

RESEARCH BRIEF

FROM SIGNALS TO ACTION – HOW THE UN HUMAN RIGHTS SYSTEM CAN DELIVER EARLY WARNING AND CONFLICT PREVENTION

EXECUTIVE SUMMARY

The United Nations' human rights system (composed of the Human Rights Council (HRC), human rights treaty bodies, the Office of the High Commissioner for Human Rights and the UN's human rights field presence) constitutes a unique and empirically rich ecosystem for identifying drivers and potential early warning signs of conflict. In a context of an often-stalled Security Council, the unwillingness of member states to take preventive action and somewhat limited General Assembly powers, the HRC offers a crucial opportunity for enhancing the UN's prevention role.

The following report draws from a quantitative and qualitative deep dive into five conflict case studies: Syria (2011), Mali (2012), South Sudan (2013), Ukraine (2014) and Myanmar (2017) – see 'Case Studies pages 5-22). For each case study, the research team examined the complex body of data produced by the UN's human rights system in the five years preceding a significant escalation into violent conflict. The team sought to isolate key conflict early warning signals and trends in each case, identifying whether and how human rights reporting may have generated early warning signs prior to the outbreak of conflict. We also looked at the UN's response, examining whether early warning was translated into programming or policy action (see annexes).

The results were striking. Across the case studies, the UN's human rights system generated a wealth of information that clearly indicated growing risks of violent conflict. Many of these signals were buried in long reports or spread out across different bodies of information that made them difficult to access or understand. But we also found that human rights reporting provided a unique sense of the social and economic drivers of conflict, how marginalization and discrimination were affecting the risks of violence in the years prior to a significant escalation, where governments were failing to respond to risks and what kinds of responses might have lowered risk levels.

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On this basis, the report offers eight recommendations for the UN's human rights system and beyond:

1. **Tell a compelling story.** Rather than having to search through thousands of pages of human rights reporting, leaders within the UN system should be given clear narratives about what the early warning signals might mean as a whole. Aggregating and analysing the data holistically is an important first step.
2. **Turn signals into actionable early warning.** Human rights reporting should be explicitly framed as a conflict prevention tool, with clear instructions to Special Procedures mandate holders on how to feed actionable recommendations into the UN's human rights system and beyond.¹
3. **Link human rights reporting to accountability mechanisms.** Wherever possible, human rights reports should find processes and mechanisms to hold actors accountable. This is a challenge in the lead-up to conflict but should be a focus if the human rights system is to more meaningfully engage in prevention.
4. **Bring 'pathways' back in focus.** The 2018 UN/World Bank *Pathways for Peace*² report was a landmark moment, clearly recognizing that inequality and the marginalization of groups are drivers of conflict. The broader human rights system should also see its work as serving the goal of highlighting and combating inequality and marginalization.
5. **Formalize information-sharing across the UN system.** While there are a range of innovative and informal ways to share information (e.g. Arria-formula meetings, briefings by the UN High Commissioner for Human Rights, brown bag lunches with the Department of Political and Peacebuilding Affairs), these are ad hoc and insufficient vis-à-vis the scope of the challenge. If the UN system is to rise to the ambition set out by the HRC's creation in 2006, its work needs to be more systematically linked to its peace and security architecture. As a first step, the question of using human rights early warning signals for prevention should be part of the 2025 Peacebuilding Architecture Review (PBAR).
6. **Dedicate time and resources to country cooperation.** Across the cases, reporting from the Special Procedures thematic and country-specific mandate holders considered highlighted issues and challenges related to the lack of cooperation from the host country.³ Some concrete steps could include greater resources for the Special Procedures to work on country cooperation, or possibly a fund to assist in implementing some of the recommendations included in their reporting.
7. **Expand the use of HRC Special Procedures country-specific mandates.** While three Independent Experts or Special Rapporteurs with country mandates are relevant for the case studies considered in this report (Myanmar, Syria, Mali), only the reporting of the Special Rapporteur on the situation of human rights in Myanmar existed during the five years prior to the outbreak of conflict against Rohingya Muslims in Myanmar in October 2016 and August 2017.⁴ Reporting from the Special Rapporteur on the situation of human rights in Myanmar highlights country mandates' crucial role in bringing attention to conflict early warning signs over a sustained period, beyond the Special Procedures thematic mandates. While HRC country mandates cannot possibly stretch across every country, a more standardized practice for these would benefit both the Special Procedures as a whole and the broader HRC system.
8. **Build synergies with the UN's climate, peace and security agenda.** The data collected for the case studies examined pointed to limited instances where HRC mechanisms have identified environmental human rights violations. One of the challenges is that the HRC's Special Procedures 'does not collect information on environmental human rights violations at a sufficiently granular level to be of early warning value'.⁵ Adapting the UN, including the HRC, to climate-security risks and developing climate-sensitive conflict prevention approaches may be crucial for anticipating future climate-related conflicts.

INTRODUCTION

‘Our most urgent work is prevention ... it is a huge topic for the Pact of the Future and an opportunity where Geneva and New York can work more closely together.’

– Ambassador Pascale Baeriswyl, Permanent Representative of Switzerland at Geneva Peace Week in October 2024

Preventing violent conflict has been at the core of the United Nations since 1945. Successive Secretaries-General have stated that prevention is their highest priority, and António Guterres listed his top three goals as ‘prevention, prevention, prevention’.⁶ In his *A New Agenda for Peace* in July 2023, ‘prevention’ is mentioned 35 times, which Guterres argues ‘is cost effective ... but remains chronically underprioritized’.⁷ The recently adopted Pact for the Future mentions prevention 13 times, offering a new initiative to develop nationally owned prevention strategies around the world.⁸

Wide-ranging initiatives and reform processes have been undertaken over the past 20 years, many with the goal of improving the UN’s ability to prevent large-scale violent conflicts before they occur.⁹ Current initiatives of the Office of the High Commissioner for Human Rights (OHCHR) include modelling early warning signals, such as project Cassandra and Civic Space Pulse, among others. Despite these, today we see a rise and spread of violent conflict around the world. Wars in Ukraine, Israel/Gaza, Sudan and Yemen were not prevented, while long standing conflicts in the Democratic Republic of the Congo, Libya, Mali, Myanmar and Somalia show few signs of drawing down.

There are many reasons for the UN’s inability to prevent violent conflict. At a time of deep geopolitical fracture and competition, major powers appear increasingly willing to pursue military action to achieve their aims. The UN Security Council’s paralysis in the face of major threats to international peace and security is the most visible symptom of this problem. Other challenges include the willingness of regional actors to intervene in the internal conflicts of their neighbours; the spread of illicit flows of goods and weapons that sustain conflict; weak and/or undemocratic governance capacities in many regions; and deep socio-economic challenges that tend to drive societies towards conflict.¹⁰ While the UN has improved its capacities to meet many of these challenges, the harsh reality is that wars continue to break out and persist. As the Secretary-General has also noted in his *A New Agenda for Peace*, peace

remains ‘an elusive promise’ for much of the world.¹¹

This report examines one of the potential game changers for the UN’s prevention problem: the human rights system. For every country experiencing violent conflict today, the UN’s human rights system has produced a wealth of information, empirically grounded data and reporting that contains some of the most important and detailed early warning signals of violent conflict. In many cases, human rights reporting identified problematic trends and indicators of conflict well before the situation escalated into widespread violence. As one group of experts has noted, the Human Rights Council (HRC) should be thought of as a ‘Prevention Council’.¹² This resonates with a key recommendation of a 2023 policy brief entitled *Delivering the Right to Peace: Towards a Strengthened Role of the Human Rights Council in the UN’s Peace and Security Framework* in which the Geneva Academy of International Humanitarian Law and Human Rights and the United Nations University Centre for Policy Research propose that the UN’s human rights system could be more effectively connected to the broader UN peace and security architecture.¹³

The role of the HRC - and with it the broader human rights system - as an important conflict prevention actor has resonated within the broader UN system for close to two decades. In his remarks at the opening of the seventh session of the HRC in 2008, former Secretary-General Ban Ki-Moon told the HRC: ‘You must remain vigilant and proactive – by sounding early warnings, by pushing for implementation, by insisting on accountability. You must respond to crises as they build up or unfold, and address situations of concern that are neglected or forgotten by the international community’.¹⁴ Referring to the special procedures of the Human Rights Council - independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective, he noted that ‘essential to the proper functioning of the Council’s machinery is the system of independent Special Procedures – your vanguard mechanisms for early detection of problematic human rights situations and sustained protection’.¹⁵

The present project focuses on whether and how the UN’s human rights system provides early warning and action for conflict prevention. It is guided by the following questions: Is the HRC - and with the broader human rights system - producing the information and analysis needed for it to serve an effective early warning function? What happens to the information produced by the UN’s human rights system? Are the early warning signals being communicated and acted upon in ways that allow the HRC

to perform a prevention function effectively? If so, what kinds of actions are taken? Are there common challenges to translating early warning signs in the human rights system into effective action? How can the enormous amounts of data and evidence generated by the human rights system be better connected to the concrete actions of the UN and its members?

In the present report, we adopt a 'big data' approach to the information produced by the HRC), human rights treaty bodies, the Office of the High Commissioner for Human Rights, and the UN's human rights field presence HRC. Looking across five case studies – Syria (2011), Mali (2012), South Sudan (2013), Ukraine (2014) and Myanmar (2017) – we examine the data produced by the UN's human rights system within a five-year period preceding the outbreak of conflict, identifying early warning signals, evidence of trends toward violent conflict and direct warnings of escalation. By examining these cases, we offer cross-cutting findings, examples of good practice and recommendations for better connecting human rights to the broader UN peace and security architecture.

THE 'BIG DATA' APPROACH

A full description of our methodology is included as an annex to this report (see [Annex 1: Methodology](#)). Our general approach included the collection of all the relevant information produced by the UN human rights system for the five years preceding an outbreak of large-scale violent conflict in a country. Collected documentation included the annual reporting of the Special Procedures of the HRC, human rights treaty bodies, HRCs Universal Periodic Review (UPR), statements and press releases of the High Commissioner for Human Rights and OHCHR, HRC special sessions, HRC resolutions, reporting from HRC-established and mandated accountability mechanisms such as fact-finding missions and commissions of inquiry, among others.¹⁶ In order to treat the data, we set up two large datasets and searched these for a comprehensive set of conflict early warning signals that are widely understood to be either immediate precursors to violent conflict (e.g. large-scale human rights abuses) or deeper drivers of conflict (e.g. significant and/or patterns of discrimination, loss of political space, rising forms of violence against women, children and other vulnerable groups). A full list of the human rights indicators identified is provided in Annex 1: Methodology (pages 28- 35).

This 'big data' approach allowed us to identify the frequency of early warning signals, trends and trajectories of human rights reporting in the lead-up to the outbreak of violent conflict, as well as common or cross-cutting trends across different cases and contexts. On this basis, we drew conclusions about the extent to which the UN's human rights system was able to provide accurate early warning. Finally, we also examined what happened next: Were the early warning signals taken up and acted upon? What structural and/or political barriers exist to more robust responses? What early lessons can we draw from the data about the extent to which the human rights system contributes to the broader network of peace and security actors to prevent violent conflict?

CASE STUDIES

SYRIA (2011)

BACKGROUND

Between 2007 and 2011, Syria faced a slowly deteriorating human rights situation and brewing social unrest in the lead-up to the Arab Spring, culminating in a civil war that erupted in the spring of 2011. While Syria has largely taken a back seat in the UN's priorities, the conflict, now in its thirteenth year, has left those remaining in the country facing ongoing military operations and a severe lack of access to basic services. A violent earthquake in northern and western Syria (and Turkey) in February 2023 has exacerbated an ongoing humanitarian crisis that shows little signs of abating.

