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## Human Rights Council

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**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General**

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

### **Summary report on the outcome of the Human Rights Council panel discussion on the role of prevention in the promotion and protection of human rights**

**Report of the Office of the United Nations High Commissioner for  
Human Rights**

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## **I. Introduction**

1. On 18 September 2014, the Human Rights Council held, pursuant to its resolution 24/16, a panel discussion on the role of prevention in the promotion and protection of human rights. In decision 24/16, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to organize the panel discussion in consultation with States, relevant United Nations bodies, funds and programmes, treaty bodies, special procedures and regional human rights mechanisms, and civil society, including non-governmental organizations, and national human rights institutions, with a view to ensuring multi-stakeholder participation. The Council also requested OHCHR to prepare a report on the outcome of the panel discussion in the form of a summary, and to present it to the Council at its twenty-eighth session. The present report was prepared pursuant to that request.

2. Pursuant to Human Rights Council resolution 24/16, the panel discussion aimed to contribute to developing further the concept of prevention of human rights violations and raising awareness of prevention in the promotion and protection of human rights among States and other relevant stakeholders in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels.

3. The panel discussion was chaired by the President of the Human Rights Council, and moderated by the Adviser on Human Rights and Refugees at the Quaker United Nations Office in Geneva, Rachel Brett. The Deputy High Commissioner gave an opening address. The panel comprised the Special Rapporteur on minority issues, Rita Izsák; the Vice-Chairperson of the African Committee of Experts on the Rights and Welfare of the Child and of the Committee on the Rights of the Child, Benyam Dawit Mezmur; the Chairperson of the Afghanistan Independent Human Rights Commission, Sima Samar; the Secretary-General of the Association for the Prevention of Torture, Mark Thomson; and the Vice-Chairperson of the Committee on Economic, Social and Cultural Rights, Renato Zerbini Ribeiro Leão.

## **II. Opening statement by the Deputy High Commissioner**

4. In her opening remarks, the Deputy High Commissioner stated that all must strive, as a matter of sound policy and moral conscience, to prevent violations of human rights before they escalate into mass atrocities or conflict. She recalled that the duty of States to take legislative, administrative and other appropriate measures to prevent human rights violations was well established in law. She referred to the repeated statements made by the Human Rights Committee that States parties to the International Covenant on Civil and Political Rights have an obligation, in responding to human rights violations, to take preventive action to avoid recurrence. The toolbox of preventive measures spanned the entire range of human rights responses.

5. Risk factors that may lead to serious violations of human rights included severe discriminatory practices. The construction of identities in terms of “us” and “them”, and the depiction of a targeted group as dangerous, disloyal, inferior or a security or economic threat, were often precursors for an escalation in human rights violations. She referred to a statement made by the Special Rapporteur on minority issues, who had warned that, while there was much discussion about the importance of prevention of mass atrocity crimes, such as ethnic cleansing and genocide, Governments, civil society and the international community must be alert to warning signs much earlier – when the very first words of hate speech are uttered, or when media start to promote negative stereotypes.

6. Mechanisms for early warning of human rights violations are already in place. They included the special procedures, who every year conduct some 80 country visits and send about 500 communications on both urgent and chronic human rights situations and cases; and the systematic scrutiny of treaty bodies; and the universal periodic review. The Human Rights Council also had a mandate to contribute, through dialogue and cooperation, to the prevention of human rights violations. In addition, non-governmental organizations also played an indispensable role in early warning, for example by collecting and processing data and suggesting options for action.

7. The Deputy High Commissioner recalled that the Secretary-General had given top priority to prevention in his five-year action agenda for 2012-2017. His ground-breaking Human Rights Up Front plan of action was founded on a commitment to the more deliberate, thoughtful and coordinated use of the full range of United Nations resources, mandates and skills in order to strengthen the ability of the United Nations system to prevent and respond to serious human rights violations and complex crises effectively. The plan of action recognized that patterns in human rights violations provide clear warning signs of a looming crisis, and reflects a strong commitment to pool and analyse all available information from actors within the United Nations, activating high-level engagement and leadership at Headquarters. The aim of the Human Rights Up Front plan of action was to become more effective at ensuring that the information gathered by human rights mechanisms were brought to the attention of the relevant actors, and that their recommendations were followed up on and implemented. This effort had to engage not only the States in question and the entities of the United Nations family but also regional actors and the wider international community.

8. The post-2015 process provided an opportunity to ensure policy coherence in terms of governance and justice and to encourage the realization of human rights related to personal security, public participation and access to effective justice systems. A number of the sustainable development goals under discussion had great potential for preventing human rights violations.

