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Human Rights Council

Forty-fifth session

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Agenda item 5

Human rights bodies and mechanisms

Albania,* Argentina, Australia, Austria, Bulgaria, Canada,* Croatia,* Czechia, Dominican Republic,* Ecuador,* Estonia,* Fiji, France,* Georgia,* Germany, Greece,* Haiti,* Honduras,* Iceland,* Ireland,* Japan, Kazakhstan,* Latvia,* Liechtenstein,* Lithuania,* Malta,* Marshall Islands, Montenegro,* Netherlands, New Zealand,* Norway,* Panama,* Paraguay,* Portugal,* Republic of Korea, Romania,* Senegal, Sierra Leone,* Slovakia, Slovenia,* Spain, Sweden,* Switzerland,* United Kingdom* and Uruguay: draft resolution

45/... The contribution of the Human Rights Council to the prevention of human rights violations

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenants on Human Rights and other human rights instruments,

Reaffirming also that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recognizing that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations,

Emphasizing the fact that development, peace and security and human rights are interlinked and mutually reinforcing,

Reaffirming General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the work of the Human Rights Council would be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development,

Reaffirming also General Assembly resolution 48/141 of 20 December 1993, on the High Commissioner for the promotion and protection of all human rights,

Reaffirming the contribution that the Human Rights Council makes to prevention, as set out in General Assembly resolution 60/251, including paragraph 5 (f), recognizing that

* State not a member of the Human Rights Council.



all the elements of its mandate are interlinked and mutually reinforcing, and recalling Council resolutions 5/1 and 5/2 of 18 June 2007,

Reaffirming also that the mandate set out in paragraph 5 (f) of General Assembly resolution 60/251 comprises the two mutually reinforcing elements of contributing, through dialogue and cooperation, towards the prevention of human rights violations, and responding promptly to human rights emergencies,

Reaffirming further that the existing mechanisms of the Human Rights Council, particularly the universal periodic review, the special procedures, the complaints procedure, the Advisory Committee and the open-ended intergovernmental working groups, contribute to the prevention of human rights violations and to the promotion and protection of human rights,

Recognizing that the bulk of preventive work, including when technical assistance is provided by the international community, takes place at the national level, on the initiative and under the direction of national authorities, through the implementation of the State's international human rights obligations and commitments, inter alia through the work of national mechanisms for implementation, reporting and follow-up

Recognizing also that prevention, to be effective, requires a long-term engagement and a forward-looking approach in identifying and addressing the risk factors and root causes of crises, which, if not tackled, may lead to human rights emergencies or conflicts,

Acknowledging the important role played by national human rights institutions, civil society organizations and human rights defenders in preventing human rights violations, including by providing information on early warning signs and on patterns of human rights violations, and underscoring their contribution to the work of the Human Rights Council and the need to protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and its mechanisms in the field of human rights, including with the Council's mechanisms, from acts of intimidation and reprisal,

Recalling Human Rights Council resolution 38/18 of 6 July 2018,

Recalling Human Rights Council resolution 42/6 of 26 September 2019 on the role of prevention in the promotion and protection of human rights, and other relevant Council resolutions,

Underscoring the importance of enhancing the contribution of the Human Rights Council to prevention, including through more systematic links with efforts to sustain peace and implement the Sustainable Development Goals,

Recalling also General Assembly resolution 70/262 of 27 April 2016 on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, as well as Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

Acknowledging that the promotion and protection of human rights and the implementation of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing, and that both serve to build national resilience,

Taking note of the reports of the Secretary-General on peacebuilding and sustaining peace submitted to the General Assembly at its seventy-third and seventy-fourth sessions,¹

Taking note also of the Secretary-General's "A Call to Action for Human Rights", launched on 24 February 2020 during the forty-third session of the Human Rights Council, and noting with appreciation its focus on prevention,

1. *Welcomes* the work of the rapporteurs and takes note of their report on an overview of consultations on the contribution of the Human Rights Council to the prevention of human rights violations² and the recommendations therein, submitted in accordance with Council resolution 38/18;

¹ A/73/890-S/2019/448 and A/74/976-S/2020/773.

² A/HRC/43/37.

2. *Encourages* States and all other relevant stakeholders to consider the recommendations made in the report of the rapporteurs;
 3. *Urges* all mechanisms of the Human Rights Council to integrate prevention into their work and, where appropriate, into their reporting, in accordance with their respective mandates;
 4. *Requests* the Secretary-General to prepare a report analysing the current system-wide delivery and financing, including existing gaps, of technical assistance and capacity-building that support the implementation by States of their international human rights obligations and commitments and provided upon the request, in consultation with and with the consent of the State concerned, and to formulate recommendations in order to improve and scale-up the system-wide delivery and financing of technical assistance and capacity-building in the field of human rights with a view to building national resilience, and to submit that report to the Human Rights Council for its consideration at its forty-ninth session;
 5. *Requests* the United Nations High Commissioner for Human Rights to continue to strengthen the capability of the Office to identify, verify, manage and analyse data and early warning signs emanating from all sources, including from States, human rights mechanisms, national human rights institutions, civil society organizations, human rights defenders, United Nations country teams and the Office's field presences, and to address them in accordance with her mandate;
 6. *Calls upon* the High Commissioner, where the Office of the High Commissioner identifies patterns of human rights violations that point to a heightened risk of a human rights emergency, to continue to bring that information to the attention of the members and observers of the Human Rights Council in a manner that reflects the urgency of the situation and that maintains space for dialogue and cooperation with the State and region concerned, including through briefings;
 7. *Recognizes* that the Human Rights Council may resort, on a case-by-case basis and where appropriate, to work formats that enhance dialogue and cooperation with the State and region concerned, with the aim of addressing the root causes of and preventing further human rights violations and responding promptly to human rights emergencies;
 8. *Requests* the Secretary-General to bring regularly to the attention of the relevant bodies of the United Nations reports of the Human Rights Council relevant to prevention;
 9. *Decides* to invite the Chair of the Peacebuilding Commission, commencing in 2021, to brief, on an annual basis, the Human Rights Council, during one of its regular sessions under agenda item 3, on the work of the Commission, including in relation to country situations that are on the Council's agenda.
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