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

Andorra*, Argentina, Armenia*, Australia*, Austria, Belgium*, Cambodia*, Costa Rica, Croatia*, Cyprus*, Czech Republic, Denmark*, France*, Georgia*, Germany, Greece*, Guatemala, Hungary*, Kenya, Liechtenstein*, Montenegro, Netherlands*, Rwanda*, Slovakia*, Slovenia*, Switzerland, Uruguay*: draft resolution

22/... Prevention of genocide

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, as well as other relevant international instruments,

Recalling the Human Rights Council resolution 7/25 on the prevention of genocide, adopted on 28 March 2008,

Considering that the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted on 9 December 1948 and succeeded by the adoption of the Universal Declaration of Human Rights on the next day, provides an important opportunity for the international community to draw the attention of all States to the significance of the Convention and to invite them to redouble their efforts in the prevention and punishment of the crime of genocide,

Emphasizing that the crime of genocide is recognized in the Convention as an odious scourge that has inflicted great losses on humanity, and that further international cooperation is required to facilitate the timely prevention and punishment of the crime of genocide,

Deeply concerned about the occurrence in recent history of genocide, recognized as such by the international community, on the basis of and as defined in the 1948 Convention, and bearing in mind that massive, serious and systematic violations of human rights and international humanitarian law might result in genocide,

* Non-Member State of the Human Rights Council.

Taking into consideration that States parties to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 26 November 1968 have agreed that no statutory limitation shall apply to such crimes, including the crime of genocide, irrespective of the date of their commission,

Affirming that impunity for ~~such the crimes of genocide, war crimes and crimes against humanity~~ encourages their occurrence and is a fundamental obstacle to the furtherance of cooperation among peoples and the promotion of international peace and security, and that fighting impunity for such crimes is an important factor in their prevention,

Acknowledging the significant progress made by the international community in the past 65 years, including within the United Nations system, in developing relevant mechanisms and practices to prevent and punish the crime of genocide, thereby contributing to the effective implementation of the Convention,

Recalling General Assembly resolution 96 (I) of 11 December 1946, in which the Assembly declared genocide a crime under international law, and all subsequent resolutions within the United Nations system that have contributed to the establishment and development of the process of prevention and punishment of the crime of genocide, including Assembly resolution 60/1 of 16 September 2005,

Acknowledging with appreciation that genocide is defined among the most serious crimes of concern to the international community as a whole in the Rome Statute of the International Criminal Court, and also acknowledging the role of the Court and other relevant international criminal tribunals in helping to increase accountability for the crime of genocide,

Stressing the importance of the promotion of truth, justice, reparation and guarantees of non-recurrence to the prevention of genocide, and also stressing that perpetrators of this crime should be held criminally accountable on the national or international level,

Acknowledging the reports of the Office of the United Nations High Commissioner for Human Rights on the right to the truth,¹ and encouraging States to cooperate with the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Encouraging States to promote the ascertainment of the truth by appropriate means as an important element in combating impunity, promoting accountability as part of the prevention of genocide and comprehensive reconciliation,

Recognizing that an important factor for the prevention of genocide is the identification of the root causes of genocide, as well as early warning signs,

Recalling that the Human Rights Council was mandated by the General Assembly to address situations of violations of human rights, including gross and systematic violations, and to make recommendations thereon, and that it should also promote the effective coordination and mainstreaming of human rights in the United Nations system,

Recognizing the important contribution of the United Nations human rights system to efforts towards preventing situations in which the crime of genocide could be committed,

~~*Acknowledging the work of the joint office established by the Secretary General to institutionalize collaboration between the complementary mandates of the Special Adviser on the Prevention of Genocide and the Special Adviser on the Responsibility to*~~

¹ E/CN.4/2006/91, A/HRC/5/7, A/HRC/12/19 and A/HRC/15/33.