9. The Deputy High Commissioner recalled that preventing human rights violations was at the core of the mandate and activities of OHCHR. The measures at its disposal included public advocacy, education and awareness-raising campaigns, quiet diplomacy and good offices, and also the very practical, hands-on work of capacity-development and technical assistance, which OHCHR undertook through its field presences. OHCHR provided States with advice on the design and implementation of laws, policies, thematic strategies and plans of action, and had developed a variety of specific practical tools, including training materials, guidance notes and comprehensive databases.

10. Ultimately, however, States themselves were primarily responsible for preventing human rights violations. OHCHR knew what worked: effective and broadly accessible justice systems, backed by effective, human rights-compliant laws and institutions. The Deputy High Commissioner highlighted the vital role that national human rights institutions could play in prevention. Currently, it was mainly in the area of torture prevention that such institutions exercised a specific preventive mandate, being designated as national preventive mechanisms under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, although this could very usefully be extended to other areas.

11. Lastly, the Deputy High Commissioner welcomed the fact that regional organizations were strengthening the preventive dimension of their human rights activities, and recalled that robust national protection systems with a strong emphasis on preventive measures could usefully be complemented by regional and international mechanisms.

### III. Contributions of panellists

12. In her introductory remarks, the Adviser on Human Rights and Refugees at the Quaker United Nations Office in Geneva and panel moderator, Rachel Brett, introduced the panellists, highlighting their extensive experience and contributions to the field of human rights. She outlined various aspects of prevention: firstly, prevention through the creation of a protective and enabling human rights framework, given that, at the national level, it was critical to have human rights provisions that can be invoked in and applied by the courts; secondly, prevention through inclusion, which was more than non-discrimination, but included the positive obligation to bring in different people and groups; and thirdly, prevention through participation.

13. Recalling the High Commissioner's opening remarks to the Human Rights Council at its twenty-seventh session that minorities were often victims of violence and atrocity crimes, Ms. Brett invited the Special Rapporteur on minority issues, Rita Izsák, to outline risk factors that constitute early warning signs for preventing and addressing violence and mass atrocity crimes against minorities. The Special Rapporteur gave a rundown of her findings contained in her annual report to the General Assembly,<sup>1</sup> in which she listed the risk factors identified during the course of her mandate: exclusion and inequalities; deficits of democracy, good governance and rule of law; hate speech and stigmatization; history of violence with impunity and tensions without reconciliation; denial or deprivation of citizenship; political or regime change; multiple or intersectional discrimination; harmful actions of non-State actors; and armed conflict. She emphasized that, of these, the key risk areas for prevention work were exclusion and inequality, deficits of democracy, good governance and rule of law, and hate speech.

14. The Special Rapporteur on minority issues stated that the likelihood of unrest and violence grew whenever there were greater horizontal inequalities between different ethnic or cultural groups in terms of political and economic status. For that reason, it was essential that minorities and indigenous peoples be involved fully, including in shaping and implementing development policies. Competition over territory and the distribution of resources and power along ethnic lines could cause tensions. The Special Rapporteur emphasized the importance of ensuring that minorities participated in the planning, implementation and development of the post-2015 development agenda, underlining that it was crucial to reach the most vulnerable and marginalized groups in society rather than just those most easily accessible. She reminded the Council that hate speech was a process aimed at dehumanizing and demonizing others and that affects not only the groups targeted but also the majority by desensitizing it.

15. In answer to the moderator's question on the elements that could play a key role in preventing violence and atrocities against minorities, the Special Rapporteur on minority issues referred to understanding the status and challenges facing different communities; implementing international human rights standards; ensuring institutional attention to minority issues; strengthening security measures and law enforcement bodies; granting space for civil society; and cooperation with regional and international bodies. She emphasized that an important tool for tackling ethnically or culturally biased favoritism in the distribution of power and resources was good governance, which implied inclusion. It was not enough to have good legislation in place; there had to be institutions with the budget and independence to monitor the situation and to address tensions. Prevention work would also be enhanced by the implementation of international human rights standards,

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<sup>1</sup> A/69/266.

including minority rights. The protection and promotion of cultural identities would lead to fewer conflicts and less tension.

16. The moderator asked the Vice-Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, Benyam Dawit Mezmur, what measures needed to be taken to prevent violence against children. Mr. Mezmur replied that both the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child explicitly requested that children grow up in an atmosphere of love, happiness and understanding. Apart from being an obligation flowing from international human rights law, the prevention of violence against children was morally compelling, developmentally sound and cost-effective. He outlined the current global challenges in the implementation of children's rights, pointing out that 165 States had set 18 years as the minimum age for marriage, although 150 of them made exceptions. In 28 States that were home to one third of the world's children, corporal punishment was allowed in all settings. Furthermore, in three States, it was still legal to execute a person for violations committed as a child. The panellist emphasized that education – whether formal, non-formal or informal – was a key factor in the prevention of violence against children, and that there was a need to move from reporting what has happened to reporting before it happens.

