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## Human Right Council

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### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

## Summary of the one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

Pursuant to Human Rights Council resolution 43/29, the United Nations High Commissioner for Human Rights convened on 10 February 2021 a one-day intersessional meeting with a dialogue on cooperation in strengthening capacities for the prevention of genocide. Participants emphasized the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and the need for regional and national arrangements. The importance of criminal accountability and legal institutions, complemented by transitional justice processes, was also highlighted. Participants pointed out the importance of activities aimed at addressing the seeds of violence, especially hate speech, intolerance, antisemitism and other forms of racism. They underscored the role played by human rights mechanisms in detecting and making public the early signs of atrocity crimes. Many of the participants called for the inclusion, where relevant, of an atrocity-prevention dimension in Human Rights Council mandates. Several initiatives to improve prevention work and reinforce synergies within the United Nations system were also mentioned, especially the Secretary-General's call to action for human rights and the development of a more coherent agenda for protection. Participants committed to further support the work of the Special Adviser to the Secretary-General on the Prevention of Genocide.

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## I. Introduction

1. Pursuant to Human Rights Council resolution 43/29, the United Nations High Commissioner for Human Rights convened on 10 February 2021 a one-day intersessional meeting to facilitate the sharing of good practices, achievements, challenges and lessons learned on the three main areas for genocide prevention: the strengthening of national capacities; the promotion of States' participation in regional and subregional initiatives; and the strengthening of early warning and prevention mechanisms within the United Nations system.
2. The present report, containing a summary of the discussions held during the intersessional meeting was prepared pursuant to the same resolution.

## II. Opening statements

3. The President of the Human Rights Council, Nazhat Shameem Khan, the Permanent Representative of Armenia to the United Nations Office and other international organizations in Geneva, Andranik Hovhanniyan, the United Nations Deputy High Commissioner for Human Rights, Nada Al-Nashif, and the Special Adviser to the Secretary-General on the Prevention of Genocide, Alice Wairimu Nderitu, delivered opening statements.
4. The President of the Human Rights Council emphasized the link between human rights and the prevention of genocide. Acts of genocide, like other atrocity crimes, were often preceded by a series of repeated human rights violations, be they violations of civil and political rights or violations of economic, social and cultural rights. Human Rights Council mechanisms had proven to be effective tools to detect atrocity crimes, as evidenced in Rwanda, where months before the genocide of 1994, the then Special Rapporteur on extrajudicial, summary or arbitrary executions had warned of communal violence being committed against Tutsis. Also, in 2016, the Independent International Commission of Inquiry on the Syrian Arab Republic had contributed to the analysis of genocidal acts committed by Da'esh against Yazidis.
5. Early warning was not sufficient, and required follow-up actions and coordinated efforts by the international community to have a truly preventive impact. The President called for continued efforts to bridge the existing gap within the United Nations between Geneva and New York. The Human Rights Council and its mechanisms provided a wealth of expertise, information and recommendations on a wide range of human rights issues, including on urgent situations. She urged other intergovernmental bodies to use that information in order to ensure that the international community supported States effectively in preventing atrocity crimes.
6. The President also stressed the need for Human Rights Council mechanisms to strengthen cooperation with other United Nations entities, especially with the Special Adviser to the Secretary-General on the Prevention of Genocide. In that regard, she referred to the report on the contribution of the Council to the prevention of human rights violations, presented in March 2020,<sup>1</sup> which contained a recommendation that the Special Adviser be invited more regularly to sessions of the Council. The President also mentioned the joint study of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Adviser, published in March 2018,<sup>2</sup> as good practice, as well as the use by the Commission of Inquiry on Burundi, in its recent reports, of the framework of analysis for atrocity crimes developed by the Special Adviser to the Secretary-General on Genocide Prevention and the Special Adviser to the Secretary-General on the Responsibility to Protect.<sup>3</sup>
7. In addition, the Human Rights Council mechanisms had a role to play in monitoring the implementation of the Convention on the Prevention and Punishment of the Crime of

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<sup>1</sup> A/HRC/43/37.

<sup>2</sup> See A/HRC/37/65.

<sup>3</sup> See A/HRC/42/49 and A/HRC/45/32.

Genocide, which, contrary to other international human rights instruments, did not provide for a monitoring mechanism. In his most recent report on the prevention of genocide, presented in 2019 to the Human Rights Council,<sup>4</sup> the Secretary-General had emphasized the role that the universal periodic review could play in that respect.