~~Protect. Reaffirming its full support for the mandate of the Special Adviser of the Secretary General on the prevention of genocide, who acts, inter alia, as an early warning mechanism to prevent potential situations that could result in genocide.~~

Taking note of the analysis framework developed by the Office of the Special Adviser on the Prevention of Genocide as one of the tools to assess the risk of genocide in any situation, and encouraging Member States and regional and subregional organizations to use relevant frameworks, as appropriate, for guidance in their prevention work,

Taking note with appreciation of the presentation of the reports of the Secretary-General submitted to the Human Rights Council on the implementation of the Five-Point Action Plan² and the activities of the Special Adviser,³ as well as of the convening of three interactive dialogues with the Special Adviser at the third, seventh and tenth sessions of the Council,

Recalling the 2005 World Summit Outcome Document,⁴ ~~especially paragraphs 138 and 139 thereof, in which all Heads of States and Governments affirmed the primary responsibility of each individual State to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity, which is part of the responsibility to protect and which entails, inter alia, the prevention of such crimes,~~

~~*Bearing in mind* General Assembly resolution 63/308 of 14 September 2009, in which the Assembly decided to continue its consideration of the responsibility to protect,~~

Welcoming the seminar organized on January 2009, pursuant to Human Rights Council resolution 7/25, commemorating the sixtieth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide and bringing together States, relevant United Nations entities and other international and regional organizations, civil society, and academic and research bodies to discuss existing preventive strategies, initiatives and mechanisms within the United Nations human rights system, and the role of Member States, regional bodies and other entities in the prevention of genocide,

Acknowledging the important role played by regional and subregional arrangements in the prevention of genocide and response to ~~mass atrocities~~the situations that may lead to genocide, and ~~welcoming~~taking note in this respect the establishment of the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination by the International Conference on the Great Lakes Region, and the establishment of respective national committees by the member States of the Conference, the Latin American Network for Genocide and Mass Atrocity Prevention, the Genocide Network of the European Union, ~~and also the Global Network of National Focal Points on the responsibility to protect~~other national, regional and international initiatives,

~~*Acknowledging also* the decision by the Secretary General declaring 2012 the Year of Prevention,~~

Acknowledging further the successful outcomes of the Regional Forums on the Prevention of Genocide, the fourth of which was held in Phnom Penh, from 28 February to 1 March 2013,

1. *Reaffirms* the significance of the Convention on the Prevention and Punishment of the Crime of Genocide as an effective international instrument for the prevention and punishment of the crime of genocide;

² E/CN.4/2006/84.

³ A/HRC/7/37 and A/HRC/10/30.

⁴ General Assembly resolution 60/1.

2. *Reiterates* the responsibility of each individual State to protect its population from genocide, which entails the prevention of such a crime, including incitement to it, through appropriate and necessary means;

~~3. *Invites* States, while bearing in mind General Assembly resolution 63/308 and taking note of the report of the Secretary-General,⁵ to continue the consideration of the responsibility to protect, including by building consensus among Member States on its implementation;~~

4. *Encourages* Member States to build their capacity to prevent ~~and respond to~~ genocide, ~~war crimes and crimes against humanity~~ through the development of individual expertise and the creation of appropriate offices within Governments to strengthen the work on prevention ~~and responses~~;

5. *Encourages* States to consider the appointment of focal points on prevention of ~~mass atrocities, including~~ genocide, ~~and/or responsibility to protect~~ who could cooperate, exchange information and best practice between them and with Special Adviser on the Prevention of Genocide, relevant United Nations bodies and with regional and subregional mechanisms;

6. *Expresses its appreciation* to all States that have ratified or acceded to the Convention on the Prevention and Punishment of the Crime of Genocide, and in particular to the States that have done so since the adoption by the Human Rights Council of its resolution 7/25 on 28 March 2008;

7. *Calls upon* States that have not yet ratified or acceded to the Convention to consider doing so as a matter of high priority and, where necessary, to enact national legislation in conformity with the provisions of the Convention;

8. *Stresses* the importance of enhanced international cooperation, including through the United Nations system and through regional organizations, aimed at fostering the principles enshrined in the Convention;

9. *Calls upon* all States, in order to deter future occurrences of genocide, to cooperate, including through the United Nations system, in strengthening appropriate collaboration among existing mechanisms that contribute to the early detection and prevention of massive, serious and systematic violations of human rights that, if not halted, could lead to genocide;

10. *Recognizes* the important role of the Secretary-General in contributing to prompt consideration of cases of early warning or prevention, as mandated by the Security Council in its resolution 1366 (2001) of 30 August 2001, and the functions of the Special Adviser on the Prevention of Genocide who, in accordance with his mandate, collects existing information, in particular from within the United Nations system, liaises with the United Nations system on activities for the prevention of genocide and works to enhance the capacity of the United Nations to analyse and manage information relating to genocide or related crimes;

