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**Human Rights Council**

**Forty-eighth session**

13 September – 8 October 2021

Agenda item 3

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

 Study on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses

 Report of the Office of the United Nations High Commissioner for Human Rights[[1]](#footnote-2)\*, [[2]](#footnote-3)\*\*

Contents

 *Page*

 I. Introduction 3

 II. Context 3

 III. Special procedures and the prevention of human rights violations 4

 IV. Contribution of special procedures in assisting States and other stakeholders in the prevention

 of human rights violations and abuses 5

 A. Thematic work and reports 5

 B. Country visits 8

 C. Communications, public statements, collective actions and other activities 9

 D. Best practices and technical assistance 11

 V. Partnerships 12

 VI. Conclusions and recommendations 14

 Annex I 17

 I. Introduction

1. In its resolution 42/6, the Human Rights Council recognized 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. The Council further invited the special procedures 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. It also requested the Office of the High Commissioner for Human Rights to prepare a study, to be presented to the Council at its forty-fifth session, on the contribution of the special procedures in assisting States and other stakeholders in the prevention of human rights violations and abuses.

2. In its decision 45/113, the Council decided to postpone the presentation of the study to the forty-eighth session.

 II. Context

3. The Secretary-General has defined prevention as “doing everything we can to help countries to avert the outbreak of crises that take a high toll on humanity, undermining institutions and capacities to achieve peace and development”.[[3]](#footnote-4) He has also identified the human rights system as “the best prevention tool we have” and the “critical foundation” for sustaining peace. Prevention permeates everything the United Nations does as it cuts across all pillars of the Organization.

4. The linkage between human rights and prevention was further highlighted by the Secretary-General in his Call to Action, where he affirmed: “I have made prevention a top priority and a common thread across the work of the Organization, both in my reform efforts and key decision-making and programming. Human rights considerations are central to these efforts. Indeed, there is no better guarantee of prevention than for Member States to meet their human rights responsibilities. There is a well-documented correlation between a society’s enjoyment of and commitment to human rights – including non-discrimination – and its resilience to crisis. I see prevention as the shared responsibility of all United Nations actors, supporting Member States, including through our internal prevention platform.”[[4]](#footnote-5) Furthermore, the Call to Action presents an opportunity to pursue engagement of States and the United Nations system with human rights mechanisms, including special procedures.

5. Prevention is also a priority of the Office of the High Commissioner for Human Rights. In its Management Plan, OHCHR commits itself to working to create a culture of prevention informed by human rights and by the recommendations of human rights mechanisms.

6. Adopting a prevention approach encourages a more strategic mode of engagement with human rights by anticipating potential problems early on and designing solutions while there is still time and space to change the directions of events. It strengthens coherence by emphasizing the inter-connection between different types of human rights and encouraging more holistic responses. It also highlights the role that human rights can play in solving problems societies face. Intrinsically linked to the other pillars of the United Nations, prevention of human rights violations contributes to the 2030 and sustaining peace agendas.

7. In this study, prevention is approached from a broad perspective. It encompasses all human rights and covers prevention from a short-, mid- and long-term perspective, comprising the whole spectrum of human rights actions from providing guidance on the implementation of international standards, monitoring and reporting on their implementation, early warning and early action, to providing advice and recommendations for technical assistance to States. In addition, while prevention has often been associated with emerging crises from a peace and security perspective, recent developments, in particular the COVID-19 pandemic, demonstrated that crises emerge in a variety of way. Prevention should therefore be envisaged for all types of emerging issues, such as those related to pandemics, climate change, migration or other global phenomena that can affect human rights. The prevention perspective encompasses all human rights, including economic, social and cultural rights. History has indeed shown that the roots of many conflicts are often based on inequalities, discrimination or economic crisis.

8. From this perspective, almost all actions by special procedures have the potential to contribute to the prevention of human rights violations and abuses. The aim of this study is to illustrate in a non-exhaustive way how the various tools and activities of mandate holders can contribute to assisting States and other stakeholders in the prevention of human rights violations and abuses.

 III. Special procedures and the prevention of human rights violations

9. The system of special procedures represents a wealth of expertise and prevention potential concentrated in a group of some 79 individuals looking at all rights worldwide.

10. Special procedures have identified the prevention of human rights violations as a priority. Dedicated discussions have taken place in Annual Meetings (see A/HRC/40/38 and A/HRC/43/61) as well as during engagement with various United Nations stakeholders. Information collected on these occasions confirms that prevention is part and parcel of the work of special procedures. They take early action and prevent human rights violations in specific country situations and on various thematic issues through thematic reports, communications, country visits, and other activities, such as convening forums, holding consultations, issuing statements and press releases, as well as through collective action, including by the Coordination Committee of Special Procedures., Special procedures assist States and the United Nations by providing advice on the implementation of human rights obligations, which has an important preventative role and could give States and the UN useful tools to understand, prevent and respond to emerging issues. Special procedures support to States to improve human rights situations can form an essential part of a broader prevention strategy.

11. Special procedures have the power to alert the international community and call for appropriate action, including to prevent violations before they occur.As the most accessible human rights mechanism, special procedures receive warnings from people from around the world. They are often the first to observe the initial signs of an emerging crisis or raise concerns about worrying developments on thematic issues, such as climate change, migration, new technologies, and the shrinking space for civil society. They also raise alarm when peace and security are at stake from a human rights perspective. It is for these reasons that special procedures are often referred to as the “eyes and ears” of the Council.