8. In conclusion, the President underlined that, in addition to their early warning and monitoring functions, Human Rights Council mechanisms provided practical assistance to States to assist them in correcting structural gaps and reversing trajectories of increasing human rights violations. Experience had demonstrated that the implementation of recommendations by those mechanisms, which ranged from accountability measures to transitional justice mechanisms and socioeconomic reforms, had a significant preventive impact. However, in many cases, implementation required financial assistance. In that regard, the Council provided States with the opportunity to share their needs and discuss modalities of cooperation, whether under item 10 of its agenda or during the universal periodic review.

9. The Permanent Representative of Armenia recalled that in its resolution 43/29, the Human Rights Council had identified justification, biased accounts or denial of past instances of genocide as increasing the risk of reoccurrence of violence. In the resolution, the Council had also identified the denial of genocide as a form of hate speech. The Permanent Representative noted that the involvement of a State in the spread of such ideas and the absence of proper actions by national authorities against the denial of genocide constituted, in many cases, clear indications that no meaningful action had been taken to guarantee the non-recurrence of past atrocities.

10. The Permanent Representative also underscored the need to ensure justice for victims and their descendants through recognition, accountability, truth, reparations, guarantees of non-recurrence and the preservation of historic memory. Civil society and free, diverse and independent media played a crucial role in preventing atrocity crimes. The Human Rights Council and the Office of the United Nations High Commissioner for Human Rights (OHCHR) also had a key role in preventing genocide.

11. The United Nations Deputy High Commissioner for Human Rights noted that the adoption on 9 December 1948 of the Convention on the Prevention and Punishment of the Crime of Genocide had been followed the next day by the adoption of the Universal Declaration of Human Rights, showing the link between the prevention of genocide and the protection, respect and fulfilment of human rights. Atrocity crimes were often rooted in long-standing civil and political violations, discrimination, economic inequalities, social exclusion and denial of economic, social and cultural rights.

12. Early signs of many recent atrocity crimes, including genocide, had been detected and reported by Human Rights Council mechanisms, human rights treaty bodies and OHCHR. The Deputy High Commissioner called for a consistent approach to identify and tackle the seeds of hatred before they grew into crises, notably by building more robust linkages between United Nations mechanisms based in Geneva and those in New York.

13. The Deputy High Commissioner emphasized the need to move the focus of preventive work upstream. In this respect, the United Nations human rights system contributed to long-term prevention by identifying the root causes and accelerators of serious human rights violations, including in the socioeconomic sphere, by collecting information on current violations, by identifying alleged perpetrators and by advocating for appropriate accountability and transitional justice solutions.

14. Prevention and punishment – the explicitly stated twin aims of the Convention on the Prevention and Punishment of the Crime of Genocide – could never be seen in isolation from each other. A culture of accountability and the fair and equal administration of justice were necessary for addressing grievances and facilitating structural solutions. The Deputy High Commissioner pointed out, in that regard, the primary responsibility of States in delivering justice and preventing human rights violations and atrocity crimes. She referenced the role that the International Criminal Court could have in cases where a State was unwilling or unable to deliver justice. She called on States that had not yet acceded to the Rome Statute

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<sup>4</sup> A/HRC/41/24.

of the International Criminal Court to consider doing so. She also encouraged States to further accountability for atrocity crimes committed in other States, including by supporting the work of the United Nations or the exercise of universal jurisdiction. The Deputy High Commissioner concluded her remarks by underlining that effective accountability should encompass acknowledging and taking responsibility for the violations of victims' rights and realizing their rights to truth, justice, reparation and guarantees of non-recurrence.

15. The Special Adviser to the Secretary-General on the Prevention of Genocide noted that many advancements had been made in the prevention of atrocities since the adoption of the Convention on the Prevention and Punishment of the Crime of Genocide. However, the rise of xenophobia, racism and religious bigotry was still menacing human rights, democratic values and social stability. Experience had shown that prevention was far less costly, particularly in saving human lives, than reparation measures in societies following the perpetration of atrocity crimes. Nevertheless, the world continued to fail in protecting populations from atrocity crimes. The Special Adviser, therefore, called for greater commitment and early action at the community, national and regional levels. She insisted as well on the need for robust regional and international cooperation to respond where needed.

16. The Special Adviser referred to situations of concern, including the Central African Republic, Ethiopia, Myanmar and Yemen. She also underscored positive developments in advancing accountability, such as the approval by the Government of South Sudan of the establishment of an African Union hybrid court; the conviction of former Lord's Resistance Army commander Dominic Ongwen by the International Criminal Court; the surrender to that Court of Mahamat Said Abdel Kani in relation to crimes committed in the Central African Republic; and the transfer to the Court of Ali Muhammad Ali Abd-al-Rahman for crimes committed in Darfur.