11. *Requests* all Governments to cooperate fully with the Special Adviser on the Prevention of Genocide in the performance of his work, to furnish all relevant information requested and to react promptly to his urgent appeals;

12. *Underlines* the important role of the United Nations human rights system, including that of the Human Rights Council, the Office of the United Nations High Commissioner for Human Rights and the relevant special procedures and treaty bodies in

⁵ A/63/677.

addressing the challenge of collating information on massive, serious and systematic violations of human rights, and thereby contributing to a better understanding and early warning of complex situations that might lead to genocide;

13. *Reiterates* the importance of the universal periodic review mechanism of the Human Rights Council, which is an important instrument for advancing human rights, and invites States to include, where appropriate, the information on the prevention of genocide, war crimes and crimes against humanity in their national reports;

14. *Encourages* the Special Adviser on the Prevention of Genocide and the High Commissioner to further enhance the systematic exchange of information between their offices and between the Special Adviser and all relevant special procedures, including those concerned with the promotion and protection of human rights of persons belonging to national, ethnic, racial or religious groups, as outlined in article II of the Convention on the Prevention and Punishment of the Crime of Genocide, as well as to continue collaboration with relevant international, regional and subregional organizations, national human rights institutions and civil society;

15. *Reiterates* the importance, when addressing complex situations that might lead to genocide as defined in the Convention, of a prompt and comprehensive examination of a set of multiple factors, including legal factors and possible warning signs as identified in, inter alia, the report of the Secretary-General on the implementation of the Five-Point Action Plan² and the analysis framework of the Special Adviser on the Prevention of Genocide, such as the existence of groups at risk, the massive, serious and systematic violation of human rights, the resurgence of systematic discrimination and the prevalence of expressions of hate speech targeting persons belonging to national, ethnic, racial or religious groups, especially if they are uttered in the context of an actual or potential outbreak of violence;

16. *Encourages* States to make use of appropriate international and regional forums to address the issue of prevention of genocide, including, inter alia, the annual meetings of regional and thematic organizations and their related human rights machinery dedicated to the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide;

17. *Invites* Member States and regional and subregional organizations to look at the examples of best practices of prevention of genocide developed in other regions, as appropriate, taking into account their specific regional and national circumstances, with the aim of exchanging experiences and good practices in order to strengthen prevention measures, including early warning mechanisms and forms of cooperation;

18. *Encourages* Governments, in cooperation with international and regional organizations and civil society, while promoting human rights education activities, to continue disseminating knowledge of the principles of the Convention, paying particular attention to the principles of prevention;

19. *Emphasizes* the important role that education, including human rights education, can play in genocide prevention, and further encourages Governments to promote, as appropriate, educational programmes and projects that contribute to the prevention of genocide;

20. *Takes note* of the provision ~~by the Joint Office of the Special Adviser on the Prevention of Genocide and on the Responsibility to Protect~~ of training and technical assistance to Member States ~~by UN~~ to strengthen early warning mechanisms for the prevention of genocide, ~~war crimes, ethnic cleansing and crimes against humanity~~, as well as other prevention capacities, and *encourages* Member States to consider requesting such assistance, if required;

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21. *Invites* States as a preventive measure to provide appropriate ways, which may include the establishment of national days of remembrance of victims of genocide, war crimes and crimes against humanity, which will ensure that such horrendous crimes are never forgotten and provide an opportunity for everyone to learn lessons from the past and create a safer future;

22. *Requests* the High Commissioner to organize, from within existing resources, a high-level panel discussion dedicated to the sixty-fifth anniversary of the Convention on the Prevention and Punishment of the Crime of Genocide during its twenty-fifth session, with the participation of Member States, relevant United Nations bodies, agencies and other relevant stakeholders, and also *requests* the Office of High Commissioner to prepare and submit a summary report on the panel discussion;

23. *Invites* the Special Adviser on the Prevention of Genocide to an interactive dialogue dedicated to the ~~sixty-fifth-tenth~~ anniversary of the creation of the mandate of the Special Adviser on the prevention of genocide ~~Convention on the Prevention and Punishment of the Crime of Genocide~~ at its twenty-fifth session;

24. *Decides* to continue its consideration of this issue in accordance with its programme of work.

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