12. The prevention dimension is mentioned explicitly in several special procedures’ mandates, and those mandates have developed specific prevention strategies and have addressed the concept of prevention in reports and recommendations. Prevention is also integrated in their country visits and other activities.

13. Looking at the resolutions creating or renewing special procedures mandates, several of them refer explicitly to prevention (17 mandates). Other resolutions, while not containing a specific reference to prevention, provide a sufficiently broad and solid mandate in which mandate holders can anchor their prevention work.

14. In 2021, thematic mandates issued 38 reports (33 thematic and five country visits) focusing on or addressing the notion of prevention, a figure that held steady from 2020, when they issued 37 such reports (22 thematic and 15 country visits). This total represented an increase from the three previous years when they published 33 (17 thematic and 16 country visits) in 2019, 35 (22 thematic and 13 country visits) in 2018 and 24 (20 thematic and four country visits) in 2017.

15. From 2017 to 2021, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment referred to prevention in 16 reports (seven thematic and nine country visits) to addressing prevention. Other mandate holders particularly active on the topic were the Special Rapporteur on violence against women, with 14 reports (seven thematic and seven country visits) issued, followed by Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (12 reports, of which six were thematic and six country visits), the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (nine reports, of which seven were thematic and two country visits), the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (eight reports, of which seven were thematic and one was a country visit), and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (eight reports, of which four were thematic and four country visits).

16. Several mandate holders have reflected on the role of prevention in their concluding work at the end of their tenure. Wrap-up reports that addressed prevention include those of the Independent Expert on the enjoyment of human rights by persons with albinism (A/HRC/46/32), the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/HRC/47/33), the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/44/45), the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (A/HRC/43/40, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (A/75/290) and the Special Rapporteur on violence against women (A/HRC/41/42).

17. Furthermore, several new mandate holders have addressed prevention in their reports outlining their vision and objectives for the mandate. These include the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material (A/75/210), the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/HRC/47/28), the Special Rapporteur on the rights of persons with disabilities (A/HRC/46/27), the Special Rapporteur on the situation of human rights defenders (A/75/165), the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/76/264) or the Special Rapporteur on the human rights to safe drinking water and sanitation (A/HRC/48/50).

18. Country mandates have equally incorporated a prevention approach in their work and made recommendations aimed at counteracting the recurrence of human rights violations in the countries they have been mandated to monitor. The Special Rapporteur on the situation of human rights in Myanmar has addressed the issue of combating and preventing religious intolerance and incitement to hatred and violence (A/72/382) and focused over the past years on a legislative process intended to prevent violence against women. A focus on prevention has also been adopted by other mandates such as the Independent Expert on the situation of human rights in Mali (A/HRC/43/76 and A/HRC/46/68), the Special Rapporteur on the situation of human rights in Eritrea (A/HRC/44/23 and A/HRC/41/53), the Special Rapporteur on the situation of human rights in Cambodia (A/HRC/36/61 and A/HRC/33/62), the Independent Expert on the situation of human rights in the Central African Republic (A/HRC/45/55 and A/HRC/42/61) and the Independent Expert on the situation of human rights in Somalia (A/HRC/45/52 and A/HRC/42/62).

 IV. Contribution of special procedures in assisting States and other stakeholders in the prevention human rights violations and abuses

 A. Thematic work and reports

19. Thematic reports are an essential tool to address the prevention of human rights violations and realize the preventive and early warning potential of the special procedures’ mandates. Thematic reports raise awareness of the human rights impact of emerging issues, which is key to any effective prevention strategy. Mandate holders issue recommendations that provide technical advice to States and other stakeholders to help build their respective capacities to, among other things, prevent human rights violations and ensure full compliance with international human rights norms.

20. The annual report of the Secretary-General on special procedures’ conclusions and recommendations and the annual report of special procedures presented to the Council provide a comprehensive overview of these reports and the main issues addressed.

21. In 2021, numerous mandate holders presented reports addressing prevention. Among them are: the Special Rapporteur on the rights to freedom of peaceful assembly and of association, who explained how guaranteeing access to justice in the context of the rights to freedom of peaceful assembly and of association contributes to the fight against impunity through accountability and prevent future violations and abuses from occurring (A/HRC/47/24), and also focused on good practices to prevent internet shutdowns (A/HRC/47/24/Add.2); the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, who focused on preventing and combating the sale and sexual exploitation of children during the pandemic (A/HRC/46/31); the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, who addressed debt relief and debt crisis prevention, and the role of credit rating agencies (A/HRC/46/29); the Special Rapporteur on the human rights of internally displaced persons, who addressed housing, land and property issues in situations of displacement as an essential step to preventing displacement, mitigating its impact and achieving durable solutions (A/HRC/47/37); the Special Rapporteur on minority issues, who focused on permissible restrictions on freedom of expression in order to prevent harm (A/HRC/46/57); the Independent Expert on the enjoyment of all human rights by older persons, who made recommendations aimed at assisting States in designing and implementing frameworks to address and prevent ageism and age discrimination (A/HRC/48/53); the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, who addressed the notions of prevention and redress in the context of international human rights law in relation to the recognition of gender and gender identity and expression (A/HRC/47/27).