17. According to the Vice-Chairperson of the Committee on the Rights of the Child, the largest prevention challenge on the ground was what he termed “one chapter behind” laws, the use of twentieth century laws to respond to twenty-first century problems. What was needed in all States were explicit and comprehensive bans, supplemented by specific bans of, for example, domestic violence, corporal punishment and honour crimes. The Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child were normative documents that had to be translated into national laws given that situations on the ground differed, depending on whether violence against children, corporal punishment or other forms of violence against children were explicitly prohibited in legislation. Lastly, the panellist highlighted the need for a data-collection system, a birth registration system and a system for assessing and detecting risk factors. When conducting research into risk factors in relation to violence, it was also essential to identify positive factors that could protect children. Prevention required long-term investment and planning by stakeholders and had to focus on the prevention of re-victimization, for instance by means of child-sensitive recovery and social reintegration services.

18. In response to the moderator's request for examples of effective strategies for preventing violence against children at the regional level, the panellist welcomed the preventive work of regional organizations, which complemented work carried out at the international level, and also filled gaps. Regional organizations had expertise that was more relevant to the regions. Regional organizations in Africa had been able to address the trust deficit, where Governments, civil society or stakeholders felt that the approach was top-down rather than bottom-up. Regional organizations had a greater capacity for early detection, and could draw on experience from comparable situations in regional countries. Regional preventive efforts were therefore particularly effective, given that some countries respond best to examples drawn from neighbouring ones.

19. The Vice-Chairperson of the Committee on the Rights of the Child also emphasized the importance of working closely with parliamentarians, who were in a key position to influence prevention. He provided concrete examples of regional successes, such as tapping into social and cultural structures on the ground, for example, children who, rather than being put through formal judicial procedures, go through the informal justice sector. He also pointed out that children could play a role in the prevention of violence. According to the African Charter on the Rights and Welfare of the Child, children can have responsibilities, taking into account their maturity and capacity, without violating the provisions of the Charter itself; for example, when the Child Rights Act was being debated

in Nigeria, there was concern that children were being given too many rights. With the help of regional organizations, however, a provision on the responsibilities of children was included to address such issues as peer-to-peer violence. The panellist underscored the necessity of government budgeting for prevention work. Regional organizations had helped Governments address this issue in Africa; in South Africa, for example, social workers were not only provided for by law, but also had a budget line. As an example of a good practice, he referred to the process and activities surrounding 16 June, the Day of the African Child, addressing harmful practices. Quiet diplomacy had also proved an effective tool in the African region.

20. Noting the vital role of national human rights institutions in a strong national human rights prevention system, the moderator invited the Chairperson of the Afghanistan Independent Human Rights Commission, Sima Samar, to share examples of the preventive work conducted by her organization. Ms. Samar provided four recommendations for action based on challenges that the Commission had faced. Firstly, lack of education and of awareness of rights was the greatest obstacle to the enjoyment of all human rights by all persons. The Commission strove to counter this situation by including human rights education in all sectors of the education system, including training and teaching curricula for schools, teachers, police, judges, intelligence services and other civil servants. The second action recommended was human rights monitoring. The Commission monitored detention centres and prisons, hospitals and schools and camps for internally displaced persons and refugees. It also monitored the situation of economic, social and cultural rights, and issued assessment reports. It also worked in the area of transitional justice as a prevention tool. Thirdly, it was important to consider existing laws in each country. The Commission participated in legal reform and publicly criticized human rights violations, working with civil society and the media for advocacy purposes. It also pushed for the inclusion of human rights in legislation. Fourthly, on the issue of protection and promotion, the panellist emphasized the importance of providing practical protection to people in danger, promoting good governance and working on transitional justice to end the culture of impunity.

21. The moderator requested the panelist to explain what has worked best at the national level in the prevention of violence against women in Afghanistan. The panellist reiterated her view that lack of awareness of human rights was the largest obstacle. Her organization promoted the universality of human rights, and emphasized that culture and religion could not take priority over these rights. The organization had also conducted research on issues that were considered taboo in the country, such as rape and honour killings. This was the first time that data had been collected on these problems, which made it possible to draw attention to them as crimes that the State had to address. Another goal of the Commission's work was to include women in different sectors of society, such as security forces, for example, by striving to assure an environment that meets women's needs, thus making it possible for them to train and become police officers. Lastly, the Commission had worked with the media, the United Nations and civil society to advocate for the inclusion of women's rights in national legislation. Once this has been achieved, the next challenge will be to ensure that the law is implemented.

