recalled that CAR “bears the primary responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity.”

Democratic Republic of the Congo

On 9 October the HRC held an Enhanced Interactive Dialogue (EID) on the reports of the High Commissioner from 25 August and the International Team of Experts (IToE) on the situation of human rights in the [Democratic Republic of the Congo \(DRC\)](#) from 10 August. Bessolé Rene Bagoro, a member of the IToE, highlighted the gradual withdrawal of the UN peacekeeping mission in the DRC and a deteriorating security and humanitarian situation, which has severely impacted the rights of the Congolese population. Both reports indicated an increase in cases of violations and abuses, including gender-based violence, conflict-related sexual violence and a surge in attacks against civilians. Bintou Keita,

Special Representative of the UN Secretary-General in the DRC, said that since the beginning of the year an average of nine individuals per day have been killed by armed groups. Special Representative Keita encouraged the DRC authorities to launch the projects on truth, justice and reconciliation across the country and support the disarmament program, which would help guarantee non-repetition. During the EID, Nada Al-Nashif, Deputy High Commissioner for Human Rights, expressed OHCHR's concern regarding the gradual increase of political tensions ahead of the upcoming general elections, as well as shrinking civil space and the spread of hate speech, while several speakers highlighted disproportionate use of force, arbitrary arrests, detention of political opponents and threats and attacks directed against journalists and civil society. Congolese authorities were urged to guarantee a peaceful election process.

On 12 October the HRC adopted a resolution without a vote, which extends the mandate of the IToE for a period of one year and requests the Team to provide the necessary technical support to the Congolese government to implement the National Transitional Justice Policy. The resolution requests OHCHR to organize, before the HRC's 57th session, a meeting to evaluate the implementation of the resolution with the aim of assessing the progress made in the fields of forensic science and transitional justice. The resolution also requests the IToE and High Commissioner to present oral updates at the HRC's 55th session during an EID. The resolution further requests the IToE to submit a final report and the High Commissioner prepare a comprehensive report on human rights at the 57th session during an EID.

Somalia

During an Interactive Dialogue on 10 October, the Independent Expert on the situation of human rights in [Somalia](#), Isha Dyfan, presented her latest report to the HRC, which covered the situation from 1 July 2022 to 30 June 2023. The report, dated 21 August, documented continued International Humanitarian Law (IHL) violations and human rights abuses perpetrated by the armed extremist group Al-Shabaab and Somali security forces, including unlawful killings and arbitrary arrests of civilians. The report highlighted the dire humanitarian situation in the country and how climate change has exacerbated the humanitarian crisis and increased the risk of conflict. The Independent Expert noted improvement on the benchmarks for progress in Somalia, including on the security situation and protections for economic and social rights. On 12 October the HRC extended the mandate of the Independent Expert for one year, requesting continued cooperation with the Somali federal government and the submission of a report examining progress on human rights at the Council's 57th session.

Sudan

On 12 September the HRC held an Interactive Dialogue on the High Commissioner's oral update on the human rights situation in [Sudan](#), during which the High Commissioner shared stories from victims and survivors of the current conflict that OHCHR staff met during a visit to Chad and Ethiopia in June and July. During the Interactive Dialogue, High Commissioner Türk stressed that since 15 April "the catastrophic conflict has broken the nation" and raised alarm about ethnically motivated attacks in West Darfur, mobilization campaigns and recruitment by parties to the conflict, and conflict-related sexual violence. The High Commissioner underlined that impunity for past crimes and violations has contributed to decades-long instability and fueled current violence, and emphasized the need to identify, investigate and hold to account perpetrators of these gross violations.

To respond to the escalating human rights and humanitarian crisis caused by the ongoing armed conflict in the Sudan, the United Kingdom, the United States (US), Norway and Germany put forward a resolution aimed at establishing a Fact-Finding Mission (FFM) mandated to investigate human rights violations and abuses, collect and preserve evidence and identify those responsible. Ahead of the HRC's 54th session, the Global Centre [joined](#) 119 civil society organizations calling for the establishment of an independent investigative mechanism. The Global Centre also [joined](#) a statement delivered by the International Service for Human Rights on behalf of a group of Sudanese, regional and international organizations during the informal consultations on the draft resolution. On 11 October the resolution was adopted by a vote of 19 in favor, 16 against and 12 abstentions. The resolution emphasized that "states have the primary responsibility [...] to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity."

