

Accountability for Atrocity Crimes Prevention

Implementation Guidance for National Human Rights Institutions and Ombudspersons

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Introduction

All States have a responsibility to prevent genocide, war crimes, ethnic cleansing and crimes against humanity (“atrocity crimes”) and their incitement. This was agreed when Heads of State and Government unanimously adopted the Responsibility to Protect (R2P) principle in 2005.¹ This principle is firmly rooted in international human rights and humanitarian law and other established principles of international law. The responsibility to protect has been reaffirmed many times: the United Nations Security Council has adopted more than 50 resolutions that refer to R2P and has reaffirmed the principle at least six times. In 2009, the General Assembly reaffirmed its intention to “continue consideration” of it.² The United Nations Human Rights Council has adopted more than 20 resolutions that refer to the responsibility to protect. In 2016, it called upon all Member States to work to prevent potential situations that could result in atrocity crimes and, where relevant, to address the legacy of past atrocities to prevent recurrence.³ The prevention of atrocity crimes is therefore a legal, moral and political duty that all states have.

The effective prevention of atrocity crimes serves the best interests of States. Preventing atrocities at home promotes national stability and helps states fully realize their sovereignty. Supporting atrocity crimes prevention in other countries helps prevent refugee flows, reduces the demand for expensive humanitarian relief and peacekeeping operations, and limits the spread of ungoverned zones that breed violent extremism.

United Nations Secretary-General António Guterres has identified the strengthening of accountability for atrocity crimes prevention as critical for implementation of the principle and for ensuring rigorous and open scrutiny of practice, based on agreed principles⁴. Accountability ties authorities to their populations and individual States to the international community. Strengthened accountability can be achieved using existing accountability mechanisms. national human rights institutions, ombudspersons and parliamentarians have an especially important role to play.

Secretary-General’s Recommendations

- States should ratify and implement the core instruments of international human rights and humanitarian law.
- Governments should conduct periodic self-assessments to ascertain how national efforts to prevent atrocity crimes can be strengthened. This could be achieved through annual reports by national human rights institutions or human rights ombudspersons, or other mechanisms such as national committees for atrocity prevention.
- Governments should integrate atrocity crimes prevention concerns into the work of national human rights mechanisms.
- States should include an assessment of atrocity prevention risks and measures taken in their regular reporting to other human rights mechanisms, such as the Universal Periodic Review and relevant Treaty Bodies.

¹ Resolution 60/1 *World Summit Outcome*. A/RES/60/1, 24 October 2005, paragraphs 138-140.

² Resolution 63/308 (2009).

³ Resolution A/HRC/RES/33/19 (2016).

⁴ 2017 report of the Secretary-General on “Implementing the Responsibility to Protect: Accountability for Prevention” (A/71/1016 –S/2017/556)

- Governments should guarantee the accountability of security forces and those that control them.
- States should support multilateral initiatives through the United Nations and regional and sub-regional arrangements to strengthen accountability for atrocity crimes prevention
- Governments should issue open invitations to the Special Procedures mandated by the United Nations Human Rights Council and should accept the guidance and support contained in the recommendations of the Human Rights Mechanisms. They should develop atrocity prevention strategies accordingly.

Supporting Implementation

There are a number of steps that National Human Rights Institutions or Ombudspersons can take to support the implementation of these measures. Some of them relate to action in response to internal matters, and other relate to cooperation with external partners:

Internal matters

- Publish an annual report on atrocity crime risks or include specific consideration of risks within pre-existing reports, and provide recommendations on the steps needed for atrocity crimes prevention, including on strengthening inhibitors of atrocity crimes..
- Provide briefings to parliament, parliamentary committees, civil society, and the media on atrocity crimes risks and recommendations for prevention.
- Propose the establishment of Parliamentary committees or subcommittees for atrocity prevention.
Include information specific to atrocity crime risks and measures taken to address them in materials prepared for Universal Periodic Review.
- Promote acceptance of the guidance and support contained in the recommendations of the Human Rights Mechanisms and support the development of atrocity prevention strategies accordingly.
- Monitor policies and practices of security forces and develop mechanisms to guarantee the accountability of security forces and those who control them.
- Develop arrangements to ensure accountability and redress for past and present atrocity crimes.
- Monitor status of ratification and implementation of core instruments of international human rights and humanitarian law.
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Cooperation with external partners:

- Promote cooperation with other Human Rights Mechanisms and include consideration of atrocity crime risks and responses in these engagements.
- Establish contacts with human rights institutions in other countries with a view to maintaining mutually supportive networks.
- Forge relationships with human rights institutions in countries facing atrocity crimes risks and support them through exchanges of good practices, co-organizing relevant public events, and the provision of other support and assistance when appropriate.
- Encourage and assist regional human rights institutions to consider atrocity crime risks and make recommendations for prevention.
- Utilize existing networks of human rights institutions raise discussion of atrocity crime risks and their prevention.

United Nations Office on Genocide Prevention and the Responsibility to Protect

The United Nations Secretary-General's Special Adviser on the Responsibility to Protect stands ready to support National Human Rights Institutions and Ombudspersons in their efforts to strengthen accountability for atrocity prevention. Officials in these institutions are encouraged to:

- Report any relevant activities and initiatives to the Special Adviser's Office to facilitate the sharing of experience in implementing the Secretary-General's recommendations.
- Seek advice, technical support and other assistance from the Special Adviser.
- Invite the Special Adviser to attend national, regional, or international meetings focused on the prevention of atrocity crimes.