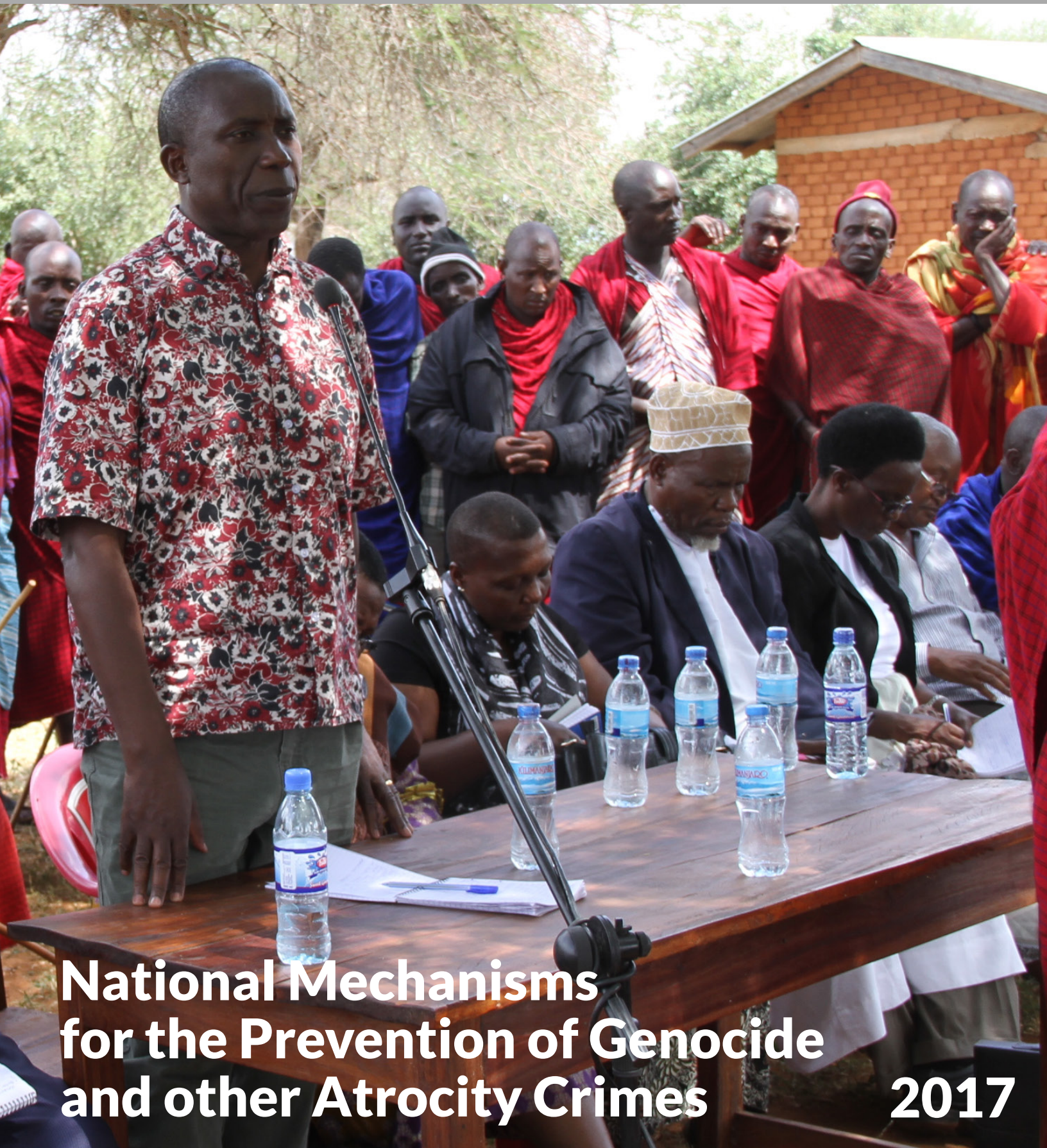


Pursuing Institutionalization of the Prevention Agenda



**National Mechanisms
for the Prevention of Genocide
and other Atrocity Crimes**

2017



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Through education, training, and technical assistance, the Auschwitz Institute for Peace and Reconciliation (AIPR) supports states to develop or strengthen policies and practices for the prevention of genocide and other mass atrocities. AIPR also encourages and supports the cooperation of states through regional and international networks to advance prevention.



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Cover image:
Members of the Tanzanian National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination hold a dialogue to prevent the escalation of violent conflict at Katikati Village on March 3, 2015.
Photo used with permission.

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National Mechanisms for the Prevention of Genocide and other Atrocity Crimes

Pursuing Institutionalization of
the Prevention Agenda

Introduction

In recent years, the field of atrocity crimes prevention has witnessed a trend in which states around the world are employing a new approach to the development and implementation of preventive policies. The complex nature of atrocity crimes requires that preventive measures undertaken by national governments must involve multiple state bodies and that this multi-stakeholder approach is most effective when these offices work in coordination. As a result, many countries have looked to form National Mechanisms for Atrocity Crimes Prevention to carry out this approach.

National Mechanisms are officially established bodies that include representatives from different areas of government relevant to the prevention of atrocity crimes. The term “atrocity crimes” refers to three crimes defined by international law: war crimes, crimes against humanity and genocide. National Mechanisms are created to lead the development of a coordinated national strategy for the prevention of such crimes on behalf of their government. The inclusion of representatives from all relevant areas of the state enables National Mechanisms to begin their work by carrying out an initial system-wide assessment of strengths and weaknesses from the perspective of atrocity prevention. Following this assessment, National Mechanisms are responsible for supporting the development and implementation of preventive policies in a coordinated manner to bolster the state’s resilience against the risk of atrocity crimes.

In this sense, National Mechanisms are vehicles through which states exercise their responsibility to prevent genocide and other atrocity crimes. This charge is a primary obligation under the UN Convention for the Prevention and Punishment of the Crime of Genocide, which currently has 147 state parties. Additionally, National Mechanisms may derive their mandates from other relevant international treaties or declarations, regional protocols, and/or national legislation. There is no single prescribed method for the establishment of a National Mechanism. While some national governments have created new structures with the sole mandate of preventing atrocity crimes, a growing number of governments have looked to pre-existing institutions to incorporate this agenda.