Yemen

On 11 October the HRC adopted without a vote a resolution on technical assistance and capacity-building for [Yemen](#) in the field of human rights. The resolution, led by the Group of Arab States, expressed deep concern for violations and abuses committed by all parties to the conflict and requested the High Commissioner to continue to provide capacity-building and technical assistance to the government of Yemen, as well as technical and logistical support to the National

CoI. Belgium, on behalf of European Union (EU) member states on the Council, delivered a statement expressing “profound disappointment” regarding the resolution. The statement explained that despite having cross-regional support for proposals made jointly by EU member states – including to increase technical assistance to national institutions and for an evaluation on OHCHR technical assistance thus far – the proposals were “flatly rejected” by the Core Group without sufficient explanation. The statement also questioned whether the adopted resolution aims to help the government of Yemen and noted that the Core Group does not seem interested in addressing and improving the human rights situation. The statement further emphasized that the resolution fails to meet the human rights needs of the people of Yemen and in this regard, their suffering deserves the attention of the HRC, as well as monitoring of violations and abuses and accountability. The US also delivered a statement, expressing regret that the Core Group rejected its proposal to name an Independent Expert who would assess, monitor and report on the human rights situation in Yemen and make recommendations.

ADDITIONAL INTERACTIVE DIALOGUES AND REPORTS

Ethiopia

During the 54th session the International Commission of Human Rights Experts on [Ethiopia](#) (ICHREE) released one report and two conference room papers. The report, released on 18 September, emphasized that despite the November 2022 Cessation of Hostilities Agreement, war crimes and crimes against humanity continue to be perpetrated in the Tigray region, while violence has escalated throughout the country, particularly in the Amhara and Oromia regions. On 21 September the HRC held an Interactive Dialogue with the ICHREE, during which the Commission’s Chair, Mohamed Chande Othman, said that ongoing war crimes and crimes against humanity are fueled by a climate of impunity, noting that the government has adopted a strategy of “quasi-compliance” through the creation of domestic mechanisms that ostensibly advance accountability and evade international scrutiny. In a conference room paper, issued on 3 October, the Commissioners utilized the UN Framework of Analysis for Atrocity Crimes to highlight how the current situation in Ethiopia, including continued violence in Tigray, Amhara and Oromia, recurrent cycles of human rights violations, weak state structures and intergroup tensions, exhibits most of the risk factors for further atrocities. Another conference room paper, released on 13 October, presented the ICHREE’s comprehensive findings and legal determinations on the violations and abuses perpetrated in Ethiopia. The Commissioners reiterated previous findings of war crimes and crimes against humanity, while noting that due to time and resource limitations, they were unable to make a determination on the crime of genocide in Tigray. The Commission implored the international community to continue supporting investigations and monitoring to determine the complete facts and legal implications.

Despite these warnings and overwhelming [calls](#) by international civil society organizations, neither the EU – the penholder on the ICHREE resolution – nor the US or members of the African group, tabled a resolution to renew the mandate of the ICHREE. Due to this [failure](#), there is currently no international monitoring, documentation or evidence preservation of the ongoing war crimes and crimes against humanity in Ethiopia.

Haiti

On 10 October the HRC held an Interactive Dialogue on the interim report of the High Commissioner on the situation of human rights in [Haiti](#). Deputy High Commissioner Al-Nashif expressed concern regarding the widespread deterioration of the human rights and security situation in Haiti and that the magnitude of armed violence, which has escalated since the assassination of then-President Jovenel Moïse in July 2021, now affects all communes in the metropolitan area of the capital, Port-au-Prince, and has spread into neighboring regions. Deputy High Commissioner Al-Nashif noted that gangs are threatening the authority of the state at an unprecedented scale, having access to sophisticated high-caliber firearms and ammunition trafficked into Haiti, and are routinely committing attacks against civilians, including killings, mutilation, sexual violence and kidnappings. Gangs are increasingly using sexual and gender-based violence to instill fear among the population, and limited to no progress has been made by the authorities to tackle this “epidemic.” William O’Neill, the Independent Expert on the situation of human rights in Haiti, said that gangs are also having a devastating impact on the countryside, obstructing roads and preventing shipments of food, medication and other supplies from reaching rural areas, leading to widespread suffering. Independent Expert O’Neill highlighted that rampant corruption throughout state institutions, as well as pervasive impunity for crimes are the principal underlying causes for gang activity and violence, and he urged the international community to collaborate with Haitian authorities to address these root causes, ensure respect for the rule of law and prevent recurrence. Deputy High Commissioner Al-Nashif stressed that OHCHR will work closely with UN partners to develop relevant human

rights due-diligence mechanisms within the new UN Security Council-authorized Multinational Security Support Mission to Haiti, as well as the necessary oversight mechanisms to prevent and respond to sexual exploitation and abuse and other types of misconduct.