22. The Special Rapporteur on contemporary forms of slavery, including its causes and consequences, made recommendations on how loopholes in the prevention of and response to contemporary forms of slavery as practised by organized criminal organizations could be addressed (A/76/170). The Special Rapporteur on trafficking in persons, especially women and children highlighted the need for more effective prevention and protection measures for all forms of trafficking, particularly in conflict and humanitarian settings, as well as States’ positive obligations in respect of the identification of victims, assistance to victims and repatriation (A/76/263). The Special Rapporteur on violence against women, its causes and consequences, made recommendations for further progress on the prevention of femicide or gender-related killings of women and girls (A/76/132).

23. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, illustrated how the work of the mandate has over the years led to the prevention of violations of the right to adequate housing or provided increased public scrutiny of forced evictions, homelessness, inadequate housing conditions and other violations of the right to adequate housing in a recent report (A/HRC/47/43)..

24. In 2020, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism focused on the human rights impact of policies and practices aimed at preventing and countering violent extremism (A/HRC/43/46); the Independent Expert on the enjoyment of human rights by persons with albinism considered prevention measures to ensure the protection of persons with albinism worldwide (A/75/170); the Working Group on Arbitrary Detention addressed the issue of prevention of arbitrary deprivation of liberty in the context of public health emergencies (A/HRC/45/16); and the Working Group on the issue of human rights and transnational corporations and other business enterprises clarified the practical steps and outlined practical measures that States and business enterprises should take to prevent and address business-related human rights abuse in conflict and post-conflict contexts, focusing on heightened human rights due diligence and access to remedy (A/75/212). The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence highlighted the need for active and multidimensional memory policies to respond adequately to past crimes and prevent their recurrence (A/HRC/45/45).

25. Several thematic reports published in 2019 related to prevention. The Special Rapporteur on the right to food addressed humanitarian crises, disasters and the right to food (A/HRC/37/61) and the Special Rapporteur on the human rights to safe drinking water and sanitation reported on access to water and sanitation for forcibly displaced persons (A/HRC/39/55). The Special Rapporteur on the right to education focused her report on education and the prevention of atrocity crimes or mass or grave human rights violations (A/74/243). The Special Rapporteur in the field of cultural rights presented a report addressing how actions in the field of arts and culture can make significant contributions towards creating, developing and maintaining societies in which all human rights are increasingly realized and thus contributing to prevention of atrocity crimes and ensuring sustainable peace.

26. That same year, the Special Rapporteur on truth devoted two reports to the issue of guarantees of non-recurrence as a preventive tool (A/74/147, A/HRC/42/45), while in 2018 he issued a joint study on prevention (A/HRC/37/65) and in 2017 dedicated a full report to the same issue (A/72/523). He has argued in favour of a framework approach to prevention which will contribute to breaking existing silos of knowledge and expertise, which hamper effective preventive work, and will help to widen the scope and to “upstream” prevention in a systematic and orderly way. The approach is a planning tool that also has the potential to shed light on important links between prevention, human rights and sustaining peace.

27. Prevention has also featured prominently in the work of the Independent Expert on the enjoyment of human rights by persons with albinism. She developed and presented the Regional Action Plan in Africa (2017–2021) in 2018 (A/HRC/37/57/Add.3), which features an entire section dedicated to prevention measures including data collection in disaggregated forms, public education and awareness, spanning education of the public at large and marginalized groups specifically on human rights and State duties, and the identification of root causes of violations.

28. In his 2018 reports (A/HRC/39/51 and A/73/271), the Special Rapporteur on the right to development made recommendations on moving closer to achieving equality related goals and targets of the 2030 Agenda for Sustainable Development. He organized a series of regional consultations, which fed into the development of guidelines and recommendations for designing, monitoring and assessing the structures, processes and outcomes of human rights-informed development policies (A/HRC/42/38). Such policies should serve as prevention tool against human rights violations in the context of development processes.

29. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has addressed the concept of prevention in several reports and recommendations.[[5]](#footnote-6) In 2012, the mandate addressed the prevention of racism, racial discrimination, xenophobia and related intolerance, especially in the context of the Durban Declaration and Programme of Action (A/HRC/20/33).

30. The Special Rapporteur on freedom of religion or belief provided analysis of misunderstanding of the right to freedom of religion or belief and the root causes of violations, making recommendations on preventing violence committed in the name of religion (A/HRC/28/66), tackling manifestations of collective religious hatred (A/HRC/25/58), tackling religious intolerance and discrimination in the workplace (A/69/261) and identifying the gap between international commitments to combat intolerant acts and national practices in the rise of religious intolerance worldwide (A/72/365).

31. The Special Rapporteur on extrajudicial, summary or arbitrary executions in 2016 presented a revision to the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (A/HRC/32/39/Add.4).

 B. Country visits

32. Special procedures conduct approximately from 60 to 80 visits per year, in the years preceding the COVID-19 pandemic. Country visit recommendations and follow-up engagement with States on those recommendations have a significant role in preventing human rights violations. Mandate holders have access to people and territories that frequently are not accessible to others, and their visits to countries in post-conflict, conflict or crisis situations constitute a great opportunity for the United Nations system.