The composition of National Mechanisms includes representation from multiple areas of government responsible for atrocity crimes prevention. Mechanisms are also able to involve national and international civil society organizations, allowing for the provision of additional technical assistance, capacity building and output monitoring. While National Mechanisms differ significantly from state to state, four major themes consistently emerge in their mandates and activities: risk assessment and early warning, the development of training programs for their members and other civil servants, the development of policy recommendations geared toward the protection of vulnerable populations, and communications with regional and international organizations on issues related to atrocity prevention.

Across the globe, the majority of active National Mechanisms are in the early stages of development and capacity building, while more Mechanisms continue to be formed each year. This year’s publication will highlight the progress of existing and emerging Mechanisms featured in the 2016 edition. Additionally, the Booklet will discuss common challenges as well as innovative solutions, and, finally, provide a concluding section that pulls together lessons learned for the atrocity prevention community and for those states that may be considering establishing a National Mechanism.

Part I

Updates to Previously Featured National Mechanisms

The Kenyan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The Tanzanian National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The Ugandan National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity, and All Forms of Discrimination

The Paraguay National Commission for the Prevention of Genocide and Mass Atrocities

The Commission for International Humanitarian Law of Costa Rica

The United States Atrocities Prevention Board

Kenya



The Kenyan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The structure of the Kenyan National Committee (KNC) has not changed since its establishment on March 22, 2012. It remains under the auspices of the Office of the Great Lakes Region, the national coordination body for the International Conference on the Great Lakes Region (ICGLR) within Kenya's Ministry of Foreign Affairs and International Trade.

Despite its structural continuity, the KNC has since established a number of sub-committees to carry out its planned activities towards preventing a recurrence of the devastating post-election violence in 2007–08. This administrative arrangement has proven to be effective, as a smaller, more nimble number of members are able to meet on a regular basis to share their expertise and report back to the larger Committee. This results in a higher level of institutional agility and allows for members to undertake work at times and in locations most convenient when considering parallel professional commitments. In addition, the Committee is considering diversifying its membership, expanding participation to include media organizations and academic institutions. This will allow the KNC to consider new perspectives and further enhance the capacity of the Committee.

The KNC is currently spearheading the implementation of the Genocide Prevention Act, which aims to enhance the capacity of preventive mechanisms through several significant developments. First, it seeks to institutionalize the National Conflict Early Warning and Early Response System in order to ensure linkages between early warning and response. Second, it seeks to raise awareness within society of atrocity crimes and third, it seeks to strengthen the capacity of relevant agencies that hold a preventive mandate. To this end, the Act will convert the Committee into a Genocide Prevention Commission, a

formally institutionalized body within the state.

With regard to the upcoming Kenyan General Election in August 2017, the KNC's current work plan is focused primarily on the prevention of violence. Kenya has previously experienced increased levels of violence during the periods leading up to, and following, election cycles. The electoral violence of 2007–08, which resulted in 1,300 deaths and the displacement of 600,000 individuals, is a case in point. The KNC, in collaboration with the Uwiano Platform for Peace, a national conflict prevention and response strategy supported by the UN Development Program, is working to ensure peaceful elections through mediation among political parties and civil society, as well as improved coordination, communication and information sharing across agencies and by the media.

Thus, the ongoing and planned activities of the Committee include:

- Strengthening its role and visibility on the national level by producing more information, guidance and advocacy documents for the general public, as well as through wider engagement with various national stakeholders during the lead up to the 2017 General Elections;
- Encouraging the engagement of political leadership towards the integration of a "peace agenda" into their campaigns and implementing training on atrocity prevention tools for the Office of the Registrar of Political Parties (ORPP), Political Parties Liaison Committee (PPLC) and the Political Parties Disputes Tribunal (PPDT);

Kenya



The Kenyan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

- Enhancing the monitoring and management of hate speech and political incitement to violence before, during, and after elections as well as strengthening efforts to document peace processes and the collection of conflict-sensitive data;
 - Coordinating Electoral Violence Reduction Initiatives and undertaking peace fora during the run-up to the 2017 General Election in order to engage the political elite, media, local community and religious leaders, policymakers, women and youth from the warring communities of Nairobi, Isiolo, Meru and Samburu counties;
 - Holding a KNC retreat to Rwanda during March of 2017 for an exchange of best practices with members of the National Unity and Reconciliation Commission (NURC), as well as visits to memorial sites to assist the KNC in its work of establishing the Never Again Memorial in Nairobi and the Never Again Campaign in identified hot spots around the country to commemorate victims of the 2007–08 Kenyan crisis; and
 - Partnering with the Government of Argentina to receive guidance on the establishment of the planned Never Again Memorial.
- of the Genocide Prevention Act, which will lead to the conversion of the Committee into the Genocide Prevention Commission under Kenyan law, and through sustained partnerships with other National Committees in the region and beyond.

The challenges facing the KNC with regard to the planned activities stem from the absence of a fully established Secretariat and the lack of full-time paid staff. Relying on volunteers can be difficult in terms of sustained commitment and availability. Thus, efforts are underway to ensure the proper allocation of financial resources for the Committee, the procurement of office space, as well as support for the Secretariat from the Ministry of Foreign Affairs, which will serve to supplement assistance received from its strategic partners.

Additional upcoming activities include a range of strategic partnerships with AIPR, the UN Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect (OSAPG), the Uwiano Platform for Peace, and the German Federal Foreign Office.

Having organized several robust initiatives, the KNC predicts seeing a credible and peaceful 2017 Kenyan General Election. Over the longer term the KNC will track additional indicators of success through the enactment



Strategic Planning Meeting
Naivasha, Kenya - February 23-25, 2017

Tanzania



The Tanzanian National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The structure and mandate of the Tanzanian National Committee (TNCPG) have not changed over the previous year. The Committee remains under the operation of the National Chairperson in consultation with the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination under the auspices of the ICGLR. Recently, the Chair of the TNCPG, Ms. Felistas Mushi, was also elected Chair of the Regional Committee by the ICGLR Member States.

With regard to the institutions and organizations that comprise the TNCPG's membership, the structure remains inclusive of state and non-state actors, maximizing engagement with key ministries and offices relevant to the prevention of conflict and atrocity crimes.