Myanmar (Burma)

On 11 September the HRC held an Interactive Dialogue with the International Investigative Mechanism for [Myanmar](#) (IIMM), during which the IIMM's Head, Nicholas Koumjian, presented the findings of its latest report, released on 30 June. The report – covering 1 July 2022 to 30 June 2023 – found evidence of an increase in aerial bombings and indiscriminate shelling, resulting in the deaths of innocent civilians, including children. Ongoing violence has forced the IIMM to expand its investigations in addition to investigating the so-called clearance operations against the Rohingya in Rakhine State during 2016-2017. IIMM Head Koumjian highlighted that the Mechanism has shared information and evidence focused on crimes committed against the Rohingya with ongoing proceedings at the ICJ, the ICC and a universal jurisdiction case in Argentina. The IIMM is also in the process of sharing information regarding the military chain of command in Rakhine State, the failure of Myanmar authorities to investigate or punish sexual and gender-based violence and the organized propagation of hate speech by the Myanmar military on Facebook during the 2017 clearance operations.

On 19 September the High Commissioner released a report on the situation of human rights in Myanmar, highlighting abuses against civilians from 1 April 2022 and 31 July 2023. The report documented increased violence against civilians through airstrikes, mass killing and the burning and razing of villages and civilian structures. The junta conducted at least 687 airstrikes that killed 281 people during the reporting period, doubling the number from the previous 14 months. At least 22 instances of mass killings of 10 or more people were documented, with testimonies indicating that soldiers rounded up villagers and committed executions, rapes or used them as human shields. The report found that 75,000 structures have been burned since the February 2021 coup, with at least 24,000 burned in 2023 alone. Violence by anti-junta armed groups was also noted, including targeted killings and bombings of public places. In an Interactive Dialogue on 26 September, the High Commissioner called on the international community, including the Association for Southeast Asian Nations, to ensure accountability for these crimes.

Nicaragua

On 12 September the HRC held an Interactive Dialogue on the High Commissioner's report on the situation of human rights in [Nicaragua](#). The report, dated 10 August, warned that over the past year, the human rights situation has continued to seriously deteriorate. Political persecution has intensified against persons perceived as opponents of the government, who are subjected to a wide range of arbitrary measures, including prison sentences handed down without a trial and the deprivation of nationality through judicial decisions that lack any resemblance to legality. During the Interactive Dialogue, the High Commissioner expressed deep concern about the sharp and continued rise in violence in Indigenous and Afro-descendant territories, including murders, deliberate burning of homes and theft of land and assets, which is perpetrated with impunity.

The Group of Human Rights Experts on Nicaragua (GHREN) provided an oral update on 12 September on their ongoing investigations, warning that under President Daniel Ortega the government continues to commit crimes against humanity to crush dissent. The GHREN warned about systematic patterns of attacks against universities, students and professors in an attempt by those at the highest level of the state to fully eradicate opposing voices. According to the GHREN, “the seriousness of these violations, in conjunction with the other crimes documented to date, perpetrated by reason of the political identity of the group targeted, lead us to conclude that these constitute prima facie the crime against humanity of persecution on political grounds.” The GHREN also documented continued arbitrary detentions, arbitrary criminal proceedings, strict surveillance and serious threats and harassment of actual or alleged opponents, as well as the deliberate denial of re-entry to Nicaragua for those who have been forced to flee. The GHREN recalled that in recent months, more than 300 individuals have also been arbitrarily deprived of their nationality, a strategy increasingly used by Nicaraguan authorities to intensify repression. To date, the Nicaraguan government continues to refuse to cooperate with the GRHEN and the wider UN human rights system.

South Sudan

On 9 October the HRC held an Interactive Dialogue on the oral update of OHCHR on technical assistance and capacity-building for [South Sudan](#). OHCHR's technical cooperation and capacity building activities focused on South Sudan's

accession to human rights treaties, transitional justice and reconciliation, judicial reform and the strengthening of the capabilities of national human rights institutions and other bodies to implement the recommendations made during the Universal Periodic Review's third cycle on South Sudan last year. During the Interactive Dialogue, Christian Salazar Volkmann, Director of the Field Operations and Technical Cooperation Division of OHCHR, warned that persistent inter-communal violence, including cattle raiding and revenge attacks involving community-based militia and/or civil defense groups, posed a major threat to populations. Volkmann expressed concern about reports of extrajudicial executions carried out by South Sudanese security forces and continued cycles of sexual violence, particularly against women and girls, as well as about the absence of formal judicial institutions in various parts of the country.

