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

# Prevention of genocide

## Report of the Secretary-General*

*Summary*

The present report is submitted pursuant to Human Rights Council resolution 37/26, in which the Council requested the Secretary-General to prepare a follow-up report on the implementation by Member States of their obligations to prevent genocide, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide. In the report the Secretary-General highlights several significant initiatives that Member States across the globe have taken that contribute to meeting those objectives. He particularly emphasizes the role of education as the most important tool for building the resilience of societies against violence, noting that education can foster a culture of prevention, reduce prejudices, promote peaceful coexistence and diversity and cultivate respect for all peoples. The Secretary-General also identifies existing opportunities within the United Nations system to make atrocity prevention more effective. In this regard, he encourages Member States to cooperate with the human rights mechanisms of the Human Rights Council, to develop plans, policies and strategies to address long-term risks and to mobilize international support for national initiatives to address those risks. More broadly, the Secretary-General recommends that States continue to make their own national efforts to prevent atrocities, within their own borders, while also participating in regional and international efforts to assist other States in fulfilling their responsibilities.

* The present report was submitted late to Conference Services as a result of administrative constraints.

# I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 37/26, in which the Council requested the Secretary-General to prepare a follow-up report, based on information provided by Member States, on the implementation of the provisions of the resolution, with a particular focus on activities aimed at raising awareness of the Convention on the Prevention and Punishment of the Crime of Genocide and the realization of educational programmes and projects that contribute to the prevention of genocide.

2. In preparing the report, I have sought the views of Member States. To this end, the Office of the Special Advisers to the Secretary-General on the Prevention of Genocide and the Responsibility to Protect shared a questionnaire with Member States, requesting them to submit information on the implementation of the resolution. The information compiled has been organized in two main sections, the first pertaining to the prevention of genocide, crimes against humanity and war crimes (atrocity crimes) by strengthening capacities at the national, regional and international levels, and the second pertaining to the prevention of atrocity crimes specifically through awareness-raising and education.

# II. Prevention of atrocity crimes

3. The prevention of the crime of genocide is intrinsically connected to the prevention of crimes against humanity and war crimes. I have been referring to these crimes as "atrocity crimes"[1] as they reveal extreme forms of human rights violations of a deeply violent and cruel nature that typically – but not always – occur on a massive scale. These crimes also tend to occur concurrently in the same situation rather than as isolated events, as has been demonstrated by their prosecution in both international and national jurisdictions. Consequently, initiatives aiming at preventing one of the crimes will, in most circumstances, also cover the others. The present report reflects this understanding by focusing on measures taken by Member States to implement the duty to prevent the three types of crime.

4. The duty to prevent genocide, crimes against humanity and war crimes is well established both under several treaties and under rules of customary international law binding on all States.[2] This duty was reiterated in the political commitment made by all States Members of the United Nations in 2005, under the umbrella of the responsibility to protect principle. In paragraph 138 of the 2005 World Summit Outcome, States recognized their primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity, including their incitement, through appropriate and necessary means. In the present report, I examine measures taken by States to comply with their international obligations and responsibilities in this respect, provide examples of initiatives that Member States are already implementing and identify additional steps that could be taken to prevent atrocity crimes.

[1] In the context of the principle of the responsibility to protect, "atrocity crimes" also refers to the act of ethnic cleansing, as specified in paragraph 138 of the 2005 World Summit Outcome. Ethnic cleansing is not an independent crime under international law. However, it includes acts that are serious violations of international human rights law and international humanitarian law that may amount to crimes against humanity, genocide or war crimes.

[2] The duty to prevent genocide is explicit in article I of the Convention on the Prevention and Punishment of the Crime of Genocide. Even though there is no international treaty specifically addressing State responsibility for crimes against humanity, the duty to prevent crimes against humanity derives from the obligation to prevent those human rights violations, such as torture, that, when committed as part of a widespread or systematic attack directed against any civilian population, would constitute crimes against humanity. Common article 1 of the Geneva Conventions of 12 August 1949 stipulates that it is the duty of States to respect and ensure respect for the Convention in all circumstances and, consequently, to prevent war crimes.

5. As I have stated on several occasions, prevention must be at the centre of all we do at the United Nations (A/72/707–S/2018/43). We must change the culture of reaction to one of prevention and be prepared to invest the necessary resources. We must also consider all elements required for a comprehensive prevention strategy. In this vein, even though considerable focus is put on conflict prevention, the broader prevention of human rights violations and, in particular, the prevention of atrocities must be part of this discussion. Alarmingly, most conflicts come hand in hand with allegations of serious violations of international human rights law and international humanitarian law being committed. It is also well known that the risk of atrocity crimes dramatically increases in an environment of conflict. Therefore, the prevention of conflict contributes to the prevention of atrocity crimes and vice versa.

6. However, genocide and crimes against humanity do not occur only during armed conflict. According to international law, these crimes can also take place in peacetime. A prevention agenda that focuses strictly on conflict prevention risks overlooking these cases. Situations that place States under serious levels of stress, including as a result of political instability, threats to the security of a country or even volatility in economic or social affairs can create environments that are conducive to serious human rights violations and, in the most serious cases, to atrocity crimes, even where there is no armed conflict.

