

## Human Rights Council

### **Intersessional panel discussion to mark the fifteenth anniversary of the responsibility to protect**

***Theme: The responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome***

#### *Concept note*

<b>Date and venue:</b>	<b>11 May 2021, 3 to 5 p.m. (Geneva time), Room XVII, Palais des Nations.</b>
<b>Objective:</b>	The panel discussion will consist in an exchange of best practices on strengthening national policies and strategies to implement the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity through national mechanisms and other stakeholders.
<b>Chair:</b>	<ul style="list-style-type: none"><li>• <b>H.E. Ms Keva Lorraine Bain</b>, Permanent Representative of The Bahamas, Vice-President of the Human Rights Council</li></ul>
<b>Opening statements:</b>	<ul style="list-style-type: none"><li>• <b>Ms Michelle Bachelet</b>, United Nations High Commissioner for Human Rights ;</li><li>• <b>H.E. Dr. Mutlaq bin Majed Al-Qahtani</b>, Special Envoy of the Foreign Minister of Qatar for Counter-terrorism and Mediation of Conflict, National Focal Point for the Responsibility to Protect;</li><li>• <b>Ms Karen Smith</b>, Special Adviser of the Secretary-General on the Responsibility to Protect;</li></ul>
<b>Moderation:</b>	<ul style="list-style-type: none"><li>• <b>Ms Savita Pawnday</b>, Deputy Executive Director, Global Centre for the Responsibility to Protect;</li></ul>
<b>Panellists:</b>	<ul style="list-style-type: none"><li>• <b>Ms Amina Bouayach</b>, Chairperson, Moroccan National Human Rights Council;</li><li>• <b>Ms Rita Izsák-Ndiaye</b>, Member of the United Nations Committee on the Elimination of Racial Discrimination and former Special Rapporteur on Minority Issues;</li><li>• <b>Mr Andrei Serbin Pont</b>, President, Coordinadora Regional de Investigaciones Económicas y Sociales (CRIES).</li></ul>
<b>Outcome:</b>	<p>The expected outcomes of the panel discussion are:</p> <ul style="list-style-type: none"><li>- States and relevant stakeholders will learn from shared experiences and best practices how to strengthen national policies and strategies to implement the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.</li><li>- The Office of the United Nations High Commissioner for Human Rights (OHCHR) and other relevant stakeholders will be better informed of the needs of States and other entities in this area.</li><li>- OHCHR will prepare a summary report of the panel discussion.</li></ul>
<b>Mandate:</b>	On 24 July 2020, the Human Rights Council adopted resolution 44/14 on the “fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome.” In this resolution, the Council has decided to “convene, before its forty-seventh session, an intersessional panel discussion to mark the fifteenth anniversary of the responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity, as enshrined in the 2005 World Summit Outcome, on the exchange of best practices on strengthening national policies and strategies to implement the responsibility

to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity through national mechanisms and other stakeholders.”

**Format:** The panel discussion will be chaired by Her Excellency Ambassador Keva Lorraine Bain, Vice-President of the Human Rights Council. It will be limited to two hours. The opening statements and initial presentations by the panellists will be followed by an interactive discussion. A maximum of one hour will be set aside for the podium, including opening statements, panellists’ presentations and their responses to questions and concluding remarks. The remaining hour will be reserved for two segments of interventions from the floor for States and observers (2x12), national human rights institutions (2x1) and non-governmental organizations (2x2).

The list of speakers for the discussion will be established through the online inscription system and, as per practice, statements by high-level dignitaries and groups of States will be moved to the beginning of the list. Each speaker will have two minutes to raise issues and to ask panellists questions. Delegates who have not been able to take the floor due to time constraints will be able to upload their statements on the online system to be posted on the Human Right Council Extranet.

**Background:** The concept of “responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity” emerged during the 1990s and was adopted in 2005 at the United Nations World Summit. It was reaffirmed in a consensus resolution adopted in 2009 by the United Nations General Assembly.