The causes of the Syrian conflict have long been a source of debate. Some have argued that a combination of long-term political, social and economic factors combined with a brutal crackdown on peaceful protests demanding country reforms by Bashar Al-Assad's government ultimately led to a civil war. Others have highlighted factors such as serious environmental issues in the years leading to 2011, including a severe drought between 2006 and 2010, causing mass displacement and reduced access to basic resources. Much less well documented is the decades-long government practice of gradually replacing Sunnis with Alawites in key government and military positions, including Syria's air branch which proved a key player for the Baathist government in the March 2011 popular uprising.⁶³

By the middle of 2012, Syria was engulfed in an all-out civil war. Yet the HRC had warned of an impending civil war at least one year prior to a violent crackdown on protests starting in March 2011, mirroring similar protests in the region. In June 2010, UN Member States flagged a situation 'having almost reached the level of civil war', while others expressed fears of possible foreign exploitation of rising regional instability.⁶⁴ The then High Commissioner for Human Rights warned of an approaching 'breaking point', where 'violent repression of peaceful protest ... risks creating a downward spiral of anger, violence, killings and chaos' and even a 'full-blown conflict' similar to Libya.⁶⁵ By August 2011, Special Procedures mandate holders were collectively arguing that 'the threshold of widespread and systematic violence had been reached'.⁶⁶

WHAT THE DATA TELLS US FOR THE 2007–2011 PERIOD

While other contexts were not the focus of the HRC prior

to conflict outbreak, with the HRC slow or inconsistent in picking up on deteriorating human rights situations, human rights indicators in Syria were more consistently being tracked in the lead-up to the war than in any other case examined, including during similar time periods. Between 2007 and 2011, 'Syria' appeared a total of 469 times across documentation produced by the HRC, and 268 times before the outbreak of the first large-scale protests across the country in March 2011.⁶⁷ By comparison, HRC reporting mentioned 'Myanmar' 248 times in the lead-up to the Rohingya genocide (2013–2017); 'Ukraine' and 'Russia/Russian Federation' as it relates to Ukraine 214 times (2010–2014); 'Mali' 176 times in the lead-up to its civil war (2008–2012); and 'South Sudan' only 18 times before the outbreak of conflict in 2013 (2009–2013).

Not only did the HRC consistently report on Syria in the lead-up to the civil war, but it also took actions in contrast to a lack thereof, or slower responses to, brewing conflicts in Mali and South Sudan. Within a few weeks of OHCHR reporting on the increase in government violence against peaceful protesters, the HRC convened a special session on 29 April 2011 requesting OHCHR to 'urgently dispatch a mission to Syria to investigate all alleged violations of international human rights law, with a view to avoiding impunity and ensuring full accountability'.⁶⁸ HRC Resolution S-16/1 promptly established a fact-finding mission for this purpose.⁶⁹ A second special session on 18 August 2011 established the Independent International Commission of Inquiry on the Syrian Arab Republic, followed by a third session on 2 December 2011, mandating a Special Rapporteur on the situation of human rights in the Syrian Arab Republic.⁷⁰ In June 2011, Austria noted that over the last six months the Council had been living up to its mandate of responding to past violations of human rights and preventing future human rights abuses and this was a clear testimony of what the Council was capable of doing. The establishment of mechanisms to investigate allegations of serious crimes in Côte d'Ivoire, Libya, and Syria were an important tool to address past but also prevent future human rights violations.⁷¹

MOST FREQUENTLY OCCURRING TERMS

Across the human rights indicators identified for this research, the below terms were found most frequently across all relevant Syria-specific documents between 2007 and 2011 (i.e. ten or more mentions in one given year). These documents include documents from the UPR on Syria; HRC resolutions on Syria; press statements/releases by the

High Commissioner for Human Rights and OHCHR; HRC special sessions on Syria during the time period examined and reports of the Independent International Commission of Inquiry on the Syrian Arab Republic (created in August 2011) and the Fact-Finding Mission on Syria (April 2011).⁷² It should be noted that no Syria-specific documents among these were found for 2009. This is in part due to the established timeframes of HRC mechanisms (i.e. the UPR cycles) versus 2011, which coincided with the outbreak of conflict in March 2011 and for which 46 documents were included in Dataset B.

Large-Scale Human Rights Abuses

- **Crimes against humanity:** Mentioned 53 times, all in 2011. The most relevant documents highlighted ‘a pattern of human rights violations constituting widespread or systematic attacks against the civilian population, which may amount to crimes against humanity as provided for in article 7 of the Rome Statute of the International Criminal Court’.⁷³
- **Executions:** Appeared 46 times between 2007 and 2011 (44 times in 2011, 2 in 2010).
- **Mass killings:** Appeared 69 times 2007 and 2011, all in 2011. The majority of reports referred to the killing of peaceful protesters in 2001 by Syrian security and military forces, including women and children.⁷⁴
- **(Mass) disappearances/displacement:** Appeared 69 times 2007 and 2011, 63 times in 2011 and 6 times in 2010. Most documents referred to widespread enforced disappearances of peaceful protesters, children, journalists and HRDs.⁷⁵

Targeting of HRDs, Journalists, CSOs

- **Targeting of HRDs/journalists/CSOs:** Between 2007 and 2011, instances of attacks on HRDs, journalists and/or members of CSOs were reported at least 31 times (28 in 2011, 3 in 2010).
- **Arbitrary arrest/detention (of HRDs/journalists/CSOs):** Instances of arbitrary arrests and/or detention specifically of HRDs, journalists and/or members of CSOs were reported at least 36 times, all in 2011.

Increase in Domestic Government Violence

- **Police/security force brutality:** Instances of police and/or security force brutality against peaceful protesters were mentioned at least 143 times (141 in 2011, 2 in 2010).⁷⁶
- **Human rights abuses by the military:** Appeared

30 times (2011). Human rights abuses by the military included murder, enforced disappearances, torture, deprivation of liberty and persecution.⁷⁷

- **Arbitrary detention/arrests (general):** Appeared 147 times between 2007 and 2011 (136 in 2011, 10 in 2010, 1 in 2008). The large-scale and widespread use of arbitrary arrests and detention by members of the security and/or military forces was often found to be accompanied by torture and ill-treatment.⁷⁸
- **Government crackdown:** At least 93 references were made to the continued government crackdown on peaceful protesters in the course of 2011.⁷⁹

Violence Against Women

- **Gender-based violence, including sexual violence/abuse:** Appeared 28 times between 2007 and 2010, with 19 mentions in 2011 and 9 in 2010. The majority of reports noted impunity towards gender-based violence, particularly domestic violence and sexual violence.⁸⁰

Violence Against Children

- **Violence against children, including sexual violence:** Appeared 33 times between 2007 and 2011, with the highest number of mentions of violence against children in 2011 (26 mentions), versus 2010 (3 mentions) and 2007 (4 mentions). The majority of reports described instances of violence against children such as sexual violence, corporal punishment and mutilation, among others, including in detention and schools.⁸¹
- **Killing and/or maiming of children:** There were 22 mentions of the killing of children in 2011, mostly as part of the ongoing government crackdown on peaceful demonstrations that year.⁸²
- **Arbitrary arrest/detention of children/juveniles:** There were 12 mentions of the arbitrary arrest and detention of children between 2007 and 2011 (9 in 2011, 3 in 2010).

Deepening Social Divides

- **Torture and ill-treatment:** Appeared 157 times between 2007 and 2011 (134 mentions in 2011, 23 in 2010).⁸³
- **Racial, religious, ethnic, gender, sexual orientation discrimination:** Instances of discrimination appeared 15 times between 2007 and 2011 (11 mentions in 2011, 4 in 2010). These highlighted discrimination against women and girls, members of the Kurdish minority and Yezidis, among others.⁸⁴

Political, Civil and Legal Rights

- **Political repression (or other actors, e.g. armed groups):** Appeared 10 times, all in 2011.⁸⁵
- **Access to justice/rule of law:** Appeared 18 times between 2007 and 2011 (10 mentions in 2011, 8 in 2010).

Economic, Social and Cultural Rights

- **Economic, social and cultural rights:** Appeared 14 times, all in 2011. Reports highlighted the lack of economic, social and cultural rights of religious and ethnic minorities, such as Kurds, Assyrians, Jerks, Gajan, Turkmen and other vulnerable groups, such as refugees and domestic migrant workers.⁸⁶
- **Attacks on/destruction/theft of villages, homes, farms, businesses and/or cultural or religious symbols/sites/property, as well as healthcare facilities:** Appeared 19 times, all in 2011. Both the Fact-Finding Mission and the Independent International Commission of Inquiry on Syria detailed attacks on and destruction of hospitals, as well as looting of homes and commercial properties.⁸⁷
- **Restrictions on movement:** Appeared 14 times between 2007 and 2011 (10 in 2011, 3 in 2008, 1 in 2007).
- **(Risk of) humanitarian crisis and/or blockage of humanitarian assistance:** Appeared 31 times, all in 2011. Most reports highlighted a growing humanitarian crisis, as well as the need to provide unhindered access to humanitarian organizations and international humanitarian workers to provide assistance to the civilian population.⁸⁸
- **(Access to) healthcare/sanitation:** Appeared 35 times between 2007 and 2011 (26 mentions in 2011, 9 in 2010).

Civic Space

- **Attacks on freedom of expression (including press freedom):** Appeared 61 times, all in 2011, describing the Syrian authorities' practices to systematically suppress and restrict freedom of opinion and expression, including freedom of the press.⁸⁹

Food crisis/es

- **Food/water crisis or insecurity:** Appeared 19 times between 2007 and 2011 (13 mentions in 2011, 6 in 2010).

OBSERVATIONS

1. **Large-scale human rights abuses.** The first HRC reports to flag large-scale human rights abuses (including mass

killings, atrocity crimes and possible crimes against humanity) were published in 2010. From 2011, HRC press releases, special sessions, the UPR on Syria and HRC-mandated accountability mechanisms⁹⁰ highlighted large-scale and serious human rights abuses by Syrian military and security forces, most of these following the first crackdown on protesters in March 2011.⁹¹ Reporting during that year consistently highlighted executions, mass killings, enforced disappearances and human rights violations that would amount to crimes against humanity.⁹²

2. **Increase in domestic government violence.** The most frequently documented human rights indicators related to the rapid increase in domestic government violence in 2011 against the Syrian population, including the widespread practice of torture and ill-treatment by Syrian military and security forces against peaceful protestors. In 2011 alone, police and/or security force brutality against peaceful protestors was mentioned at least 143 times, with widespread cases of arbitrary arrests and detention documented (136 mentions). The large-scale and widespread use of arbitrary arrests and detention by members of the security and military forces was often found to be accompanied by torture and ill-treatment. The HRC's reporting referenced the use of torture and ill-treatment against protestors at least 134 times over the course of the year, and 23 times in 2010.⁹³
3. **Targeting of HRDs, journalists, CSOs.** Incidents of targeting of human rights HRDs, journalists and/or CSOs in Syria appeared in the HRC's reporting from 2010 (albeit only 3 mentions).⁹⁴ However, reporting on the targeting of HRDs, journalists and CSOs peaked the following year. In 2011, at least 28 references to government attacks on HRDs, journalists, and or members of CSOs were included in the HRC's documentation on Syria, while arbitrary arrests and/or detention of HRDs, journalists and/or CSO members appeared 36 times.⁹⁵ In a joint statement in April 2011, ten Special Procedures mandate holders denounced the brutal crackdown on peaceful protestors, journalists and HRDs.⁹⁶ The 2011 report of the Independent International Commission of Inquiry on Syria also highlighted the 'widespread harassment of human rights defenders and journalists' amid an ongoing government crackdown on peaceful protestors and shrinking civic space.⁹⁷
4. **Economic, social and cultural rights.** Despite socio-economic inequalities and grievances contributing

significantly to social unrest and the subsequent onset of the Syrian war in 2011, the data highlighted the relatively poor coverage of violations of economic, social and cultural rights in the lead-up to the conflict. While some reports mentioned the lack of economic, social and cultural rights of religious and ethnic minorities, such as Kurds, Assyrians, Jerks, Gajan, Turkmen and other vulnerable groups,⁹⁸ as well as related issues such as the growing humanitarian crisis, most of these emerged in the HRC's documentation in 2011 in tandem with the onset of the war.⁹⁹ Similarly, indicators relating to the onset of a food crisis (such as food and water insecurity, social unrest, presence of droughts or flooding) only appeared in 2010, well into severe fallouts from the worst drought in Syria's modern history.¹⁰⁰ Beyond this, coverage by the UN human rights system of these indicators provided few insights into underlying socio-economic inequalities and grievances amid growing environmental concerns, and brewing economic and social unrest within the Syrian population in the years prior to 2011.