In 2015, the TNCPG produced a report assessing the conditions under which a conflict early warning and response mechanism could be established in Tanzania. Following the report's dissemination, the Committee has worked in collaboration with its partners to develop a comprehensive system for risk assessment and early warning. The Committee is now in the development phase for a suitable early warning model for Tanzania, with the aim of incorporating preventative measures recommended by the TNCPG.

To this end, in consultation with Swisspeace, the Committee is developing a Strategic Plan as well as charting out an additional Operationalization Plan for the Tanzania Centre for Conflict Prevention and Response (TCCPR). The objective of the Centre is to build an efficient framework for information sharing and communication, by utilizing available technologies among government and

non-government actors. The resulting network will include representatives from the local and national levels to provide timely policy recommendations for potential conflict and threats to peace and security.

With respect to the TNCPG's efforts in working to organize preventive programming across different communities, inter-religious cooperation remains a key component of the Committee's work plan. Rooted in the African way of life, respect for human dignity and aspirations of peace, unity, and security have united people of different religions to fight against injustice, particularly during the colonial period. Now, with the emergence of Islam and Christianity as the country's two predominant religions, the TNCPG endeavors to continue advocating for these values, which contribute to national unity. Religious leaders from both communities have worked to form joint peace committees to exchange ideas towards upholding these enduring values. In every region visited by the TNCPG, these committees have been formed to hold regular meetings and design various programs to foster cooperation. These interfaith fora are also an opportunity for leaders to come together and learn about the beliefs and practices of their counterparts, to increase understanding and a build broader sense of religious community.

Tanzania



The Tanzanian National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

Additionally, the TNCPG seeks to combat discrimination against ethnic and religious minorities, as well as discrimination within national institutions with regard to age, sex, income, and identity. For example, the Tanzanian Government has prohibited the establishment of national political parties based on religious or ethnic grounds as a means to prevent discrimination. In addition, as a mechanism to promote gender equality, the current Tanzanian Constitution provides equal property rights to men and women. However, as customary practices regarding marriage and inheritance continue to place women at a disadvantage, the TNCPG is advocating for anti-discrimination measures and the revitalization of state-enforced accountability mechanisms for abuses.

In order to carry out its mandate effectively, the TNCPG envisages the following:

- Regular meetings for the planning of the TCCPR with stakeholders, including the development of measures to secure sustainable funding;
- Interfaith fora with leaders of faith-based groups for continued inter-religious cooperation; and
- Capacity and knowledge building for the TNCPG's state and non-state members through continued cooperation with regional and international partners, such as AIPR.

Challenges with regard to these plans include serious budgetary constraints, the absence of a dedicated office for the Secretariat, and the lack of a nationwide non-state actor network for inter-religious cooperation.



Regional Training Seminar - "Deepening the Institutionalization, Networking and Capacity Building of National Committees for Genocide and Mass Atrocity Prevention"
Dar es Salaam - December 7-9, 2016



Regional Training Seminar - "Mass Atrocity Prevention in East and Southern Africa Today"
Dar es Salaam - March 15-17, 2016

Uganda



The Ugandan National Committee on the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity, and All Forms of Discrimination

The structure and mandate of the Ugandan National Committee (UNC) have not changed over the previous year. However, the UNC is currently working to expand its membership to include a representative from the Office of the Prime Minister's (OPM) Disaster Preparedness Directorate, the International Crimes Division of the High Court of Uganda, the Judicial Training Institute, the Uganda Local Government Association (ULGA), the Uganda People's Defense Force (UPDF), and the Office of the Speaker of Ugandan Parliament.

Over the previous year, the UNC has regularly held Regional Peace Fora to assess inter-communal relations and promote engagement with religious leaders. Currently, the Committee is actively fundraising for the implementation of the remaining Regional Peace Fora and advocating for the enactment of the draft bill on Genocide and Mass Atrocity Prevention and Punishment. Advocacy for the passage of this bill has been a multi-year process. Further activities include stakeholder engagement at the national, regional, and grassroots levels and strategic trainings with various partners, including faith-based organizations and religious leaders, cultural and educational institutions, and mass media outlets.

Since the autumn of 2015, the Committee hosted two regional trainings in collaboration with AIPR, which provided detailed information of the draft bill to members of the 9th Parliament, including the Speaker. Aside from building awareness and a deeper familiarity with the bill, the Committee's efforts have led to the establishment of a Focal Point for the Kabarole District in Western Uganda responsible for compiling reports and keeping Committee Members abreast of tribal and ethnic conflict in this region. Additionally,

in 2016, two members of the Committee participated in the Global Action Against Mass Atrocity Crimes (GAAMAC) meeting held in Manila, Philippines, and now serve as the Secretary and the Chair of the Africa Working Group, which is developing a manual for strengthening National Mechanisms in the region.

The Committee is also currently working with George Mason University to develop an online guide to atrocity prevention, with a special focus on women as critical stakeholders. Furthermore, networking efforts and the sharing of best practices has allowed for Committee Members to serve as facilitators during joint training programs with the Kenyan and Tanzanian National Committees.

The Committee envisages the following for effective implementation of the mandate:

- Further expansion of current Committee membership to additional state and non-state actors;
- Advocacy for the draft bill among the 150 Members of the 10th Parliament;
- Compilation of best practices for National Committees of the ICGLR;
- Establishment of an official Secretariat Office by the conclusion of 2017; and
- Staff training programs and knowledge sharing with the Tanzanian and Kenyan National Committees, particularly to assist in the production of communications materials, including policy briefs and media products on atrocity prevention.

Challenges with regard to these plans include serious budgetary constraints, a lack of human resources and the absence of a formal workspace for the Committee.

Paraguay



The Paraguay National Commission for the Prevention of Genocide and Mass Atrocities

Since August 2015, the legislative bodies in Paraguay, specifically the Senate, have been discussing a bill to create a National Commission for the Prevention of Genocide and Mass Atrocities. If approved, the Commission would work as an inter-institutional mechanism to coordinate all policies, activities, research projects and reports on the prevention of atrocity crimes on behalf of the state.

Its inter-institutional structure will allow this body to have a multidisciplinary character, with active involvement by all pertinent government agencies and institutions. The Ministries of Foreign Affairs, Interior, Justice, Education and Culture, Defense, Treasury, the Ombudsman's Office, the Judicial and Legislative Powers, the National Police, and the Paraguayan Indigenous Institute will comprise the membership of the Commission. Additionally, through formal and periodic consultations, the Commission will foster the active engagement of all civil society organizations interested in its work.