7. There are other clear differences between the armed conflict and the atrocity prevention agendas, particularly regarding the relevant legal frameworks and their objectives, the strategies they typically utilize and the stakeholders they engage with. Ultimately, preventing conflict should benefit the entire population of a country or region. However, as noted, the absence of armed conflict does not necessarily mean the absence of atrocity crimes. Therefore, despite the obvious interlinkages between the conflict and atrocity prevention agendas, the latter should not be subsumed by the former. Acknowledging these differences and establishing the interlinkages between them is the way forward to a broader, better coordinated and sustainable prevention agenda, which I have established as a priority during my tenure as Secretary-General.

8. Equally, the 2030 Agenda for Sustainable Development, particularly Sustainable Development Goal 16 to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels greatly benefits from and contributes to atrocity prevention. To make prevention work and to realize the “sustaining peace” agenda, it is important to establish partnerships between different agendas and actors to develop joint analysis and to mainstream the different dimensions into common implementation strategies.

# III. Strengthening capacities for the prevention of genocide and other atrocity crimes

9. Atrocity crimes are rarely single events that happen instantly. Instead, they tend to be dynamic processes that require time, planning and resources to execute. It can take years to create an environment conducive to the perpetration of these crimes, even when the crimes are committed within a short period of time.

10. There are several factors associated with the risk of atrocity crimes. The Office of the Special Advisers has developed the Framework of Analysis for Atrocity Crimes (A/70/741-S/2016/71, annex),[3] which examines conduct, events, circumstances, conditions and other elements that increase the risk of these crimes. By assessing the presence of risk factors in a specific situation, it will be possible to find entry points where early action can be taken to stop their manifestation and, in this way, create an environment that is resilient to their perpetration. As an official document of the United Nations, it has already been translated and issued in all six official languages. The Framework has also been translated

[3] Also available as a publication, *Framework of Analysis for Atrocity Crimes: A Tool for Prevention*, at www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf.

externally into other languages, including officially by Slovenia. I urge all Member States to translate the Framework into other languages and to use it to conduct risk and resilience assessments and identify areas where they could strengthen their preventive capacities.

11. Genocide and other atrocity crimes are typically preceded by less widespread or systematic human rights violations of civil and political rights, as well as economic, social and cultural rights, often linked to patterns of discrimination or exclusion of protected groups, populations or individuals based on their ethnic, racial, national or religious background. Building resilience within societies by addressing human rights concerns, including discrimination, is therefore key. This means building a society which accepts and values diversity and in which communities with different identities can coexist peacefully. In order to do so, Member States must develop appropriate legal frameworks and build State structures and institutions that are legitimate, respect international human rights law and the rule of law in general, and that have the capacity to address and defuse sources of tension before they escalate. They can do this individually and through membership in and cooperation with subregional, regional and international organizations or initiatives.

12. This section of the report focuses on three main areas for atrocity prevention: national capacities; States' participation in regional and subregional initiatives; and mechanisms of early detection and prevention within the United Nations system.

## A. National capacities

13. Preventing genocide and other atrocity crimes must start with developing adequate legal frameworks that protect and promote human rights. As atrocity crimes are extreme forms of human rights violations, the ratification and implementation of international human rights treaties, including the Convention on the Prevention and Punishment of the Crime of Genocide, should be at the core of national atrocity prevention strategies.

14. International human rights treaties have been widely ratified by States and the 1949 Geneva Conventions have received universal acceptance. The Convention on the Prevention and Punishment of the Crime of Genocide has 151 States parties; 43 Member States have yet to become parties. Of those that have not ratified the Convention, 20 are in Africa, 17 in Asia and 6 in the Americas. However, prevention goes beyond accepting new legal obligations or making new commitments. Implementation is essential. Implementation entails putting in place legislation and measures compatible with States' treaty obligations.

15. Many Member States have adopted constitutions and other laws protecting basic human rights and, in particular, the rights of minorities as well as of refugees and internally displaced persons, the groups most at risk of genocide and other atrocity crimes. By upholding the rights of these groups, States not only set the foundations for protection structures within their national borders, but also create the conditions for social stability and cohesion. This builds resilience to genocide as an extreme form of identity-based violence, but also to other atrocity crimes. For instance, the Canadian Charter of Rights and Freedoms, which is entrenched in the Constitution of Canada, affirms that every individual in Canada is considered equal, regardless of race, religion, national or ethnic origin, colour, sex, age or physical or mental disability. The courts have held that this provision also protects equality in respect of other characteristics not specifically set out in the Charter. The Constitution of Singapore established in 1970 the Presidential Council for Minority Rights. The Council's main function is to examine all legislation to ensure that laws are not disadvantageous to any racial or religious community. The Council also considers matters affecting any racial or religious community referred by Parliament or the Government.

16. Several Member States have also taken measures to introduce international crimes into national legislation and provide effective remedies to victims of these crimes, including through access to justice, as determined by international law. Some 120 States have enacted national legislation criminalizing genocide. Ensuring accountability for human rights violations and past atrocity crimes demonstrates that no one is above the law and may act as a deterrent, thus contributing to the prevention of those violations and crimes. It also builds the credibility of institutions and strengthens respect for the rule of law.

