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

Albania,* Argentina, Australia,* Belgium,* Bulgaria,* Chile,* Costa Rica,* Croatia,* Cyprus,* Czechia, Denmark,* Ecuador,* Estonia,* Fiji,* Finland, France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland,* Italy,* Latvia,* Lithuania, Luxembourg, Maldives,* Malta,* Mexico, Montenegro, Morocco,* Netherlands, Norway,* Poland, Portugal,* Romania,* Slovakia,* Slovenia,* Spain,* Sweden,* Switzerland,* Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay* : draft resolution

51/... The role of prevention in the promotion and protection of human rights: rule of law and accountability

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the obligations of States thereunder to promote universal respect for and observance of human rights and fundamental freedoms,

Reaffirming also the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, and recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other human rights instruments, and the outcomes of major United Nations conferences,

Recalling its resolutions 14/5 of 17 June 2010, 18/13 of 29 September 2011, 24/16 of 27 September 2013, 33/6 of 29 September 2016 and 42/6 of 26 September 2019, and its resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011, and other relevant resolutions adopted by the Human Rights Council and the General Assembly,

Noting that, in its resolution 45/31 of 7 October 2020, the Human Rights Council urged all its mechanisms to integrate prevention into their work and, where appropriate, into their reporting, in accordance with their respective mandates,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing, and that all human rights must be treated in a fair and equal manner, on the same footing and with the same emphasis,

Expressing concern at the continued violations and abuses of human rights and violations of international humanitarian law around the world, and stressing the need for enhanced efforts to prevent these violations and abuses and to ensure accountability and justice,

* State not a member of the Human Rights Council.



Recalling the role of the Human Rights Council in the prevention of human rights violations, and that its work should be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, in accordance with General Assembly resolution 60/251 of 15 March 2006,

Recognizing that prevention can encompass measures that, inter alia, address root causes, focus on a rapid response to the earliest indicators, aim to minimize harm once a human rights situation has escalated, focus on minimizing future threats and aim to prevent human rights violations and abuses over the longer term,

Reaffirming that human rights, the rule of law and democracy are interlinked and mutually reinforcing, and that they belong to the universal and indivisible core values and principles of the United Nations,

Recognizing that effective prevention requires respect for the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and are consistent with international human rights law,

Recognizing also that accountability for violations and abuses of human rights is crucial for upholding the rule of law, and that impunity facilitates the recurrence of such violations and abuses,

Reaffirming that impunity for the crime of genocide, war crimes and crimes against humanity encourages their occurrence, and that accountability for such crimes is an important factor in their prevention,

1. *Affirms* the importance of effective preventive measures as a part of overall strategies for the promotion and protection of all human rights;

2. *Recognizes* that States have the primary responsibility for the promotion and protection of all human rights, including the prevention of human rights violations and abuses;

3. *Stresses* that States should promote supportive and enabling environments for the prevention of human rights violations and abuses, including by, inter alia:

- (a) Considering ratifying international human rights conventions and covenants;
- (b) Fully implementing international human rights conventions and covenants to which they are party;
- (c) Enhancing and developing good governance, democratic systems, the rule of law and accountability;
- (d) Adopting policies to ensure the enjoyment of all human rights, including civil, political, economic, social and cultural rights;
- (e) Addressing all forms of discrimination, including racial and gender-based discrimination;
- (f) Addressing factors, inter alia inequality and poverty, that may lead to situations in which human rights violations and abuses are committed;
- (g) Promoting freedom of opinion and expression, and freedom of peaceful assembly and of association;
- (h) Promoting and protecting a safe and enabling environment for human rights defenders and a free and active civil society;
- (i) Promoting and protecting the safety of journalists and media workers;
- (j) Ensuring, where they exist, strong and independent national human rights institutions, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);
- (k) Addressing violence in all its forms and manifestations, including sexual and gender-based violence;

- (l) Promoting human rights education and training;
- (m) Ensuring an independent and functioning judiciary;
- (n) Fighting corruption;

4. *Affirms* the primary responsibility of States to strengthen rule of law institutions and to provide effective frameworks for all prevention efforts, including those of civil society actors, academics and national human rights institutions in fulfilling their monitoring, reporting and advocacy functions;