On 5 October the Commission on Human Rights in South Sudan (CHRSS) published a conference room paper on entrenched repression and the systematic curtailment of democratic and civic space. The paper details how the National Security Service has instituted “a pervasive and unlawful censorship regime to curtail independent media, and imposed widespread restrictions and surveillance on civil society groups and their activities.” The CHRSS also highlighted persistent attacks on journalists and human rights defenders and said that these attacks often involved human rights violations carried out with absolute impunity.

Syria

On 22 September the HRC held an Interactive Dialogue with the Independent International CoI on [Syria](#), during which the Chair of the CoI highlighted that Syrians continue to suffer from escalating unrest and fighting along multiple frontlines, a near collapse of the economy and persistent human rights violations and abuses. Syrians continued to be killed, disappeared, tortured, arbitrarily detained, displaced and dispossessed by all parties to the conflict, notably the Syrian government and armed groups, including Hay'at Tahrir Al-Sham, the Syrian National Army and the Syrian Democratic Forces. The Chair of the CoI welcomed the UN General Assembly's decision in June 2023 to create the Independent Institution on Missing Persons. The Chair further emphasized that it remains unsafe for Syrians to return, as some refugees returning from neighboring countries have been detained and ill-treated by Syrian security forces or criminal gangs. In the context of normalization of relations with the Syrian government, the CoI emphasized that benchmarks which tackle the rights-based grievances that led to the conflict must be established.

Ukraine

During an Interactive Dialogue with the Independent International CoI on [Ukraine](#) on 25 September, Eric Møse, Chair of the CoI, said that war crimes – namely attacks on civilians, civilian infrastructure and medical facilities – continued to be perpetrated against populations in Ukraine by Russian forces. Commissioner Møse stated the CoI was currently investigating the widespread use of torture and sexual violence in Russian-occupied areas, specifically Kherson and Zaporizhzhia, to determine if the abuses amount to crimes against humanity. Commissioner Møse also stated that “some of the rhetoric transmitted in Russian state and other media may constitute incitement to genocide.” During the Interactive Dialogue, the CoI also highlighted the ongoing issue of the forcible transfer of children from Ukrainian territory into Russia and how the lack of information will likely hamper any return process.

On 9 October the HRC held an Interactive Dialogue on the oral update regarding the findings of the periodic reports by OHCHR on the situation of human rights in Ukraine. Deputy High Commissioner Al-Nashif said that blatant and relentless violations of human rights continue a year and a half since the full-scale Russian invasion of Ukraine. Deputy High Commissioner Al-Nashif said the UN Human Rights Monitoring Mission in Ukraine has continued to document torture, arbitrary detention, conflict-related sexual violence and attacks on civilians.

Venezuela

On 25 September the HRC held an Interactive Dialogue with the Independent International FFM on [Venezuela](#), which presented its latest report dated 22 September. The report warned that the government of President Nicolás Maduro has intensified policies of crushing dissent, including through targeted attacks on civic and democratic space. According to the FFM, in recent years the government has resorted to selective repression – specifically targeting civil society organizations, trade and labor unionists, independent media, as well as political opponents and their families – to silence, discourage and stifle any real or perceived opposition. The FFM also noted that high-ranking officials regularly resort to public smear campaigns and harassment against human rights defenders and journalists, which, together with ongoing threats and surveillance, has contributed to an environment of fear and self-censorship. The FFM alerted that

patterns of serious human rights violations and repression are being used with different levels of intensity depending on the nature and strength of social dissidence, showing the state's capacity to adapt to silence criticism.

The FFM emphasized that some of the ongoing violations and abuses involve some of the same elements responsible for acts identified as crimes against humanity in their previous reports, including President Maduro and other high-level government officials, and that various state institutions used for systematic violations and abuses remain unchanged. After the publication of the FFM's first report, which identified the Special Action Forces (FAES) of the Bolivarian National Police as one of the main perpetrators of thousands of extrajudicial executions, the Maduro government had alleged its dissolution. However, the latest report documented the subsequent establishment of a new Directorate of Strategic and Tactical Actions, which displays similar functions and modus operandi as the FAES, including the presence of senior individuals previously alleged to be involved in the commission of possible crimes against humanity. To date, the Venezuelan government continues to refuse to cooperate with the FFM and grant its team access to the territory.