33. During country visits, mandate holders are able to assess the human rights situation in countries in line with their respective mandates. They meet with national authorities, including members of the judiciary and parliamentarians; national human rights institutions; civil society organizations and victims of human rights violations; the United Nations and other intergovernmental agencies; and the press when giving a press conference at the end of the visit.

34. The visits are themselves a crucial aspect of the special procedures system’s prevention capabilities as through their contact with all stakeholders special procedures are often the first to observe the signs of an emerging crisis.

35. Over the years, the system of special procedures has taken early action in relation to several country situations. Notably, in 1994 in Rwanda, the Special Rapporteur on extrajudicial, summary or arbitrary executions forewarned of a potential genocide. Since then, mandate holders have warned about emerging concerns in relation to for example Burundi, the Central African Republic, the Philippines, Israel and the Occupied Palestinian Territory, the United States of America, Myanmar or Afghanistan.

36. Early engagement with countries is an asset of special procedures. For example, Zimbabwe has recently and for the first time accepted visits of two mandate holders who were able to provide the country with recommendations to prevent further human rights violations (the Special Rapporteur on the right to food and the Special Rapporteur on the rights to freedom of association and peaceful assembly).

37. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence undertook four advisory services visits and one fully-fledged country visit to Sri Lanka from March 2015 to October 2017. These visits allowed the mandate holder to provide expert and targeted advice to the authorities on how to address human rights violations and prevent their recurrence, including by engaging and consolidating cooperation with other United Nations actors such as the Peace Building Support Office, to provide the necessary support to the country.

38. Drawing on the report and recommendations (A/HRC/34/59/Add.1) by the Independent Expert on the enjoyment of human rights by persons with albinism, following her country visit to the country in 2016, the government of Malawi updated the Criminal and Trafficking Law to better respond to crimes against persons with albinism.

39. During her visit to Niger in March 2018 (A/HRC/38/39/Add.3), the Special Rapporteur on internally displaced persons recommended the adoption of a national law for the assistance and protection of internally displaced persons. Subsequently, in December 2018, Niger became the first country in Africa to adopt a national law for the protection and assistance of internally displaced persons, thereby translating the provisions of the Kampala Convention into domestic law.

40. In her report on her visit to Montenegro in 2019 (A/HRC/44/45/Add.1), the Special Rapporteur on trafficking in persons, especially women and children, commended the efforts of Montenegro in the prevention of specific forms trafficking, especially the trafficking of children for the purposes of begging and unlawful marriage, through inclusion strategies aimed at affected communities, and recommended that the Government continue the prevention strategy focused on educational programmes and addressing unlawful marriage and carry out an evaluation of such programmes as a strategy to reduce the risk of trafficking in persons.

41. In its report on its visit to Greece in 2019 (A/HRC/44/51/Add.1), the Working Group on discrimination against women and girls, welcoming the efforts by the Office of the Public Prosecutor of the Supreme Court, the General Secretariat for Gender Equality and other State entities to raise public awareness through the media and educational programmes, as part of the efforts of Greece aimed at preventing gender-based violence against women, noted that a more strategic approach to prevention is needed, including targeted and long-term education and awareness-raising on the causes and consequences of gender-based violence. It recommended that the Government increase prevention efforts that also consider the diversity of women and their specific needs, especially the needs of those who are facing intersecting forms of discrimination or those who are in vulnerable situations, such as minority, migrant and refugee women, women with disabilities, older women, lesbian and transgender women and intersex persons.

42. The conduct of the visit is not the end but the beginning of a process. Follow-up and implementation of special procedures’ assessment and recommendations play a key prevention role.

43. Mandate holders can also work jointly on follow-up. In February 2021, ten human rights experts published an assessment[[6]](#footnote-7) of the follow up of the Government of Sri Lanka to some 400 recommendations made following 10 official visits from 2015 to 2019 calling on the authorities and the Council to take specific actions.

44. Recommendations from the special procedures system continue to be used by OHCHR’ field presences and United Nations country teams. The Universal Human Rights Index contains all recommendations issued by human rights mechanisms in relation to countries.[[7]](#footnote-8) In 2020, OHCHR launched a renewed Index. It contains enhanced group/theme/SDG search functionalities for faster and easier access to recommendations from human rights mechanisms. The link between human rights recommendations and the Sustainable Development Goals contributes to an effective prevention approach. OHCHR also supports States in establishing national mechanisms for reporting and follow-up to recommendations of human rights mechanisms.

 C. Communications, public statements, collective actions and other activities

45. Special procedures contribute to prevention through their communications procedure, press releases and collective initiatives.

46. Each year, special procedures send around 500 to 600 communications[[8]](#footnote-9). They use communications to bring human rights issues to the attention of Government and other entities, reaffirm obligations and responsibilities to uphold international human rights commitments, address cases of violations and abuses, and contribute to the strengthening of human rights advocacy with concerned stakeholders, including for specific legislative, institutional and policy reforms. Communications can indicate patterns, nature and scale of violations and help raise human rights concerns at an early stage.

47. Special procedures issue allegation letters, urgent appeals, and other letters. Both allegation letters and urgent appeals can end ongoing human rights violations and deter similar violations, thereby contributing to prevention. Urgent appeals, in turn, are sometimes used to urgently address individual cases in which human rights violations are likely to imminently occur and to attempt to prevent the occurrence of violations in the first place.