17. To conclude, the Special Adviser noted that the prevention of genocide could only be ingrained in the structure of societies when there was a convergence of support from several stakeholders, as well as a genuine inclusion of all groups in decision-making processes relating to the prevention of genocide and human rights violations. The Special Adviser reiterated her commitment to continue providing early warning of and recommendations on potential situations of atrocity crimes, and assisting in building the capacity of States, regional organizations and civil society to prevent and respond to atrocity crimes. She called on the Human Rights Council and all States Members of the United Nations to likewise protect those at risk from genocide.

### **III. Strengthening national capacities for the prevention of genocide**

18. In the first panel discussion, moderated by former Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo de Greiff, participants examined ways to strengthen national capacities for the prevention of genocide. Presentations were made by the Chairperson of the national committee on the prevention of genocide in Kenya, Jamila Mohammed; the President of the Post-Conflict Research Center, Velma Šarić; the Director of the Simon-Skjoldt Center for the Prevention of Genocide, Naomi Kikoler; and Senior Lecturer at the University of Western Australia Law School and Second Vice-President of the International Association of Genocide Scholars, Melanie O'Brien.

19. Ms. Mohammed underlined the critical role of national committees to prevent genocide, while highlighting the need for those committees to work together with regional committees, as the seeds and impact of atrocity crimes were always cross-regional. In that respect, the Heads of State of the Great Lakes region had agreed in 2006 to set up a regional committee and national committees to prevent and punish genocide. Subsequently, the Government of Kenya had created the national committee on the prevention of genocide, which Ms. Mohammed chaired, with the mandate to inform the Government, raise awareness and organize capacity-building activities. Insisting on the need for national committees to have broad composition, Ms. Mohammed mentioned that the national committee comprised government and non-governmental actors, including members of human rights organizations, police officers and religious leaders.

20. Taking the 2010 Constitution of Kenya as an example, Ms. Mohammed underscored the need to include a robust human rights component in constitutions in order to provide the judiciary with a framework and a powerful tool to ensure accountability for atrocity crimes. She also referred to the International Crimes Act adopted by Kenya in 2008, which had led to the setting up of the International and Organised Crimes Division within the Kenyan High Court. She mentioned the ratification of the Rome Statute, which had proved to have a deterrent role, notably during the previous presidential elections in Kenya.

21. Ms. Šarić highlighted the crucial role of education in preventing conflict and building sustainable peace. Mentioning the phenomenon of “two schools under one roof” in Bosnia and Herzegovina, where students from different communities followed separate historical curricula despite being in the same building, she insisted on the need for a common teaching of the past, establishing the facts through inclusive fact-finding initiatives and research by competent and independent actors. School curricula should integrate human rights and peace education, as well as the study of moral and civic courage, by showcasing the role of individuals in effecting positive change. In that respect, the Post-Conflict Research Center, which Ms. Šarić headed, had implemented award-winning multimedia educational peacebuilding programmes that utilized stories of rescue and moral courage to promote tolerance, reconciliation and inter-ethnic cooperation.

22. Ms. Šarić emphasized the need for remembrance and memorialization efforts in post-conflict contexts. There was, however a risk of politicization of memorialization projects, such as in Bosnia and Herzegovina, where, due to a lack of a common approach, there were many instances of initiatives offering a one-sided view of the past. To counter that risk, it was important for governments to establish impartial institutions of memory and public education, such as the Srebrenica memorial centre. There was also a need for coordinated efforts between governments, civil society and local communities. In that line, the Post-Conflict Research Center annually organized, in collaboration with the United Nations Office on Genocide Prevention and the Responsibility to Protect, seminars to promote synergies between civil society actors and to exchange best practices on monitoring and preventing atrocity crimes. The Center had also contributed to the creation in 2017 of the Western Balkans Coalition for Genocide and Mass Atrocity Crimes Prevention. Ms. Šarić mentioned the key role of religious leaders and organizations in building a culture of peace, citing for example the strong stand taken by faith leaders in Bosnia and Herzegovina against the social exclusion and marginalization of, and discrimination against, victims of sexual violence in conflict.

23. Moreover, Ms. Šarić noted the importance of countering biased storytelling in the media. In that regard, her organization had created Balkan Diskurs, an independent multimedia platform aimed at training young journalists on ways to tackle disinformation and providing them, as well as activists and academics, with a space to publish their opinions and analyses. Additionally, over the past 10 years, the Post-Conflict Research Center had produced documentary movies, organized photography exhibitions and displayed art installations that combined storytelling, historical memory and witnessing, with a view to contributing to inclusive policymaking and public education.