17. Even though there are many situations in which accountability remains unfulfilled or is deficient, creating a greater risk of recurrence, there are initiatives that could serve as positive examples of upholding accountability. In this regard, some States have set up special jurisdictions to prosecute international crimes. In 2009, the Supreme Court of Guatemala established the courts for high risk crimes, with competence to process the most problematic cases involving people in positions of power but international crimes as well, including genocide. In 2013, a high risk court convicted a former Head of State for genocide and crimes against humanity. Even though the sentence was later overturned by the Constitutional Court on procedural grounds, this marked the first time a national tribunal held a trial of a former Head of State on charges of genocide. In Bosnia and Herzegovina, Cambodia, the Central African Republic, Sierra Leone and Timor-Leste, as well as in Kosovo,[4] hybrid mechanisms (combining national or other jurisdiction with international expertise or support) have also been established for this purpose. A few States, namely the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Mali and Uganda, have opted to refer situations occurring within their territories to the International Criminal Court.

18. Some States have conducted trials for international crimes committed outside of their territory or by non-nationals. The trial of Hissène Habré, the former President of Chad, by the Extraordinary African Chambers in Senegal is an example. The Chambers were established within the Senegalese legal system by agreement between the African Union and Senegal. This was one of the first occasions that an African court operated under the principle of universal jurisdiction and the first time an African Head of State faced justice in another African country.

19. Another important measure for States to reduce the risk of genocide and other atrocity crimes is building the capacity of national institutions to be legitimate, accountable and representative of the populations they are protecting, particularly in societies that are ethnically and religiously diverse. This would entail ensuring that institutional capacity is based on democratic principles and values, good governance and the rule of law and that institutions are well resourced.

20. High levels of corruption or inadequate checks and balances have affected public trust and confidence in government institutions and hindered development and peace efforts, including the capacity to address sources of tension. Mindful of the importance of transparency and accountability, a few years after the restoration of its independence, in 2010 Timor-Leste established the independent Anti-Corruption Commission which, despite challenges, has done important work in monitoring and holding public officials to account, including by opening investigations which ultimately resulted in convictions by the court system. In another important initiative, in 2004 Timor-Leste established the Office of the Ombudsman for Human Rights and Justice, mandated to investigate complaints of human rights violations and to carry out monitoring, advocacy and promotional activities. During the May 2006 political and military crisis in the country, the Office led an investigation into the legality of the actions taken by State organs before and after the crisis, including by summoning the President of the Republic, the Prime Minister and the Minister for Foreign Affairs as witnesses.

21. Several States have established specific offices to build national capacity to prevent genocide and other atrocity crimes, while others have incorporated atrocity prevention into existing mechanisms such as ombudsman or national human rights institutions. In 2007, Rwanda established the National Commission for the Fight against Genocide mandated to prevent and fight genocide and its ideology and overcoming its consequences. In Armenia, the Department of Human Rights and Humanitarian Issues has a unit dedicated to genocide prevention.

22. Building national capacities to prevent genocide and other atrocity crimes does not necessarily require establishing new structures. It can also entail identifying the vulnerabilities within society and how measures and processes that are being implemented

[4] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999).

ensure that these vulnerabilities are mitigated or diminished. It requires incorporating into existing mechanisms and structures an analysis of risks that tackles past and/or current vulnerabilities and developing tailored strategies with an atrocity prevention lens in mind.

23. For example, security sector reform can be an important tool for atrocity prevention when designed and implemented through that lens. This is particularly important in post-conflict societies which are transitioning from a period of violence to a society based on the rule of law and accountability. Transitional justice processes have inspired security sector reform, including through the establishment of civilian oversight mechanisms that encourage security institutions to comply with human rights obligations. In Northern Ireland, the report of the Independent Commission on Policing (the Patten Commission), established after the 1998 Belfast Agreement, recommended the creation of a civilian oversight mechanism based on lessons learned from the past patterns of violence and abuses by the police force. In 2001, the Northern Ireland Policing Board was established, with representatives of the Legislative Assembly as well as civil society actors. It was tasked with securing an effective and efficient local police service, monitoring the work of the police and overseeing complaints against senior officers and disciplining them, among other duties, and in this way ensuring police accountability and transparency in carrying out its work.

## B. Regional and subregional initiatives

24. States can contribute to prevention efforts through their membership in regional and subregional networks and other arrangements. Regional and subregional mechanisms can be more effective in responding early to signs of concern and their recommendations better received, as they are well placed to access information and reach out to relevant actors and have a more nuanced understanding of the history and culture involved than international actors may have. As they may also be more directly affected by the consequences of action or inaction, they will likely be more invested in finding a prompt and sustainable solution.

25. Several regional and subregional mechanisms have integrated an atrocity prevention lens into existing conflict prevention mechanisms. The African Union Constitutive Act obligates the Union to intervene in situations of genocide, war crimes and crimes against humanity. In this context, the Union has set up an architecture to respond to atrocity crimes through its standby force. Furthermore, the Union and its regional economic communities have established elaborate conflict early warning mechanisms that are currently under review to include atrocity crimes.