5. **From early warning to early action in practice.** During the HRC's first special session on Syria in April 2011, speakers argued that Council 'must show it can react to such shocking violent events'.¹⁰¹ The HRC resolutions adopted following the three special sessions on Syria in 2011, which established the Fact-Finding Mission on Syria, the Independent International Commission of Inquiry on the Syrian Arab Republic and a mandate for the Special Rapporteur on the situation of human rights in the Syrian Arab Republic, are testimony to rare action taken in response to conflict early warning signs picked up in the HRC's reporting.¹⁰²

MALI (2012)

BACKGROUND

Between 2008 and 2012, Mali witnessed a deterioration of its political, security and social fabric, culminating in a civil war that erupted in early 2012. The roots of the conflict were shaped by longstanding tensions in the northern regions, which had historically been marginalized by the central government in Bamako. As early as 2008, the UPR on Mali highlighted 'recurrent threats to peace and security, particularly in the northern part of the country' as an ongoing difficulty and constraint, linked to Mali's 'economic situation, its sociocultural context and the persistence of certain traditional practices'.¹⁰³ Further, decades of underdevelopment, cyclical droughts and ethnic tensions, particularly involving the Tuareg and Arab communities, fostered grievances that remained largely unaddressed by successive Malian governments. The Tuareg population in particular had been agitating for greater autonomy since the 1960s, with periods of armed rebellion. The 2006 Algiers Peace Accord, intended to resolve the longstanding insurgency, failed to fully materialize, exacerbating frustrations among northern groups.

The situation further deteriorated due to the destabilizing effects of the Libyan civil war in 2011. Large numbers of Tuareg fighters, many of whom had served in the Libyan army under Muammar Ghaddafi, returned to Mali heavily armed after the collapse of the Libyan regime in October 2011. The influx of weapons and trained combatants bolstered the capacity of the National Movement for the Liberation of Azawad (MNLA), a Tuareg separatist group, to reignite their quest for autonomy in northern Mali. At the same time, Islamist factions such as Ansar Dine, with ties to al-Qaeda in the Islamic Maghreb (AQIM), began to exploit the growing instability, seeking to impose their own vision of a religiously governed state. The Malian army, underfunded and poorly equipped, was unable to contain the growing insurgency.

Political instability in the capital, Bamako, compounded the crisis. President Amadou Toumani Touré, whose leadership had come under increasing criticism for corruption and ineffectiveness, struggled to manage the insurgency. Frustration within the military boiled over in March 2012 when soldiers, angry at the government's mishandling of the conflict, staged a coup d'état, further weakening state control. The coup accelerated the disintegration of Mali's territorial integrity, as northern regions quickly fell under the control of the MNLA and

Islamist groups, plunging the country into chaos. The crisis set the stage for international intervention, including the eventual French military operation in 2013, but by then, Mali had become a battleground for separatist and jihadist forces alike.

This case study examines the work of the HRC and broader human rights system in the lead-up to the Malian civil war in 2012. It focuses on the extent to which early warning indicators were identified in the UN's human rights system reporting, and whether such signals were acted upon by the multilateral system.

WHAT THE DATA TELLS US FOR THE 2008–2012 PERIOD

In the five years leading up to the Malian civil war, 'Mali' appeared a total of 176 times across the documentation produced by the HRC, most frequently in 2012 (54 mentions, versus 27 in 2011, 23 in 2010, 26 in 2009 and 46 in 2008).¹⁰⁴ These numbers contrast significantly with the HRC's attention towards brewing conflicts in other regions. For example, in the lead-up to the Syrian civil war (2007–2011), 'Syria' appeared at least 469 times across the HRC's documentation, nearly three times more compared to Mali during similar years.¹⁰⁵ Conversely, in the five years leading up to its civil war in 2013, South Sudan was not the focus of the UN human rights system from 2009–2012.¹⁰⁶

Between 2008 and 2012, over half of the treaty bodies (six out of ten) mentioned Mali in their annual reporting each year. However, most failed to highlight patterns of racial discrimination, violence against women and children and other indicators which might have called attention to the deteriorating human rights situation in the country.¹⁰⁷ Attention to dynamics and the deteriorating situation in Mali was even more absent within the Special Procedures' annual reporting. Although over a third of Special Procedures made one or more references to Mali in their reporting between 2008 and 2012, most of these referred to Mali's signing, accession to or ratification of international conventions, or overdue reports (sometimes indicating over ten-year delays).¹⁰⁸ Further, while the Annual Reports of the HRC in 2008 and 2012 mentioned Mali at least 19 times, and 9 times in 2012, these mentions related to HRC resolutions which Mali voted in favour of, while those in 2012 related to the HRC Resolution on Mali (described below).¹⁰⁹

Beyond the HRC's Special Procedures and human rights treaty body mechanisms, Mali was not the centre of any resolutions, decisions and president's statements of the HRC until the outbreak of conflict in January 2012. Indeed, the HRC acted only *after* conflict broke out in 2012, adopting a

resolution at its thirty-third meeting of 6 July 2012 which condemned the 'human rights violations and acts of violence committed in northern Mali, in particular by the rebels, terrorist groups and other organized transnational crime networks, including the violence perpetrated against women and children, the killings, hostage-takings, pillaging, theft and destruction of religious and cultural sites, as well as the recruitment of child soldiers'.¹¹⁰ This resolution was also action-oriented, calling for 'an immediate halt to these human rights violations and acts of violence', and inviting the 'United Nations High Commissioner for Human Rights to monitor the human rights situation in the north of Mali and to report thereon to the Council at its twenty-first session'.¹¹¹ A second HRC resolution later that year reiterated its concern for the deteriorating human rights situation in northern Mali and renewed its call for an 'immediate halt to the abuses and all human rights violations and acts of violence'.¹¹²

The Mali case suggests that the HRC paid limited attention to the deteriorating situation in Mali prior to the outbreak of conflict, with largely dispersed reporting focused on other regions with impending conflicts. In general, the various rapporteurs and treaty body reports had a light focus on violence trends or human rights violations in Mali. However, the HRC was relatively quick to act following the outbreak of conflict, indicating possible courses of action following conflict outbreak.

MOST FREQUENTLY OCCURRING TERMS

Across the human rights indicators identified for this research, the below terms were found most frequently across all relevant Mali-specific documents between 2008 and 2012 (i.e. ten or more mentions in one given year). These documents include documents from the UPR on Mali, HRC resolutions on Mali and press statements/releases by the High Commissioner for Human Rights and OHCHR.¹¹³ It should be noted that no Mali-specific documents among these were found for the period between 2009 and 2011. This is in part due to the established timeframes of HRC mechanisms (i.e. the UPR cycles).

Large-Scale Human Rights Abuses

- **(Mass) disappearances/displacement:** Appeared for the first time during the examined period in 2012 (13 mentions).

Increase in Domestic Government Violence

- **Arbitrary detention/arrests (general):** Appeared 14

times, all in 2012.

Violence Against Women

- **Gender-based violence, including sexual violence/abuse:** Appeared 137 times between 2008 and 2012, with the highest number of mentions of gender-based violence in 2008 (92 mentions) and 2012 (45 mentions), versus none in 2009, 2010 and 2011.¹¹⁴

Violence Against Children

- **Violence against children, including sexual violence:** Appeared 55 times between 2008 and 2012, with the highest number of mentions of violence against children, including sexual violence, in 2008 (30 mentions) and 2012 (25 mentions), versus none in 2009, 2010 and 2011.
- **Child recruitment/recruitment of children:** Appeared 12 times between 2008 and 2012 (all in 2012).
- **Trafficking of children (including cross-border):** Appeared 42 times between 2008 and 2012 (30 mentions in 2008, 8 in 2012).
- **Restrictions on education (especially for girls):** Appeared 20 times between 2008 and 2012 (13 mentions in 2008, 7 in 2012).

Deepening Social Divides

- **Discriminatory/exclusionary policies:** Appeared 13 times between 2008 and 2012 (11 mentions in 2008, 2 in 2012).
- **Racial hatred, religious, ethnic and inter-communal violence (or risk of), e.g. tribal/sectarian violence:** Appeared 36 times between 2008 and 2012 (23 mentions in 2008, 13 in 2012).
- **Torture and ill-treatment:** Appeared 34 times between 2008 and 2012 (25 mentions in 2012, 9 in 2008).

Political, Civil and Legal Rights

- **Access to justice/rule of law:** Appeared 24 times between 2008 and 2012 (17 mentions in 2008, 7 in 2012).

Economic, Social and Cultural Rights

- **Economic, social and cultural rights:** Appeared 24 times between 2008 and 2012 (14 mentions in 2012, 10 in 2008).
- **Attacks on/destruction/theft of villages, homes, farms, businesses and/or cultural or religious symbols/sites/property:** Appeared 31 times between 2008 and 2012 (all in 2012).

- **Restrictions/attacks on freedom of religion:** Referenced 11 times between 2008 and 2012 (all in 2012).
- **(Risk of) humanitarian crisis and/or blockage of humanitarian assistance:** Appeared 16 times between 2008 and 2012 (all in 2012).
- **(Access to) healthcare/sanitation:** Appeared 32 times between 2008 and 2012 (21 mentions in 2008, 11 in 2012).

Civic Space

- **Attacks on freedom of expression (including press freedom):** Appeared 18 times between 2008 and 2012 (11 mentions in 2012, 7 in 2008).

Food crisis/es

- **Food/water crisis or insecurity:** Appeared 26 times between 2008 and 2012 (18 mentions in 2012, 8 in 2008).

OBSERVATIONS

In the lead-up to the 2012 civil war in Mali, the UN's human rights system produced a significant body of information and reporting, though its engagement in Mali spiked significantly in the years that followed the outbreak of conflict. Especially in 2008 and 2012, human rights reporting identified a number of cross-border trends like human trafficking and child trafficking that pointed towards large flows of people and resources out of the conflict in Libya. Human rights reporting on social, economic, and cultural conditions also offered a number of clear early warning signals that Mali was on the verge of escalation into widespread violent conflict. Some of the key trends and patterns include:

1. **Violence against women.** Instances of violence against women, including sexual violence, were the most frequently documented human rights violations across all indicators examined. In October 2012, the Assistant Secretary-General for Human Rights stated that 'women are the primary victims of the current crisis and have been disproportionately affected by the situation in the north'.¹¹⁵ Yet, while gender-based violence was widely documented in the HRC's reporting covering Mali in 2008 (92 mentions during that year), the absence of reports in the following years meant it was not possible to assess whether trends were worsening.¹¹⁶ However, in 2012, the HRC documented widespread sexual violence during the outbreak of conflict earlier that year (45 mentions in 2012). These highlighted widespread acts of rape committed by armed combatants, as well as female

genital mutilation, sexual slavery and abduction and forced marriages.¹¹⁷

2. **Violations of the rights of children.** Some of the most notable reporting concerned growing trends of violations of the rights of children, including violence against children, including sexual violence, (cross-border) trafficking of children, child recruitment and a lack of access to education (especially affecting girls).¹¹⁸ As early as 2008, HRC reporting called for the better protection of children, highlighting children's protection as an 'enormous challenge'.¹¹⁹ Yet, similarly to the HRC's coverage of gender-based violence in Mali, while reporting in 2008 substantially covered violence against children (30 mentions), the absence of reports in the following years meant it was not possible to assess whether trends were worsening. Violations of the rights of children spiked immediately after the outbreak of war, becoming one of the clearest indicators that the conflict was affecting large parts of the civilian population. The Mali case may point towards violations of children's rights as a more direct early warning indicator for conflict.
3. **Access to justice.** Another frequent issue reported in the lead-up to the Malian war was the poor and uneven access to justice. In 2008, the National Report of the Working Group on the UPR's second session on Mali highlighted the 'slow and cumbersome judicial procedures, and limited citizen access to the justice system' as an ongoing difficulty and constraint.¹²⁰ Specific reports on the lack of access offered a clear picture of a country that was failing to extend state authority to its peripheries, leaving large communities out of the scope of its state-led governance, and excluding women from meaningful recourse to the courts. These findings align well with the stated causes of the 2012 uprising, as armed groups attempted to secede from a country that was failing to provide its population with a sense of justice.
4. **Food insecurity.** The UPR on Mali in 2008 highlighted food insecurity, as well as malnutrition, as a worsening issue.¹²¹ However, it offered no disaggregated data, making it difficult to identify whether issues such as malnutrition, food insecurity and lack of clean drinking water were a national or regional issue. No further reports up until the outbreak of conflict in January 2012 raised the issue of food insecurity. However, following the outbreak of conflict, the HRC's reporting in advance of the second UPR on Mali in 2013 raised this issue far

more directly.¹²² Reporting stressed that 'both the north and the south of Mali were in the grip of a food and nutritional crisis', a situation aggravated by the coup d'état of 22 March 2012 and the occupation of Mali's northern regions by armed Islamic groups.¹²³ In April 2012, the UN High Commissioner for Human Rights warned that 'the country may soon be plunged into a devastating food crisis with a risk of other shortages, including medical supplies, if the insurrections and insecurity persist'.¹²⁴ In a setting where the northern part of the country was on the verge of an attempted secession prior to 2012, sub-national reporting on worsening food and water insecurity may have been crucial for drawing attention to the consequences of a rapidly deteriorating humanitarian situation.