24. Ms. Kikoler insisted on the importance of having living memorials, such as the Holocaust Memorial Museum, which had been created through a decision of the Congress of the United States of America in 1980. Pursuant to its mission, the Museum had invested in education not only to help individuals to reflect on their own decision-making, but also to advocate for change with policymakers. On the basis of knowledge of the Holocaust and the fact that atrocity crimes did not occur overnight, the Museum had been conducting research on how and why genocide might happen, with a view to identifying warning signs. It had also developed research on tools that could help prevent mass atrocities. Ms. Kikoler mentioned in particular *The Manual on Human Rights and the Prevention of Genocide*, developed in cooperation with the former Special Adviser to the Secretary-General on the Prevention of Genocide. Elaborating on the framework of analysis for atrocity crimes, the authors of the manual had set out 21 human rights-related risk factors for genocide. Moreover, the Holocaust Memorial Museum, in order to give life to the idea of “never again”, regularly organized exhibitions. For example, recent exhibitions had presented the experience encountered by minorities in the Syrian Arab Republic and by Rohingya people

in Myanmar. Equally important was the emphasis placed by the Holocaust Memorial Museum on archiving and documentation in order to promote accountability and transitional justice.

25. Ms. O'Brien stressed the importance of having in national constitutions human rights charters protecting the rights of minorities, among others. Such charters provided minority groups with legal recourse for human rights violations, such as torture, rape and killings, at early or mid-stages of atrocities, before the violations escalated further. She also highlighted the deterrent effect of domestic and international criminal law. For example, studies had shown how the work of the International Criminal Court related to child soldiers had prevented some non-State actors in Africa from recruiting children. Similarly, in a study on the roots of restraint in war,<sup>5</sup> the International Committee of the Red Cross had found that laws did have an impact on the conduct of armed non-State actors. In that respect, Ms. O'Brien called on States to adopt laws or integrate into their legal systems international laws criminalizing atrocity crimes and make sure that such legislation was implemented.

26. Ms. O'Brien also advocated for States to incorporate universal jurisdiction in domestic law for international crimes, or, at a minimum, to extend extraterritorial application of the substantive law to their own permanent residents and citizens. She also pleaded for a renewed push for the ratification of the Rome Statute and universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. She however underscored that there was no treaty body overseeing the implementation of the latter Convention. Consequently, the absence in many States of laws proscribing genocide could go unnoticed. Thus, Ms. O'Brien called for a concerted global programme that encouraged States to enact relevant legislation to comply with the Convention, and for States that were not a party to the Convention to accede to it.

27. Asserting that during the processes of genocide State actors usually monopolized the media to control narratives about targeted groups, Ms. O'Brien advocated for the passing of legislation preventing such phenomenon. Laws regulating social media companies were needed. In particular, referencing litigation between the Gambia and the social media company Facebook before United States courts, in which Facebook was declining to disclose posts and communications of specific Myanmar officials and institutions believed to contain evidence of genocidal intent, Ms. O'Brien pointed out the need to provide courts with the capacity to compel social media companies to relinquish data and metadata about posts that incited discriminatory violence and/or hate.

28. Representatives of the following delegations took the floor after the panellists: Argentina, Cuba, Denmark (on behalf of the steering group of the Global Action against Mass Atrocity Crimes) and Israel. A delegate of the Organization for Security and Cooperation in Europe spoke, as did representatives of the non-governmental organizations Institute for NGO Research, Coalition for Genocide Response, Instituto CEU Estrela Guia – CEU pela Vida and the World Uyghur Congress. Brazil and China, respectively, raised points of order regarding the statements delivered by the latter two organizations.

29. Several speakers underlined that States had the primary responsibility to prevent genocide, including through the implementation of international human rights law and international criminal law instruments and their incorporation into domestic law. The importance of establishing effective monitoring, analysis and determination mechanisms was also underscored, as was the importance of complementing accountability measures with interventions in the field of truth, justice and reparation. Some delegates emphasized the importance of education in the construction of memory and recommended the inclusion of human rights education and the prevention of atrocity crimes in school curricula. The importance of developing and implementing policies on archiving, reparations and memorialization was also noted, in addition to the need to support both national and regional initiatives.