48. Other letters address more systemic human rights issues, such as by providing advice on how draft or existing legislation, policies, or practices should fully comply with international human rights standards. These communications often provide meaningful technical advice to States, which has been identified as a successful prevention tool. For instance, the Special Rapporteur on the right to adequate housing sent a communication on 22 June 2018 to the Canadian Government expressing concern that the proposed legislation for implementing the National Housing Strategy may not recognize the right to housing and could fail to set clear goals and timelines for the elimination of homelessness. Following this communication, other advocacy, and collaborative work with civil society, the Canadian Parliament adopted a new National Housing Strategy in June 2019. In its [reply on 10 April 2019](https://spcommreports.ohchr.org/TMResultsBase/DownLoadFile?gId=34624), the Government acknowledged the important role of the Special Rapporteur in this process, noting that “[t]his important piece of legislation would not have been possible without [the Special Rapporteur’s] contribution and those of members of civil society.”

49. Communications, press statements, reports ([A/HRC/34/51](http://undocs.org/A/HRC/34/51), [A/HRC/10/7](http://www.undocs.org/A/HRC/10/7)) and a documentary film by the Special Rapporteur on the right to housing shed light on the impact of large private equity firms and financial investors, whose business practices have contributed to increased unaffordability of housing and displacement of low-income households in many countries, on the right to housing.

50. In January 2018, following several communications by the Special Rapporteur on the rights of indigenous peoples, the EU-funded Water Towers Protection and Climate Change Mitigation and Adaptation (WaTER) project, to be implemented by the government of Kenya, was suspended preventing forcible evictions of the Sengwer indigenous people from their forest lands, and resulting in a reduction of social tension.

51. Mandate holders exercise a significant preventive role by issuing joint communications, often directed at numerous States and/or other actors, covering cross-thematic issues and aimed at averting human rights violations or preventing further escalations. Recent examples are the communication concerning the violations of human rights occurring in the Al-Hol and Roj camps in North-East Syria, sent to 57 States by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and 12 other mandates, and the communication, concerning the alleged arbitrary detention and forced labour of Uyghur and other minority workers within and outside the Xinjiang Uyghur Autonomous Region (Xinjiang), sent to over 150 domestic Chinese and foreign-domiciled companies by the Working Group on the issue of human rights and transnational corporations and other business enterprises and six other mandates.

52. The Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances contribute to the prevention of human rights violation through their communications procedures, by issuing opinions and initiating urgent actions procedures. In 2020, the Working Group on Enforced or Involuntary Disappearances transmitted 698 new alleged cases of enforced disappearance to States, of which 78 were transmitted under its urgent action procedure. The Working Group was able to clarify 313 cases. The Working Group on Arbitrary Detention instead issued 92 opinions under its regular communications procedure. It received information indicating that at least 19 subjects of its previously adopted opinions had been released. Other examples of how communications have made a difference are available on the OHCHR website[[9]](#footnote-10).

53. The public and collective actions of special procedures have the power to raise awareness about human rights issues, alert the international community and call for appropriate action. These actions cover equally thematic and country-related issues.

54. Special procedures have regularly raised attention about emerging developments on thematic issues such as climate change, migration, the need to protect human rights in the fight against terrorism, the impact of COVID-19, new technologies, the shrinking space for civil society or racism and inequalities to name only a few. A page showing their engagement on cross-cutting thematic issues is available on the OHCHR website.[[10]](#footnote-11) By acting jointly, mandate holders address global phenomena from various angles and offer comprehensive responses. For example, it was the Special Rapporteur on the right to food who raised the alarm about the unfolding food crisis in 2008, leading to a Special Session of the Council.

55. To mention a recent example, in July 2021, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, along with other mandates, made a statement[[11]](#footnote-12) relating to Afghanistan urging the international community to advance practical and effective accountability and prevention mechanisms, tools and processes to fully deliver on the obligations to the rights of victims of human rights violations and terrorism.

56. Special procedures play a role in preventing human rights violations by engaging in a wide range of activities, such as organizing events, consultations, and workshops in various countries. These activities bring the human rights system closer to the people on the ground, and, at the same time, allow mandate holders to gather diverse perspectives from stakeholders and bring them back to the United Nations. This flexible access to stakeholders is one of the main added values of special procedures, and it provides a clear advantage for the prevention of human rights violations that should be more broadly exploited.

57. The innovative approach of special procedures has allowed the system to engage with non-traditional stakeholders, including non-state actors, such as the business sector. This is one of the assets of the system that should be preserved as engaging with non-traditional stakeholders certainly contributes to an effective prevention strategy.

58. In this regard, the ninth Annual Forum on Business and Human Rights held in November 2020, under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises, focused on “Preventing business-related human rights abuses: The key to a sustainable future for people and planet”.

59. The Working Group also pursues a project on business, human rights, and conflict-affected region. Following the report on this topic presented in 2020, where the Working Group called for heightened action by States, businesses and the United Nations, it is focusing on other outcomes such as working with UNDP on developing a toolkit for companies, governments and international actors engaging with business focusing on the role of business and human rights in conflict prevention and peacebuilding, developing a roadmap for how United Nations agencies can embed business and human rights into their peace and security activities, developing a new framework for how companies can participate in transitional justice processes and do so consistent with both the Guiding Principles and principles of transitional justice or developing a paper on how businesses can embed atrocity prevention and other indicators into business processes relating to human rights due diligence.