RELEVANT THEMATIC AREAS

RESOLUTIONS

Enforced or involuntary disappearances

In its report dated 8 August, the Working Group on Enforced or Involuntary Disappearances recalled that on 31 January, it issued a press release, jointly with other Special Procedures' mandate holders, calling for an immediate independent investigation into gross human rights abuses and possible war crimes and crimes against humanity, including enforced disappearances, committed in [Mali](#) since 2021 by government forces and the private military contractor known as the "Wagner Group." On 11 October the HRC adopted a consensus resolution extending the mandate of the Working Group on Enforced or Involuntary Disappearances for a period of three years.

Promotion of truth, justice, reparation and guarantees of non-recurrence

During an Interactive Dialogue on 13 September, the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence, Fabián Salvioli, presented his report entitled "International legal standards underpinning the pillars of transitional justice." The report, dated 10 July, recalled that to comply with international standards, states should undertake measures to strengthen the effectiveness of international legal principles concerning universal and international jurisdiction. The report highlighted that as a rule of jus cogens, no statutory limitation should be applied to war crimes and crimes against humanity, as these crimes offend humanity as a whole. The report also noted the Special Rapporteur's participation in meetings with the Special Adviser to the Secretary-General on the Prevention of Genocide in the Global Forum against the Crime of Genocide, organized by the Ministry of Foreign Affairs of Armenia with the support of the Office on Genocide Prevention and the Responsibility to Protect.

On 11 October the HRC adopted a consensus resolution extending the mandate of the Special Rapporteur for a period of three years and requesting the Special Rapporteur to explore the contribution of transitional justice for the prevention of gross violations of human rights and serious violations of IHL, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence. The resolution also requested the Special Rapporteur to report annually to the HRC and the General Assembly.

Racial justice and equality

In Resolution 48/18, the HRC requested the HRC Advisory Committee to prepare a study in which it examined the patterns, policies and processes contributing to incidents of racial discrimination. In its report dated 8 August, the HRC Advisory Committee recalled that in the Durban Declaration and Programme of Action – adopted in 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – the international community recognized the transatlantic slave trade and trafficking of enslaved Africans as a tragedy and a crime against humanity. The report underscored that victims of human rights violations as a result of racism or related wrongs should have the right to seek just and adequate reparation. The report subsequently noted that while monetary compensation and criminal accountability might be complex and challenging, possible avenues towards reparatory justice exist, such as historical truth-seeking, memorialization and review of public spaces, official recognition of and apologies for past harm, the development of institutions to advance knowledge about enslavement and colonialism, return of cultural artifacts and developmental programs in the form of bursaries.

In a report dated 17 August, the Working Group of Experts on People of African Descent noted that Africans and people of African descent have suffered from long-term, ongoing racial inequality due to extractive policies, barriers to migration and the normalization of atrocities. The Working Group also noted that the history of colonization often implicitly or explicitly privileges colonial legacies and norms, and that most states have not ensured that educational materials reflect historical facts or past tragedies and atrocities accurately, particularly enslavement, transatlantic slave trade, exploitation of African people, land and resources and colonialism. On 12 October the HRC adopted a consensus resolution extending the mandate of the Working Group of Experts on People of African Descent for a further period of three years and requesting the Working Group to report annually to the HRC.

Rights of Indigenous Peoples

On 27 September the HRC held an annual half-day panel discussion on the rights of Indigenous Peoples, followed by an Interactive Dialogue with the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples on 28 September. The Group of Friends of R2P delivered a Joint Statement during the Interactive Dialogue, highlighting the nexus between atrocity prevention and the rights of Indigenous Peoples. In a report dated 11 August, the High Commissioner recalled that Indigenous Peoples have the collective right to live in freedom, peace and security as distinct peoples and not be subjected to any act of genocide or other act of violence, including forcibly removing children of one group to another group.

On 11 October the HRC adopted a consensus resolution which requests OHCHR to prepare a stocktaking report, compiling existing procedures on the participation of Indigenous Peoples at the UN and highlighting existing gaps and good practices, as well as to present the report at the HRC's 57th session. The resolution also decided to organize a two-day intersessional meeting before the 57th session and another two-day intersessional meeting before the 58th session in order to allow myriad stakeholders, including states, relevant UN agencies, funds and programs, international organizations, Indigenous Peoples from the seven Indigenous sociocultural regions and national human rights institutions and civil society organizations, to hold a dialogue on concrete ways to enhance the participation of Indigenous Peoples in the work of the HRC.