According to its mandate, the Commission will be responsible for three central activities:

1. **Risk Assessment and Early Warning:** The Commission will identify any real or potential risks for atrocity crimes, establish

a fluent dialogue with non-government organizations working in the field, and present petitions for adjudication of crimes to the Supreme Court of Justice in order to prevent irreparable damage to individual or collective victims.

2. **Systematic Prevention:** The Commission will develop training programs for its members and other civil servants, launch a national campaign to raise awareness on atrocity prevention among the general public, and will recommend the introduction of human rights, atrocity prevention, and non-discrimination content into school curricula at all levels.
3. **Collaboration and Information Exchange:** The Commission will work with both national and international agencies to guarantee a continuous flow of information, promote research on the subject, and provide technical assistance to public institutions and local governments that require capacity building in atrocity prevention tools and strategies.

Over the past year, three relevant commissions in the Senate have discussed the bill. In November 2016, it gained the approval of the Commission for Constitutional Affairs, National Defense and Public Force, but it is still awaiting the decision of two remaining legislative commissions.



Launch of the Paraguay National Commission for the Prevention of Genocide and Mass Atrocities
Asunción - April, 2013

Costa Rica



The Commission for International Humanitarian Law of Costa Rica (La Comisión Costarricense de Derecho Internacional Humanitario - CCDIH)

The structure of the Costa Rican Commission for International Humanitarian Law (CCDIH) has not changed in the past year. The Commission remains under the leadership of the Ministry of Foreign Affairs and Culture, and is still the only inter-ministerial mechanism in Costa Rica with a mandate and competency in issue areas pertaining to atrocity crimes prevention.

The CCDIH, which derives its mandate from an executive order, has worked with the judicial and legislative branches of government towards reforming the national Penal Code so that it includes an entire chapter on International Humanitarian Law. This would allow its Penal Code to be compliant with the standards of the Rome Statute of the International Criminal Court, of which Costa Rica is a signatory. This bill is currently being discussed in the National Assembly.

In this regard, CCDIH hosted a forum on International Humanitarian Law in the headquarters of the National Assembly, entitled “Cooperating with the International Criminal Court.” Featured among the panelists were Costa Rica’s Ombudsman as well as the Dean of the University of Costa Rica’s Faculty of Law.

Additionally, through the publication of articles and radio messages, the Commission has strengthened its campaign to raise awareness among political leaders, civil servants, and the general public on the importance of mass atrocity prevention and the ways each can contribute to this process. Regarding the Commission’s mandate to collaborate with academic institutions, it has agreed to develop a free course on International Humanitarian Law at the Training Center of Costa Rica’s Bar Association. The course will focus on an

analysis of the existing international treaties on the subject and their relevance to Costa Rica’s legal structure.

In terms of personnel training, the Commission has organized the following three courses during the past year:

1. Social Crises and Disputed Memories: Presented by Dr. David Diaz at the University of Costa Rica;
2. Cuban and African Migration in the South: Presented by Dr. Gisela Yockchen at the Direction for Migration and Foreigners; and
3. Reformation of the National Penal Code: Presented by Dean Henning Jensen at the University of Costa Rica.

These courses worked to raise awareness among government officials on the relevance of humanitarian law and the prevention of mass atrocities, as well as increasing their general knowledge on the topic and the specific role that they play in prevention efforts.

One of the main challenges that the Commission faces is the lack of an autonomous budget. The CCDIH depends on contributions by its member institutions to finance its activities. However, as a possible solution, the Commission has been working to create alliances with universities and professional colleges that will support its work and further its mission through monetary contributions.

United States



The United States Atrocities Prevention Board

There have been no changes made to the structure or mandate of the Atrocities Prevention Board since the previous edition of this Booklet. However, the U.S. Government (USG) is in a transition period following the elections of 2016 and alterations to both the structure and/or mandate are possible.

In May 2016, President Obama signed an Executive Order (EO) that reaffirmed atrocity prevention as a core national security and moral obligation of the USG. The Executive Order, entitled “A Comprehensive Approach to Atrocity Prevention and Response,” restates the APB’s whole-of-government approach and marks an important step toward further institutionalization of the atrocity prevention agenda into the policymaking and budget planning processes of the USG. While the EO represents a milestone for U.S. commitment to atrocity prevention, it is important to remember that Executive Orders can be altered or eliminated at the will of the President in subsequent administrations.

In February 2016, an effort was made to integrate the APB into the state architecture through the proposed Genocide and Atrocity Prevention Act. This Act was referred to the Congressional Committee on Foreign Relations but was not taken up during the legislative session. The Act, which boasts support from both Republican and Democratic representatives, sets out to formally integrate the APB into the U. S. foreign policymaking structure and would allocate substantial funding and resources to the atrocity prevention agenda. There are plans to reintroduce the legislation in 2017.

A key priority for the APB has been building its internal capacity to prevent atrocity crimes. The State Department’s Bureau of Conflict

and Stabilization Operations (CSO) has designed a training program to educate Desk Officers and policymakers on how the USG conceptualizes atrocity prevention, as well as how to conduct risk analyses and build effective strategies for prevention. International partners, including the European Union, Australia, Denmark, Canada, the Netherlands, and the United Kingdom have shown continued interest in CSO’s training program, further strengthening the APB’s network for cooperation.

The U.S. Agency for International Development (USAID) has also developed an online training course for staff deploying to at-risk countries, and has published a Field Guide on Helping Prevent Mass Atrocities. This resource educates readers on early warning signs of atrocity crimes and provides a variety of development-centric tools for preventing and responding to mass atrocities as well as supporting the recovery efforts that follow. USAID has worked with international partners, through the use of regional workshops, to discuss and promote the linkages between atrocity prevention and development.

The work of the APB over the previous year has made a positive impact in countries at risk for atrocity crimes. The Members of the Board have actively sought to deepen their understanding of effective preventative tools and programs, to build bilateral and multilateral partnerships to increase their collective preventive capacity, and to expand the Board’s engagement with the American public and Congress.