22. Recalling that the concept of prevention in relation to torture was more developed than those of preventing other human rights violations, the moderator asked the Secretary-General of the Association for the Prevention of Torture, Mark Thomson, to explain this concept and how it could be applied to other areas. Mr. Thomson highlighted two key elements for the prevention of torture. The first was direct prevention (or mitigation of violations) by reducing risk factors and possible causes. Direct prevention was forward-looking and was aimed at creating an environment where torture was unlikely to occur. The second was indirect prevention (or non-repetition), which was the prevention of the repetition of cases that have already occurred by means of denunciation, litigation,

prosecution and sanctions, aimed at convincing potential torturers that the “costs” are greater than the possible “benefits”. He underscored the fact that these approaches were applicable across the spectrum of the prevention of human rights violations. He also outlined the tangible aspects of direct prevention, such as assessing root causes rather than focusing on symptoms, identifying and addressing risk factors at different levels, in terms of situations (for example, cases of deprivation of liberty) and persons at risk and their vulnerabilities, environmental factors, gaps in protection, and the institutional culture that created incentives and/or failure to deter. Lastly, prevention required a holistic, multidisciplinary approach, involving multiple actors on many fronts. It also required constructive ongoing dialogue with authorities on ways and means to address risk factors.

23. The moderator asked the panellist to elaborate on strategies that were effective in the prevention of torture, how they could be applied in other areas and the role that civil society could play in this process. The panellist underscored the importance of using holistic strategies that included four complementary elements: a strong legal and policy framework that prohibited and prevented torture (ratification of core human rights treaties, legislation, but also regulations); implementation of the said legal framework through prosecution and sentencing, as well as training, capacity-building and procedural safeguards, such as registers in places of detention and video recordings of interrogations; independent oversight, including regular monitoring of places of detention by independent bodies, in particular by national preventive mechanisms under the Optional Protocol to the Convention against Torture; and communication and contributions to public debates, given the need for strong public opposition to torture. With regard to the third element, the panellist pointed out that, where national preventive mechanisms were compliant with the Optional Protocol, had a strong legal basis and adequate human and financial resources, and fully implemented their preventive mandate, they could contribute effectively to reducing the risk of torture in places of detention. When independent members of civil society had full access to all areas, they could provide officials with informed recommendations based on their analysis. Again, all of these strategies could be applied across the spectrum of the prevention of human rights violations.

24. After stating how the work of the Committee on Economic, Social and Cultural Rights had been instrumental in clarifying the duty to prevent violations of economic, social and cultural rights, the moderator invited the Vice-Chairperson of the Committee, Renato Zerbini Ribeiro Leão, to share the Committee’s observations in this regard. He explained that the prevention work of the Committee was carried out at all stages, including during the preparation of lists of issues, concluding observations, general comments and letters. In the lists of issues addressed by the Committee, States are requested to provide information on measures taken to prevent violations, such as ensuring access to education, the work of civil society and access to economic, social and cultural rights in general. The Committee requested States to make reference to specific actions pursuant to the International Covenant on Social, Cultural and Economic Rights. Concluding observations included specific recommendations for States to take preventing measures in accordance with the Covenant and in the light of the general comments issued by the Committee. Lastly, the Committee could also address letters to States parties on ways in which they should comply with the Covenant, for example by incorporating the Covenant into domestic laws and raising awareness of its provisions. For example, in a letter dated 16 May 2012, the Committee expressed its concern surrounding austerity measures taken by States parties and increasing inequality. It emphasized that States should at all times avoid making decisions that result in the denial or infringement of rights. The panellist also highlighted the Committee’s wish that the provisions of the Covenant be incorporated into State legislation, that States harmonize their legislation with the Covenant, promote the Covenant and use it in legal proceedings. He reminded States that ratifying the Optional Protocol to the Covenant was also an important preventive action.

25. The moderator asked the panellist to share examples of good practices identified by the Committee on Economic, Social and Cultural Rights, and to highlight areas where progress had been made. The panellist highlighted combating poverty and inclusive education also for girls across different regions and countries around the world. The Committee had also stressed the need for reliable indicators and up-to-date statistics, particularly in relation to populations who had difficult access to rights. Statistics had made it possible to discern which rights were best protected by States. The involvement of States had led to more reliable statistics and indicators. The involvement of civil society should also be promoted. Lastly, treaty bodies helped to identify governmental best practices and to convey them to other Governments.