Use of mercenaries

The HRC held an Interactive Dialogue with the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-determination. In a report dated 12 July, the Working Group recalled that operations of mercenaries and mercenary-related actors increase the risk of human rights abuses and IHL violations. Such actors are often involved in human rights violations, including extrajudicial killings, enforced disappearance, rape, sexual and gender-based violence, arbitrary detention and torture, and have perpetrated war crimes and crimes against humanity. The Working Group also recalled the communication it had issued in 2020 regarding the alleged direct participation by personnel of the private military and security company, Keenie Meenie Services Ltd., in hostilities during the armed conflict in [Sri Lanka](#) between 1984 and 1988. The Working Group expressed concern regarding the apparent lack of investigations into the company's activities and the alleged human rights violations and war crimes perpetrated by its private contractors during the armed conflict.

On 11 October, under the leadership of Cuba, the HRC adopted a resolution requesting the Working Group to continue monitoring mercenaries and mercenary-related activities in all their forms and manifestations across the world, including instances of protection and financing provided by governments to individuals involved in mercenary activities. The resolution was adopted by a vote of 32 in favor, 13 against and 2 abstentions.

ANNEX 1 – Statement by the Group of Friends of the Responsibility to Protect during the Interactive Dialogue with the Special Rapporteur on the rights of Indigenous Peoples

28 September 2023

Mr. President,

I have the honour to deliver this statement on behalf of the Group of Friends of the Responsibility to Protect (R2P).

We thank the Special Rapporteur for his report, which illustrates the need to find sustainable solutions to guarantee that Indigenous Peoples can preserve their rights to territories, knowledge and distinct ways of life as described by UNDRIP. Indigenous Peoples continue to be forcibly displaced, dispossessed of their territories and discriminated against on the basis of their ethnicity.

Historically, Indigenous Peoples have been victims of atrocity crimes, including through colonisation, resulting in the loss of ancestral lands, as well as pervasive discrimination, including against indigenous women and girls. Economic projects with impact on their territories without consultation procedures may also serve as a key driver of violence, while inflammatory rhetoric often blames Indigenous Peoples for standing in the way of development projects.

Special Procedures have also documented how indigenous women and girls are disproportionately affected by gender-based violence, trafficking and other forms of exploitation, highlighting the need for intersectional protection approaches.

Mr. Special Rapporteur,

How can states better leverage the UN human rights system – including Treaty Bodies, the Universal Periodic Review process, and your own mandate as well as the EMRIP – to close protection gaps and address and mitigate atrocity risk factors for Indigenous Peoples, while at the same time strengthening their possibilities for meaningful participation?

Thank you.

ANNEX 2 – Statement by the Group of Friends of the Responsibility to Protect during the Interactive Dialogue on the Secretary General's report on alleged reprisals against those who seek to cooperate or have cooperated with the United Nations, its representatives and mechanisms

28 September 2023

Mr. President,

I have the honour to deliver this statement on behalf of the Group of Friends of the Responsibility to Protect (R2P).

We thank the Secretary General for his report and are deeply alarmed about ongoing reprisals against civil society actors.

Repression of civic space and independent voices can be one of the early warning signs for, and precursors to human rights crises and possible atrocity crimes. This includes reprisals against and harassment of those cooperating with the UN system, legislation curtailing the exercise of fundamental freedoms, arbitrary criminal prosecutions, systematic violations of due process rights, arbitrary detention, smear campaigns, and intimidation of activists' family members.

We stand in solidarity with human rights defenders. Ensuring their protection, both in online and offline environments, helps make societies more resilient to human rights violations and atrocity crimes. HRDs are vital actors in documenting, mitigating, and preventing violations and abuses, including those at risk of escalating into atrocity crimes, and are often the first to witness warning signs.

We must become better at ensuring the protection of human rights defenders and wider civic space, including through targeted follow-up action on information provided by the UN system, including the Secretary General's report. We call on all Member States to put into place protection mechanisms for victims, survivors and human rights defenders and to speak up loudly, clearly and consistently against reprisals.

We must speak up, not only for the victims, but indeed for the integrity of the UN human rights system.

Thank you.