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**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\* \*\***

#### *Summary*

In the present study, the Office of the United Nations High Commissioner for Human Rights (OHCHR) illustrates the extent to which special procedures contribute to assisting States and other stakeholders in preventing human rights violations and abuses, demonstrating their significant prevention potential. The study presents several recommendations for strengthening this prevention role addressed to the special procedures, States and the United Nations system, among others. All special procedures should adopt a prevention lens in their work, particularly in the way they frame their analyses and recommendations. States and the United Nations, in turn, should make better use of their work. In addition, it is recommended that OHCHR continue to analyse and report on the impact of the work of the special procedures on prevention.

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\* The present report was submitted after the deadline so as to include the most recent information.  
\*\* The annex to the present report is circulated as received, in the language of submission only.



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## 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. In that same resolution, the Council 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. Furthermore, the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) 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 Human Rights Council decided to postpone the implementation of the mandated activities that could not be implemented by OHCHR in 2020, including the preparation of the present study, and to reschedule them. The study will be considered by the Council at its 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.<sup>1</sup> In “The highest aspiration: a call to action for human rights”, he has also identified the human rights system as the best prevention tool we have and the critical foundation for sustaining peace. Prevention, which permeates everything the United Nations does, cuts across all pillars of the Organization.

4. The linkage between human rights and prevention was further highlighted by the Secretary-General in his above-mentioned call to action:

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.

Furthermore, the Secretary-General’s call to action presents an opportunity for States and entities of the United Nations system to engage with human rights mechanisms, including the special procedures.

5. Prevention is also a priority of OHCHR. In its management plan, OHCHR has committed itself to working to create a culture of prevention informed by human rights and by the recommendations of the 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 direction of events. It strengthens coherence by emphasizing the interconnection between different types of human rights and encouraging more holistic responses. It also highlights the role that human rights can play in solving the problems that societies face. Intrinsicly linked to the other pillars of the United Nations, prevention of human rights violations contributes to the achievement of the 2030 Agenda for Sustainable Development and the sustaining peace agenda.

<sup>1</sup> See <https://www.un.org/en/chronicle/article/meeting-prevention-challenge>.

7. In the present study, prevention is approached from a broad perspective that encompasses all human rights and views prevention from a short-, medium- and long-term perspective. The whole spectrum of human rights actions are included, from providing guidance on the implementation of international standards, monitoring and reporting on their implementation and contributing to early warning and early action systems 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 coronavirus disease (COVID-19) pandemic, have demonstrated that crises emerge in a variety of ways. Prevention should therefore be envisaged for all types of emerging issues, including those related to pandemics, climate change, migration and 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 often lie in inequality, discrimination or economic hardship.

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 the present 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 80 individuals working on human rights worldwide.

10. Special procedures have identified the prevention of human rights violations as a priority. Dedicated discussions have taken place at annual meetings<sup>2</sup> and 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, for example by convening forums, holding consultations and issuing statements and press releases, as well as through collective action, including by the Coordination Committee of Special Procedures. Furthermore, special procedures assist States and the United Nations by providing advice on the implementation of human rights obligations, which has an important preventive role and could give States and the United Nations 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 to 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 Human Rights Council.

12. The prevention dimension is mentioned explicitly in several special procedures' mandates, which has resulted in the development of specific prevention strategies and in the concept of prevention being addressed in reports and recommendations. Prevention is also integrated in special procedures' country visits and other activities.

13. In several of its resolutions creating or renewing special procedures' mandates, the Human Rights Council refers explicitly to prevention (17 mandates). Other resolutions, while

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<sup>2</sup> See, for example, A/HRC/40/38 and A/HRC/43/64.

not containing a specific reference to prevention, provide a sufficiently broad and solid mandate for mandate holders to anchor their prevention work.