#### **IV. Summary of the discussion**

26. During the interactive discussion, delegations from Algeria, Angola, Australia (also on behalf of a group of States), Austria, Azerbaijan, Cuba, Estonia, the European Union, Georgia, India, Lithuania, Maldives, Morocco, the Organization of Islamic Cooperation, Poland, the Republic of Korea, the Republic of Moldova, the Russian Federation (on behalf of a group of like-minded States), Senegal (on behalf of French-speaking countries), Sierra Leone, Slovenia, Timor-Leste, Ukraine and Venezuela (Bolivarian Republic of) took the floor. The statements of Burkina Faso, Denmark, Ecuador, Indonesia, Ireland, Pakistan, Rwanda, Thailand and the United States of America were not made owing to lack of time. Copies of their statements were, however, posted on the extranet of the Human Rights Council.

27. Representatives of non-governmental organizations and observers also took the floor, including the African Technology Development Link, Americans for Democracy and Human Rights in Bahrain, the International Association for Democracy in Africa, the International Committee of the Red Cross and United Schools International.

##### **A. Concept of prevention and prevention tools**

28. Several delegations emphasized that the adoption of preventive measures was an absolute and urgent necessity, and that there was a vital need to strengthen preventive approaches to human rights violations. Some pointed out that prevention was one of the most effective ways to protect human rights, and expressed the view that the prevention of violations of international humanitarian law and international human rights law was not only necessary but achievable. Some delegations considered that the numerous crises around the world leading to human rights violations demonstrated the importance of strengthening prevention and the need to understand the various aspects of prevention better in order to design practical preventive tools. Several delegations pointed out that, at the national and international levels, mechanisms and tools for prevention already existed. It was implementation that needed to be further developed. Several delegations emphasized the fact that the Human Rights Council had a crucial role to play in strengthening national protection mechanisms and contributing to the prevention of human rights violations, and that it has at its disposal all the necessary tools – the universal periodic review mechanism, the special procedures and the treaty bodies – to strengthen national protection mechanisms and to help countries to become more resilient in the face of human rights crises.

29. Delegations agreed that the discussions held by the Human Rights Council, the universal periodic review mechanism, the work of the special procedures and the treaty bodies and the technical assistance given by OHCHR advanced the prevention objective. Support for institution-building, strengthening the rule of law and accountability mechanisms, encouraging equitable and inclusive social structures and economic growth,

sharing best practices and responding to early warning signs, the ratification of international human rights instruments, human rights-compliant legislation and the dissemination of a human rights culture were some of the prevention tools mentioned by delegations.

30. One delegation expressed the hope that the panel discussion would be a stepping stone towards the creation of prevention mechanisms urgently needed in many parts of the world today witnessing grave human rights violations. Another delegation believed that strengthening existing mechanisms was necessary, including to avoid misuse of biased allegations of human rights violations, in particular in the field of the rights of ethnic and national minorities, as a pretext for military intervention. Another supported the call for strengthening existing prevention mechanisms and ensuring that preventing genocide and other massive abuses of human rights was a priority above all other political and economic interests.

31. Some delegations stated that the concept of prevention was not clear and needed to be defined in more explicit and measurable terms, and in a more nuanced and consensual manner. There was a need to engage in evidence-based research to understand all aspects of prevention and to develop tools, involving all stakeholders, in particular Member States. They warned that the development of such tools should eschew politicization, “naming and shaming” and intrusive approaches by powerful or influential States, and should be based on the principles of universality and non-selectivity. It was stressed that a universal agreement taking into account the suggestions and concerns of all Member States was important, as it would help in the design of an acceptable mechanism for common and quick action and ensure effective implementation. An impartial and transparent assessment of all situations with accountability as the guiding norm for those involved in the analysis and execution was recommended. Mr. Thomson responded to States’ concerns about prevention being used as an international “naming and shaming” exercise by explaining that the intention was quite the opposite – to assess risk factors and causes in order to address them responsibly, and to find solutions with long-term effects on risk reduction. The purpose was also to bring different actors together to find solutions, for which openness was required.

32. Some delegations were of the view that there was a need to go beyond the theoretical and conceptual framework of prevention. Others highlighted that specific national contexts should be considered when designing preventive technical assistance; one delegation emphasized the need to ensure that assistance was relevant to local actors, using words, concepts and ideas that resonated locally. Another delegation added that a standardized approach to developing and exporting training packages or assistance had to be avoided. Another emphasized that the concept of prevention had to encompass all human rights, while yet another highlighted the importance of ensuring the protection of minority rights (including through the mainstreaming of minority rights in the United Nations system) with a view to preventing conflicts.