5. **Health and basic services.** Frequent reporting also concerned the lack of provision of basic healthcare and education. Reporting on this issue occurred in close to every Mali-specific report and pointed to a national system that was incapable of delivering for all its people. As with other issues, however, the lack of disaggregated reporting made it difficult to know whether the shortcomings on health were occurring across the country or were more concentrated in specific areas.

Across these findings, there was a common shortcoming: **a focus on national-level trends and issues.** While this approach provides a good snapshot of country-level issues, it may gloss over one of the most important drivers of conflict: horizontal inequality amongst groups in different parts of the country. There were some exceptions, and the CESCR did complain that the Malian Government had failed to produce information about the distribution of resources and services to different ethnic populations. But in general, it was difficult to identify perhaps the most important early warning signal in the Malian conflict: the disenfranchisement of a particular population within a geographic region. This meant that it was possible to view broad negative trends (loss of access to justice, growing rates of violence against women and children, lack of good governance) but more difficult to know whether such trends were leading to the outbreak of violent conflict in the northern part of the country.

SOUTH SUDAN (2013)

BACKGROUND

The civil war that broke out in South Sudan in 2013 took the international community by surprise.¹²⁵ Only two years after becoming the world's newest country in 2011, South Sudan's leadership had enjoyed strong international support and a sense of optimism that it would leave behind the 20-year civil war that ultimately led to its secession from Sudan. Indeed, UNMISS, established in July 2011 to support South Sudan's newly independent status, was focused on building up the government's capacities and extending its presence across the country. In early 2013, when the government dissolved amidst a dispute between President Kiir and Vice-President Machar, a flurry of Security Council meetings led to a radical change in the UN's mandate in country, shifting away from state-building and towards a peacekeeping operation designed to protect civilians and prevent further escalation. Ensuing Security Council Resolution 2155 of 27 May 2014 reprioritized UNMISS's mandate towards human rights monitoring, the protection of civilians, support for the delivery of humanitarian assistance delivery and implementation of the Cessation of Hostilities Agreement, signed in 2014 between the Government of South Sudan and the Sudan People's Liberation Movement (SPLM/A).¹²⁶

Could the UN have better anticipated the looming civil war? Were there early warning signs in the existing HRC reporting, and on-the-ground engagements that could have been picked up in the years prior to conflict outbreak in 2013? What role did the UN's human rights system play in generating these signals? What might have enabled or inhibited the UN's response to these at the time? These questions are at the heart of this case study examining the UN's human rights system reporting on South Sudan in the lead-up to the 2013 civil war.

WHAT THE DATA TELLS US FOR THE 2009–2013 PERIOD

The section below draws from a comprehensive search of identified human rights indicators across both the generic material produced by the HRC and South Sudan-specific documents consolidated during the five years preceding the South Sudan war (2009–2013).¹²⁷ Some aggregate findings are provided below.

Across the annual reporting of the most relevant Special Procedures mandates selected for this research (30 Special Rapporteur thematic mandates and 4 Working Groups), 10 human rights treaty bodies, annual reports of the HRC and opening statements of the High Commissioner for

Human Rights at HRC sessions collected for the 2009–2013 period, 'South Sudan' was mentioned only 18 times. Given that South Sudan became an independent country in 2011, the search was expanded to include 'Sudan' and 'Southern Sudan' in order to capture any references to the geographical location examined. References that did not refer to southern Sudan (e.g. Darfur) were excluded.

In 2013, South Sudan appeared eight times, including in reporting of the Special Rapporteur on the human rights of internally displaced persons, the Working Group on the issue of discrimination against women in law and in practice, the annual report of the HRC and the opening statements of the High Commissioner for Human Rights at the twenty-third and twenty-fourth sessions of the HRC (May and September 2013). Several months before the outbreak of conflict, the Special Rapporteur on the human rights of internally displaced persons argued in his 2013 annual report that 'it is essential that the human rights of persons of South Sudanese origin be protected'.¹²⁸ In her opening statements to the HRC's 24th session in September 2013, the High Commissioner for Human Rights drew attention to the 'escalating levels of inter-communal violence and growing reports of human rights abuses against civilians caught up in the middle of fighting between the South Sudan army and rebel groups'.¹²⁹ Earlier, South Sudan was mentioned four times in 2009, once in 2010, once in 2011 and only four times in 2012.

MOST FREQUENTLY OCCURRING TERMS

Across the human rights indicators identified for this research, the following terms were found most frequently across all relevant South Sudan-specific documents between 2009 and 2013 (i.e. ten or more mentions in one given year). These documents include documents from the UPR on South Sudan, HRC resolutions on South Sudan, press statements/releases by the High Commissioner for Human Rights and OHCHR, Secretary-General reports on UNMISS and its human rights reports during the time period examined.

Large-Scale Human Rights Abuses

- Executions: Appeared 22 times between 2009 and 2013, with the highest number recorded during 2011 (13 times) and reports describing unlawful or extrajudicial executions and the lack of fair trials.
- (Mass) disappearances/displacement: Appeared 35 times between 2009 and 2013, including 13 times in 2012. In 2011, reports highlighted the forced displacement of civilians from Abyei and mass displacements in

Jonglei and other regions in 2012 resulting from inter-communal and inter-tribal conflicts.¹³⁰

Targeting of HRDs, Journalists, CSOs

- Arbitrary arrest/detention of HRDs/journalists/CSOs: Appeared 20 times between 2009 and 2013, with the highest number of incidents of arbitrary arrests and/or detention of HRDs, journalists and/or CSOs recorded across HRC reporting in 2011 (11 mentions).

Increase in Domestic Government Violence

- Arbitrary detention/arrests (general): Appeared 27 times, most frequently in 2011 (16 mentions).

Violence Against Women

- Gender-based violence, including sexual violence/abuse: Appeared 69 times between 2009 and 2013, with the highest number of mentions of gender-based violence in 2011 (34 mentions versus 6 in 2009, 11 in 2010, 15 in 2012 and 3 in 2013). Reports often describe the abuse of women by soldiers, police and militias. Sexual violence was a recurring concern in reports from 2009–2013, including in UNMISS human rights reporting, with SPLA soldiers and police forces involved in many of the violations.¹³¹
- Killing, abduction, disappearance and/or displacement of women: appeared 23 times between 2009 and 2013, with 18 mentions in 2012 reporting.

Violence Against Children

- Violence against children, including sexual violence: Appeared 55 times between 2009 and 2013 (28 mentions in 2011, 4 in 2009, 17 in 2010, 5 in 2012 and 1 in 2013).
- Forced displacement/abduction of children: Appeared 39 times between 2009 and 2013 (22 mentions in 2012).
- Child recruitment/recruitment of children: Appeared 23 times between 2009 and 2013 (13 mentions in 2011).

Deepening Social Divides

- Racial hatred, religious, ethnic and inter-communal violence (or risk of), e.g. tribal/sectarian violence: Appeared 36 times between 2009 and 2013 (1 mention in 2013, 18 in 2012, 11 in 2011, 6 in 2010).
- Torture and ill-treatment: Appeared 22 times between 2009 and 2013 (13 mentions in 2011, 6 in 2010, 3 in 2012).

Economic, Social and Cultural Rights

- Attacks on/destruction/theft of villages, homes, farms, businesses and/or cultural or religious symbols/sites/property: Appeared 16 times between 2009 and 2013 (11 mentions in 2012).

Access to Resources

- Tensions/disputes over essential resources/resource scarcity/inequality: Appeared 11 times between 2009 and 2013 (8 mentions in 2013).

OBSERVATIONS

In the five years leading up to South Sudan's civil war (2009–2013), the UN's human rights system produced a significant amount of information on Sudan, but much less on South Sudan. With UNMISS established in 2005, the joint African Union-United Nations Hybrid Operation in Darfur (UNAMID) from 2007 to 2020 and one of the largest UN country teams in the world, the UN had a broad network of actors and field presences capable of generating information. Moreover, after decades of supporting Operation Lifeline Sudan (a consortium of UN and NGOs providing humanitarian assistance in the southern part of the country), the UN had a robust and active presence in the territory that would become South Sudan in 2011. The following findings are the result of a detailed search across both the generic human rights reporting and South Sudan-specific reports for the 2009–2013 period.

1. **South Sudan was not the focus of the UN Human Rights system from 2009–2012.** The bulk of the HRC's reporting from 2009 to August 2012 was not focused on southern Sudan, in part due to the active conflict in Darfur and the focus on the government in Khartoum.¹³² Further, the fact that South Sudan only became an independent country in 2011 meant that reports on 'Southern Sudan' (before independence) were part of a broader set of Sudan reporting. This may have meant that many of the earlier signals preceding the war in 2013 were simply not being tracked in the HRC's reporting.
2. **Violence against women.** The most often cited human rights indicator across the existing South Sudan-specific reporting produced by the HRC relates to violence against women. From gender-based violence, including sexual violence and/or abuse, intimidation of or attacks on women, killing and abduction to the disappearance and/or displacement of women, instances of violence against women were mentioned at least 100

times between 2009 and 2013. Instances of gender-based violence alone were mentioned 69 times between 2009 and 2013, with the highest number recorded in 2011. In 2011–2012, detailed reporting of the sexual abuse and attacks on women was combined with reports of the government inhibiting the work of the UN to access and support victims. Similarly, violence against children, including sexual violence, forced displacement and abduction of children and child recruitment, was also frequently highlighted across the HRC's reporting in the lead-up to the war in South Sudan.¹³³

3. **Political space and targeting of HRDs/journalists/CSOs.** There were some reports of the inhibiting of political space and targeting of HRDs, journalists and/or CSOs between 2009 and 2013. Eleven mentions of arbitrary arrest or detention of HRDs, journalists, and/or CSOs in 2011 highlighted a potentially alarming trend of a gradually closing political space in the country. However, this category of human rights indicators was not sufficiently tracked to provide a sense of a broader trend of closing of political (and civic) space.
4. **Interethnic tensions.** Particularly in the 2011–2012 period, HRC reporting highlighted a growing set of interethnic tensions and escalating violence. Instances (or risk of) racial hatred, religious, ethnic and inter-communal violence appeared 36 times between 2009 and 2013, most significantly in 2012 (18 mentions) and 2011 (11 mentions). Relatedly, reports highlighted instances of torture and ill-treatment (22 mentions between 2009 and 2013, with 13 mentions in 2011). It should be noted here that the UNMISS reports were produced with inputs from OHCHR, providing a point of contact between the human rights system and the broader peace and security architecture.
5. **Social and economic inequality.** Issues of socio-economic inequality, violations of economic, social and cultural rights and access to resources such as healthcare and sanitation provided important signals of growing conflict risks but these remained scattered across the HRC's reporting. The most commonly cited indicator related to the attack on, destruction and/or theft of villages, homes, farms, businesses and/or cultural or religious symbols, sites or properties, which appeared 16 times in the period examined (11 mentions in 2012).
6. **Food and water scarcity.** While some reports covering South Sudan highlighted continuing food and water insecurity and scarcity, these did not provide clear

signals as to trends or links between resources and unrest. However, a spike in the mentions of tensions or disputes over essential resources, resource scarcity or inequality in 2013 (8 mentions) provided some early warning for an impending conflict that would exacerbate an already dire humanitarian situation.