United States



The United States Atrocities Prevention Board

In this regard, the APB has examined the risk for atrocities in Burundi since 2012 and sent an interagency assessment team to the country in 2013 to provide analysis and develop monitoring tools to track relevant risk factors over time. The APB garnered over \$13 million in funding for programming to reduce the risk of violence, including the provision of training for community leaders on conflict resolution, and tools for civil society to monitor hate speech and amplify messages of peace.

Additionally, USAID was able to mobilize an additional \$8.1 million to respond to the need for atrocity prevention activities in Burundi. In collaboration with the State Department, it deployed an atrocity prevention advisor to the U.S. Embassy in Bujumbura to monitor risk on the ground and funded programs to teach Burundian youth, across differing ethnicities and political affiliations, how to peacefully resolve conflicts through local mediation committees. In 67 percent of the cases in which these youth peace and mediation committees intervened, disputes were resolved peacefully.

In the Central African Republic, since December 2013 when violence began to escalate, the Department of Defense, Department of State, and USAID have taken coordinated action to reduce the risk of mass atrocities. The USG has provided significant funding for peacekeeping and security operations, conflict mitigation, reconciliation processes, and programs promoting access to justice. The APB also transmitted a peace message recorded by President Obama on local radio stations throughout the country at the height of the crisis.

Given the potentially volatile nature of transitional governments and election cycles, some countries have been riddled with attacks on civil society that often foreshadow greater violence. To mitigate these risks, the State Department has dedicated funding to support early warning systems that track threats to human rights defenders in the Democratic Republic of Congo and implemented an early warning and early response program, as well as a local dispute resolution program, in Guinea. Finally, the APB has been instrumental in supporting a coalition of human rights organizations to enable Iraqi civil society to document ongoing atrocities to ensure future accountability.

Currently, the APB mandate and mission are still in place. However, the foreign policy objectives of the new administration are uncertain and future changes in policy and to resource allocation for atrocity prevention activities may occur. The agencies of the APB continue their work, but, as of the date of the publication of this Booklet, insufficient information is available to predict the future of the APB structure as it exists today.

Part II

New and Emerging National Mechanisms

Department of General Advisory, Office of the Ombudsman of Ecuador

The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

Ecuador



Department of General Advisory, Office of the Ombudsman of Ecuador (Dirección General Tutelar, Defensoría del Pueblo de Ecuador)

Ecuador does not have a National Mechanism as defined by the criteria provided in this Booklet's introduction. However, the preventive work being done by the Ecuadorian Office of the Ombudsman may be laying the foundation for a National Mechanism to be established in the near future.

According to the Law for Victim Reparations (2013), the Office of the Ombudsman is in charge of administering the adjudication of reparations for the victims of human rights violations that occurred between 1983 and 2008 and that have been registered by the Truth Commission. The majority of the victims are students, union workers, opposition politicians and artists.

The Office's central objective is to provide guarantees of non-repetition to victims on the basis of a solid institutional and legal structure that will prevent the country from slipping back into violence. The Office also works to deter the government from the use of unwarranted force. Victims have been granted legal recourse to report crimes through the Office of the Ombudsman.

The reparations process formally began in February 2015, and has since been continuously publicized through social media and radio programs. There have also been official visits to the country's most affected regions by government representatives, including to the seven (of the twenty four total) provinces where 90% of all victims live.

The National Direction for Reparations, housed within the Ombudsman's Office, is in charge of coordinating the seventeen government agencies involved in the process, including the Ministries of Health, Social Inclusion, Culture, Interior, Education, Housing and Popular Economy.

The mission of the National Direction is to ensure that all victims are granted the legal, social, and economic assistance necessary to successfully reintegrate into society. Thus, it works to guarantee that the reparations process is effectively implemented. Currently, the National Direction has three lawyers and two psychiatrists on staff, as well as a National Director who oversees the program.

The Office of the Ombudsman has noted a number of outputs that contribute to the prevention of atrocity crimes in Ecuador. First, it has worked with the Ministry of Health in setting appointments for 520 people (direct and indirect victims), to track their mental and physical health throughout the recovery process. It has also secured online training for nearly 33,000 health officers to guarantee that they offer improved and more consistent treatment for their patients.

Additionally, the Office of the Ombudsman has worked with the Ministry of Housing to review the files of 74 possible beneficiaries of a housing grant, which would allow them to acquire houses sold on the private market for up to \$40,000 USD. During the selection process, the Ministry of Housing conducted a socioeconomic survey to choose candidates in vulnerable situations and with the greatest need. So far, 44 applicants have been approved to receive this support.

With the Ministries of the Interior and Culture, the Ombudsman's Office has coordinated the construction of a Memory Museum, which will open its doors in a building that was previously used for torture and other serious crimes between 1984 and 1988. In addition, with the help of the Latin American Network for Genocide and Mass Atrocity Prevention, it hosted an international forum on the importance of creating remembrance

Ecuador



Department of General Advisory, Office of the Ombudsman of Ecuador (Dirección General Tutelar, Defensoría del Pueblo de Ecuador)

spaces. This forum was supported by AIPR and included the contributions of five international experts in areas related to the topic of the seminar.

The Ombudsman's Office has also worked with the Secretary for Higher Education, Science, Technology and Innovation (SENESCYT) to create a scholarship for direct and indirect victims, called "Eloy Alfaro". This scholarship is intended for college and graduate-level education, with candidates chosen on the basis of need, level of social exclusion, and academic excellence. The Office is currently in the process of evaluating the 60 applications it has received for this support.

The Office of the Ombudsman has further strengthened its efforts to publicize the Truth Commission's Report (2010) among youth in public schools. The main objective is to raise awareness of the violent crimes that took place in Ecuador during the period of 1984 through 2008 and to help youth understand the connection between dealing with the past and atrocity prevention.

However, the Office of the Ombudsman has faced challenges in implementing its mandate. First, its processes and mechanisms have yet to be fully adopted by the relevant ministries and government agencies. The Reparations Program remains highly dependent on the work of the Ombudsman's Office and some of the reparations efforts continue to be relatively unknown to the general population.

Additionally, Ecuador has experienced an economic downturn over the previous few years, which has impacted some reparations projects. In particular, its labor plan has experienced setbacks, as it has been

more difficult to find well-remunerated jobs for victims. The Ombudsman's work is also restricted by a limited budget. For example, it cannot afford to send its officials to all provinces of the country to engage directly with victims who live outside the capital city, which in turn limits the impact that the reparations process can have.