14. In 2021, special procedures dealing with thematic issues prepared 38 reports (33 on the themes under their purview and 5 on country visits) focusing on or addressing the notion of prevention, a figure that held steady from 2020, when they issued 37 such reports (22 on thematic issues and 15 on country visits). This total represented an increase from the three previous years, when they published 33 such reports (17 on thematic issues and 16 on country visits) in 2019, 35 such reports (22 on thematic issues and 13 on country visits) in 2018 and 24 such reports (20 on thematic issues and 4 on 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 (7 on thematic issues and 9 on country visits). Other mandate holders particularly active on the topic were: the Special Rapporteur on violence against women, its causes and consequences, with 14 reports (7 on thematic issues and 7 on country visits); the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, with 12 reports (6 on thematic issues and 6 on country visits); the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, with 9 reports (7 on thematic issues and 2 on country visits); the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, with 8 reports (7 on thematic issues and 1 on a country visit); and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, also with 8 reports (4 on thematic issues and 4 on country visits).

16. Several mandate holders have reflected, at the end of their tenure, on the role of prevention in their work, including the Independent Expert on the enjoyment of human rights by persons with albinism,<sup>3</sup> the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on trafficking in persons, especially women and children,<sup>4</sup> the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material,<sup>5</sup> the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes<sup>6</sup> and the Special Rapporteur on violence against women, its causes and consequences.<sup>7</sup>

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,<sup>8</sup> the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,<sup>9</sup> the Special Rapporteur on the rights of persons with disabilities,<sup>10</sup> the Special Rapporteur on the situation of human rights defenders,<sup>11</sup> the Special Rapporteur on extrajudicial, summary or arbitrary executions<sup>12</sup> and the Special Rapporteur on the human rights to safe drinking water and sanitation.<sup>13</sup>

18. Special procedures mandated with addressing the situation of human rights in specific countries or territories too have incorporated a prevention approach in their work and made recommendations aimed at counteracting the recurrence of human rights violations in the countries and territories under their purview. The Special Rapporteur on the situation of

<sup>3</sup> A/HRC/46/32.

<sup>4</sup> A/HRC/44/45.

<sup>5</sup> A/HRC/43/40.

<sup>6</sup> A/75/290.

<sup>7</sup> A/HRC/41/42 and Corr.1.

<sup>8</sup> A/75/210.

<sup>9</sup> A/HRC/47/28.

<sup>10</sup> A/HRC/46/27.

<sup>11</sup> A/75/165.

<sup>12</sup> A/76/264.

<sup>13</sup> A/HRC/48/50.

human rights in Myanmar has addressed the issue of combating and preventing religious intolerance and incitement to hatred and violence<sup>14</sup> 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 the Independent Expert on the situation of human rights in Mali,<sup>15</sup> the Special Rapporteur on the situation of human rights in Eritrea,<sup>16</sup> the Special Rapporteur on the situation of human rights in Cambodia,<sup>17</sup> the Independent Expert on the situation of human rights in the Central African Republic<sup>18</sup> and the Independent Expert on the situation of human rights in Somalia.<sup>19</sup>

## **IV. Contribution of special procedures in assisting States and other stakeholders in the prevention of 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 Human Rights Council provide a comprehensive overview of these reports and the main issues addressed.

21. In 2021, numerous mandate holders presented reports addressing prevention. The Special Rapporteur on the rights to freedom of peaceful assembly and of association explained how guaranteeing access to justice in the context of the rights to freedom of peaceful assembly and of association contributes to fighting impunity through accountability and to preventing future violations and abuses from occurring,<sup>20</sup> and also focused on good practices to prevent Internet shutdowns.<sup>21</sup> The Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material, focused on preventing and combating the sale and sexual exploitation of children during the COVID-19 pandemic.<sup>22</sup> 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, addressed debt relief and debt crisis prevention, and the role of credit rating agencies.<sup>23</sup> The Special Rapporteur on the human rights of internally displaced persons addressed housing, land and property issues in situations of displacement as an essential step to preventing displacement, mitigating its impact and achieving durable solutions.<sup>24</sup> The Special Rapporteur on minority issues focused on permissible restrictions on freedom of expression in order to prevent harm.<sup>25</sup> The Independent Expert on the enjoyment of all human rights by older persons made recommendations aimed at assisting States in designing and implementing frameworks to

<sup>14</sup> A/72/382.

<sup>15</sup> A/HRC/43/76 and A/HRC/46/68.