30. Responding to the contributions from the floor, Ms. Mohammed highlighted the importance of political will, and education, starting in lower levels, to inculcate young generations with a culture of peace. She also stressed the need to mainstream gender in

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<sup>5</sup> See [www.icrc.org/en/publication/4352-roots-restraint-war](http://www.icrc.org/en/publication/4352-roots-restraint-war).

prevention of genocide. Ms. Šarić pointed out the promotion of positive stories featuring, among other things, ordinary heroes, the roles of municipalities and religious leaders in building reconciliation and the importance of memorials and museums. Ms. Kikoler encouraged Governments to make the prevention of genocide a core national priority, to allocate resources to build national capacities to identify risks, and to support civil society involved in the field of education, documentation and memorialization both at the national level and abroad. Ms. O'Brien highlighted the need for dedicated national programmes for genocide studies.

31. Concluding the discussion, Mr. de Greiff underscored the importance of national initiatives. Legal mechanisms must be complemented with initiatives in the field of education, memorialization and support to civil society. Human rights should not be seen only as tools for redress, but also as grievance and problem-solving mechanisms. Mr. de Greiff highlighted the need to incorporate prevention work upstream and adopt a more systematic approach to prevention that would include interventions at the institutional, cultural and personal levels. Many of those interventions had been featured in the report on the joint study on the contribution of transitional justice to the prevention of gross violations and abuses of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence<sup>6</sup> that Mr. de Greiff, with the then Special Adviser to the Secretary-General on the Prevention of Genocide, had presented to the Human Rights Council.

#### **IV. Promoting States' participation in regional and subregional initiatives for the prevention of genocide**

32. The second panel discussion, moderated by the Chair of Global Action against Mass Atrocity Crimes, Silvia Fernández de Gurmendi, was focused on promoting States' participation in regional and subregional initiatives for the prevention of genocide. Presentations were made by a member of the Inter-American Commission on Human Rights, Julissa Mantilla; the representative of Indonesia on the Intergovernmental Commission on Human Rights of the Association of Southeast Asian Nations, Yuyun Wahyuningrum; and the Director and Deputy Managing Director of Human Rights, Global and Multilateral Issues in the European External Action Service, Kristin de Peyron.

33. In introduction, Ms. Fernández de Gurmendi highlighted the role of Global Action against Mass Atrocity Crimes in supporting States in establishing national architectures and policies for early and long-term prevention of atrocity crimes. By focusing on prevention as a permanent endeavour, Global Action against Mass Atrocity Crimes sought to contribute to the move from a culture of reaction to a culture of prevention. Every two years, it organized global meetings gathering States and civil society organizations to discuss prevention matters and facilitate new ideas and initiatives at the national level, with its fourth global meeting to take place in November 2021 in the Netherlands. Global Action against Mass Atrocity Crimes had also encouraged the development of initiatives at the regional level. Such initiatives had notably been established in the Americas, Africa and Asia and the Pacific. Ms. Fernández de Gurmendi noted that regional initiatives were complementary and supportive of prevention efforts deployed by existing regional mechanisms.

34. Ms. Mantilla indicated that article 1 of the American Convention on Human Rights set out the obligation of States parties to respect the human rights of all persons subject to their jurisdiction. By doing so, it prevented human rights violations and, to a certain extent, genocide, since the escalation of violations was likely to lead to atrocity crimes. More specifically, human rights monitoring and the individual petition system were two tools of the Inter-American Commission on Human Rights that contributed to the prevention of genocide. In particular, Ms. Mantilla underscored the importance of country visits in monitoring the general human rights situation in States parties and collecting early warning information on the likelihood of atrocity crimes. She also pointed to the work being undertaken by the Inter-American Commission's special monitoring mechanism for the

<sup>6</sup> A/HRC/37/65.

Bolivarian Republic of Venezuela to monitor the evolution of the human rights situation in that country.

35. Moreover, Ms. Mantilla underlined evolution within the inter-American system that had led to a greater emphasis being placed on the punishment of atrocity crimes. In particular, in its resolution 1/03, adopted in 2003, the Inter-American Commission on Human Rights had acknowledged that atrocity crimes were flagrant denials of the fundamental principles enshrined in the Charter of the Organization of American States and the Charter of the United Nations, and had urged States parties to take the necessary steps either to grant the extradition of any person accused of having committed an international crime or proceed to bring that person to justice. Ms. Mantilla also highlighted the evolution of the jurisprudence of the Inter-American Court of Human Rights, which, notably in recent cases regarding Guatemala<sup>7</sup> and Colombia,<sup>8</sup> had examined allegations of genocide based on the fact that the American Convention on Human Rights should be interpreted in the light of other international treaties, including the Convention on the Prevention and Punishment of the Crime of Genocide.