Perhaps the most important finding for this case study was the lack of follow-up to these signals beyond the HRC. During the immediate lead-up to the 2013 war – and amidst increasing reports of serious unrest in the country – none of the Special Rapporteurs were invited to brief the Security Council on South Sudan, nor was the High Commissioner for Human Rights. Indeed, it was only after the outbreak of the war in December 2013 that the Security Council took a decision to change the mandate of UNMISS to focus more on protection and human rights.

During the period under review in the lead-up to South Sudan's civil war (2009–2013), only one cycle of the UPR for South Sudan took place in May 2011. The outcome of the UPR on South Sudan, namely the report of the Working Group on South Sudan, indicated that 'a committee representing the Government of Southern Sudan undertook the preparation of the special report on Southern Sudan, while another committee covered the situation in Sudan, so as to enable the Working Group to consider the situation objectively and make recommendations to address priorities on each side'.¹³⁴ Several UPR recommendations referred to the protection against human rights violations in South Sudan.¹³⁵

Specific recommendations put forward to South Sudan included completing its 'transition from a militarized society to a democratic system based on the rule of law under civilian rule'; to 'increase the efforts in the field of civil protection in the transition period'; 'adhere to the Convention on the Rights of the Child and its two Optional Protocols and endorse the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups' and 'establish a moratorium on executions with a view to abolishing the death penalty'.¹³⁶

UKRAINE (2014)

BACKGROUND

In the three years leading up to the outbreak of violence in Ukraine in 2014, the country faced a convergence of political, economic and social pressures that fuelled unrest. A major factor was Ukraine's internal political instability, exacerbated by President Viktor Yanukovich's increasingly authoritarian policies. After being elected in 2010, Yanukovich concentrated power within his administration, marginalizing the opposition and undermining democratic institutions. This created a widening divide between different political factions, particularly between pro-European and pro-Russian elements in the country. Yanukovich's administration was accused of widespread corruption, and his efforts to centralize authority alienated many citizens, particularly in the western parts of Ukraine, who grew increasingly frustrated with the lack of reforms.

Economically, Ukraine was struggling with stagnation and deepening financial dependence on Russia, which contributed to rising discontent. The country was caught in a tug of war between closer integration with the European Union (EU) and maintaining strong ties with Russia. This tension came to a head in November 2013 when Yanukovich, under heavy pressure from Moscow, abruptly suspended plans to sign an association agreement with the EU, a move that would have cemented Ukraine's alignment with Europe. The decision triggered widespread protests, known as the Euromaidan movement, which were initially peaceful but quickly escalated as government forces responded with violence. The government's harsh crackdown on protestors further inflamed tensions and led to a growing sense of polarization between pro-European demonstrators and pro-Russian Government supporters.

By early 2014, the situation had deteriorated into open conflict. The violence reached its peak in February when government snipers killed dozens of demonstrators in Kyiv, sparking international outrage and the eventual ouster of Yanukovich. As he fled to Russia, Ukraine's political vacuum deepened, and the subsequent instability provided fertile ground for external interference. Russia capitalized on the chaos by annexing Crimea in March 2014 and supporting separatist movements in eastern Ukraine, which led to a protracted and bloody conflict. The combination of Ukraine's internal political fractures, economic struggles and competing geopolitical interests set the stage for the full-scale war that followed.

Could the UN have better anticipated the approaching

Russian incursion in February 2014? Were there existing early warning signs in the HRC's reporting in the lead-up to 2014 and on-the-ground engagements that could have been picked up? What role did the UN's human rights system play in generating these signals? What might have enabled or inhibited the UN's response to these? These questions are at the heart of this case study examining the UN's human rights system reporting on Ukraine in the lead-up to the 2014 conflict.

WHAT THE DATA TELLS US FOR THE 2010–2014 PERIOD

Between 2010 and 2014, 'Ukraine' was mentioned 214 times across the annual reporting of the most relevant Special Procedures mandates selected for this research (30 Special Rapporteur thematic mandates and 4 Working Groups), 10 human rights treaty bodies, annual reports of the HRC and opening statements of the High Commissioner for Human Rights at HRC sessions collected for the 2010–2014 period. Given that the 2014 Russo-Ukrainian war involved a conflict between two states, the search was expanded to include mentions of both 'Ukraine' as well as 'Russia/Russian Federation' as it related to Ukraine to capture any references to external interference in the lead-up to the conflict.

Ukraine was first mentioned in the HRC's reporting in 2010, with a total of 35 times that year. However, most of these related to Ukraine's accession to, signing or ratification of conventions such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among others, or submitted questionnaires to the HRC's Special Procedures on issues ranging from human rights and international solidarity to the right to education, with no further details provided. Notable mentions were picked up in the annual reporting of the Working Group on Enforced or Involuntary Disappearances, which noted four outstanding cases of enforced or involuntary disappearances.¹³⁷ Further, in 2010, the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, decided that it would conduct visits to Ukraine (as well as Brazil and Mali) the following year.¹³⁸

The HRC's reporting highlighted Ukraine consistently in the following years (33 mentions in 2011, 40 mentions in 2012, 39 mentions in 2013). In 2011, CERD raised concern over 'repeated attacks against foreigners and members of "visible minorities" by young extremists', including Roma

people, Tatars in the Crimea, among others, amid a broader resurgence of extremist organizations and movements in Ukraine.¹³⁹ In its recommendations, the Committee urged the Government of Ukraine ‘to continue to consider racial discrimination as a priority’ and to ‘address problems of ethnically related social exclusion and segregation through the adoption of necessary legislative and policy measures’.¹⁴⁰

Unsurprisingly, in 2014, analysis of the data collected found 67 mentions of Ukraine and/or Russia/Russian Federation. Following her visit to Ukraine in April 2014, the Special Rapporteur on minority issues highlighted an ‘escalation of attacks against Roma in the context of ongoing unrest in the eastern and southern regions’, amid a ‘wider political or social unrest where the normal functioning of law and order has broken down’.¹⁴¹ In its 2014 annual report, the Working Group on Enforced or Involuntary Disappearances also raised concern about the ‘deteriorating situation in Ukraine, which may facilitate the occurrence of enforced disappearances’.¹⁴²

Following Russia’s invasion of the Crimean Peninsula in February 2014, the annual report of the HRC called for an ‘immediate end to all acts of discrimination and harassment, in particular towards persons belonging to minorities and indigenous peoples and other residents of the Autonomous Republic of Crimea and the city of Sevastopol, including ethnic Ukrainians and Crimean Tatars’.¹⁴³ Meanwhile, the High Commissioner for Human Rights highlighted concern over the situation in Ukraine, noting the HRC’s swift response in deploying a human rights monitoring mission to Ukraine.¹⁴⁴ In her opening statement to the HRC’s 27th session on 10 June 2014, the High Commissioner reiterated that ‘every effort must be made by both the Ukrainian government and the armed groups – as well as by neighbouring States, including the Russian Federation – to protect civilians in this deplorable conflict, and to ensure compliance with international law’.¹⁴⁵

MOST FREQUENTLY OCCURRING TERMS

Across the human rights indicators identified for this research, the following terms were found most frequently across all relevant Ukraine-specific documents between 2010 and 2014 (i.e. ten or more mentions in one given year). These documents include documents from the UPR on Ukraine, Special Procedures country visits to Ukraine, HRC resolutions on Ukraine and press statements/releases by the High Commissioner for Human Rights and OHCHR related to Ukraine.¹⁴⁶

Large-Scale Human Rights Abuses

- Mass killings: First appeared in 2014, at least 21 times over the course of that year.
- (Mass) disappearances/displacement: Appeared 67 times, all over the course of 2014.

Targeting of HRDs, Journalists, CSOs

- Targeting of HRDs, journalists, CSOs: While there were a few mentions of targeting of HRDs, journalists and/or CSOs in 2012 (2 mentions) and 2013 (1 mention), these increased in 2014, with 11 mentions during that year.

Increase in Domestic Government Violence

- Police/security force brutality: Appeared 25 times between 2010 and 2014, mostly in 2014 (18 mentions).
- Human rights abuses by the military: Eleven mentions of human rights abuses by the military were recorded in 2014, and none before then.
- Arbitrary detention/arrests (general): Appeared 26 times between 2010 and 2014, most frequently in 2014 (15 mentions).

Foreign Government/Separatist Armed Group Violence

- Human rights abuses by the military: 31 mentions of human rights abuses were recorded in 2014, and none before then.
- Arbitrary detention/arrests (general): Appeared 10 times in 2014.

Violence Against Women

- Gender-based violence, including sexual violence/abuse: Appeared 42 times between 2010 and 2014, with the highest number of mentions of gender-based violence in 2010 (19 mentions) and in the year preceding the war (13 mentions in 2013). Multiple reports highlighted the issue of domestic violence.¹⁴⁷

Violence Against Children

- Violence against children, including sexual violence: Instances of violence against children appeared 37 times between 2010 and 2014, most frequently in 2012 (22 mentions).

Deepening Social Divides

- Racial, religious, ethnic, gender, sexual orientation discrimination: Appeared 131 times between 2010 and 2014, with the highest number of instances of discrimination recorded in 2012 (57 mentions),

followed by 34 mentions in 2014, 25 in 2011, 13 in 2013 and 2 in 2010. Instances of discrimination referenced the treatment of ethnic minorities, such as Roma populations and Crimean Tatars, women and the LGBT community. In 2014, the focus of reporting shifted towards divides between Russian and Ukrainian communities. Reports also emphasized that while ethnic, cultural and linguistic divides had long existed in Ukrainian society, these were strategically exploited to justify pro-Russian separatist violence.¹⁴⁸

- Racial hatred, religious, ethnic and inter-communal violence (or risk of), e.g. tribal/sectarian violence: Appeared 60 times between 2010 and 2014 (23 mentions in 2014, 16 in 2012, 12 in 2011, 8 in 2013 and 1 in 2010).
- Torture and ill-treatment: Torture and ill-treatment, particularly by law enforcement, appeared 89 times between 2010 and 2014, most frequently in 2014 (41 mentions), 2012 (33 mentions) 2013 (14 mentions), and 2011 (1 mention). Several reports highlighted concerns over the mistreatment of detainees, including children.¹⁴⁹

Political, Civil and Legal Rights

- Political, civil and legal rights: Appeared 47 times between 2010 and 2014, with the highest number of mentions of these types of rights in 2014 (26 mentions).
- Access to justice/rule of law: Was mentioned a total of 69 times between 2010 and 2014, most frequently in 2014 (51 mentions) and in 2012 (15 mentions).

Economic, Social and Cultural Rights

- Economic, social and cultural rights: Appeared 49 times between 2010 and 2014, with the highest number of mentions of these types of rights in 2014 (35 mentions).
- Attacks on/destruction/theft of villages, homes, farms, businesses and/or cultural or religious symbols/sites/property: Appeared 18 times between 2010 and 2014 (16 mentions in 2014).
- Restrictions/attacks on freedom of religion: Appeared 16 times between 2010 and 2014 (11 mentions in 2014).
- (Access to) healthcare/sanitation: Mentioned 43 times between 2010 and 2014 (17 mentions in 2012, 13 in 2014).