<sup>16</sup> A/HRC/41/53 and A/HRC/44/23.

<sup>17</sup> A/HRC/33/62 and A/HRC/36/61.

<sup>18</sup> A/HRC/42/61 and A/HRC/45/55.

<sup>19</sup> A/HRC/42/62 and A/HRC/45/52 and Corr.1.

<sup>20</sup> A/HRC/47/24.

<sup>21</sup> A/HRC/47/24/Add.2.

<sup>22</sup> A/HRC/46/31.

<sup>23</sup> A/HRC/46/29.

<sup>24</sup> A/HRC/47/37.

<sup>25</sup> A/HRC/46/57.

address and prevent ageism and age discrimination.<sup>26</sup> The Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity 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.<sup>27</sup>

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.<sup>28</sup> 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.<sup>29</sup> 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.<sup>30</sup>

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 holder had 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.<sup>31</sup>

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.<sup>32</sup> 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.<sup>33</sup> The Working Group on Arbitrary Detention adopted its deliberation No. 11, on prevention of arbitrary deprivation of liberty in the context of public health emergencies.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

25. Several thematic reports issued in 2019 dealt with prevention. The Special Rapporteur on the right to food addressed humanitarian crises, disasters and the right to food<sup>37</sup> 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.<sup>38</sup> The Special Rapporteur on the right to education focused on the way in which the right to education contributes to the prevention of atrocity crimes or mass or grave human rights violations.<sup>39</sup> The Special Rapporteur in the field of cultural rights addressed how actions in the field of arts and culture can make significant contributions towards creating, developing and maintaining societies in

<sup>26</sup> A/HRC/48/53.

<sup>27</sup> A/HRC/47/27.

<sup>28</sup> A/76/170.

<sup>29</sup> A/76/263.

<sup>30</sup> A/76/132.

<sup>31</sup> A/HRC/47/43.

<sup>32</sup> A/HRC/43/46.

<sup>33</sup> A/75/170.

<sup>34</sup> A/HRC/45/16, annex II.

<sup>35</sup> A/75/212.

<sup>36</sup> A/HRC/45/45.

<sup>37</sup> A/HRC/37/61.

<sup>38</sup> A/HRC/39/55.

<sup>39</sup> A/74/243.

which all human rights are increasingly realized, thus contributing to the prevention of atrocity crimes and ensuring sustainable peace.<sup>40</sup>

26. That same year, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence devoted two reports to the issue of guarantees of non-recurrence as a preventive tool,<sup>41</sup> while in 2018 he presented a joint study on the contribution of transitional justice to the prevention of human rights violations<sup>42</sup> and in 2017 he dedicated a full report to the same issue.<sup>43</sup> In the latter report, the Special Rapporteur argued in favour of a framework approach to prevention that will contribute to breaking existing silos of knowledge and expertise, which hamper effective preventive work, and that 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, who developed and presented to the Human Rights Council the Regional Action Plan on Albinism in Africa (2017–2021).<sup>44</sup> Prevention is one of the pillars of the Action Plan, which includes measures on the collection of disaggregated data, on education and awareness-raising, both among the public at large and of marginalized groups, specifically on human rights and State duties, and on the identification of root causes of violations.

28. In two reports,<sup>45</sup> the Special Rapporteur on the right to development made recommendations for achieving the 2030 Agenda for Sustainable Development. He also organized regional consultations, the outcomes of 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.<sup>46</sup> Those policies should serve as a tool to prevent 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,<sup>47</sup> including, in 2012, the prevention of racism, racial discrimination, xenophobia and related intolerance in the context of the Durban Declaration and Programme of Action.<sup>48</sup>

30. The Special Rapporteur on freedom of religion or belief has analysed misunderstandings of the right to freedom of religion or belief and the root causes of violations and made recommendations on preventing violence committed in the name of religion, tackling manifestations of collective religious hatred, tackling religious intolerance and discrimination in the workplace and identifying the gap between international commitments to combat intolerant acts and national practices in the rise of religious intolerance worldwide.<sup>49</sup>

31. In 2016, the Special Rapporteur on extrajudicial, summary or arbitrary executions presented a revision to the Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.<sup>50</sup>

<sup>40</sup> A/HRC/37/55.