The Ombudsman's Office has also identified the need to train government officials, so that they acquire the sensitivity and expertise necessary to deal with reparations cases, particularly with regard to methods for effectively engaging victims in denouncing crimes and requesting support.

Finally, government agencies must work to effectively institutionalize the reparations program. Doing so would increase the durability of the program, allowing it to withstand changes in personnel and government administration.

In spite of these difficulties, the work being done in Ecuador demonstrates that the government is committed to developing a National Mechanism to prevent mass atrocities and to help heal the wounds of the past. Its efforts have been successful in raising awareness, both among government officials and members of the general public on the country's history and the need to build a stronger and more unified society.

South Sudan



The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

The world's youngest country has been stricken with armed conflict throughout much of its short history. In December 2013, a civil war broke out between the military forces of President Kiir and the former Vice President Riek Machar. A peace deal, negotiated in August 2015, was not maintained and the conflict resumed in July 2016. According to the United Nations, 3.6 million people have fled their homes since 2013, making South Sudan Africa's largest refugee crisis and the third largest in the world. The country's National Committee was established precisely to assist in the mitigation of this crisis and the prevention of further atrocities, yet the ongoing conflict has presented serious challenges to the Mechanism.

The information contained herein is based on an interview conducted with Mr. Charles Wani and Mr. Peter James Deng on February 3, 2017. Mr. Wani is Acting Director of the Monitoring and Inspection Department of the South Sudan Human Rights Commission. He is now also serving as the Secretary of the National Committee, while also taking over the responsibilities of a focal point for partners outside of the Mechanism. Mr. Deng, a practicing lawyer, is a Legal Adviser at the Ministry of Justice, and is also a Member of the Committee. Both currently live and work in Juba, the capital city of South Sudan, under turbulent and difficult conditions.

While the structure of the South Sudan National Committee has not changed over the previous year, Charles Wani is now administering all communications and meeting arrangements as the focal point for the Committee. The Committee plans to add additional institutions and members, thus increasing political leverage and visibility. Potential future members include officers from the Ministry

of Cabinet Affairs, as they work closely with decision-makers in the government and have influence over the creation of policies protecting vulnerable populations. These expansion efforts have not yet commenced due to the instability caused by the present conflict.

Indeed, the ongoing civil war represents the single largest challenge to the operation and advancement of the Committee and its work. The war erupted two months after the Committee's founding and victimized a specific ethnic group, of which Committee Members belong to. Some of these Members have had to flee the country, while others have gone into hiding. This has left only a few active Members to constitute the Committee, causing the cancellation of many meetings due to the absence of a quorum.

The Committee also lacks physical infrastructure, including dedicated office space. Basic tools, including computers and access to the Internet are also unavailable, rendering the Committee's situation even more tenuous. In addition, the National Committee is facing a lack of both popular and political support to take concrete measures to promote the prevention of atrocity crimes across the country.

To address these challenges, the Committee is engaging in efforts on three fronts. First, it is planning to hold a secure Committee meeting outside of South Sudan in order to elect a new Chairperson. A specific candidate has not been nominated as of yet, but the new leader should be one who is well-positioned to communicate effectively with the different branches of government and with members of civil society to push the Committee's agenda forward.

South Sudan



The South Sudan National Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes, Crimes Against Humanity and All Forms of Discrimination

Second, the Committee is working with key government officials and security authorities to safely return the Members who have been forced to flee the country, and to provide them with protection in Juba. The Committee is also working to secure office space and the use of at least one computer. These are the basic preconditions for the Committee to carry out its mission.

Finally, the Committee seeks to rebrand itself as an independent body from the government. Legitimacy and acceptance on the part of local communities is necessary for the Committee to dispel people's distrust and implement preventive measures on a larger scale.

If the Committee can reactivate its mission through the above efforts, it will contribute to the mitigation of the current conflict through three delineated actions. The first is to collaborate with the Ministry of Justice and traditional leaders to prohibit tribal markings that allow perpetrators to identify targeted individuals more easily. The Ministry of Justice recognizes the necessity of intervening in such practices because thousands have lost their lives in the conflict due to their ethnic identity.

The second action is to work with the Ministry of Interior to rebuild trust between the police forces and the country's citizens. The people of South Sudan have little trust in their police forces, considering them to be cruel and oppressive. To reverse this trend, the Committee is ready to work with the Ministry of Interior to organize meetings between the police and community members to build understanding and trust.

In parallel, the Committee is planning to organize training programs for local police forces. The training will focus on human rights concepts, and will educate officers on how

to respect members of ethnically diverse communities. If trust in police is restored, security in the country will be significantly improved.

Over the long term, the Committee looks to amend the National Penal Code of 2008 both to hold perpetrators of atrocity crimes accountable and to deter future abuses. In this respect, the legislative process being undertaken in Uganda is of great significance. If the Ugandan Parliament passes the current bill to institutionalize the Ugandan National Committee and punish atrocity crimes, South Sudan will have a model to follow and implement.



Mr. Charles Wani and Mr. Peter James Deng
with Tony Kyembwa of the DRC, Regional
Training Seminar
Dar es Salaam - December 7-9, 2016

Part III

Tools for the Development & Consolidation of National Mechanisms

Global Parliamentary Program

Latin American Parliamentary Dialogue

Common Challenges & Innovative Solutions

Conclusions & Lessons Learned

Global Parliamentarian Program



Initiated in 2014, the Global Parliamentarian Program seeks to strengthen the role that legislators play in preventing atrocities. In addition to AIPR, the organizing partners are: the Stanley Foundation, the Montreal Institute for Genocide and Human Rights Studies, the Hague Institute for Global Justice, and the Global Centre for the Responsibility to Protect. One major facet of this work is building legislative support for the establishment and development of National Mechanisms for atrocity prevention. Parliamentarians supervise the executive branch of their government and set the policy agenda, therefore determining the mandate and scope of government action on particular issue areas. With the support of parliamentarians, National Mechanisms will become institutionalized within state architectures, thus receiving proper funding and garnering the appropriate legitimacy to carry out their mandate for atrocity prevention.