60. The fourteenth session of the Forum on Minority Issues will be convened on 2 and 3 December 2021 and will focus on "Conflict Prevention and the Protection of the Human Rights of Minorities". The Forum will analyse practices, challenges, opportunities and initiatives in addressing conflict prevention and the protection of the human rights of minorities.

61. In October 2019, the Special Rapporteur on slavery was interviewed by the BBC with regard to tech companies such as Google, Apple and Facebook-owned Instagram, which have allegedly enabled an illegal online slave market by providing apps used for buying and selling domestic workers online. The documentary had a strong public impact and as a result, Facebook responded by reportedly banning one of the hashtags involved and by taking down 703 accounts from Instagram. Due to the strong interest in the issue of online slave markets, the Special Rapporteur, jointly with the BBC, organized a public film screening of the documentary during the 2019 Forum on Business and Human Rights.

D. Best practices and technical assistance

62. Special procedures issue guidelines or best practices directed to States and other stakeholders in order to assist them in the prevention of human rights violations.

63. In 2020, the Independent Expert on the enjoyment of human rights by persons with albinism presented a compendium of best practices in the protection of human rights of persons with albinism and prevention of attacks against them.[[12]](#footnote-13) In 2019, the Special Rapporteur on the right to development presented a report on guidelines and recommendations on the practical implementation of the right to development (A/HRC/42/38)[[13]](#footnote-14) and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes presented a report on principles on human rights and the protection of workers from exposure to toxic substances (A/HRC/42/41).

64. The COVID-19 pandemic demonstrated that human rights are essential to respond to different types of crisis and showed clearly that prevention of human rights violations should be an anchor within Sustainable Development Goals. Mandate holders have risen to the challenge posed by the COVID-19 pandemic. They have taken numerous initiatives demonstrating how integral human rights are to the protection of people during this crisis and the need to work jointly to develop effective responses. They have issued advice to States and other stakeholders, creating innovative tools and continuing their preventive and monitoring work. The result is a series of documents, issued through different means, which cover a broad range of human rights issues, several of them related to peace and security issues. The collective voice and actions of the system on this issue, including an information note and an infographic showing all actions by special procedures at a glance, have been compiled on a dedicated webpage.[[14]](#footnote-15) As of 25 August 2021, they had issued 155 press releases, 14 guidance documents and other reference tools, and 19 official reports as well as an unofficial study relating to COVID-19.

65. To mention one example, the Special Rapporteur on violence against women issued a statement, endorsed by other mandates, calling on States to ensure that the extraordinary circumstances and restrictive measures against COVID-19 do not lead to the violation of women's right to a life free from violence. Following the call, States have been implementing appropriate measures to respond to the situation. For example, the Portuguese Government sent a letter to the Chair of the Coordination Committee outlining measures taken to prevent domestic violence and to ensure the safety and support to victims of domestic violence during the confinement.

66. The Independent Expert on the situation of human rights in the Central African Republic in his 2020 report (A/HRC/45/55) addressed the political situation of the country also in the context of the COVID-19 pandemic and recommended that the Government strengthen the specific and practical measures, including those targeting the informal sector, taken to prevent the health crisis related to COVID-19 from becoming a food and social crisis.

 V. Partnership

67. Prevention cannot occur in isolation. Cooperation and partnership with States and other bodies and stakeholders at the international, regional and national level should be part of the prevention strategy of special procedures.

68. Special procedures actively engage with actors outside Geneva and New York. This capacity to reach out at all levels and to bring these perspectives back to the United Nations is one of the main added values of special procedures.

69. Responsibility for prevention of human rights violations rests primarily with States. As highlighted above, special procedures have a variety of tools to assist States in this context. Cooperation between States and mandate holders is essential for these tools to deliver their potential. This cooperation has been made more visible through various means recently, including on the OHCHR website and within the Annual Report of Special Procedures. Progress has been registered with more States opening their doors to mandate holders, asking them for advice or responding to their communications. States cooperating with special procedures should be praised for doing so and receive the corresponding visibility. In parallel, some States continue not cooperating with mandate holders or only with a selected few. Such failures of a State to engage with human rights mechanisms should be considered a worrying early warning sign that the Council could address more closely from a prevention angle. Civil society and national human rights institutions are also essential partners in prevention.

70. Mandate holders cooperate with different human rights mechanisms in their prevention initiatives. For example, the Special Rapporteur on freedom of religion or belief was actively involved in the [Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence](https://www.ohchr.org/EN/Issues/FreedomReligion/Pages/RabatPlanOfAction.aspx). The Rabat expert workshops included several Special Procedures (i.e., the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on racism, racial discrimination, xenophobia and related Intolerance) along with a member of the Committee on the Elimination of Racial Discrimination. Following this, mandate holders were equally engaged in the OHCHR’s [Faith for Rights](https://www.ohchr.org/Documents/Press/Faith4Rights.pdf) Framework that closely followed up on the Rabat Plan of Action. This initiative aimed at working with religious and faith-based actors more directly, hence encouraging them to promote the right of freedom of religion or belief and prevent rising religious intolerance.

71. In line with resolution 42/6, special procedures have increased their engagement with other United Nations agencies, and representatives, including United Nations Country Teams, as well as several intergovernmental bodies. They have done so individually but also as a system. The diversity of expertise and engagement available within special procedures offers multiple entry points with other bodies of the United Nations.