<sup>41</sup> A/74/147 and A/HRC/42/45.

<sup>42</sup> A/HRC/37/65.

<sup>43</sup> A/72/523.

<sup>44</sup> A/HRC/37/57/Add.3.

<sup>45</sup> A/HRC/39/51 and A/73/271.

<sup>46</sup> A/HRC/42/38.

<sup>47</sup> See, for example, A/HRC/26/49 and Corr.1, A/57/204, A/58/313, A/62/306, A/63/339, A/65/295, A/66/313 and A/67/326.

<sup>48</sup> A/HRC/20/33.

<sup>49</sup> A/HRC/28/66, A/HRC/25/58, A/69/261 and A/72/365.

<sup>50</sup> A/HRC/32/39/Add.4. The revised text is now known as the Minnesota Protocol on the Investigation of Potentially Unlawful Death (United Nations publication, Sales No. E.17.XIV.3).



## B. Country visits

32. During the years preceding the COVID-19 pandemic, the special procedures conducted some 60–80 country visits every year. The recommendations issued by mandate holders after these visits as well as their engagement with States and other stakeholders in following up on those recommendations have played 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 representatives of the national authorities, including members of the judiciary and parliamentarians, national human rights institutions, civil society organizations, victims of human rights violations, United Nations, 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 special procedures have taken early action in relation to several country situations. Notably, in 1994, in Rwanda, the Special Rapporteur on extrajudicial, summary or arbitrary executions warned of a potential genocide. Since then, mandate holders have warned about emerging concerns in relation, for example, to Afghanistan, Burundi, the Central African Republic, Israel, Myanmar, the Philippines and the United States of America, as well as the Occupied Palestinian Territory.

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

37. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence undertook four advisory services visits and one full-fledged country visit to Sri Lanka from March 2015 to October 2017. These visits have 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 entities such as the Peacebuilding Support Office to provide the necessary support to the country.

38. Drawing on the report and recommendations that the Independent Expert on the enjoyment of human rights by persons with albinism prepared following her country visit to Malawi in 2016,<sup>51</sup> the Government updated the Criminal Code and the Anatomy Act to better respond to crimes against persons with albinism.

39. During her visit to the Niger in March 2018, the Special Rapporteur on internally displaced persons recommended that the Government adopt a comprehensive strategy for the protection of and assistance to internally displaced persons.<sup>52</sup> Subsequently, in December 2018, the 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 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention) into domestic law.

40. In her report on her 2019 visit to Montenegro, the Special Rapporteur on trafficking in persons, especially women and children, commended the efforts made by Montenegro to prevent specific forms of trafficking, especially the trafficking in children for the purposes of begging and unlawful marriage, through the inclusion strategies aimed at affected communities, and recommended that the Government continue the prevention strategy

<sup>51</sup> A/HRC/34/59/Add.1.

<sup>52</sup> A/HRC/38/39/Add.3, para. 74 (a).

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.<sup>53</sup>

41. In its report on its 2019 visit to Greece, 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 was needed, including targeted and long-term education and awareness-raising on the causes and consequences of gender-based violence.<sup>54</sup> 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.<sup>55</sup>

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

43. Mandate holders can also work jointly on follow-up. In February 2021, 10 human rights experts published an assessment of the follow-up by the Government of Sri Lanka to more than 400 recommendations made after the 10 country visits conducted from 2015 to 2019 calling on the authorities and the Human Rights Council to take specific actions.<sup>56</sup>

44. Recommendations from the special procedures system continue to be used by the OHCHR field presences and United Nations country teams. The Universal Human Rights Index contains all the recommendations made by human rights mechanisms in relation to countries.<sup>57</sup> In 2020, OHCHR launched a revised version of the Index that contains enhanced search functionalities – for example, by group, theme or Sustainable Development Goal – for faster and easier access to the recommendations of the 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 following up on recommendations of human rights mechanisms.