26. In Europe, the European Union Conflict Early Warning System, established in 2017, is an evidence-based risk management tool that identifies, assesses and helps prioritize situations at risk of violent conflict for non-member countries at an early stage. In September 2018, the European External Action Service issued an atrocity prevention toolkit, which was developed with the support of the Office of the Special Advisers, to integrate an atrocity prevention dimension in its early warning system. The toolkit assists the European Union in recognizing and responding to genocide, crimes against humanity, war crimes and ethnic cleansing. The Union has also established a network of contact points responsible for investigating and prosecuting persons responsible for genocide, crimes against humanity and war crimes (the “EU Genocide Network”), which ensures close cooperation between the national authorities of each member State in investigating and prosecuting those crimes.

27. Some regional or subregional arrangements have opted to develop specific atrocity prevention mechanisms. In 2006, the International Conference on the Great Lakes Region adopted the Protocol for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes against Humanity and All Forms of Discrimination. Under the Protocol, member States are required to introduce the Protocol into national legislation and enforce its provisions by putting in place laws that will prevent and punish genocide, war crimes and crimes against humanity; take measures that will eliminate discrimination; teach and encourage tolerance among national, racial and ethnic groups; and combat impunity and extradite criminals. To implement the Protocol, and with support from the Office of the

Special Advisers, the Conference established the Regional Committee for the Prevention and Punishment of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination in 2010. In addition, and also with the support of the Office, the Central African Republic, the Congo, the Democratic Republic of the Congo, Kenya, South Sudan, Uganda and the United Republic of Tanzania have established national committees in accordance with the Protocol.

28. The Latin American Network for Genocide and Mass Atrocity Prevention was established in 2012. It currently includes 18 States from the region. The Network is designed as a collaborative effort aimed at building national and regional capacities for strengthening policies on the prevention of genocide and other atrocity crimes.

29. At the international level, the Global Action Against Mass Atrocity Crimes is a global, inclusive, voluntary network established in 2013 by States, civil society and academic institutions. It aims at providing an open and global forum to facilitate greater international cooperation, networking, exchange of experiences, trusted peer-to-peer support, sharing of information and provision of expertise among States and organizations interested in operationalizing the prevention of atrocity crimes. Also at an international level, the Global Network of Responsibility to Protect Focal Points was established in 2010 by several States and currently has more than 60 members representing every region of the world. The focal points are senior officials appointed within their respective Governments to facilitate national mechanisms for atrocity prevention and promote international cooperation and the implementation of the responsibility to protect principle.

## C. Early detection and prevention within the United Nations system

30. Established in the aftermath of the Second World War, the United Nations embodied the hope that never again should populations endure horrors such as those witnessed during the Holocaust. The Organization was expected to maintain international peace and security by preventing and removing threats to the peace, as well as suppressing acts of aggression and other breaches of the peace, including by intervening in situations of conflict. The Convention on the Prevention and Punishment of the Crime of Genocide and the Universal Declaration of Human Rights, which have recently marked their seventieth anniversaries, came into existence with that objective in mind. Over the years, the United Nations has developed opportunities and mechanisms that Member States can make use of to enhance atrocity prevention efforts.

31. One of those opportunities is the engagement with my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect, who work together in a joint office. The Special Advisers are specifically mandated to act as catalysts to raise awareness on the causes and dynamics of genocide and other atrocity crimes. They issue alerts where there is a risk and advocate and mobilize for appropriate action. They also support capacity-building and awareness-raising on atrocity prevention and early warning. Several Member States have cooperated with these mandates by engaging with the Special Advisers on national, regional and international issues relevant to their mandates, including the conceptualization and operationalization of the responsibility to protect principle.

32. In-country visits of the Special Adviser on the Prevention of Genocide provide opportunities for States to assess strengths and areas needing further support to build resilience to prevent atrocity crimes or address ongoing atrocity crimes. Many countries have welcomed those visits. In March 2018, the Special Adviser travelled to Bangladesh at the invitation of the Government to visit the camps of Rohingya refugees and discuss issues of concern for the protection of refugees and the prevention of future crimes against this population. In January 2018, the Special Adviser conducted a visit to the region of the Western Balkans that included Bosnia and Herzegovina, Croatia, Montenegro and Serbia, where he explored existing challenges for reconciliation as well as opportunities to overcome them. The Government of the Democratic Republic of Congo welcomed the recommendations of the Special Adviser during his visit to the country in 2017, including on accountability for serious violations committed by the country’s armed forces as well as by fighters during the Kamwina Nsapu rebellion in the Kasai region, mostly against civilian

populations. Several suspected perpetrators, including military officials, have since been arrested and prosecuted. Other States that have received technical support from the Office to develop a legislative framework for the prevention of genocide, war crimes and crimes against humanity include Kenya, Uganda and the United Republic of Tanzania.

33. As atrocity crimes present threats to the maintenance of international peace and security, the mandate of the Security Council also offers opportunities for members of the Council to develop and implement atrocity prevention strategies. I encourage Council members to continue inviting my Special Adviser on the Prevention of Genocide to brief the Council on situations of concern. Member States have also taken the initiative to address situations at risk of genocide and other atrocity crimes. In 2015, a cross-regional, State-led Accountability, Coherence and Transparency (ACT) Group launched a code of conduct urging the permanent members of the Council to voluntarily agree to refrain from using their veto in situations involving atrocity crimes. As of 1 January 2019, 119 Member States were supporting the code of conduct. A similar initiative was launched in September 2014 by France and Mexico.