The program is structured as a forum focusing on concrete suggestions, recommendations and best practices to push forward the institutionalization of National Mechanisms through the legislative process. Parliamentarians, civil society and UN officers are involved in the dialogue of the Program to ensure diverse representation of stakeholders.

In December 2014, the first of these meetings was held in New York City. Parliamentarians from fifteen of the countries with the largest budgets for development assistance were invited to attend the meeting. The event focused on Pillar II of the Responsibility to Protect – the international community’s responsibility to assist states in upholding their own responsibility to protect populations from atrocities – as a response to former UN Secretary General Ban Ki-Moon’s 2014

report entitled “Fulfilling Our Collective Responsibility: International Assistance and the Responsibility to Protect.”

After the meeting, a Core Group of eight former and current parliamentarians was constituted. The members of this group were chosen due to their capacity for leadership and willingness to contribute to the development of the program. Throughout 2016, the Core Group helped to invite guests and set the agenda for the 2017 edition of the event. The forum, held in The Hague in April, focused on the role of legislators in building and developing National Mechanisms for atrocity crimes prevention.

The challenges faced by the Global Parliamentarian Program are threefold. First, many legislators do not fully understand or appreciate their role in the prevention of mass atrocities. Second, parliamentarians have busy schedules that cover a wide range of issues, making it sometimes difficult to coordinate meetings and activities. Third, parliamentarians often lack the political capital and support to push legislation forward in their respective legislative body.

To address these challenges, the program will assist parliamentarians in understanding their role in prevention through training and education. Following the forum, the focus of the program will shift to the implementation of concrete measures that increase legislative participation in atrocity prevention, with the support of the organizing partners. The long-term goal of the program is to develop an informal global network among parliamentarians that will enable them to collaborate on atrocity prevention policy development and implementation.

Latin American Parliamentarian Dialogue



The objective of the Latin American Parliamentarian Dialogue is to provide a platform for interaction between legislators in the region on the topic of atrocity crimes prevention. By exchanging experiences and discussing best practices, parliamentarians are expected to develop proposals to improve the work of atrocity prevention by legislatures.

The Dialogue, organized by AIPR and the Stanley Foundation, is divided into two parts. The first stresses the importance of reflection and information sharing among participating parliamentarians. The aim is to promote awareness among legislators of the risk for atrocity crimes and to foster readiness for interaction and cooperation for prevention. The second part focuses on the identification and compilation of existing national legislation on human rights, as well as international human rights instruments adopted by the participating countries, in order to support the creation and development of National Mechanisms in the region. This portion of the program is now under development, and should produce concrete outcomes over the coming months.

The first Latin American Parliamentarian Dialogue, “Strengthening Prevention Strategies”, was held in Cartagena, Colombia, on October 3 and 4, 2016. The event included six Latin American legislators and their staff from Colombia, Ecuador, Guatemala, Paraguay, Peru, and Uruguay. The group shared ideas on how to include atrocity prevention in their parliamentary agendas, and how to design better strategies for prevention in the short and long term.

The participant group represented each of the sub-regions of Latin America, with Deputies of Brazil’s National Congress committed to join the next edition of the program. When the

concrete goals of the Dialogue are finalized, parliamentarians from additional countries will be invited to participate.

One of the main challenges of this Dialogue is to find effective ways to translate the plans produced by this initiative into national law in each of the countries represented. However, in cases like Paraguay, where a National Mechanism is under review by the National Congress, the active efforts of the country’s representatives who are involved in the Dialogue will serve as an excellent opportunity to assist in this process of institutionalization.

Responding to these challenges, the Dialogue’s first priority is to keep the same or similar participants involved in each iteration of the Dialogue. The second is to find additional key actors and experts in the field to participate and to provide insight to the discussions. These two measures will help to support a dialogue process that includes many perspectives and expertise in the development of atrocity prevention tools for legislatures.

The organizers are committed to supporting the development and resulting actions of this Dialogue and to guaranteeing that the efforts of the participating parliamentarians in their legislatures are duly implemented and seen as best practices for the creation of policies for atrocity prevention.

Common Challenges & Innovative Solutions

Despite their geographical, social and political differences, the National Mechanisms evaluated in this year's Booklet share three common challenges. First, all National Mechanisms, those fully established and those still in development, face a range of financial challenges. For some National Committees in Africa, serious budgetary constraints have weakened their capacity building, disrupted regular meetings, and made more difficult regional cooperation and consultations for future activities. In Latin America, National Mechanisms often lack the adequate resources to create the necessary institutional and social frameworks for atrocity prevention. Struggling through financial difficulties, these Mechanisms fail to implement planned awareness campaigns, to carry out initiatives in remote areas, and to hire sufficient staff to implement the full extent of their mandates. In the United States, the current political climate has meant that funding for the Atrocities Prevention Board (APB) is at risk of being cut, as the Board has not yet been institutionalized through Congressional legislation.

Second, when receiving funding through their member institutions, National Mechanisms do not have full authority over their resources. Committees across Latin America are vulnerable to changing political agendas that often fail to view atrocity prevention as a priority or are otherwise detrimental to the promotion and institutionalization of National Mechanisms. This limited degree of autonomy compounds existing budgetary challenges and hinders National Mechanisms in implementing their mandates fully.

Indeed, most National Mechanisms have yet to be institutionalized within the architecture of the state. As a result, Mechanisms experience difficulties in sustaining their work plans when political power invariably shifts between administrations. It is only after acquiring legal formalization within the state that Mechanisms will have the prospect of receiving consistent and adequate funding from the state to support a broad spectrum of preventive measures in their countries and regions.

The parliamentary programs initiated by AIPR and its partners on the global and regional levels represent one strategy for addressing this challenge. By involving legislators in the work of atrocity prevention, these programs intend to strengthen National Mechanisms and expand their opportunities for institutionalization.

Third, National Mechanisms for atrocity prevention lack support from civil society, and their efforts are often unfamiliar to the general public. Legislators require the support of their constituencies in order to garner the political capital to advance the work of National Mechanisms in prevention. Therefore, further initiatives promoting education, sensitization and advocacy are necessary on the part of both civil society and the Mechanisms themselves. The inclusion of members of civil society on National Committees in the Great Lakes Region is a prime example of one approach to building the necessary relationships and involving a broader group of stakeholders to address this challenge.