Civic space

- Hate speech/propaganda (inflammatory speech): Appeared 50 times between 2010 and 2014 (notably 10 mentions in 2011 and 31 in 2014).
- Attacks on freedom of expression (including press

freedom): These attacks were mentioned 35 times between 2010 and 2014, with the highest number of attacks recorded across HRC reporting in 2014 (19 mentions) and in 2012 (15 mentions).

Access to Resources

- Corruption: There were 27 mentions of corruption between 2010 and 2014 (16 mentions in 2014).

Crime and Illicit Trade

Human trafficking/smuggling of migrants: Instances of human trafficking or smuggling of migrants were mentioned 44 times between 2010 and 2014 (24 mentions in 2012 and 12 mentions in 2013, the year prior to the war).¹⁵⁰

OBSERVATIONS

In the lead-up to the 2014 conflict in Ukraine, the UN's human rights system produced a significant amount of data on Ukraine. Notably, early warning indicators from all the human rights indicator categories identified were picked up between 2010 and 2014, with many recurrently mentioned across the HRC's reporting within this period (see Section D3 above on the most frequently occurring terms). Based on a review of the collected data, some observations include:

1. **Deepening social divides.** The signs of deepening social divides were increasingly clear in the 2010–2014 period. In fact, the most frequently captured early warning signs across all of the UN's human rights system reporting on Ukraine were those related to deepening social divides. These included instances of racial, religious, ethnic, gender and sexual orientation discrimination (131 mentions between 2010 and 2014, particularly racially motivated offences and activities by extremist organizations); instances or risk of racial hatred, religious, ethnic and inter-communal violence (60 mentions between 2010 and 2014) and occurrences of torture and ill-treatment (89 mentions). One of the stated reasons for Russia's invasion of Ukraine in 2014 was to protect Russian-speaking ethnic minorities in the country. Perhaps a blind spot, however, was that reports highlighting discrimination were only nationally based, rendering it difficult to understand and situate these divides within broader regional dynamics.
2. **Trends in violence against women and children.** Reports highlighting gender-based violence, especially domestic violence, and violence against children, including sexual violence, were some of the most

frequent indicators highlighted in the HRC's reporting on Ukraine. As significant scholarship has shown, a relationship exists between domestic forms of violence and the risks of widespread violent conflict.¹⁵¹ However, it is difficult to identify from the human rights reporting alone whether there were upward trends in the levels of gender-based violence and/or violence against children.

3. **A political crisis.** The political crisis that followed President Yanukovich's ouster in 2014 was rooted in deep governance challenges, including corruption, issues of access to justice and rule of law (including lack of judicial independence) and increases in crime and illicit trade, especially human trafficking. All of these issues were frequently flagged in the human rights reporting as contributing to societal instability, though in most cases they were not linked to broader dynamics and escalation within the region.
4. **On the cusp of war.** By mid-2013, human rights reports began to detail rising tensions in eastern Ukraine, especially in regions with a high percentage of ethnic Russians. Warnings about rising violence rates in this area, human rights violations, as well as instances of hate speech and increasingly hateful propaganda indicated a high risk of escalation in the months immediately preceding the invasion. HRC reporting on Ukraine between 2010 and 2014 made at least 50 references to 'hate speech/propaganda' against minority and vulnerable groups, including Crimean Tatars, more than in any other case examined for this research (see [Myanmar \(2017\)](#) case study below for more detail).¹⁵²

MYANMAR (2017)

BACKGROUND

Early warning signs of genocide existed years before the outbreak of the Myanmar Government's violence in October 2016 and August 2017 against the Rohingya community in Myanmar, in reaction to the Arakan Rohingya Salvation Army's (ARSA) attacks against security outposts in Rakhine State. A 2015 report by the US Holocaust Memorial Museum's Simon-Skjoldt Center for the Prevention of Genocide sounded the alarm about 'many preconditions for genocide' already in place in Myanmar.¹⁵³ Discriminatory state policies within the 1974 Constitution of Myanmar, a 1982 Citizenship Law formalizing the status of Rohingya Muslims as foreigners and escalating draconian conditions from 1992, including land confiscations, restrictions on movement and restricted access to healthcare and education, were early signs of deep-rooted discrimination against Rohingya Muslims and the escalating risk of violence in Myanmar. Analysis of the HRC-produced reporting in the five years leading up to the Rohingya genocide (2013–2017) highlighted longstanding patterns of discrimination, marginalization and social exclusion of ethnic and religious minorities, which were largely ignored by domestic leaders. The research team found at least 92 mentions of racial, religious, ethnic, gender and sexual orientation discrimination in the HRC's reporting during those years, as well as 88 references to racial hatred, religious, ethnic and inter-communal violence, and 43 mentions of discriminatory or exclusionary policies targeted against ethnic and religious minorities, especially Rohingya Muslims.¹⁵⁴

In no other context were early warning signs picked up more consistently by the HRC than on the human rights situation in Myanmar prior to 2017. As early as February 2013, the HRC warned of unaddressed human rights issues despite an ongoing reform process since 2010, when a military-backed civilian government replaced military rule in Myanmar.¹⁵⁵ Notable issues from 2013 included persistent discrimination and widespread human rights violations against Rohingya Muslims in Rakhine State, including women.¹⁵⁶ In a clear call to action in May 2013, the Special Rapporteur on the human rights situation in Myanmar urged the Government of Myanmar to act on local regulations targeting Rohingya Muslims in Rakhine State,¹⁵⁷ as well as discrimination against ethnic and religious minorities¹⁵⁸ and incitement of religious hatred.¹⁵⁹ By October 2017, the HRC argued that abuses committed against the Rohingya may constitute crimes against humanity.¹⁶⁰

In reaction to an outbreak of violence in August that year, the High Commissioner for Human Rights stated that ‘this turn of events is deplorable. It was predicted and could have been prevented’.¹⁶¹

WHAT THE DATA TELLS US FOR THE 2013–2017 PERIOD

Between 2013 and 2017, ‘Myanmar’ appeared a total of 248 times across the documentation produced by the HRC, most frequently in 2017 (67 mentions versus 37 in 2016, 65 in 2015, 34 in 2014 and 45 in 2013).¹⁶² Over half of the Special Procedures mandate holders selected for this research, including two Working Groups and four treaty bodies, highlighted the human rights situation in Myanmar one or more times in their annual reporting during the examined period.¹⁶³ The Special Rapporteur on minority issues referenced Myanmar consistently each year, highlighting the discrimination against, exclusion of and denial of citizenship to Rohingya Muslims in Rakhine State as early as 2013 and raising the alarm in subsequent years on the further deterioration of their human rights situation.¹⁶⁴ Other notable references emerged in the annual reporting of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, which called attention to the absence of citizenship rights of Rohingya, leading to violations of other rights such as peaceful public assembly and repeated outbreaks of violence targeting this community.¹⁶⁵ Most starkly, the Special Rapporteur in the field of cultural rights in 2017 reported the destruction of Muslim schools in the Arakan State in Myanmar as ‘one component of the ethnic cleansing and crimes against humanity there directed against the Rohingya minority’.¹⁶⁶

Beyond the Special Procedures thematic mandate holders, reporting from the Special Rapporteur on the situation of human rights in Myanmar was key in spotlighting Myanmar’s deteriorating human rights situation. This was accompanied by sustained country cooperation for country visits (two visits per year between 2013 and 2017). Opening statements to the HRC’s multiple sessions between 2013 and 2017 from the High Commissioner for Human Rights also expressed concern about the persecution of and attacks on the Rohingya community, including discriminatory restrictions on their freedom of movement in and outside Rakhine State and their increasing displacement to Bangladesh.¹⁶⁷ During this period, the HRC also adopted six resolutions, four of which were adopted before the first military crackdown on the Rohingya in October 2016.¹⁶⁸ HRC Resolution 3422 of 3 April 2017 created an independent, international fact-

finding mission and HRC Resolution 27-1 of 8 December 2017 argued the ‘very likely commission of crimes against humanity’.¹⁶⁹ Further, only one special session on Myanmar was held by the HRC during the period examined, though this took place *after* the second military crackdown on the Rohingya in August 2017 (27th HRC Special Session on 5 December 2017).¹⁷⁰

MOST FREQUENTLY OCCURRING TERMS

Across the human rights indicators identified for this research, the following terms were found most frequently across all relevant Myanmar-specific documents between 2013 and 2017 (i.e. ten or more mentions in one given year). These documents include documents from the UPR on Myanmar (2015), HRC resolutions on Myanmar,¹⁷¹ press statements and releases by the High Commissioner for Human Rights and OHCHR, the HRC special session on Myanmar during the time period examined (2017) and annual reports of the Special Rapporteur on the situation of human rights in Myanmar (2013–2017).¹⁷²

Large-Scale Human Rights Abuses

- (Mass) disappearances/displacement: Appeared 69 times between 2013 and 2017 (20 mentions in 2013, 2 in 2014, 20 in 2015, 7 in 2016 and 20 in 2017). Reports described tens of thousands of people, the majority of whom were Rohingya Muslims, being displaced both internally and to Bangladesh as a result of ongoing fighting.¹⁷³

Increase in Domestic Government Violence

- Human rights abuses by the military: 50 mentions of human rights abuses by the military were recorded between 2013 and 2017, most of which were reported in 2013 (32 mentions).
- Arbitrary detention/arrests (general): Appeared 91 times between 2013 and 2017, most frequently in 2013 (45 mentions), 2014 (10 mentions) and 2016 (23 mentions).

Violence Against Women

- Gender-based violence, including sexual violence/abuse: Appeared 85 times between 2013 and 2017, with the highest number of mentions of gender-based violence in 2015 (32 mentions), followed by 2016 (21 mentions), 2017 (17 mentions), 2013 (10 mentions) and 2014 (5 mentions). Reports noted marital rape, early and forced marriage and domestic violence, among other forms of sexual violence.¹⁷⁴

Violence Against Children

- Violence against children, including sexual violence: Instances of violence against children appeared 16 times between 2013 and 2017, most frequently in 2015 (12 mentions).
- Child recruitment/recruitment of children: Appeared 36 times between 2013 and 2017, most frequently in 2015 (16 mentions).

Deepening Social Divides

- Discriminatory/exclusionary policies: Policies deemed to be discriminatory or exclusionary appeared 43 times between 2013 and 2017, the majority directed against women and religious minorities, especially Rohingya Muslims (9 mentions in 2013, 2 in 2014, 19 in 2015, 9 in 2016 and 4 in 2017). Myanmar's 1982 Citizenship Law was widely reported as discriminating against minority groups, including the Rohingya, on grounds of ethnicity or religion and in violation of their citizenship rights.¹⁷⁵
- Racial, religious, ethnic, gender, sexual orientation discrimination: Appeared 92 times between 2013 and 2017, with the highest number of instances of discrimination recorded in 2015 (40 mentions), followed by 23 mentions in 2013, 12 in 2017, 10 in 2016 and 7 in 2014. Instances of discrimination against women and ethnic and religious minorities, notably Rohingya Muslims, were often highlighted as one of the root causes of widespread human rights violations and inter-communal conflict in Rakhine State.¹⁷⁶
- Racial hatred, religious, ethnic and inter-communal violence (or risk of), e.g. tribal/sectarian violence: Appeared 88 times between 2013 and 2017 (37 mentions in 2013, 29 in 2015, 10 in 2017, 7 in 2016 and 5 in 2014).
- Torture and ill-treatment: Torture and ill-treatment, particularly by law enforcement, appeared 69 times between 2013 and 2017, most frequently in 2013 (36 mentions) and 2015 (18 mentions). Several reports highlighted concerns over torture and ill-treatment of detainees, including of HRDs.¹⁷⁷

Political, Civil and Legal Rights

- Political, civil and legal rights: Appeared 26 times between 2013 and 2017, with the highest number of mentions of these types of rights in 2015 (11 mentions). The majority of references referred to violations of citizenship rights, as well as restrictions on marriages for Rohingya people, number of children and pregnancies for Muslim women in northern Rakhine State.¹⁷⁸