36. Ms. Wahyuningrum emphasized the mandates of regional organizations. The ASEAN Charter, the ASEAN Human Rights Declaration, the ASEAN Political-Security Community, the ASEAN Socio-Cultural Community and the ASEAN Declaration on Culture of Prevention for a Peaceful, Inclusive, Resilient, Healthy and Harmonious Society gave grounds for States in the region to collaborate with a view to preventing atrocity crimes. The 2021–2025 action plan of the ASEAN Intergovernmental Commission on Human Rights provided for a change of approach – from reaction to prevention – to human rights violations and, to a larger extent, atrocity crimes. Among other things, the action plan envisaged measures to identify root causes and implications of violent extremism at the individual, organizational and institutional levels, through risk assessment, research, early warning, and evidence-based studies. It also provided for activities in relation to the right to effective remedies, human rights and peace education, freedom of expression, freedom of religion, and countering hate speech, all contributing to the prevention of atrocity crimes.

37. Ms. Wahyuningrum also stressed the importance of the increased participation of States through the strengthening of institutions at the regional level, in order to increase knowledge management and mobilization, with a view to adopting collective policy actions. She also noted the importance of establishing and maintaining constructive dialogue among Member States to share information and exchange views and lessons learned on how to best prevent atrocity crimes.

38. Ms. de Peyron highlighted the recent observance of the International Day of Commemoration in Memory of the Victims of the Holocaust, and stressed the importance of maintaining effective remembrance policies acknowledging past crimes. The coronavirus disease (COVID-19) pandemic had amplified hate speech and hatred against minorities. Since 2002, the European Union had maintained a network of contact points to ensure close coordination between national authorities in the investigation and prosecution of atrocity crimes. The prevention of genocide and other mass atrocity crimes formed an integral part of the foreign and security policy of the European Union, and the European Union was working towards the adoption of a strategy to combat antisemitism. On the basis of its Action Plan for Human Rights and Democracy for 2020–2024, the European Union combated any kind of intolerance, harassment or violence against any person or community based on ethnic origin, religion or belief.

39. Ms. de Peyron called on the international community to redouble its efforts to prevent genocide. The establishment of effective legal tools and policies at all levels and structures designed to identify and address early warning signs were identified as first steps towards that goal. The Convention on the Prevention and Punishment of the Crime of Genocide provided a common legal basis for action by States to prevent genocide. Ms. de Peyron stressed the importance of the responsibility to protect as a powerful reminder that States Members of the United Nations could not be bystanders when the most serious crimes were

<sup>7</sup> See *Miembros de la aldea Chichupac y comunidades vecinas del municipio de Rabinal vs. Guatemala* (in Spanish only), preliminary objections, merits, reparations and costs, Judgment of 30 November 2016.

<sup>8</sup> *UP vs. Colombia*, currently being examined by the Inter-American Court on Human Rights.



being committed. The European Union would continue striving to enable effective and operational action on the responsibility to protect at the United Nations, notably by supporting the initiative of the Governments of France and Mexico on veto restraint where atrocity crimes had been ascertained.

40. In addition, Ms. de Peyron reiterated the commitment of the European Union in supporting the work of the International Criminal Court, international tribunals and ad hoc tribunals. She also noted the importance of advancing transitional justice in preventing atrocity crimes and promoting peace and security, and welcomed efforts by Belgium and other Member States for advancing transitional justice on the agenda of the Security Council. Ms. de Peyron concluded by assuring that the European Union would continue working with national and international partners, including civil society, to prevent genocide and end impunity worldwide.

41. On behalf of the Latin American Network for Genocide and Mass Atrocity Prevention, the representative of Mexico took the floor after the panellists and commended the international community for the significant progress made in developing mechanisms to prevent atrocity crimes. However, the majority of efforts and initiatives had focused on responding to conflicts, whereas preventive work was further needed. She stressed the importance of education in preventing genocide, notably through the training of civil servants, members of the armed forces, security forces and personnel of ministries of education. The Latin American Network for Genocide and Mass Atrocity Prevention, established in 2012, had developed training and technical assistance programmes along three priority areas: memory and truth; justice and accountability; and the fight against discrimination and the protection of vulnerable groups, especially indigenous populations.

42. To conclude, Ms. Fernández de Gurmendi recalled the criticality of remembrance, transitional justice and education in preventing genocide. She highlighted the importance of targeting and addressing the precursors of violence and cooperating with the International Criminal Court. While States had the primary responsibility to prevent genocide, the international community as a whole should also act to prevent the occurrence of atrocity crimes.

## **V. Strengthening early warning and prevention mechanisms within the United Nations system for the prevention of genocide**

43. During the third panel discussion, moderated by the Chief of the OHCHR Rule of Law and Democracy Section, Cécile Aptel, participants examined how strengthening early warning and United Nations prevention mechanisms prevented genocide. Presentations were delivered by the Special Adviser to the Secretary-General on the Prevention of Genocide; the Assistant Secretary-General for Human Rights, Ilze Brands Kehris; and the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabián Salvioli.