In 2009 as well, the United Nations Secretary-General released a report, which featured three pillars in the implementation of the responsibility to protect. Firstly, every State has the responsibility to protect its populations from genocide, war crimes, crimes against humanity and ethnic cleansing. Secondly, the wider international community has the responsibility to encourage and assist individual states in meeting that responsibility. Lastly, if a state is manifestly failing to protect its populations, the international community shall be prepared to take appropriate collective action, in a timely and decisive manner and in accordance with the United Nations Charter.

Resolution 44/14 lays the emphasis on the first two pillars of the responsibility to protect by “reiterating the responsibility of each individual State to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, which entails preventing these crimes, including their incitement, from occurring, through appropriate and necessary means, and that the international community should encourage and help States to exercise this responsibility”.

The resolution also insists on the need for the international community to “support the United Nations in establishing an early warning capability”. It highlights the “important contribution of the United Nations human rights system to efforts towards addressing situations in which genocide, war crimes, ethnic cleansing and crimes against humanity could be committed.” In this respect, the Human Rights Council has adopted a significant number of resolutions that specifically refer to the responsibility to protect. These include thematic resolutions on the prevention of genocide and transitional justice, as well as a series of country-specific resolutions.

The Secretary-General noted in his 2014 report on the responsibility to protect that “Human Rights Council sessions and the universal periodic review process provide opportunities to raise concerns about human rights violations that could constitute risk factors for atrocity crimes and for conveying recommendations for corrective action.” He also stressed that “the engagement of both special procedures mandate-holders of the Human Rights Council and independent experts of the human rights treaty bodies provide a vital mechanism for engaging in dialogue with States on human rights concerns and atrocity crime risks.” In subsequent reports, the Secretary-General reiterated the importance of the Human Rights Council and its mechanisms in the implementation of the

responsibility to protect. In 2015 among others, he highlighted: “the Human Rights Council, special procedures mandate-holders and commissions of inquiry have all referenced the Responsibility to Protect in recent years. However, there are opportunities to more systematically include atrocity crime risk factors and national efforts to address them in the universal periodic review process, in human rights reporting and in the proceedings of the human rights treaty bodies. Expanding this form of encouragement will also better connect deliberations in New York and Geneva, thereby ensuring a more comprehensive and consistent approach across various United Nations bodies.”

Against this background, the panel discussion will feature achievements and best practices in the design and implementation of national policies and strategies aimed at protecting populations from genocide, war crimes, ethnic cleansing and crimes against humanity. In particular, the presentations by the panellists will identify what should be done and which stakeholders should be mobilized to translate the responsibility to protect into domestic laws and policies. They will examine how countries periodically conduct risk assessments and what are the lessons learned in this area. They will also consider the role of national focal points on the responsibility to protect, national human rights mechanisms and civil society organizations.

In line with the second pillar of the responsibility to protect, the presentations will also consider how the international community can encourage and assist States to exercise this responsibility. In particular, they will look at the role of the United Nations human rights mechanisms, whether they are the mechanisms of the Human Rights Council or the treaty bodies. The presentations will examine how human rights mechanisms can inform and contribute to the design of national strategies to implement the responsibility to protect. They will also examine the role that these mechanisms can play in identifying the risks and factors that increase vulnerability to atrocities, as well as the gaps in national systems and policies to address them. The importance of technical assistance and capacity building, as addressed in item 10 of the agenda of the Human Rights Council and in the recommendations of the Universal Periodic Review, special procedures and treaty bodies, will also be discussed.

**Background documents:**

- 2005 World Summit Outcome Document: [A/RES/60/1](#), paragraphs 138-140;
- United Nations General Assembly resolution on the responsibility to protect: [A/RES/63/308](#);
- United Nations Secretary-General's reports on the responsibility to protect: [A/63/677](#), [A/64/864](#), [A/65/877-S/2011/393](#), [A/66/874-S/2012/578](#), [A/67/929-S/2013/399](#), [A/68/947-S/2014/449](#), [A/69/981-S/2015/500](#), [A/70/999-S/2016/620](#), [A/71/1016-S/2017/556](#), [A/72/884-S/2018/525](#), [A/73/898-S/2019/463](#), [A/74/964 - S/2020/501](#).
- For further key documents on the responsibility to protect, please consult the following webpage: <https://www.un.org/en/genocideprevention/key-documents.shtml>.