## **B. Responsibility to prevent human rights violations**

33. Delegations and panellists stressed the fact that the promotion and protection of human rights and, by extension, the prevention of human rights violations are primarily the responsibility of States. States were able to create an environment conducive to the prevention of human rights violations by, for example, adopting domestic legal and institutional frameworks and strengthening their implementation. Ms. Brett and Mr. Zerbini Ribeiro Leão pointed out that this national responsibility extended to Governments at all levels, and that interaction and cooperation between State institutions and different levels and branches of the Government were indispensable. Some delegations emphasized that it was imperative that all prevention efforts respect fully the sovereignty, independence and

territorial integrity of all States Members of the United Nations, while one delegation stated that all non-national attempts to be prescriptive in relation to managing human rights should be avoided. Other delegations stated that the responsibility to prevent did not constitute a threat to States' sovereignty. Several stressed that the responsibility to prevent was closely linked to the responsibility to protect and that the international community should encourage States to meet their responsibility to prevent human rights violations and to protect their populations, and help them in these efforts. Others considered the concept of responsibility to protect to be controversial, and should be decoupled from the responsibility to prevent. One delegation suggested that the human rights situation in a country was more likely to be improved by actions taken by the State and its citizens rather than through an external intervention. This was especially true in the long run, given that external actors could only provide support for a limited period. The answer thus lay in providing State institutions with adequate resources, sensitizing them and making them aware of the language of human rights.

34. Mr. Thomson agreed that national responsibility was a key factor in prevention. He emphasized, however, that a preventive framework very useful for States could be developed internationally. National preventive mechanisms that function under the Optional Protocol to the Convention against Torture respected State sovereignty, while other mechanisms whose purpose would be to assist States parties in implementing their obligation to prevent human rights violations could follow the same model. While it was possible to emphasize national responsibility, it made sense to do this through the lens of international human rights law. The Special Rapporteur added that, whereas most States had ratified relevant human rights instruments, implementation was often lacking. Ms. Samar reaffirmed that it was the State's responsibility to prevent, emphasizing at the same time that the universality of human rights could not be negotiated on the pretext of a country's sovereignty or other local factors. She also underlined the necessity of political commitment of the State's leaders to the promotion and protection of human rights to make those values a reality.

### **C. Early warning**

35. Both delegations and panellists stressed the importance of early warning in prevention efforts. Some stressed that human rights violations were important early indicators of a potential for atrocity crimes. Several delegations welcomed the Secretary-General's Human Rights Up Front initiative aimed at strengthening the early warning capacity of the whole United Nations system as an important contribution to the prevention of human rights violations. Some emphasized in this regard that States should be in charge of the implementation of the initiative, and cautioned that prevention work had to be carried out without undermining the fundamental principles of the United Nations and that the promotion and protection of human rights should not focus on imposing unilateral coercive measures or condemning States. One delegation urged all States to internalize the initiative. The Special Rapporteur emphasized the importance of the initiative, early warning mechanisms and the political will to act upon the early warning signs. She stressed the need for cooperation between the United Nations offices in Geneva and New York in this regard, and cautioned that problems observed during visits to countries by special procedures mandate holders should be reported immediately so that early action could be taken promptly.

36. One delegation stated that comprehensive early warning capacities and the full use of existing international instruments, mechanisms and procedures were required to translate prevention into practice. Another delegation encouraged States and other stakeholders to strengthen their efforts to identify warning signs. Another pointed out that attention to

violations of minority rights at an early stage would make an invaluable contribution to the culture of prevention within the United Nations, saving lives and promoting stability and development. The incorporation of minority rights indicators into early warning systems would also enable earlier identification of potential conflicts. The Special Rapporteur informed those present in this regard that the 2014 Forum on Minority Issues would address the issue of preventing violence and atrocity crimes targeting minorities.

37. One delegation stated that the Human Rights Council had to, through such mechanisms as the universal period review or the special procedures, provide information that could be used for early warning purposes and be incorporated into responses of the entire United Nations system. It was also mentioned that a vibrant civil society and the media could act as early warning agents.

#### **D. Prevention actors**

38. Delegations and panellists emphasized that, apart from States, other actors play an important role in prevention efforts. In their view, strategic and integrated prevention policies could only be successful when multi-stakeholder participation was ensured. Delegations pointed out that international and regional systems should assist States in the domestic implementation of such policies, and that United Nations human rights mechanisms and bodies played a role in supporting States in preventing violations. The prevention of human rights violations was at the heart of the United Nations system. Cooperation between States and the United Nations was seen as the key to effective prevention. Some delegations emphasized the need for further development and enhancement of cooperation between regional actors and the United Nations, especially by sharing good practices, jointly identifying gaps and overlap and defining common priorities.