- Revocation/stripping of citizenship: Instances of violations of citizenship rights, most notably the stateless status of Rohingya Muslims, appeared 40 times between 2013 and 2017 (12 mentions in 2013 and 13 mentions in 2016). In 2013, the UN Special Rapporteur on the human rights situation in Myanmar noted that 'the vast majority of the 800,000 Rohingya Muslims are without citizenship and are stateless, making them extremely vulnerable to human rights violations'.¹⁷⁹
- Access to justice/rule of law: Issues of access to justice and the rule of law were mentioned a total of 66 times between 2013 and 2017, most frequently in 2013 (26 mentions), 2014 (17 mentions) and 2015 (10 mentions). Reports highlighted the need to improve access to justice for victims and survivors of sexual and gender-based violence, HRDs and Rohingya Muslims arbitrarily detained in Rakhine State.¹⁸⁰

Economic, social and cultural rights

- Forced evictions/land confiscation: Instances of forced evictions and land confiscations appeared 43 times between 2013 and 2017, most frequently in 2014 (15 mentions) and 2015 (14 mentions). The majority of cases referred to forced evictions and land confiscations by the military (for example in Kachin State in 2014), driving farmer and civil society activist protests and leading to numerous arbitrary arrests and detention.¹⁸¹
- Restrictions on movement: There were 49 references of restrictions on movement between 2013 and 2017, with 12 mentions in 2013, 6 in 2014, 16 in 2015, 10 in 2016 and 5 in 2017. Reporting highlighted severe restrictions of movement in Rakhine State over the years, including for women, and especially in 2017 when approximately 120,000 people belonging to the Rohingya Muslim community remained confined in camps for internally displaced persons.¹⁸²
- (Risk of) humanitarian crisis and/or blockage of humanitarian assistance: There were also 49 references to impeded access of humanitarian assistance in Myanmar, particularly in the States of Rakhine and Kachin and in camps for internally displacement persons, the majority of whom were Rohingya Muslims (21 mentions in 2013, 11 in 2015).
- (Access to) healthcare/sanitation: Issues in access to healthcare and/or sanitation services were mentioned 40 times between 2013 and 2017 (11 mentions in 2013, 12 in 2015), including for Rohingya women, and related to hindered humanitarian access in Rakhine State.

Civic Space

- Hate speech/propaganda (inflammatory speech): Appeared 25 times during the period examined (notably 12 mentions in 2015).
- Attacks on freedom of expression (including press freedom): These attacks were mentioned 37 times between 2013 and 2017, with the highest number of attacks recorded across HRC reporting in 2015 (18 mentions).

Crime and Illicit Trade

- Human trafficking/smuggling of migrants: Instances of human trafficking or smuggling of migrants were mentioned 14 times between 2013 and 2017 (12 mentions in 2015, 1 in 2013 and 1 in 2014).

OBSERVATIONS

Myanmar is a key reference point for examining the HRC's role in conflict prevention. In January 2015, close to two years before the first crackdown on Rohingya Muslims in October 2016, the High Commissioner for Human Rights warned that 'the (Myanmar) Government's official resistance to the use of the term "Rohingya", hence 'the denial of a group's right to self-identification "should sound a clear warning bell" to the international community'.¹⁸³ In 2014, the Special Rapporteur on the situation of human rights in Myanmar concluded that 'the pattern of widespread and systematic human rights violations in Rakhine State may constitute crimes against humanity'.¹⁸⁴ In 2016, the High Commissioner appealed to the Government of Myanmar 'to accept the outstretched hands of the international community offering to help resolve the increasingly dangerous and untenable situation in northern Rakhine, which is already spilling over into the wider region'.¹⁸⁵ By October 2017, the High Commissioner for Human Rights described the Myanmar Government's operations in northern Rakhine State as 'a textbook example of ethnic cleansing'.¹⁸⁶ Based on a review of the collected data between 2013 and 2017, some observations on the following key issues and topic areas include:

1. **Reporting by the Special Rapporteur on the situation of human rights in Myanmar.** Consistent reporting by the Special Rapporteur on the situation of human rights in Myanmar played a key role in raising concern over the deteriorating human rights situation in the country and highlighting early warning signals of violence against Rohingya Muslims in conflict-risk areas, particularly Rakhine State.¹⁸⁷ Bi-yearly country visits

between 2013 and 2017, backed by country cooperation, enabled first-hand information collection on the human rights situation in Myanmar over subsequent years, with annual reports describing the situation in Rakhine State from 2013 onwards.¹⁸⁸ Yet, the Special Rapporteur's 2016 annual report on Myanmar argued that while 'significant national and international attention has been drawn to the situation in Rakhine State ...[.] little attempt has been made, however, to address structurally the serious human rights concerns on the ground'.¹⁸⁹ The Special Rapporteur explicitly called out the lack of state action in addressing widespread discrimination and human rights violations in Rakhine State and pressed for improvements in the human rights situation.¹⁹⁰ However, in the 2015 Report of the Working Group on the UPR, one Member State 'encouraged Myanmar to make better use of the valuable expertise of special procedures mandate holders'.¹⁹¹

2. **Patterns of discrimination.** Widespread ethnic, religious, racial and gender discrimination, leading to increasing racial hatred, religious, ethnic and inter-communal violence, and instances of torture and ill-treatment, were some of the most frequently reported early warning signs of violence and potential conflict in Myanmar. In 2013, in response to increased violence between Muslim and Buddhist communities, the Special Rapporteur noted that 'the warning signs have been there since the communal violence in Rakhine State last June and the Government has simply not done enough to address the spread of discrimination and prejudice against Muslim communities across the country'.¹⁹² Addressing the root causes of discrimination and violence against the Rohingya was highlighted in HRC Resolution 2526 of 15 April 2014.¹⁹³ The HRC's reporting in the years prior to 2017 was equally key in linking human rights violations to discriminatory policies against Rohingya Muslims in Rakhine State, 'including with regard to freedom of movement, marriage, and registration of new-born children'.¹⁹⁴ In 2015, the Special Rapporteur on Myanmar warned that a package of four bills proposed, if passed, would 'institutionalise discrimination against religious and ethnic minorities'.¹⁹⁵ The discriminatory 1982 Citizenship Law is a notable example, which the Special Rapporteur recommended be amended.¹⁹⁶
3. **Economic, social and cultural rights.** Violations of economic, social and cultural rights, particularly of minority and vulnerable groups, were clearly linked to

patterns of discrimination against Rohingya Muslims (detailed above). Between 2013 and 2017, the HRC's reporting on Myanmar made at least 49 references to impeded access of humanitarian assistance, particularly in the States of Rakhine and Kachin, and in camps for internally displacement persons, the majority of whom were Rohingya Muslims. In 2017, HRC Resolution 271 noted that 'humanitarian access remains restricted in Rakhine State and is discriminatory against the Rohingya community'.¹⁹⁷ Other issues widely reported on related to the access to healthcare and/or sanitation services, including for Rohingya women, and severe restrictions on movement in Rakhine State.¹⁹⁸ However, while the UN's human rights system provided a sense of how violations of economic, social and cultural rights linked to the discrimination and marginalization of the Rohingya community, it fell short of framing signals around social and economic marginalization as potential precursors to conflict.

4. **Issues relating to civic space.** Human rights indicators related to civic space were also frequently referenced in the HRC's reporting on Myanmar. Between 2013 and 2017, the research team found at least 25 mentions of instances of hate speech and/or propaganda, 37 instances of attacks on freedom of expression (including press freedom) and 3 instances describing restrictions imposed on NGOs operating in Myanmar. The pervasiveness of hate speech, both online and offline, and its effects on violence against Rohingya Muslims was particularly well acknowledged by the HRC. In 2013, the Special Rapporteur on the situation of human rights in Myanmar argued that hate speech was 'fuelling racist and, in particular, anti-Muslim feeling in the country', including through social media.¹⁹⁹ Two years later, the Working Group on the UPR on Myanmar called on the government to 'prohibit and prosecute hate speech and discriminatory practices that incite violence towards minorities, and especially clearly endorse non-discrimination and the right of all individuals in Rakhine State to equal protection under the law'.²⁰⁰ While the Special Rapporteur on Myanmar acknowledged the government's decision to draft a hate speech law in 2017, she expressed concern that several provisions were not in accordance with international standards.²⁰¹ Indicators relating to civic space, specifically hate speech and its effects on incitement to hatred and violence, may be some of the most crucial signals for identifying potential conflict.

CROSS-CUTTING FINDINGS

The five case studies (pages 5-22) highlighted different settings and offered various types of information. In South Sudan, the HRC's focus on the conflict in Darfur during the 2009–2013 period meant that many of the Sudan-related reports had little mention and coverage of other areas and situations elsewhere in the country. In Mali, a conflict that broke out in 2012 relapsed again in 2019, meaning that many of the early warning signals at this later stage were the result of earlier conflict cycles. In Myanmar, the HRC produced early warning signals from all human rights indicator categories identified for this study, with the Special Rapporteur on the situation of human rights in Myanmar underlining widespread and systematic human rights violations in Rakhine State up to three years before the military crackdowns against Rohingya Muslims in October 2016 and August 2017.¹⁷ However, of all the five cases, the situation in Syria was mentioned most frequently across the HRC reporting in the five years preceding its conflict outbreak, and almost three times as often as Mali during similar years.¹⁸

Despite these differences, some common findings were identified across several of the cases, including:

Distant/buried signals: In many cases, some of the key signals appeared in long reports on specific subjects, with only a passing mention of the country concerned. For example, Special Procedures annual reports on migrant workers, indigenous peoples, minority groups, freedom of religion, racism, health and poverty often contained crucial mentions of human rights issues in a specific country. However, these were often buried in long reports and unlikely to be read by actors not focused on a conflict prevention response. In some cases, compilations or cross-cutting reports (e.g. summaries produced for UPRs) brought the information together in a more accessible manner.

Economic, social and cultural rights: Some of the most important early warning signals arose in the social and economic domains. For example, in the Mali case study, evidence of poor access to food, water and other life-sustaining resources were a clear signal that the underlying causes of conflict were not being addressed. Similarly, in South Sudan, instances of unequal treatment of different populations and ethnic discrimination offered clear precursors to the civil war that broke out in 2013. In every case study, some form of discrimination, ill-treatment of

a vulnerable group or socio-economic marginalization featured in the human rights reporting at some point or across the five years prior to the conflict outbreak. This focus on the socio-economy of fragile settings is a valuable addition to the UN's early warning efforts that is often not present in other reporting within the UN system.

Vulnerable groups: One of the significant assets of the Special Procedures system is its in-depth focus on vulnerable groups, including women, children and migrant populations. Detailed reports on violence against these groups, along with assessments of their poor treatment, offer important signals that appear to be missing from other parts of the UN system. For example, reports of ethnic discrimination in Crimea in the 2010–2014 period were a possible warning signal of Russia's invasion, often framed as protecting Russian-speaking minorities. Similarly, patterns of discrimination and poor treatment of the Rohingya Muslim population in Rakhine State in Myanmar were consistently reported as growing trends in the lead-up to 2017.

Government actors: Many of the human rights reports examined had a detailed and specific focus on actions by the host state, in part because they were reporting on national commitments to human rights treaties and conventions (including recommendations from the UPRs). For example, in the case of South Sudan, the HRC reported on violations of freedom of press and association, detailing government crackdowns and lack of political space. In Ukraine, the government's failure to address the human rights of minority groups offered an important signal of the risks of escalation ahead of the 2014 war. This focus on the government can open a helpful conversation about how national governments should respond to emerging conflict risks, but it may also result in a loss of access by Special Rapporteurs and other human rights actors. Navigating these questions of consent and access are important aspects of the HRC's work in the country.

A judicial entry point: Unsurprisingly, many of the key signals were legal in nature, such as the absence of laws, criminal violations or unfair judicial processes. This was the case across all five case studies, where the lack of adequate judicial protections, due process or fair treatment of citizens were some of the most frequently reported issues. Typically, reports generated by UN peace operations or other agencies may touch lightly on judicial topics, but the depth and detail

of human rights reporting is unique. The human rights system is one of the only sources of such information.