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

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

46. Each year, special procedures send some 500–600 communications.<sup>58</sup> They use communications to bring human rights issues to the attention of Governments 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 in support of specific legislative, institutional and policy reforms. Communications can provide insight into patterns and the nature and scale of violations and help to 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 put an end to ongoing human rights violations and deter perpetrators from committing such violations, thereby contributing to prevention.

<sup>53</sup> A/HRC/44/45/Add.1, para. 76 (a).

<sup>54</sup> A/HRC/44/51/Add.1, para. 64.

<sup>55</sup> *Ibid.*, para. 92 (a).

<sup>56</sup> See <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26715&LangID=E>.

<sup>57</sup> See <https://uhri.ohchr.org>.

<sup>58</sup> The text of these communications are available from <https://spcommreports.ohchr.org>.

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. Through them, special procedures provide advice on how draft or existing legislation, policies or practices could be designed so as to fully comply with international human rights standards. These communications are a way to provide meaningful technical advice to States, which has been identified as a successful prevention tool. For instance, 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, sent a communication on 22 June 2018 to the Government of Canada expressing concern that the legislation proposed 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 that communication and other advocacy and collaborative work with civil society, the Parliament of Canada adopted a new national housing strategy in June 2019. In its reply dated 10 April 2019, the Government acknowledged that this important piece of legislation would not have been possible without the contribution of the Special Rapporteur and of members of civil society.

49. Certain communications, press statements, reports<sup>59</sup> and a documentary film by the same Special Rapporteur have shed light on the impact on the right to housing of large private equity firms and financial investors, whose business practices have contributed to the increased unaffordability of housing and to the displacement of low-income households in many countries.

50. In January 2018, following several communications by the Special Rapporteur on the rights of indigenous peoples, the European Union-funded Water Towers Protection and Climate Change Mitigation and Adaptation Programme, to be implemented by the Government of Kenya, was suspended, thereby preventing the forced eviction of members of the Sengwer indigenous community from their ancestral lands and reducing social tensions.

51. Mandate holders exercise a significant preventive role by issuing joint communications, many of which are directed at several States and/or other actors, cover cross-thematic issues and aim at averting human rights violations or preventing further escalations. Recent examples are: the communication concerning the violations of human rights in the Al-Hol and Roj camps in north-eastern Syrian Arab Republic that was 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 special procedures; and the communication concerning the alleged arbitrary detention and forced labour of Uighur and other minority workers within and outside the Xinjiang Uighur Autonomous Region that was sent to over 150 Chinese and foreign companies by the Working Group on the issue of human rights and transnational corporations and other business enterprises and six other special procedures.

52. The Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances contribute to the prevention of human rights violations by issuing opinions and initiating urgent action 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; that Working Group was able to clarify 313 cases. The Working Group on Arbitrary Detention issued 92 opinions under its regular communications procedure; it received information indicating that at least 19 subjects of previously adopted opinions had been released. Other examples illustrating how communications have made a difference are available from the OHCHR website.<sup>60</sup>

<sup>59</sup> A/HRC/10/7 and A/HRC/34/51.

<sup>60</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/Making-a-difference.aspx>.

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 both thematic and country-related issues.

54. Special procedures have regularly raised awareness about emerging developments in respect of 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 and racism and inequalities, to name only a few. A page showing their engagement on cross-cutting thematic issues is available from the OHCHR website.<sup>61</sup> By acting jointly, mandate holders address global phenomena from various angles and offer comprehensive responses. For example, the Special Rapporteur on the right to food raised the alarm about the unfolding food crisis in 2008, which led to a special session of the Human Rights Council on that topic.

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 made a statement together with other mandate holders on the situation of human rights in Afghanistan. In the statement, the mandate holders urged the international community to come together to advance practical and effective accountability mechanisms, tools and processes to fully deliver on the obligations to the rights of victims of human rights violations and terrorism.<sup>62</sup>

56. Special procedures play a role in preventing human rights violations by engaging in a wide range of activities, including the organization of 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 represents a clear advantage in terms of the prevention of human rights violations that should be exploited more broadly.