39. One delegation stated that the role of the international community, including relevant United Nations agencies, should be to enhance partnerships with States. This should include the allocation of financial, technical and human resources by donors and United Nations agencies, and be aligned with national priorities of the States concerned. Some delegations listed support for national mechanisms and institutions through capacity-building and technical assistance as one of the main roles of OHCHR in prevention efforts. The important role of civil society, national human rights institutions, researchers and media in preventing human rights violations by monitoring, advocacy, human rights education and awareness-raising was also acknowledged by delegations and panellists. The involvement of civil society in prevention efforts was seen as crucial. The need for States to promote and maintain a safe and enabling environment for civil society was emphasized by several delegations. The issue of preventing reprisals against civil society participating in the work of the Human Rights Council was raised by one non-governmental organization in this regard. At the national level, the role of human rights institutions was seen as fundamental, and several delegations called upon States to strengthen the role and mandate of institutions in compliance with the Paris Principles. Some delegations also emphasized the role of scientific institutions and businesses.

40. Mr. Mezmur stated that the preventive role of regional and United Nations bodies was complementary, as were regional instruments and United Nations instruments, and highlighted the importance of research in challenging assumptions. Comprehensive systems had to be established for data collection and accountability. Ms. Samar highlighted the need for a united approach to prevention for United Nations agencies, and emphasized that women, minorities, vulnerable groups and victims of violations had to be included in prevention strategizing and policymaking if the policies were to be practical and implementable. Mr. Thomson emphasized that various actors should be involved in

different ways to assist States, and that effective prevention was not possible without dialogue with the public. The Special Rapporteur stated that there was a need to manage diversity in societies constructively, and to return to the principle of inclusivity. She also pointed out that, in post-violence situations, minorities whose rights had been violated had to be part of the peacebuilding process, and that ensuring their right to truth was essential to preventing a recurrence of violations.

41. Reiterating that that inclusion of victims of human rights violations in prevention discussions and efforts was crucial, Ms. Brett pointed out that, while regional organizations and the United Nations were not and should not be primary actors in prevention, they had a very important role in identifying and sharing best practices and identifying risk factors that could otherwise pass unnoticed until it was too late. Awareness-raising was needed not just among Governments, people and State institutions, but also at the national, regional and international levels.

## **E. Human rights education and culture**

42. Delegations and panellists agreed that human rights education was a key factor to prevention. According to one delegation, the prevention of human rights violations could be best achieved in cultures where everyone's human rights and dignity were respected. Another delegation emphasized that professionals had to be trained in order to create a wider understanding of human rights, equality and non-discrimination, with a view to combating stereotypes and violence, fostering respect for diversity, promoting tolerance and intercultural dialogue, and raising awareness of the universality, indivisibility and interrelatedness of all human rights. Another delegation pointed out that, in order to build a human rights culture in all countries, informal preventative structures had to be cultivated alongside formal institutions. Emphasis should be placed on cultivating values, norms and respect for human rights, especially in emerging democracies. The delegation requested that this aspect be highlighted in future discussions on the role of prevention in the promotion and protection of human rights, which should, *inter alia*, explore ways of strengthening relevant formal and informal structures within communities.

43. Another delegation advocated for fostering familiarity with international human rights laws, treaties, conventions and agencies as the most sustainable method for sovereign Governments to discharge their responsibility to promote and protect human rights. According to another, awareness-raising was an important preventive measure given that some human rights abuses are committed inadvertently owing to a lack of awareness. The delegation cited the example of female genital mutilation, the harmful effects of which are at times not known to or appreciated by the perpetrators. One observer stated that States had the responsibility to integrate international norms in national law and to disseminate knowledge of the rules.

44. Mr. Mezmur agreed that violations could be unintentional and be due to neglect, and explained that this was why a criminal law-based approach was not always the best way to deal with human rights issues. He also highlighted the importance of seeing children as agents of change and of starting human rights education early, and identifying and promoting positive values, such as respect and inclusion. He cited a national example where intergenerational values promoting respect for others' differences were fostered. Children had to learn that they could disagree without being disagreeable, and be perceived as human beings in their own right. Mr. Zerbini Ribeiro Leão pointed out that the Committee on Economic, Social and Cultural Rights had seen how important it was to provide information on the rights contained in the International Covenant on Economic, Social and Cultural Rights to the general public and various State actors, in particular members of the executive branch of government. Ms. Brett pointed out that human rights education was not

only about teaching about human rights instruments, but also how they were taught. It was a process, not just an event, and should permeate all levels of the educational system. The Special Rapporteur emphasized that education was the key to challenging dangerous ideologies. She added that it was necessary to learn how to manage diversity in society constructively. It was of utmost importance to return to the principle of inclusivity not only in government but also in primary education, where learning about diversity should be included in curricula.

