

URG statements during the second intersessional seminar on the contribution of the Human Rights Council to the prevention of human rights violations

First panel session

Thank you Madam Chair, and many thanks to the group of experts and OHCHR for organising this second intersessional consultation.

URG welcomes this opportunity to recall the nature and objectives of the mandate created by the Council with resolution 38/18.

The ultimate objective of the mandate was to:

- Create a means of conducting meaningful consultations with States, NGOs and other stakeholders on the Human Rights Council's contribution to prevention, covering both elements mentioned in OP1 of resolution 38/18;
- To gather and analyse all views and contributions made during those consultations, in Geneva and New York; and
- On the basis of those views and contributions, to develop proposals to operationalise the Council's contribution to prevention, as per its mandate contained in paragraph 5f of GA resolution 60/251.

These proposals, based on State and other contributions made during the various consultations, are then to be presented in the form of a report, for consideration by the Council, at its 43rd session next March.

Based on this mandate, URG would urge the mandate-holders to ensure:

- That they distil all the contributions they have heard and received into a limited number of simple, concrete, practicable, clear and - most importantly - implementable, proposals for the consideration of the Council.
- That they include proposals to States, the High Commissioner for Human Rights, other relevant Council mandates such as Special Procedures, other parts of the UN secretariat where appropriate, and civil society.
- That the proposals are placed in an overall coherent policy framework reflecting the different stages of effective prevention.
- The proposals should give due consideration to how the Council can work with other pillars of the UN to effectively prevent violations, and ensure a coherent UN response to emerging crises - as per operative paragraph 4b.
- That the final report also makes the economic case for a shift to prevention at the Council, within the context of the availability of financial resources for human rights at the UN - as per operative paragraph 4c.

Statement during session on 'cooperation between the Human Rights Council and other actors towards preventing human rights violations'

Thank you Mr Chair, and many thanks to the group of experts and OHCHR for organising this second intersessional consultation.

URG would like to focus its comments during this session on cooperation between the Council and four actors not covered by the next two sessions.

First, regarding **development partners**, including bilateral and multilateral donors, it is vital that ODA is re-orientated to support developing States, at their request and with their cooperation, implement their international human rights obligations and commitments - thereby helping them make sustainable progress towards the 2030 Agenda, and helping them build national resilience.

Second, regarding **civil society**, domestic NGOs and human rights defenders, together with other national actors such as NHRIs, the media, and UN Country Teams, generate an enormous amount of early warning information - every day of the year. Yet it must be made clearer and easier for civil society to feed this early warning information into OHCHR, the Council and its mechanisms.

Third, the **High Commissioner** for Human Rights should be given a clear and explicit mandate by the Council to bring any emerging situations of possible concern to the Council's urgent attention, including through confidential briefings outside normal Council sessions.

Fourth, Council cooperation and coordination with **regional and subregional organisations** such as the African Union, ECOWAS and ASEAN, are essential if it is to help prevent the deepening of a emerging crisis through cooperation and dialogue with the State concerned, and through Good Offices missions to the country and region. Working with regional organisations will help ensure that any Good Offices engagement is well informed and correctly calibrated to have a positive impact.

Statement during session on 'The interaction between the Human Rights Council and the United Nations Development Pillar towards preventing human rights violations'

Thank you Madam Chair,

In the URG's view, the link between the Council and the UN's development pillar is crucial for the fulfilment of the Council's primary and secondary prevention mandates, as per paragraph 5f of GA resolution 60/251.

Regarding primary prevention, the Council and the wider human rights pillar must work hand in hand with the UN development system if we are to secure complementary improvements in the implementation of States' international human rights obligations and commitments, and in progress towards the achievement of the Sustainable Development Goals 'leaving no one behind.'

Human rights implementation and SDG implementation are complementary mutually reinforcing; and both serve to build a State's resilience to shocks that might otherwise lead to serious human rights violations and, ultimately, to a human rights crisis.

In URG's view, the current reforms of the UN development system, especially structural changes to the Resident Coordinator system [i.e. the shift of the system from UNDP to the EOSG] and revisions to Resident Coordinator and UN Sustainable Development Coordination Framework (i.e. the new name for the UNDAFs) guidelines, are 'human rights-positive' and also, by extension, 'prevention positive.'

Regarding secondary prevention - the fact that Resident Coordinators are now responsible for representing all three pillars of the UN equally and without favour, it raises the possibility of finally realising the goals of the earlier Human Rights Up Front policy. We believe that OHCHR must strengthen its capacity to receive and process early warning information from all Resident Coordinators.

Thank you.

Statement during session on 'The interaction between the Human Rights Council and the United Nations Security Pillar towards preventing human rights violations'

Thank you Mr Chair,

The link between the Council and the UN's security pillar is both extremely important and extremely sensitive.

That sensitivity is based on a concern that by raising the spectre of atrocity crimes and invoking the Responsibility to Protect, the Human Rights Council can be used as a 'back door' to inclusion on the Security Council's agenda.

It is vital Mr Chair, that your final report and proposals make explicitly clear that this is not what is envisaged under paragraph 5f of the Council's mandate. That prevention mandate is in actual fact related to primary and secondary prevention - i.e. the building of national human rights resilience, and early engagement through cooperation and dialogue with those countries experiencing difficulties.

If one looks at a continuum showing the emergence and evolution of a crisis, the Human Rights Council's 5f mandate is relevant to the very beginning - the far left hand side of the spectrum, and the Security Council's R2P related mandate is relevant to the far right hand side.

They are categorically NOT the same thing.

In addition to making this clear, we hope the group of three experts will also use their report to make clear that:

1. The correct place for primary and secondary prevention in the UN system is the Human Rights Council, NOT the Security Council. Emerging situations of concern should first be considered by the Human Rights Council, and only where preventive action fails should that situation be considered by the Security Council. At the moment, the opposite direction of travel tends to be the norm.
2. As argued by former High Commissioner for Human Rights Zeid, the Human Rights Council must be honest with itself about when it has failed to prevent the worsening of a crisis and thus when its mandate under 5f is exhausted, and when actions under other agenda items, e.g. agenda item 4, are needed - or, in the most serious cases, when responsibility should pass to the Security Council.
3. That OHCHR must have a strong early warning function, able to pull information about patterns of human rights violations from all parts of the UN system, as well as from domestic civil society and the media; rapidly assess that information; and urgently bring any emerging situations of concern to the early attention of the Council, and also feed them into the Secretary-General's Regional Quarterly Reviews.
4. That there is significant overlap between the Council's prevention mandate and the Sustaining Peace initiative - and this lines of responsibility must be clearly demarcated.

Thank you.