57. The innovative approach of the special procedures system has made it possible to engage with non-traditional stakeholders, including non-State actors such as businesses. This is one of the assets of the system that should be preserved, as engaging with non-traditional stakeholders certainly contributes to the effectiveness of any prevention strategy.

58. In this regard, the ninth annual Forum on Business and Human Rights was held from 16 to 18 November 2020, under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises, on the theme “Preventing business-related human rights abuses: the key to a sustainable future for people and the planet.”

59. The Working Group on the issue of human rights and transnational corporations and other business enterprises has also launched a project on business, human rights and conflict-affected regions. After presenting a report on this topic in 2020, in which it called for heightened action by States, businesses and the United Nations, the Working Group is focusing on other activities. For example, it is: working with the United Nations Development Programme to develop a toolkit for companies, Governments and international entities engaging with businesses focused on the role of businesses in conflict prevention and peacebuilding; developing a road map 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 in a manner consistent both with the Guiding Principles on Business and Human Rights and with the principles of transitional justice; and 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, to be held on 2 and 3 December 2021, will focus on the theme “Conflict prevention and the protection of the

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<sup>61</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/CrosscuttingThematicIssues.aspx>.

<sup>62</sup> See

[https://www.ohchr.org/Documents/Issues/Terrorism/SR/Closing\\_jointSPstatement\\_Afghanistan.pdf](https://www.ohchr.org/Documents/Issues/Terrorism/SR/Closing_jointSPstatement_Afghanistan.pdf).

human rights of minorities". At that session, the Forum will analyse practices, challenges, opportunities and initiatives in addressing conflict prevention and protecting the human rights of minorities.

61. In October 2019, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, was interviewed by the BBC, as part of a documentary, on the activities of technology companies such as Google, Apple and Facebook-owned Instagram, which have allegedly enabled the emergence of an illegal online slave market by providing applications 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 Instagram accounts. Owing to the strong interest in the issue of online slave markets, the Special Rapporteur, jointly with the BBC, organized a public screening of the documentary during the eighth annual Forum on Business and Human Rights, held from 25 to 27 November 2019.

#### **D. Best practices and technical assistance**

62. Special procedures issue guidelines or best practices directed at States and other stakeholders in order to assist them in preventing 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 aimed at protecting the human rights of persons with albinism and preventing attacks against them.<sup>63</sup> In 2019, the Special Rapporteur on the right to development presented a report containing guidelines and recommendations on the practical implementation of the right to development<sup>64</sup> 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.<sup>65</sup>

64. The COVID-19 pandemic has demonstrated that it is essential to uphold human rights in order to respond effectively to different types of crisis. It has also shown clearly that the prevention of human rights violations should be central to the efforts to achieve the Sustainable Development Goals. Mandate holders have risen to the challenge posed by the COVID-19 pandemic. They have taken numerous initiatives that have demonstrated that human rights have been integral to the protection of people during the crisis and that it is necessary to work jointly to develop effective responses. They have issued advice to States and other stakeholders, created innovative tools and continued their preventive and monitoring work. As a result, a series of documents have been issued, through different means, covering a broad range of human rights issues, including peace and security. Expressions of the collective voice of and information on the actions taken by the special procedures on the COVID-19 pandemic, including an information note and an infographic, have been compiled and posted on a dedicated web page.<sup>66</sup> As at 25 August 2021, the special procedures have issued 155 press releases, 14 guidance documents and other reference tools, 19 official reports and 1 unofficial study on the COVID-19 pandemic.

65. To mention one example, the Special Rapporteur on violence against women, its causes and consequences, issued a statement, endorsed by other mandates, calling upon States to ensure that the extraordinary circumstances brought about by the pandemic and by the restrictive response measures do not lead to violations 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 Government of Portugal sent a letter to the Chair of the Coordination Committee of Special Procedures outlining the measures it had taken to prevent domestic violence and to ensure the safety of and support to victims of domestic violence during the confinement.

<sup>63</sup> See <https://www.ohchr.org/Documents/Issues/Albinism/A-75-170-Addendum.pdf>.

<sup>64</sup> A/HRC/42/38. See also para. 28 above.

<sup>65</sup> A/HRC/42/41.