34. The Human Rights Council and its mechanisms can also play an important role in advancing atrocity prevention efforts. For example, in is resolution 38/18, the Council recognized the contribution that it could make to the prevention of human rights violations, including through its mandate. As much as possible, the Council and its mechanisms should consistently be paying attention to warning signs of potential genocidal or other atrocity-related violence and engage at an early stage to pre-empt the escalation of tensions. The Council has adopted several resolutions on the prevention of genocide.[5] It has also established commissions of inquiry, fact-finding missions or similar mechanisms on several country situations, including in Burundi, Eritrea, Israel, Libya, Myanmar, South Sudan, the Syrian Arab Republic, and Yemen, as well as in the Occupied Palestinian Territories. Even though these mechanisms are the result of a reactive approach to concerns that genocide, other atrocity crimes or other human rights violations could be ongoing, they have a deterrent effect and can support reconciliation efforts by promoting accountability. Other, although different, mechanisms have been established by Member States through the Security Council and the General Assembly, for example on Iraq and on the Syrian Arab Republic, respectively.

35. However, well before situations escalate to the point where it becomes harder and more costly to find solutions, there are early signs of risk that provide opportunities to develop effective prevention strategies. The universal periodic review process of the Human Rights Council and its special procedures often identify these early warning signs years before crimes become imminent. I encourage Member States to cooperate with the special procedures and better utilize the universal periodic review to facilitate more systematic reflections on the risks of atrocity crimes. I also encourage States to develop plans, policies and strategies to address long-term risks and mobilize international support for national initiatives to address them.

36. I have emphasized the usefulness of the universal periodic review for atrocity prevention in previous reports,[6] particularly considering that the Convention on the Prevention and Punishment of the Crime of Genocide, as well as relevant international humanitarian law instruments, lack mechanisms to monitor their implementation and facilitate regular engagement with Member States. I have identified four clear steps for States to better utilize the universal period review: first, the inclusion of risk assessments and preventive measures for atrocity crimes in the preparatory materials, by using for example the Framework of Analysis produced by the joint office; second, the inclusion of atrocity prevention issues in the peer-to-peer dialogue; third, ensuring that information about and discussion of risks and preventive measures for atrocity crimes are adequately

[5] See among them resolutions 7/25, 22/22, 28/34 and 37/26.

[6] See, for example, A/71/1016-S/2017/556, paras. 34–35. Also, in twin resolutions of the Security Council (2282 (2016)) and the General Assembly (70/262) on the review of the United Nations peacebuilding architecture, the two organs encouraged Member States participating in the universal periodic review process to consider the human rights dimensions of peacebuilding, as appropriate.

reflected in the outcome document and its actionable recommendations; and fourth, ensuring that, where relevant and appropriate, other States provide the necessary assistance to help countries under stress prevent atrocity crimes and protect their populations.

37. Although this is not done systematically, some States are including information on measures taken to tackle the risks associated with atrocity crimes in their national reports to the universal periodic review. For example, in its national report under the second cycle of the universal periodic review, Bosnia and Herzegovina affirmed that it had introduced necessary legislation to ensure "full rights and equality for all citizens, nations, ethnic groups in Bosnia and Herzegovina, as well as for members of all religious communities" (A/HRC/WG.6/20/BIH/1, para. 74) and that it had adopted a State law on the protection of rights of members of national minorities. These measures are aimed at reducing identity-based conflict and to mitigate intergroup tensions or patterns of discrimination against protected groups. Similarly, in its report under the third universal periodic review cycle (A/HRC/WG.6/28/CHF/1), Switzerland included measures it had taken to prevent racism and xenophobia, such as an Internet campaign to combat hate speech specifically targeting young people and issuing guidelines for teachers to encourage tolerance in the education system. Adopting an atrocity prevention lens in national reports requires incorporating a focus on identifying vulnerabilities and the measures States are implementing to help mitigate those vulnerabilities. Likewise, recommendations formulated during the peer-to-peer review should propose measures related to identified vulnerabilities.

38. Member States have utilized the universal periodic review process to call for the ratification of the Convention on the Prevention and Punishment of the Crime of Genocide. Prior to ratification, Dominica (2019), Malawi (2017) and Turkmenistan (2018) had supported recommendations within that mechanism to do so. Several States pending ratification of the Convention have also supported similar recommendations but have yet to implement them. I encourage all States to adhere to the Convention. I acknowledge efforts by Member States, including Armenia, Estonia, Ghana, Rwanda and Slovenia, which have ratified the Convention to utilize the universal periodic review process to actively and consistently recommend that States ratify the Convention.

# IV. Education and prevention of atrocity crimes

39. I have highlighted in past reports that education can play an important role in preventing genocide and other atrocity crimes by promoting pluralism, inclusion, and a greater understanding of the value of and respect for diversity (A/67/929–S/2013/399). Instilling these ideas in young people contributes to creating a society that is resilient to violence and atrocity crimes by mitigating long-term risk factors such as enrooted discriminatory attitudes and prejudice. To do so, education systems should reflect the ethnic, national and cultural diversity of societies and set an example of inclusiveness in their policies. They should also adopt and implement curricula and teaching methods that emphasize respect for diversity, equal citizenship and the importance of human rights, particularly non-discrimination.