44. Asked about good practices that had strengthened early warning and early action within the United Nations system, the Special Adviser emphasized the framework of analysis for atrocity crimes developed by her office, which identified risk factors that, when applied to specific contexts, could help in designing appropriate responses. She also underscored the importance of political will and leadership and praised the priority given to prevention, including the prevention of atrocity crimes, by the Secretary-General since the start of his mandate. His call to action for human rights constituted a renewed opportunity to place the prevention of atrocity crimes at the centre of the work of the United Nations. The Special Adviser also mentioned the United Nations Strategy and Plan of Action on Hate Speech, noting that its implementation had been rendered even more critical in view of the surge of hate speech in the context of the COVID-19 pandemic. The Special Adviser called for greater engagement with social media companies and provision of support to civil society involved in countering hate speech.

45. The Special Adviser also underscored the role of the Security Council in preventing genocide, as well as that of the Human Rights Council, noting that mechanisms, from special sessions to special procedures, had early warning functions. She called for continued participation of civil society organizations in the work of the Human Rights Council so that they could bring early warning situations to the attention of the Council. She also highlighted the report on the contribution of the Human Rights Council to the prevention of human rights violations, which had contained a recommendation that the Council invite her to brief it more regularly. She emphasized the role that the universal periodic review process could play in identifying risk factors, and encouraged the use of the framework of analysis for atrocity crimes in that process, as well as by other mechanisms.

46. The Assistant Secretary-General for Human Rights emphasized that preventing genocide and other atrocity crimes meant preventing human rights violations in the first place. Atrocity crimes represented the extreme end of human rights violations, destroying progress towards achieving sustainable development and sustainable peace and security. The Secretary-General's call to action for human rights was aimed at bringing the three pillars of the United Nations together to better prevent human rights violations and, to a larger extent, atrocity crimes. Based on the fact that protection was always the best form of prevention, the call to action contained a commitment to develop an agenda for protection. In the context of the reform of the United Nations development system, the call to action also contained a commitment to support Member States to ensure that human rights better informed the implementation of the 2030 Agenda for Sustainable Development, including through the integration of a human rights risks and opportunities analysis into country assessments and development planning. The call to action underscored the importance of channelling human rights information and analysis to the Security Council and the General Assembly. OHCHR, together with other United Nations offices and entities, had a key role to play in that regard.

47. In addition, the Assistant Secretary-General noted that the call to action was not the first initiative of its sort. In his call to action, the Secretary-General had acknowledged that it was important to build upon existing initiatives, including the Human Rights Up Front initiative and follow-up to the independent inquiry into the involvement of the United Nations in Myanmar from 2010 to 2018 conducted by Gert Rosenthal. The Assistant Secretary-General emphasized the need to strengthen prevention, protection and human rights in United Nations decision-making and programming at the field, regional and Headquarters levels. The call to action should be considered in conjunction with other efforts to promote a more integrated United Nations, such as the development of a common agenda for the United Nations. The Assistant Secretary-General underlined the importance of strengthening the mechanisms for common United Nations analysis and decision-making that had been put in place over the previous few years, from the regional monthly reviews to the Executive Committee and Deputies Committee meetings. She noted positively that information and alerts from the United Nations human rights mechanisms were increasingly integrated into the discussions taking place within the analysis and decision-making mechanisms. The main critical challenge the United Nations was still facing was not so much in identifying early signals of atrocities but in taking early action. The Assistant Secretary-General therefore called for more coherent and coordinated United Nations engagement with Member States and regional organizations to make progress in that regard.

48. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence pointed out how critical accountability was to avoid the recurrence of atrocity crimes. States had an obligation to ensure accountability for past atrocities, and to implement the other pillars of transitional justice, namely, truth, reparation, guarantees of non-recurrence, and memorialization processes. In his most recent report to the Human Rights Council,<sup>9</sup> he had focused on the latter, and had highlighted the importance of education to promote a culture of peace. Efforts under the mandate contributed to support Governments in all those fields through country visits, thematic and country-specific reports, and communications.

49. Moreover, the Special Rapporteur ensured that he would continue the collaboration with the Special Adviser to the Secretary-General on the Prevention of Genocide initiated by

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<sup>9</sup> A/HRC/45/45.

his predecessor, as well as with other institutions, including national and regional organizations. He also called for concerted actions among all actors involved in prevention work, and for streamlined views and positions within the United Nations system, especially among the Security Council, the General Assembly and the Human Rights Council.