<sup>66</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/COVID-19-and-Special-Procedures.aspx>.

66. In his 2020 report, the Independent Expert on the situation of human rights in the Central African Republic addressed the political situation of the country, including 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.<sup>67</sup>

## V. Partnerships

67. Prevention cannot occur in isolation. Cooperation and partnership with States and other stakeholders at the international, regional and national levels 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 far-reaching perspectives back to the United Nations is one of the main added values of the special procedures.

69. Responsibility for preventing human rights violations rests primarily with States. As highlighted above, special procedures have a variety of tools to assist States in fulfilling this responsibility. Cooperation between States and mandate holders is essential for these tools to deliver their potential. The nature and extent of the cooperation has been made more visible through various means recently, including on the OHCHR website and in the annual report of the special procedures. There has been progress, with more States opening their doors to mandate holders, asking them for advice and responding to their communications. States cooperating with special procedures should be praised for doing so and should enjoy the corresponding visibility. However, some States continue not to cooperate with mandate holders, or to cooperate with only a select few. States' failure to engage with human rights mechanisms should be considered a worrying early warning sign that the Human Rights Council could address 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 has been 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. Several special procedures, including the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, as well as a member of the Committee on the Elimination of Racial Discrimination, have participated in expert workshops on the Rabat Plan of Action. Mandate holders have also been engaged in the OHCHR Faith for Rights framework, which closely followed on from the Rabat Plan of Action, to work with religious and faith-based actors more directly, thereby encouraging them to promote the right to freedom of religion or belief and prevent religious intolerance.

71. In line with Human Rights Council resolution 42/6, special procedures have increased their engagement with other United Nations entities and representatives, including the United Nations country teams, as well as with several intergovernmental bodies. They have done so individually but also as a system. The diversity of their expertise and engagement has allowed them to interact in multiple ways with other parts of the United Nations.

72. For example, the Special Rapporteur on the rights of persons with disabilities has completed a comprehensive review of the degree to which the United Nations ensures accessibility and inclusion of persons with disabilities in peace and security, development and humanitarian programmes at the country, regional and global levels. Her review has informed a United Nations-wide policy, action plan and accountability framework on strengthening the Organization's overall approach to advancing the rights of persons with disabilities.

<sup>67</sup> A/HRC/45/55, para. 89 (0).

73. In June 2021, the Special Rapporteur on extreme poverty and human rights submitted a report to the Human Rights Council on the establishment of a global fund for social protection.<sup>68</sup> In the report, the Special Rapporteur proposed a road map for the establishment of this new international mechanism. The proposals contained in the report had been prepared in close collaboration with the International Labour Organization. On 19 June 2021, during its 109th session, the International Labour Conference recommended that the International Labour Organization 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 in the field of cultural rights has worked on the preservation of cultural heritage in conflict, including by collaborating with the United Nations Educational, Scientific and Cultural Organization 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 twentieth anniversary of the Guiding Principles on Internal Displacement, the Special Rapporteur on the human rights of internally displaced persons, the Office of the United Nations High Commissioner for Refugees and the Office for the Coordination of Humanitarian Affairs of the Secretariat launched the three-year multi-stakeholder Plan of Action for Advancing Prevention, Protection and Solutions for Internally Displaced Persons in a manner consistent with the Guiding Principles.<sup>69</sup> Given its success, the Plan of Action, which expired in 2020, has been extended.

76. The Coordination Committee of Special Procedures has promoted the system of special procedures throughout the United Nations. These efforts have proved successful, as demonstrated by the engagement of some mandate holders with the Security Council, the Organization's peacebuilding architecture, the Sustainable Development Goals architecture and, more generally, with the 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 as a means of sharing information about the work of the 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 their participation in Arria formula meetings, informal meetings and formal briefings. Several mandate holders have participated in Arria formula meetings.<sup>70</sup> The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has established a working relationship with the Office of Counter-Terrorism and the Counter-Terrorism Committee Executive Directorate.

78. Several mandate holders have participated in the meetings of the high-level political forum on sustainable development.

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

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

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<sup>68</sup> A/HRC/47/36.