40. In addition, education can help foster a culture of prevention by teaching new generations about past instances of systematic human rights violations, including genocides or other atrocity crimes. Education encourages a better understanding of past crimes, including the causes, dynamics and processes that led to them, such as discrimination and dehumanization of the affected group that preceded the violence. Education also examines the consequences of atrocity crimes and invites new generations to reflect on their society and inspires them to act against the warning signs.

41. Education is, further, a powerful tool to prevent incitement to violence that could lead to atrocity crimes. The 2005 World Summit Outcome linked the prevention of atrocity crimes to the prevention of incitement to violence.[7] Incitement to violence, especially where

[7] Paragraph 138.

it targets groups based on their identity, is an important early warning sign of atrocity crimes.

42. The Human Rights Council has on several occasions emphasized the important role that education, including human rights education, can play in genocide prevention and has encouraged Member States to promote educational programmes and projects that contribute to the prevention of genocide.[8] The General Assembly has also urged Member States to develop educational programmes that will inculcate future generations with the lessons of the Holocaust in order to help prevent future genocides.[9] The Security Council has emphasized the particular importance of all forms of education in order to prevent the commission of future genocides.[10]

43. Teaching and learning about past instances of genocide or other atrocity crimes also contributes to the implementation of target 4.7 of Sustainable Development Goal 4 on quality education to ensure that all learners are provided with the knowledge and skills to promote sustainable development, including, among others, through education for promotion of a culture of peace and non-violence, global citizenship, and appreciation of cultural diversity and of culture's contribution to sustainable development.

44. Despite the important role of education and awareness-raising, and although atrocity crimes are being committed or constitute a serious risk in several regions of the world, there is still a big gap in initiatives that focus specifically on atrocity prevention.

## A. State educational programmes to prevent genocide and other atrocity crimes

45. Through their ministries of education, several States implement programmes for human rights education in schools. As respect for human rights is at the core of prevention of genocide and other atrocity crimes, these programmes contribute in general to national atrocity prevention efforts.[11] However, as demonstrated by the Framework of Analysis for Atrocity Crimes, there are elements specific to the risk of those crimes that merit the inclusion of an atrocity prevention lens into broader human rights curricula. Such a lens should focus on how to combat racism and promote respect for diversity, and how to counter bigotry and persecution and acquire an ethical commitment to act when rights are violated. In Czechia, the Government has implemented the "Hate-free culture" project to share information and the views of victims and perpetrators of hate crimes in order to spark public discussion and draw attention to this problem. In Australia, the history of the Holocaust is part of the curriculum in a large proportion of Australian schools. The Australian Government recently funded a pilot Holocaust Memorial Week in a small number of Australian schools that included raising awareness on the broader concept of genocide and the Convention on the Prevention and Punishment of the Crime of Genocide.

46. Several States are also participating in international and regional educational networks. The International Holocaust Remembrance Alliance is a State-led network for holocaust education, remembrance and research that brings together Governments and experts. The Alliance supports the development of school curricula that address genocide and informs government officials and civil society about initiatives for genocide prevention. Several States have incorporated information about the Holocaust in their school curricula based on this network. Civil society has also supported States' initiatives to incorporate prevention of genocide and other atrocity crimes into education programmes and projects.

47. In addition to school- and university-level educational initiatives, Member States are implementing educational programmes on international human rights law and international

[8] Resolutions 7/25, 22/22 and 28/34.

[9] Resolution 60/7.

[10] Resolution 2150 (2014).

[11] The Office of the United Nations High Commissioner for Human Rights has been implementing the World Programme for Human Rights Education since 2005.

humanitarian law that target security forces and government officials. Such programmes exist in Ecuador, Portugal and Slovenia, among many other States. In Indonesia, a human rights-based curriculum has been implemented at all levels of education of the national police and defence forces. In 2018, the Indonesian military chief issued principles according to which the rules of engagement of military personnel shall not contradict national laws and regulations, or international humanitarian and human rights law. The Romanian National Expert Network on Genocide Prevention and Multidisciplinary Research on Mass Graves provides a platform for the exchange of expertise in the fight against genocide and mass atrocities for prosecutors, criminal investigators, police and experts from the fields of forensics, criminology, pathology, anthropology and history.

48. Member States are also providing political and financial support to implement the Plan of Action for Religious Leaders and Actors to Prevent Incitement to Violence that Could Lead to Atrocity Crimes through education to promote inclusive and peaceful societies. The Plan of Action, which I launched in July 2017, was developed with the support of the Office of the Special Advisers. It includes suggestions for religious and other societal actors to address hate speech, prevent incitement to discrimination, hostility and violence and contribute to peace and stability. Given the particular influence that religious leaders have in their communities and their mobilizing capacity, I encourage Member States to provide support for the implementation of the Plan of Action and institutionalize relevant educational programmes.

## B. Teaching about a history of past violations

49. Education about the past is a key part of preventing atrocity crimes. This is especially important in societies that have a history of atrocity crimes or grave human rights violations, and where these have not been adequately acknowledged or addressed. Justification, biased accounts or denial of past instances of atrocity crimes may increase the risk of recurrence of violence. Teaching about a recent past of atrocity crimes is important to ensure that the crimes and their consequences are not forgotten. It is also important because lessons can be learned from the root causes of or what led to the commission of such crimes. By understanding these processes, and being able to identify early warning signs, new generations will be able to prevent the recurrence of similar violent events. In this way, education strengthens societies' resilience to atrocity crimes (A/67/929–S/2013/399).