50. Representatives of the following delegations took the floor after the panellists: Belgium, speaking also on behalf of Luxembourg and the Netherlands; China; Cyprus; Greece; India; Poland; and the United Kingdom of Great Britain and Northern Ireland. A representative of the European Union and a representative of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) also spoke, as did delegates from the following non-governmental organizations: the Global Centre for the Responsibility to Protect and the American Jewish Committee.

51. Delegations acknowledged the critical role played by the United Nations system in preventing genocide. They committed to continue supporting the Office on Genocide Prevention and the Responsibility to Protect, and other United Nations mechanisms and initiatives, including the United Nations Strategy and Plan of Action on Hate Speech and the Secretary-General's call to action for human rights and the related agenda for protection. Some participants also expressed support for the principle of the responsibility to protect, as recognized in the 2005 World Summit Outcome adopted by the General Assembly.

52. In addition, many delegations highlighted the early warning role that Human Rights Council mechanisms had played, and called for those mechanisms to make greater use of the framework of analysis for atrocity crimes developed by the Office on Genocide Prevention and the Responsibility to Protect. Some delegations praised efforts to make the prevention mandate of the Council more operational. They welcomed in that regard the adoption of Council resolution 45/31 on the contribution of the Human Rights Council to the prevention of human rights violations. They further called on the United Nations High Commissioner for Human Rights to strengthen the early warning capacities of her office and to inform the Council when early signs of atrocity crimes emerged. Some participants also encouraged the Security Council to further take into consideration analyses provided by OHCHR and human rights mechanisms. Some delegations expressed their support for accountability mechanisms, especially the investigative bodies established by the Human Rights Council. They called for those mechanisms to increase their cooperation with the International Criminal Court.

53. Some delegations noted the critical role played by civil society organizations and human rights defenders in reporting on human rights violations and early signs of atrocity crimes. They called for the Human Rights Council and the other organs of the United Nations to secure their participation without risks of reprisals.

## VI. Concluding remarks

54. Concluding the intersessional meeting, the Chief of the OHCHR Rule of Law and Democracy Section highlighted that the discussions held during the intersessional meeting had reaffirmed the primary responsibility of States in preventing genocide, while recognizing the criticality of international and regional arrangements. Many participants at the meeting had underlined the importance of criminal accountability and legal institutions, to be complemented by transitional justice processes. Among transitional justice activities, the role of archiving, memorials, museums and education was particularly underscored. Participants pointed out the importance of activities aimed at addressing the root causes or seeds of violence, especially hate speech, intolerance, antisemitism and other forms of racism. The discussions had emphasized initiatives taken within the United Nations system to prevent human rights violations and atrocity crimes, especially the Secretary-General's call to action for human rights and the development of an agenda for protection. Participants also had committed to further support the work of the Special Adviser to the Secretary-General on the Prevention of Genocide.

55. Mr. Hovhanniyan assured that Armenia would continue to initiate and support Human Rights Council resolutions on the prevention of genocide. The Council had requested the United Nations High Commissioner for Human Rights to prepare reports that addressed the prevention of genocide, the responsibility to protect and the prevention of human rights

violations. He welcomed those initiatives as offering opportunities for the Council to further reflect on how its commitment to prevention could be translated into meaningful and effective action.

56. The Special Adviser to the Secretary-General on the Prevention of Genocide noted that many initiatives aimed at preventing genocide and other atrocity crimes had focused on actions at the State level, therefore missing out community levels, where atrocity crimes happened more often. She called for the establishment of participatory mechanisms in which communities were involved, in order to identify early signs of atrocity crimes and respond to them before they escalated.

57. The Special Adviser also insisted on the adoption of strong legal systems, which, in her view, were not in place in a number of contexts. She called for universal ratification of the Convention on the Prevention and Punishment of the Crime of Genocide and emphasized the importance of implementing treaties through practical plans. She also underscored the critical role played by education in building a culture of peace and resilience to atrocities.

58. The Special Adviser echoed participants who had pointed out the role played by human rights mechanisms in detecting and making public the early signs of atrocity crimes. She repeated her call for the inclusion, where relevant, of an atrocity-prevention dimension in Human Rights Council mandates, as well as in national reports produced under the universal periodic review. She underlined the opportunity that the Secretary-General's call to action for human rights constituted to identify and address the root causes and early signs of atrocity crimes.

59. In concluding, the Special Adviser encouraged the Human Rights Council to take advantage of her expertise and inputs on situations or issues relevant to her mandate by inviting her more regularly to brief it and encouraging its mechanisms to cooperate more systematically with her office.

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