Common Challenges & Innovative Solutions

In addition to these shared challenges, National Committees in Kenya, Tanzania and Uganda indicate that they lack the requisite infrastructure and full-time staff, with some struggling to find basic office space for their members. With regard to possible solutions, Kenya is engaging with the Ministry of Foreign Affairs to receive office space through their facilities and is seeking support from other regional partners to improve the Committee's technical capacity. Equally, AIPR continues to provide training and technical assistance to the National Committees, as one of the main regional partners.

Finally, the current conflict in South Sudan poses grave challenges to the work of its National Committee. The volatility on the ground has meant that the range of available preventive tools is severely limited, though the Committee is still working to engage stakeholders to mitigate violence as described in Section II of this Booklet. That being said, many Members have fled the country because of the war and the Committee has few of the necessary resources, including office space, computers, Internet connection and active personnel to hold regular meetings and fulfill its mission. The situation of the Committee requires urgent attention from regional and international partners that can provide assistance in order to support their preventive efforts, particularly in this period when such efforts are necessarily focused on mid-stream rather than upstream prevention.

Challenges are an inevitable aspect of the work of atrocity prevention, but it is evident that the commitment and the will to overcome these obstacles is ever-present among the members of the National Mechanisms featured in this Booklet.

Conclusion & Lessons Learned

In reviewing the outputs and activities of these National Mechanisms over the course of the previous year, AIPR would like to highlight a collection of lessons learned for the atrocity prevention community. In the 2016 edition of the National Mechanisms Booklet, it was noted that a Mechanism for atrocity crimes prevention does not necessarily need to be institutionalized within the state to begin carrying out its mandate. While this remains true, as has been evidenced by the work of the National Mechanisms featured in this year's publication, it has become equally apparent that the lack of an official budget, provided by the state, functions as a barrier to long-term sustained programmatic planning.

In countries where political, bureaucratic, or conflict-related obstacles prevent immediate institutionalization, National Mechanisms are forced to develop creative methods of finding the necessary resources to continue their work. This has most frequently resulted in the formulation of partnerships or collaborative projects with outside organizations, especially those representing national and international civil society, which is an essential component of the work of atrocity prevention. However, for the many Mechanisms that do not have the security of sustained funding allocations, the ability to develop long-term work plans is severely diminished.

Generally, funding allocations are derived through legislation that formally codifies National Mechanisms as official bodies of the state. Thus, many of the Mechanisms featured in this booklet are currently pursuing institutionalization through the drafting and presentation of bills or other legislation to their respective national Congress or Parliament. To this end, the Parliamentarian Programs initiated by AIPR and its partners represent an effort to cultivate a global community of legislative representatives who are educated on, and are made aware of, the importance of their role in the prevention of atrocity crimes, particularly with regard to the support of National Mechanisms.

In addition to these lessons, which have been drawn from the work of the featured Mechanisms over the previous year, the following list of enduring considerations remain relevant for any state working to develop or strengthen a National Mechanism:

Mandate: The establishment of a National Mechanism often requires that a government take a strong policy position on atrocity prevention as a national priority. This stance is important for the actions of the Mechanism, which can be framed as part of that policy position.

Membership: The main question to be considered is what areas of government and society as a whole should be represented and why? AIPR calls for comprehensive membership that extends beyond government. That is, civil society organizations are key partners in the pursuit of a prevention agenda, whether they play a formal advisory role or sit alongside government members on the Mechanism.

Structure: It is important to consider both horizontal and vertical aspects when constituting a National Mechanism. Mechanisms require horizontal integration because all relevant areas of government must be included. They must also be vertically integrated because Mechanisms may define policies that need to be implemented by different agents in the national administration, as well as by regional and local powers. While perhaps easier to see in federated states, this correlation is not exclusive to them.

Conclusion & Lessons Learned

Goal: It is important to emphasize that the objective of National Mechanisms is to design unified national policies for the prevention of genocide and other atrocity crimes, with an emphasis on upstream prevention. This means that the National Mechanism aims to address the steps which lead to the process of killing, that is to say: to take measures before we see any victims of the atrocity crime(s).

Function: National Mechanisms have three main functions: First, to design, implement and coordinate national policies. However, prior to this, they must carry out a system-wide assessment of strengths and weaknesses from the perspective of atrocity prevention. Ideally, the results of this assessment will produce priority areas for subsequent work. The third function of National Mechanisms is to engage with public officials, security forces, and the citizenry on education and awareness-raising initiatives for the prevention of atrocity crimes.

Outputs: There is the constant need for concrete deliverables in order to maintain institutional momentum. These include trainings, national strategies, inter-ministerial forums, and other programming. The National Mechanism needs to readily and consistently display value added to ensure its sustainability.

Impact: Ideally, a method of impact evaluation should be integrated into the process of the establishment of a National Mechanism. The Mechanism should also be flexible in amending its work plan in order to take the results of any evaluation into account.

Budget: While international assistance is useful in the short term, National Mechanisms must become self-sustaining. This requires the inclusion of the Mechanism in the national budget. This step constitutes a true indication of the level of importance that a national government grants to the establishment of a National Mechanism.

These lessons are important to note for those countries working to establish their own National Mechanisms within the particular context of their government structure and the societal conditions concerning atrocity crimes prevention. Showcasing not only the successes of existing bodies, but also the challenges that they have had to face, will be useful to other countries working towards similar goals in prevention.

Genocide and other atrocity crimes are complex social problems that must be addressed effectively by the societal collective as a whole. Thus, the state must employ a whole-of-government approach to the prevention of such crimes, bringing all representatives who have responsibilities in prevention to the table. It is not the role of National Mechanisms to be the sole body of government tasked with thinking about prevention. Rather, National Mechanisms are meant to be the part of government tasked with making sure the entirety of the state is thinking about, and working towards, prevention.

AIPR is committed to facilitating communication with any of the bodies featured in this publication in order to further collaborative projects in support of National Mechanisms for the Prevention of Genocide and other Atrocity Crimes. As part of its mission, AIPR encourages the sharing of best practices and experiences in the development and consolidation of these Mechanisms. To this end, AIPR produces annual updates to this publication, as the Mechanisms described in this Booklet continue to develop and new Mechanisms are formed. Each annual edition can be found at: www.auschwitzinstitute.org/publications.



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