50. In Germany, teaching about the Holocaust is mandatory in secondary schools and the education system also places emphasis on extracurricular activities, including visits to historic locations and memorials as well as meetings with survivors. In Croatia, Poland and Romania, teaching about the Holocaust and other pasts incidents of atrocity crimes is part of formal education in order to teach future generations about the urgency of preventing genocide.

51. Incorporating instances of past atrocity crimes in educational materials shows that a State acknowledges and recognizes the suffering of victims and the groups to which they belong. Education and the teaching of a recent history of violence, war, conflict and oppression could become a tool to transform relationships between individuals from different groups, making the recurrence of violence less likely. In Rwanda, the Education Board and the Ministry of Education have integrated genocide studies in the curricula of its primary-, secondary- and higher-education institutions. The curriculum, developed in 2008, incorporated the subject of the genocide against the Tutsi in Rwanda, during which moderate Hutus and others who opposed the genocide were also killed, while emphasizing the unifying and inclusive qualities of nationality, citizenship and patriotism instead of ethnicity. In this way, focus is put on a collective identity as Rwandan rather than Hutu or Tutsi.

52. It is also important in this type of teaching to incorporate factually correct and multifaceted accounts of past atrocities in national curricula of history education. The Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International

Humanitarian Law emphasize the importance for States of including an accurate account of past violations in educational material at all levels.[12] In 2008, the Argentine Ministry of Education created the "Education and memory" programme to consolidate an education policy that promotes the teaching of recent history through development of curricula and the production of materials.

53. Teaching about a recent history of violence also contributes to the fulfilment of the right to truth as an individual and a collective right. Truth commissions have in many instances played a critical role in establishing a factual and comprehensive record of past violations and have helped inform the review of educational materials. In Peru, the report of the Truth and Reconciliation Commission established in 2001 to investigate human rights violations during the period of internal armed conflict between May 1980 and November 2000 was used to develop and inform education material in secondary schools. In Canada, recommendations in the final report of the Truth and Reconciliation Commission, released in 2015, led to the inclusion of the history of church-run residential schools for Aboriginal people in the school curricula.

54. Despite positive examples showing the values of including teaching on past atrocity crimes in education, many States remain reluctant to do so. I urge States to review their educational curricula with a view to ensuring that a factual and comprehensive account of past atrocity crimes, including the dynamics and processes that lead to their commission, are included. Such initiatives can be stand-alone or form part of broader topics such as human rights education and global citizenship education.

## C. Remembrance and memorialization

55. Memorialization and remembrance of past atrocity crimes also contribute to prevention by educating society and reminding us of our collective duty of "never again". Principle 3 of the updated set of principles for the protection and promotion of human rights through action to combat impunity states:

> A people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.

Symbolic measures intended to provide moral reparation help to fulfil the State's duty to preserve memory. International human rights courts have ordered States to undertake specific measures such as issuing public apologies concerning violations committed, erecting monuments recalling massacres, publishing judgments in newspapers of national circulation and naming streets or parks after victims. In compliance with a 2006 ruling of the Inter-American Court of Human Rights, Peru has named the main street of Pucapaccana Lambrasniyocc the Avenida Bernabé Baldeón-García in memory of the president of a community who was tortured and killed by members of the armed forces in September 1990. Shared memories of the past can encourage social cohesion, helping to build resilience against atrocity crimes. In particular, sites of memory provide spaces where those affected by violence can honour and remember victims.

56. States have taken various measures to raise awareness about past violations. In Cambodia, the Toul Sleng Genocide Museum is the memorial site of security prison 21, a secret facility used by the Khmer Rouge regime from its rise in 1975 to its fall in 1979, for the detention, interrogation, torture and extermination of those deemed "political enemies" of the regime. In Chile, the Museum of Memory and Human Rights, created in 2010, disseminates information about systematic human rights violations that occurred during the military-civic dictatorship between 1973 and 1990 and contextualizes these violations with

[12] Principle 22 (h).

similar phenomena that occurred in Latin America. In Ecuador, measures to deal with a past of violations, including crimes against humanity and gross violations of human rights, have not only focused on prosecutions but also on recovering memories to guarantee full redress to victims. Symbolic reparations to avoid recurrence have included the mural "Grito de la Memoria" (The Cry of Memory), a tribute to victims in Ecuador and Latin America and a reminder of the need for a permanent search for truth and justice.

57. Furthermore, to preserve memory, States have declared national days of remembrance of past events to create opportunities to raise awareness about those events and the importance of prevention, as well as in honour of the victims. The United Nations has also marked some of those days. In 2015, the General Assembly proclaimed 9 December as the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide and of the Prevention of this Crime. The day also marks the adoption of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and is a good opportunity not only to raise awareness about the Convention and its role in combating and preventing the crime of genocide, but also to commemorates and honour its victims.