72. As an example, the Special Rapporteur on the human rights of persons with disabilities completed a comprehensive review of the United Nations accessibility and inclusion of persons with disabilities in peace and security, development and humanitarian programmes at country, regional and global levels. Her review informed a UN system-wide policy, action plan and accountability framework on strengthening the UN’s overall approach on advancing the rights of persons with disabilities.

73. In June 2021, the Special Rapporteur on extreme poverty presented his [thematic report](https://undocs.org/en/A/HRC/47/36) on the establishment of a Global Fund for Social Protection. The report proposes a roadmap for the establishment of this new international mechanism and the proposals made have been prepared in close collaboration with the International Labour Office. On 19th June 2021, the International Labour Conference adopted conclusions requesting ILO to "initiate and engage in discussions on concrete proposals for a new international financing mechanism, such as a Global Social Protection Fund, which could complement and support domestic resource mobilization efforts in order to achieve universal social protection". This is an example of how special procedures can collaborate with other agencies to propose and implement innovative solutions to human rights issues and ultimately prevent further violations.

74. The Special Rapporteur on cultural rights has worked on the preservation of cultural heritage in conflict, including collaborating with UNESCO in the preparation of a background study to prepare a manual promoting a human rights-based approach to cultural diversity and the safeguarding of cultural heritage in humanitarian action, security, peacebuilding and peacekeeping operations.

75. In 2018, to mark the 20th anniversary of the [Guiding Principles on Internal Displacement](https://undocs.org/E/CN.4/1998/53/Add.2) , the Special Rapporteur on the human rights of internally displaced persons, the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) launched the [GP20](https://www.globalprotectioncluster.org/gp20/), a three-year multi-stakeholder [plan of action](https://www.globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf) to reduce and resolve internal displacement through prevention, protection and solutions for internally displaced persons consistent with the Guiding Principles. Given its success, the plan has been extended in a new chapter entitled GP2.0.

76. The Coordination Committee has invested efforts in promoting the system of special procedures throughout the United Nations. These efforts have proven successful as demonstrated by the engagement of some mandate holders with the Security Council, the Peace Building architecture, the Sustainable Development Goals architecture or more generally with United Nations country teams. Recent examples of this engagement include an annual letter sent by the Chair of the Coordination Committee to the Security Council sharing information about the work of special procedures that is deemed pertinent to the work of the Security Council in terms of country and thematic issues.

77. Special procedures interact with the Security Council in various ways, including through participation in Arria formula meetings, informal meetings or formal briefings. Several mandate holders participated in Arria formula meetings[[15]](#footnote-16). The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has working relationships with the Office of Counter-Terrorism and the Counter-Terrorism Committee Executive Directorate.

78. Several mandate holders have participated in the High-Level Forum on the Sustainable Development Goals over the years.

79. Special procedures have engaged with the peacebuilding architecture, for instance through exchange of information for country visits, and provision of advice on country situations or thematic areas, including to inform programmatic responses supported by the Peace Building Fund.

80. Efforts have been made to make the work and recommendations of special procedures more visible and accessible (see paragraph 20).

81. Showing that the human rights system has an added value for States, civil society and United Nations bodies, good stories on how special procedures have impacted positively, including at the country level, have been collected and are available on the OHCHR website.[[16]](#footnote-17)

 VI. Conclusions and recommendations

82. The information contained in this study confirms that several aspects of the work of special procedures have the potential to assist States and other stakeholders in the prevention of human rights violations and abuses. They also have the potential to contribute to the prevention strategy of the United Nations in line with the Call to Action for Human Rights. T Special procedures reports contain concrete recommendations that, if implemented, may contribute to prevention. Country visits are also a practical prevention tool. Their advocacy with States, civil society, and United Nations actors to ensure that human rights are integrated in any response to crises or emerging issues plays a key prevention role.

83. Examples collected have highlighted common experiences and practices among special procedures. The examples set forth in the study illustrate how the situation of individuals and groups that have improved following actions taken by mandate holders. The study has described how special procedures work on legislations with the country concerned can contribute to prevention, and demonstrated that follow-up to the recommendations issued by mandate holders can have a substantial preventive impact. New instruments and guidelines developed at the initiative of mandate holders can strengthen prevention as well. The identification of good practices and areas for technical assistance has also proven useful from a prevention perspective.

84. While there is no doubt that special procedures can assist States and other stakeholders in the prevention of violations and abuses of human rights, the challenge has been to ensure that States and the United Nations properly engage systematically with special procedures and their work to achieve that end. Further attention should be paid as to how to overcome possible bottlenecks and fully realize the prevention potential of special procedures. The problem is often not the availability of or access to information but how best to ensure appropriate and timely attention to the issues raised by mandate holders.

85. In particular, further attention should be paid by States and the Council to follow-up and implementation of special procedures recommendations. Special procedures have themselves developed follow-up tools. However, implementation of recommendations is primarily the responsibility of States, which should give the same attention to recommendations stemming from all human rights mechanisms. Issues of cooperation with special procedures, or lack thereof, should also be considered from a prevention angle. In this context, the fact that some States have established national mechanisms to follow up on all recommendations is welcome as an important tool to track implementation. The Council should provide for sufficient time and space for States to share information more systematically on measures taken to implement human rights recommendations. Agenda item 5 provides a good opportunity for expanded discussion on that topic. Follow-up activities should also be specifically referred to in special procedures mandates.