5. *Reiterates* that States have the primary responsibility to respect and protect human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations and abuses of human rights, and violations of international humanitarian law, and to provide an effective remedy to any person whose rights have been violated, such as guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice;

6. *Welcomes* the role of national human rights institutions in contributing to the prevention of human rights violations and the promotion of the rule of law;

7. *Continues* to invite national human rights institutions to consider addressing the issue of the role of prevention in the promotion and protection of human rights in the framework of relevant international and regional forums;

8. *Welcomes* the role of civil society in contributing to the promotion of human rights and the prevention of human rights violations;

9. *Encourages* all United Nations human rights mechanisms to accord high priority to rule of law activities;

10. *Stresses* the need to bring to justice perpetrators of the crime of genocide, war crimes and crimes against humanity as a significant contribution towards the promotion of a culture of prevention;

11. *Emphasizes* the importance of transitional justice in breaking the cycles of violence and of the most serious crimes, delivering a sense of justice to victims and survivors and prompting examinations of deficiencies that may have enabled those cycles;

12. *Recognizes* the preventive role of the International Court of Justice, the International Criminal Court and other international judicial institutions that are part of a multilateral system through their contribution to upholding the rule of law and ensuring accountability;

13. *Acknowledges* that, in its resolution 60/251, the General Assembly decided that the Human Rights Council shall, inter alia, contribute, through dialogue and cooperation, towards the prevention of human rights violations and respond promptly to human rights emergencies;

14. *Commits* to assessing impartially and transparently situations of human rights violations and abuses, including where it aids accountability;

15. *Acknowledges* the role that the investigative bodies of the Human Rights Council can play in non-recurrence of human rights violations and abuses;

16. *Also acknowledges* the importance of the universal periodic review as a cooperative mechanism of the Human Rights Council aimed at, inter alia, improving human rights situations on the ground and the fulfilment of the State's human rights obligations and commitments, based on the principle of promoting the universality, interdependence, indivisibility and interrelatedness of all human rights;

17. *Further acknowledges* that technical assistance and capacity-building in the field of human rights with the consent of the country concerned may contribute to the prevention of human rights violations and abuses;

18. *Recognizes* the particular importance of the role played by the system of special procedures as a tool in preventing human rights violations and abuses by, inter alia, monitoring, reporting and/or making recommendations to States and other stakeholders, and

reaffirms the importance of upholding the independence of the special procedures, in accordance with Human Rights Council resolution 5/2;

19. *Invites* the special procedures, in accordance with their mandates, to continue to identify and incorporate practical approaches to the prevention of human rights violations and abuses in their assessments and recommendations, and to explore further ways to contribute to enhancing cooperation of United Nations actors towards better achieving the preventive mandate of the United Nations system;

20. *Stresses* the need to develop further the concept of the prevention of human rights violations and to step up efforts to raise awareness of prevention in the promotion and protection of human rights in order to encourage its reflection in relevant policies and strategies at the national, regional and international levels;

21. *Recognizes* the need for further research to assist States, at their request, and other stakeholders to understand and mainstream the role of prevention in the promotion and protection of human rights;

22. *Continues* to encourage the United Nations High Commissioner for Human Rights, on the basis of consultation with States, relevant regional organizations, national human rights institutions and other relevant stakeholders, to inform the Human Rights Council on a regular basis on the practical applications of prevention in the promotion and protection of human rights;

23. *Takes note with appreciation* of the study of the Office of the United Nations High Commissioner for Human Rights on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses,¹ and requests the Office of the High Commissioner to continue to compile and analyse the positive impact of the work of the special procedures in this regard;

24. *Requests* the Office of the High Commissioner to prepare a study on the role of the rule of law and accountability on the national and international levels in the prevention of human rights violations and abuses, and to present it to the Human Rights Council at its fifty-seventh session;

25. *Encourages* the Office of the High Commissioner to continue to gather information and research for further preparation of a practical toolkit to support States and other stakeholders in the practical application of prevention in the promotion and protection of human rights;

26. *Decides* to continue its consideration of the matter under the same agenda item, in conformity with its annual programme of work.

¹ A/HRC/48/21.