# V. Conclusion and recommendations

58. **Investing in prevention is the only sustainable way to fulfil the pledge of "never again", which speaks to the very core of the United Nations mandate and principles. An atrocity prevention lens must be a central element of our broader prevention efforts to protect populations from the most egregious atrocity crimes. I urge Member States to equally prioritize prevention at the national, regional and international levels by implementing the following measures.**

## A. On national capacities

59. **With regard to national capacities, Member States should:**

(a) **Become parties to and implement key international agreements relating to the prevention and punishment of atrocity crimes and the protection of populations, especially the Convention on the Prevention and Punishment of the Crime of Genocide and the Rome Statute of the International Criminal Court, and, in particular, ensure that atrocity crimes and their incitement are criminalized by domestic law;**

(b) **Strengthen efforts to ensure accountability for atrocity crimes by establishing domestic mechanisms that grant victims the right to an effective remedy, as well as through the removal of statutory limitations, amnesties or immunities that obstruct the prosecution of State officials, including members of the security forces, and other individuals responsible for atrocity crimes;**

(c) **Review and strengthen constitutional arrangements as required to guarantee the protection of fundamental human rights, recognize the diversity of the population and grant explicit protection to different groups, including ethnic or religious minorities;**

(d) **Conduct a national assessment of existing risks and resilience opportunities, using the Framework of Analysis for Atrocity Crimes. The assessment should be regular, system-wide, include the identification of vulnerable populations and involve consultations with civil society actors and groups, including women and youth representatives. It could also include a review of whether and what kind of international support could strengthen national capacity for atrocity prevention;**

(e) **Build the capacity of national institutions to prevent or halt atrocity crimes. In particular, in relation to national security forces, States should establish transparent, accountable and democratic civilian oversight, including on budgetary matters; include staff from diverse population groups at all levels; promote professionalism among uniformed personnel'; create programmes to improve**

**relations with local communities; vet officers for participation in atrocity crimes and remove identified perpetrators; provide training on international humanitarian law and international human rights law and on the collection of evidence of atrocity crimes; establish operating procedures for the use of force and firearms that are compliant with international standards; and adopt international humanitarian law and international human rights law standards in national military statutes along with the creation of international disciplinary and other accountability mechanisms to address violations committed by security forces personnel;**

(f) **Support civil society initiatives that contribute to the prevention of atrocity crimes. This includes cooperation in implementing the Plan of Action for Religious Leaders and Actors to Prevent and Counter Incitement to Violence that Could Lead to Atrocity Crimes;**

(g) **Join existing or create relevant regional or subregional initiatives on atrocity prevention. I encourage States that are already part of early warning mechanisms or networks at the regional or subregional level to work towards including an atrocity prevention lens into these mechanisms;**

(h) **Continue cooperation with my Special Advisers on the Prevention of Genocide and on the Responsibility to Protect in the development of options to strengthen civilian action to prevent atrocity crimes. Member States should systematically review and, where necessary, strengthen their capacity for early civilian action for atrocity prevention and invest more resources and political support in this area;**

(i) **Invite the Special Adviser on the Prevention of Genocide to brief relevant bodies, including the Security Council and the Human Rights Council, on situations of concern where elements of the risk of genocide or other atrocity crimes are present and take follow-up action accordingly, utilizing all the tools available to prevent atrocity crimes and strengthen international accountability for such crimes;**

(j) **Ensure that the Human Rights Council continues to pay attention to warning signs of potential genocidal or other atrocity-related violence and engage at an early stage to pre-empt the escalation of tensions, and resort to tools such as fact-finding missions and commissions of inquiry to support prevention and legal accountability for atrocity crimes;**

(k) **Make use of the mechanisms of the Human Rights Council by extending open invitations to and cooperating with relevant special procedures as well as by incorporating in national reports to the universal periodic review an assessment of measures being taken to address risks and build the resilience of societies to prevent the commission of atrocity crimes;**

(l) **Cooperate with the human rights treaty bodies, particularly by submitting regular State reports and acting upon relevant recommendations for implementation that contribute to the prevention of human rights violations and, particularly, atrocity crimes.**

## B. On awareness-raising and education

60. **With regard to awareness-raising and education, Member States should:**

(a) **Ensure that education systems reflect the ethnic, national and cultural diversity of their society and set an example of inclusiveness in their policies, and adopt materials and teaching methods that reflect human rights values, particularly respect for diversity, inclusiveness, equal citizenship and non-discrimination;**

(b) **While promoting human rights education activities, disseminate knowledge of the principles of the Convention on the Prevention and Punishment of the Crime of Genocide, paying particular attention to the elements of prevention;**

(c) **Acknowledge atrocity crimes in which State officials were involved and include education on past violations in schools. To this end, States should promote educational initiatives, textbooks and other materials with the view to ensuring a factual and comprehensive account of past atrocity crimes. Such initiatives can be part of history courses or form part of human rights or global citizenship education;**

(d) **Continue efforts aimed at memorialization and remembrance of past atrocity crimes as a way to prevent atrocity crimes by educating society and reminding us of our collective duty of "never again";**

(e) **Engage in efforts to prevent any misuse of the Internet and social media to spread messages of hate that could drive individuals towards violence, including by making use of social media to educate and raise awareness about peace and global citizenship as well by encouraging media, including social media platforms, to adopt professional ethical codes and standards that incorporate respect for the principles and norms of international human rights.**