<sup>69</sup> See <https://www.globalprotectioncluster.org/gp20/>. The plan of action is available at [https://www.globalprotectioncluster.org/\\_assets/files/20180523-gp20-plan-of-action-final.pdf](https://www.globalprotectioncluster.org/_assets/files/20180523-gp20-plan-of-action-final.pdf).

<sup>70</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/Engagementwithotherintergovernmentalfora.aspx>.

81. In order to show that the human rights system is of value for States, civil society and other United Nations entities, good stories on how special procedures have had a positive impact, including at the country level, have been collected and are available from the OHCHR website.<sup>71</sup>

## VI. Conclusions and recommendations

82. Several aspects of the work of special procedures have the potential to assist States and other stakeholders in preventing human rights violations and abuses. They also have the potential to contribute to the prevention strategy of the United Nations in line with the Secretary-General's call to action for human rights. Special procedures' reports contain concrete recommendations that, if implemented, may contribute to prevention. Country visits are another practical prevention tool. The advocacy work done with States, civil society and United Nations entities to ensure that human rights are integrated into responses to crises or emerging issues plays a key prevention role.

83. The examples set out in the present study highlight the common experiences and practices of special procedures and illustrate how the situation of individuals and groups have improved following actions taken by mandate holders. Moreover, the study describes how special procedures' work on legislation with the country concerned can contribute to prevention, and demonstrates 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 proved useful from a prevention perspective.

84. While there is no doubt that special procedures can assist States and other stakeholders in preventing violations and abuses of human rights, the challenge has been to ensure that States and the United Nations properly engage systematically with special procedures to achieve that end. Greater attention should be paid to ways of overcoming possible bottlenecks and fully realize the prevention potential of special procedures. The problem is often not the unavailability or inaccessibility of information. The priority should therefore be to identify ways to ensure appropriate and timely attention to the issues raised by mandate holders.

85. In particular, additional attention should be paid by States and the Human Rights Council to following up on and implementing special procedures' recommendations. Special procedures have themselves developed follow-up tools. However, the implementation of recommendations is primarily the responsibility of States, which should give the same attention to the recommendations of 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 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 an expanded discussion on that topic. Follow-up activities should also be specifically referred to in special procedures' mandates.

86. The Human Rights Council should create additional space for States to share their experiences and information on challenges faced in terms of upholding human rights and implementing human rights recommendations, possibly with the participation of the 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 for special procedures. Still, not all special procedures' mandates are either designed or executed with an explicitly preventive strategy in mind. In terms of design, it is important for the Human Rights Council to ensure that all resolutions creating or renewing a special procedure's mandate contain a reference to prevention. With regard to execution, special procedures, working in close cooperation with States and other stakeholders, including United Nations entities, should adopt a prevention

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<sup>71</sup> See <https://www.ohchr.org/EN/HRBodies/SP/Pages/Preventioncessationhumanrightsviolations.aspx>.



lens in their work, including in terms of how they frame their analyses and recommendations, and should identify short-, medium- and long-term prevention goals. In turn, States and the United Nations should better leverage the human rights mechanisms, including the 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 the 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 levels 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 to bridge the gap with other entities and stakeholders, including at the national level, for example by inviting them to attend relevant meetings and to share their experience. The recent United Nations reforms, in particular the empowered resident coordinators system, provide a good opportunity to ensure that the contributions of special procedures are better included in the political and programmatic agenda at the country level, with the ultimate aim of assisting 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 to tackle this shortcoming. Close cooperation and mutual assistance between different mechanisms is also important. A more strategic approach to prevention should be taken by the different international and regional human rights mechanisms. Synergies could be established by creating better and more fluid ways of sharing information among the different mechanisms to ensure that each is aware of what the others are doing and where. A variety of ways and means of consulting among the various mechanisms should also be explored. For example, the involvement of mandate holders in the universal periodic review could be considered, especially the involvement of those who have engaged with the country under review.

90. Special procedures have contributed substantively 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 Organization pursues resolutely its “One United Nations” initiative.

## Annex

### **Prevention in the resolutions establishing mandates of special procedures**

17 mandates (31 per cent) 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.

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