86. The Council should create additional space where States can share their experience and challenges in relation to human rights and the implementation of human rights recommendations, possibly with the participation of relevant mandate holders. These types of exchanges could also take place outside the Council, through continued dialogue between mandate holders and the countries concerned.

87. Prevention is a cross-cutting priority of special procedures. Still, not all special procedures mandates are necessarily operated, either in their design or in their execution, with an explicitly preventive strategy in mind. In terms of design, it is important for the Council to ensure that all resolutions creating or renewing special procedures mandates contain a reference to prevention. With regard to execution, special procedures, working in close cooperation with States and other stakeholders, including UN actors, should adopt a prevention lens in their work, including in how they frame their analysis and recommendations, and identify short, medium and long term prevention goals. In turn, States and the United Nations should better exploit the leverage of human rights mechanisms, including special procedures, to open and maintain the space for prevention work given their engagement with States on these issues. To this end, OHCHR should continue compiling and analysing the impact of the work of special procedures on prevention with the aim of designing better ways of using the prevention potential of special procedures.

88. To be effective, prevention cannot occur in isolation. Cooperation and partnership with other bodies and stakeholders at the international, regional and national level should be part of a prevention strategy. Prevention recommendations and early warning signs identified by special procedures must reach the relevant national authorities and bodies of the United Nations. To this end, effective channels of communication are needed between different parts of the United Nations to enable decision makers to take appropriate and timely action. Special Procedures can help bridging the gap with other entities and other stakeholders, including gaps at the national level, including by inviting them to attend relevant meetings and share their experience. The recent United Nations reforms, in particular the empowered resident coordinators system, provide a good opportunity to ensure that the inputs from special procedures are better included in the political and programmatic agenda at country level with the ultimate aim to assist States in preventing human rights violations.

89. One of the challenges of prevention is the fragmentation of knowledge and expertise on prevention work. A comprehensive approach among all special procedures would help tackling this shortcoming. Close cooperation and mutual assistance between different mechanisms is also important. There should be a more strategic approach towards prevention among the different international and regional human rights mechanisms. Synergies could be established by creating better and more fluid information sharing among the different mechanisms to ensure each is aware of what each mechanism is doing and where. Ways and means to consult among the various mechanisms should also be explored. For example, the involvement of mandate holders in the Universal Periodic Review could be considered, especially of those who have engaged with the country concerned on follow-up.

90. Special procedures have substantively contributed to the prevention of human rights violations and abuses using the avenues at their disposal in line with their mandates. This considerable piece of work deserves to be recognized and consolidated as one of the achievements of the special procedures system and should be further developed as States and other stakeholders continue to ask for support in preventing human rights violations and as the United Nations move resolutely towards a one United Nations.

 Annex I

 Prevention in the resolutions establishing mandates of special procedures

17 mandates (31%) have resolutions specifically referring to prevention. They are the Independent Expert on the enjoyment of human rights by persons with albinism, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the rights of indigenous peoples, the Special Rapporteur on the human rights of internally displaced persons, the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on trafficking in persons, especially women and children, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights and the Special Rapporteur on violence against women, its causes and consequences.

1. \* The present report was submitted after the deadline in order to reflect the most recent information. [↑](#footnote-ref-2)
2. \*\* The annex to the present report are circulated as received, in the languages of submission only. [↑](#footnote-ref-3)
3. <https://www.un.org/en/chronicle/article/meeting-prevention-challenge>. [↑](#footnote-ref-4)
4. <https://www.un.org/en/content/action-for-human-rights/index.shtml>. [↑](#footnote-ref-5)
5. Some relevant reports: A/HRC/26/49, A/57/204, A/58/313, A/62/306, A/63/339, A/65/295, A/66/313 and A/67/326. [↑](#footnote-ref-6)
6. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26715&LangID=E. [↑](#footnote-ref-7)
7. <https://uhri.ohchr.org>. [↑](#footnote-ref-8)
8. <https://spcommreports.ohchr.org> – searchable database of all communications sent since 2011. [↑](#footnote-ref-9)
9. [OHCHR | Making a difference: Special Procedures of the Human Rights Council](https://www.ohchr.org/EN/HRBodies/SP/Pages/Making-a-difference.aspx). [↑](#footnote-ref-10)
10. <https://www.ohchr.org/EN/HRBodies/SP/Pages/CrosscuttingThematicIssues.aspx>. [↑](#footnote-ref-11)
11. https://www.ohchr.org/Documents/Issues/Terrorism/SR/Closing\_jointSPstatement\_Afghanistan.pdf. [↑](#footnote-ref-12)
12. <https://www.ohchr.org/Documents/Issues/Albinism/A-75-170-Addendum.pdf>. [↑](#footnote-ref-13)
13. See para. 28 above. [↑](#footnote-ref-14)
14. https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx. [↑](#footnote-ref-15)
15. <https://www.ohchr.org/EN/HRBodies/SP/Pages/Engagementwithotherintergovernmentalfora.aspx>. [↑](#footnote-ref-16)
16. <https://www.ohchr.org/EN/HRBodies/SP/Pages/Preventioncessationhumanrightsviolations.aspx>. [↑](#footnote-ref-17)