## **F. International solidarity and cooperation, and the question of resources**

45. According to some delegations, preventive efforts should concentrate on international solidarity, capacity-building and financial aid instead of public denunciations and sanctions. The Human Rights Council would be more successful if existing guidance were used to enable countries rather than condemn them. Concern was expressed about powerful States using the United Nations to impose their beliefs on others; more emphasis had to be placed on a spirit of cooperation. Mr. Thomson provided an example of cooperation: the prevention of torture, while a sensitive topic, was an area in which over the past 10 years an increasing number of States had begun to work together, recognizing that they faced the same problems and that they could learn from each other, for example by joint visits to national preventive mechanisms. He considered that this approach could be followed in other areas.

46. Some delegations expressed concern that political will, legislation and plans were not sufficient to prevent human rights abuses, given that resources were necessary for serious preventive efforts, and they were not always readily available. The point was made that ensuring the right to development is a form of prevention; developing countries therefore needed resources to raise their development level in order to address all aspects of prevention. One delegation argued that fulfilling the right to development would also alleviate poverty, which had been seen to be a contributing factor to human rights abuses, such as child, early and forced marriage.

47. Mr. Mezmur suggested that lack of money was not always the “root of all evil”. Compliance with human rights did not necessarily correlate with countries with high levels of resources. Many of the countries making progress at the regional level did not have extensive resources. He argued that the prevention of violence against children was cost-effective, and budget provisions needed to be made for prevention. The first step, however, was birth registration so that children could be counted and progress measured. According to Mr. Zerbini Ribeiro Leão, States were required to provide in the reports that they submitted to the Committee on Economic, Social and Cultural Rights information on resources allocated to the protection of economic, social and cultural rights and their effectiveness, outcomes and expected results. They were to indicate financial, educational and social matters that had an impact on policies for prevention. The Special Rapporteur pointed out that sometimes it was creativity rather than resources that was needed for prevention. Mr. Thomson also addressed the issue of prevention in the absence of resources, proposing the idea of using codes of conduct to give people incentives to follow different modes of behaviour, ultimately a cost-free way of changing organizational cultures to more human rights-based ways than the application of sanctions.

## **G. Combating impunity, and other conditions facilitating prevention**

48. Several delegations and panellists highlighted the importance of accountability and actions to combat impunity and ensure the rule of law in order to prevent violations, including the importance of criminalization and prosecution and the preventive role of the

International Criminal Court. One delegation called upon all States that had not yet acceded to the Rome Statute to do so. Another argued that there was a need to build a framework where human rights violations were transparently exposed and sanctioned without exception. According to one observer, consequences for violations were the only way to ensure that they did not take place in the first place.

49. The delegations and panellists also highlighted other conditions necessary for the effective prevention of human rights violations, such as tackling risk factors, including inequality, poverty, marginalization, lack of awareness and education, and assuring good governance, a democratic system and the rule of law, including a legal system of equal and fair access to justice for all. Some delegations argued that preventive action should concentrate on eradicating poverty, formulating inclusive policies and strengthening education, in quantity as much as in quality.

50. Mr. Zerbini Ribeiro Leão stressed the fact that the Committee on Economic, Social and Cultural Rights had recognized that a robust legislative framework was indispensable for the preventive action involved in combating discrimination. He argued that measures should be taken to strengthen prevention by protecting social, cultural and economic rights. Mr. Mezmur stressed that unless laws were participatory, took public opinion into account or there were resources for their implementation, they would not be effective.

## V. Conclusions

51. **Participants in the panel discussion agreed that, while there were mechanisms and tools for prevention at the national and international levels, their implementation was patchy and needed to be improved. They acknowledged that the discussions held by the Human Rights Council, the sessions of the universal periodic review, the work of the special procedures and the treaty bodies and the technical assistance provided by OHCHR all advanced the prevention objective. There was general support for the idea to further develop the concept of prevention through evidence-based research.**

52. **Participants stressed that the promotion and protection of human rights and, by extension, the prevention of human rights violations were the primarily responsibilities of States, while other actors too played an important role in prevention efforts. They acknowledged the important role of civil society, national human rights institutions, researchers and the media in preventing human rights violations by monitoring, advocacy, human rights education and awareness-raising. International and regional systems had an important role in assisting States with domestic implementation. United Nations human rights mechanisms and bodies were essential in helping States to prevent violations. The prevention of human rights violations was at the heart of the United Nations system, and early warnings were critical to successful prevention efforts. Human rights education was also a key factor in prevention.**

53. **The importance of accountability and action to combat impunity and to implement the rule of law and thus prevent violations, including the importance of criminalization and prosecution and the preventive role of the International Criminal Court, was acknowledged. The other conditions necessary for the effective prevention of human rights violations highlighted by participants included tackling risk factors, including inequality, poverty, marginalization, lack of awareness and education, and providing good governance, a democratic system and the rule of law.**