

Accountability for Atrocity Crimes Prevention

Implementation Guidance for Parliamentarians

Introduction

All states have a responsibility to prevent genocide, war crimes, ethnic cleansing and crimes against humanity (“atrocity crimes”) and their incitement. This was agreed when Heads of State and Government unanimously adopted the Responsibility to Protect (R2P) principle in 2005.¹ This principle is firmly rooted in international human rights and humanitarian law and other established principles of international law. The responsibility to protect has been reaffirmed many times: the United Nations Security Council has adopted more than 50 resolutions that refer to R2P and has reaffirmed the principle at least six times. In 2009, the General Assembly reaffirmed its intention to “continue consideration” of it.² The United Nations Human Rights Council has adopted more than 20 resolutions that refer to the responsibility to protect. In 2016, it called upon all Member States to work to prevent potential situations that could result in atrocity crimes and, where relevant, to address the legacy of past atrocities to prevent recurrence.³ The prevention of atrocity crimes is therefore a legal, moral and political duty that all states have.

The effective prevention of atrocity crimes serves the best interests of States. Preventing atrocities at home promotes national stability and helps States fully realize their sovereignty. Supporting atrocity crimes prevention in other countries helps prevent refugee flows, reduces the demand for expensive humanitarian relief and peacekeeping operations, and limits the spread of ungoverned zones that breed violent extremism.

United Nations Secretary-General António Guterres has identified the strengthening of accountability for atrocity crimes prevention as critical for implementation of the principle and for ensuring rigorous and open scrutiny of practice, based on agreed principles⁴. Accountability ties authorities to their populations and individual States to the international community. Strengthened accountability can be achieved using existing accountability mechanisms. National parliamentarians have an especially important role to play.

Secretary-General’s recommendations

- States should ratify and implement the core instruments of international human rights and humanitarian law.
- Governments should conduct periodic self-assessments to ascertain how national efforts to prevent atrocity crimes can be strengthened.
- Parliaments should hold their governments accountable for fulfilling their commitment to the responsibility to protect and the legal obligations on which that responsibility is based.
- Governments should integrate atrocity crimes prevention concerns into the work of national human rights mechanisms.
- Governments should guarantee the accountability of security forces and those that control them.
- States should support multilateral initiatives through the United Nations and regional and sub-regional arrangements to strengthen accountability for atrocity crimes prevention

¹ Resolution 60/1 *World Summit Outcome*. A/RES/60/1, 24 October 2005, paragraphs 138-140.

² Resolution 63/308 (2009).

³ Resolution A/HRC/RES/33/19 (2016).

⁴ 2017 report of the Secretary-General on “Implementing the Responsibility to Protect: Accountability for Prevention” (A/71/1016 –S/2017/556)

- Governments should issue open invitations to the Special Procedures mandated by the United Nations Human Rights Council and should accept the guidance and support contained in the recommendations of the Human Rights Mechanisms. They should develop atrocity prevention strategies accordingly

Supporting Implementation

There are a number of steps that parliamentarians can take to support the implementation of strengthened measures for atrocity crimes prevention. Some of these steps relate to parliamentary action on internal matters, and other relate to parliamentary oversight and decision-making on issues connected to States' foreign policies:

Internal matters:

- Propose and lead advocacy for the establishment of an annual parliamentary debate on atrocity crimes prevention.
- Propose and lead advocacy for the establishment of Parliamentary committees or subcommittees on atrocity prevention.
- Monitor status of ratification and implementation of core instruments of international human rights and humanitarian law.
- Pose questions to the Government about the actions it is taking to fulfil its duty to prevent atrocity crimes.
- Raises questions in budget debates about the allocation of resources for atrocity prevention measures in the country and for supporting other countries as appropriate.
- Explore opportunities for conducting regular atrocity risk assessments and reporting on them, whether by proposing that this be undertaken by government, national human rights institutions/ombudspersons and/or by supporting academic/civil society initiatives to reflect on national risks.
- Integrate atrocity crimes prevention in the development and adoption of relevant legislation.
- Develop arrangements for parliamentary debate / contribution on/to State reports in the context of the Universal Periodic Review (UPR) process.
- Raise questions about the role of national human rights institutions/ombudspersons in supporting atrocity crimes prevention and develop proposals for strengthening this role where needed.
- Propose measures, and express support for measures designed to support the strengthening of atrocity prevention capability, both at home and internationally, including strengthening inhibitors of atrocity crimes.
- Develop and strengthen mechanisms to guarantee the accountability of security forces and those that control them.
- Develop parliamentary arrangements to ensure accountability and redress for past and present atrocity crimes.

Foreign policy matters:

- Establish contacts with parliamentarians in other countries and in regional organizations who support atrocity prevention with a view to maintaining mutually supportive networks.
- Forge relationships with parliamentarians in countries facing atrocity crimes risks and support them through exchanges of good practices, co-organizing relevant public events, and the provision of political support and assistance when appropriate.
- Utilize existing networks of parliamentarians, including international networks, to raise discussion of atrocity crime risks and their prevention.

- Support the building of national and international networks of atrocity prevention allies, including within civil society and the media, and participate in pre-existing networks.

United Nations Office on Genocide Prevention and the Responsibility to Protect

The United Nations Secretary-General's Special Adviser on the Responsibility to Protect stands ready to support parliamentarians in their efforts to strengthen accountability for atrocity prevention.

Parliamentarians are encouraged to:

- Report any relevant activities and initiatives to the Special Adviser's Office to facilitate the sharing of experience in implementing the Secretary-General's recommendations.
- Seek advice, technical support and other assistance from the Special Adviser.
- Invite the Special Adviser to attend national, regional, or international meetings focused on the prevention of atrocity crimes, including parliamentary hearings or debates as listed above and as necessary.