Civic/political space: In limited instances, the HRC produced signals around loss of political space, violations of civic rights and direct attacks on political and human rights actors. Most of these concerned freedom of expression and press freedom. However, it appears from the cases that these signals may be under-reported by the HRC system.

Taken together, these common areas of focus within human rights reporting suggest that the human rights system produces consistent early warning signals of violent conflict. In fact, the system appears to produce some of the clearest signals around social and economic marginalization as a precursor to conflict, something that is often not covered in other UN reporting. The following section explores the extent to which these signals were taken up and acted upon within the UN in the five contexts considered.

FROM SIGNALS TO ACTION

Across the cases, we found important and empirically robust early warning signals produced by the UN's human rights system. However, the cases indicate an uneven and at times poor response, and a general lack of connectivity between the data produced and the broader UN system. This does not mean there was no response in some cases. In the lead-up to the Syrian civil war (2007–2011), the HRC triggered three special sessions on the Syrian Arab Republic in May, October and December 2011. Although all three took place in 2011 following a violent government crackdown on protests in March, each led to HRC resolutions (the first to cover Syria) establishing a Fact-Finding Mission, a Commission of Inquiry (the Independent International Commission of Inquiry on the Syrian Arab Republic) and the mandate for a Special Rapporteur on the situation of human rights in the Syrian Arab Republic.¹⁹ These are testimony to rare actions taken in response to conflict early warning signs picked up in the HRC's reporting, lasting well beyond the outbreak of the civil war. Also notable is a series of urgent appeals by Special Procedures mandate holders in the lead-up to military crackdowns against the Rohingya in Myanmar, including joint appeals on torture and other cruel, inhuman or degrading treatment or punishment, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and on

the independence of judges and lawyers.²⁰ In addition, a solid track record of country visits by the Special Rapporteur on the situation of human rights in Myanmar between 2013 and 2017 allowed for first-hand information collection over a number of years (see).

More commonly, however, UN actions were taken in the aftermath of conflict outbreak, with reporting by the human rights system having contributed to informing these. In Mali, reports of severe human rights abuses following the 2012 coup resulted in the Security Council decision to establish the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) in 2013.²¹ In South Sudan, detailed reporting by the UN Human Rights Commissioner during the civil war (2013–2016) prompted a Security Council arms embargo and deployment of a Regional Protection Force in 2018.²² But in many cases, actions took place well after the publication of HRC reports or were hindered by vetoes in the Security Council (e.g. Myanmar and Ukraine). On this basis, the following observations offer some preliminary areas where signals could be better connected to action:

Coverage discrepancies. The cases display a significant variance in coverage in the lead-up to conflict outbreaks. Across the Special Procedures' annual thematic reports, there were only 18 mentions of South Sudan in the 2009–2013 period. In contrast, there were 469 mentions of Syria between 2007 and 2011; 248 of Myanmar between 2013 and 2017; 176 of Mali between 2008 and 2012 and 210 mentions of Ukraine between 2010 and 2014. These disparities are in part the result of whether countries are placed on the HRC agenda, whether Special Rapporteurs are granted access to at-risk areas via country visits and whether global political attention has yet shifted to these countries. However, they suggest that more should be done to translate early warning signals into more consistent focus and coverage as negative trends increase over time.

Following up on economic, social and cultural rights. Across the five cases, there were notable, and often repeated, warnings about inequality, lack of access to resources, differing treatment of protected groups and other violations of economic, social and cultural rights. However, these warnings were rarely connected to a specific follow-on mechanism. At most, they were included as a recommendation for follow-up by a specific government.²³ Could the human rights system develop a more robust, consistent response to violations of economic, social and

cultural rights? Could bodies like the Security Council become more open to receiving information related to these rights?

Identifying trends, patterns, and/or escalatory dynamics.

Much of the human rights reporting offers specific data points without any aggregating analysis of trends, patterns and/or escalatory dynamics. For example, we may see reports of X number of human rights violations and Y number of domestic violence cases, but without more analysis we do not know whether this constitutes a trend, or how the issues might be related. One clear area for additional research and analysis would be identifying cross-cutting trends, bringing together some of the key indicators into a more holistic picture of the trajectory within a given setting.

Understanding cross-border dynamics. The fact that human rights reporting is nationally based (drawing on government reports and in-country data) means that cross-border dynamics are often missing. For example, reports of ethnic discrimination in Ukraine in the lead-up to the 2014 war were an important factor in Russia's decision to invade. Similarly, the relationships between countries like Myanmar, Syria and Mali and their neighbours are of fundamental importance to the conflicts that emerged. But without the broader context of regional dynamics, human rights reports were difficult to use as an early warning signal.

CONCLUSIONS AND RECOMMENDATIONS

The HRC's mechanisms, human rights treaty bodies together with OHCHR's own reporting provides a unique and empirically rich ecosystem for identifying drivers and potential early warning signs of conflict. In the context of an often-stalled Security Council, unwillingness by member states to take preventive action and somewhat limited General Assembly powers, the human rights system offers a crucial forum for enhancing the UN's prevention role.

However, without significant efforts to connect the human rights system and more HRC more directly and systematically, and more broadly, to the UN's peace and security system, the Human Rights Council will remain largely side-lined from more direct prevention efforts and key information will remain buried in its reporting. To play an enhanced prevention role that successfully contributes to the UN system, the UN should make significant structural

and process changes, both within the HRC and the peace and security architecture. The benefits of a more rights-driven approach to peace and security are numerous, while the negative implications of 'more of the same' for the onset and development of future conflicts are heavy.²⁴

This section provides a range of proposals for how human rights could be better positioned within the broader UN system, offering a sense of the mechanisms, capacities and resources that might be required.

1. **Tell a compelling story.** In producing this report, the research team sifted through hundreds of documents to identify key terms associated with 75 human rights indicators across 14 categories selected to give a sense of whether conflict was anticipated by human rights actors.²⁵ From this work, it was possible to tell a story of worrying trends, loss of space for human rights and deeper warnings of social and economic systems under stress. However, it should not require such a deep dive into the data to encounter this narrative. Instead, the human rights system should be encouraged and capacitated to aggregate and analyse its own data, producing reports that tell a clear story of what is happening in a fragile setting. Translating some of the highly technical language, while necessary for some contexts, into a simpler story would be an important first step.
2. **Turn signals into actionable early warning.** Special Procedures and others reporting within the human rights system should be encouraged to see their roles as directly serving a conflict prevention function. When providing recommendations and shaping their reporting, a specific focus on reducing the risks of escalation should be considered. OHCHR could produce guidance and lessons for Special Procedures mandate holders to understand their role as serving conflict prevention more specifically. More ambitiously, each report could contain a section focused on how addressing human rights issues could contribute to a reduction in risks of violence within a given setting.
3. **Link human rights reporting to accountability mechanisms.** Commissions of inquiry, fact-finding missions and other accountability mechanisms created and mandated by the HRC provide essential information on ongoing human rights violations and human rights situations in a consistent manner, provided their mandate is extended. While these mechanisms tend to be created once a conflict has started, some remain in

place over extended periods of time (e.g. the Independent Investigative Mechanism for Myanmar (IIMM) to which the Independent International Fact-Finding Mission on Myanmar (IIFMM) handed over its evidence in 2019; and the still-active Commission of Inquiry on the Syrian Arab Republic established in 2011 by the HRC). There could be ways to further leverage these HRC-created accountability mechanisms to bolster the HRC's early warning capacities, or to consider whether lighter accountability processes could be established on the basis of signals of increased risks of violence. This could be particularly important in contexts where longstanding accountability mechanisms (e.g. Syria, Myanmar) track human rights violations which may indicate recurring cycles of violence and conflict.

4. **Bring 'pathways' back in focus.** The 2018 UN/World Bank Pathways for Peace report was a landmark moment, clearly recognizing that inequality and marginalization of groups are a conflict drivers.²⁶ OHCHR has embraced this finding and organized some of its multi-year strategy around a 'pathways' mindset. The broader human rights system should also see its work as serving the goal of highlighting and combating inequality and marginalization. The findings above suggest that the human rights system produces some of the most detailed and robust findings on marginalization, discrimination and inequality, which the broader UN system could benefit from.
5. **Formalize information-sharing across the UN system.** Only one Special Rapporteur (on counter-terrorism) has a formal mandate to report directly to the Security Council. While the HRC and OHCHR have found a range of innovative informal ways to share information (e.g. Arria-formula meetings, briefings by the High Commissioner, brown bag lunches with the Department of Political and Peacebuilding Affairs (DPPA) etc.), these are ad hoc and insufficient vis-à-vis the scope of the challenge.²⁷ If the UN system is to rise to the ambition set out in the 2006 creation of the HRC, its work needs to be more systematically linked to the peace and security architecture. As a first step, we propose that the question of using human rights early warning signals for prevention should be part of the upcoming Peacebuilding Architecture Review.
6. **Dedicate time and resources to country cooperation.** Across the cases, the reporting of the Special Rapporteur noted a lack of cooperation from the host country.²⁸ This was most evident in the failure to grant country

visit requests or the rejection of fact-finding missions. For example, state visits to Syria were never granted in the five years prior to the war outbreak, nor was access granted to the Fact-Finding Mission established a few weeks following the onset of violent protests in March 2011.²⁹ Certainly, Special Procedures can operate without country visits, but country cooperation is crucial in allowing access to territories at high risk of human rights violations. Some concrete steps could include greater resources for Special Procedures mandate holders to work on country cooperation, or possibly even a fund to assist in implementing some of their recommendations.

7. **Expand the use of HRC Special Procedures country-specific mandates.** The reporting of the Special Rapporteur on the situation of human rights in Myanmar during the five years prior to the outbreak of conflict against Rohingya Muslims in October 2016 and August 2017 highlights the crucial role of country mandates in bringing attention to conflict early warning signs over a sustained period, beyond the Special Procedures thematic mandates.³⁰ The Special Rapporteur's consistent reporting during the period examined (2013–2017) raised many, if not all, of the early warning signs of an impending genocide against the Rohingya community. In general, Special Procedures have lived up to their role as 'mechanisms for early detection of problematic human rights situations and sustained protection'.³¹ In particular, Special Rapporteurs and Independent Experts with specific country mandates have ensured the HRC's sustained attention on particular country contexts, and more in-depth analysis of deteriorating human rights situations than in broader reporting from thematic mandates spanning multiple contexts. While HRC country mandates cannot possibly stretch across every country, a more standardized practice for these would benefit both the Special Procedures as a whole and the broader HRC system. Special Rapporteurs and Independent Experts with country mandates would also be better placed to identify trends, patterns and escalatory dynamics given their focused attention on a particular country context.
8. **Build synergies with the UN's climate, peace and security agenda.** The data collected for the case studies examined pointed to limited instances where the HRC identified environmental human rights violations. One of the challenges is that the HRC's Special Procedures

‘does not collect information on environmental human rights violations at a sufficiently granular level to be of early warning value’.³² Given that climate change is a key exacerbator of today’s conflict risks, including human rights violations, boosting the HRC’s prevention role in this area may not be a luxury but a necessity. Adapting the UN, including the HRC, to climate-security risks and developing climate-sensitive conflict prevention approaches may be crucial for future climate-related conflicts.³³

Taken together, these recommendations would help the UN human rights architecture more effectively drive the UN’s prevention work. They would also help the UN system prioritize resources and focus energy where it is most likely to play a strong catalytic role and help to stop violent trends before they escalate into all-out war. As such, these changes would contribute to the Secretary-General’s top three priorities of ‘prevention, prevention, prevention’.

ANNEX 1: METHODOLOGY

WHAT IS A 'CONFLICT EARLY WARNING SIGNAL'? WORKING DEFINITIONS

While opinions vary within and beyond the UN system on the objectives of early warning mechanisms for the purpose of conflict prevention writ large, this report focuses on the early warning and prevention of *violent conflict*, which often involves human rights violations. In this sense, human rights violations can be considered as 'precursors' and often a crucial driver of violent conflict and conflict spillover.³⁴ Further, the selection of human rights indicators for this research pays particular attention to 'risk multipliers', meaning when human rights violations co-occur with other events (human rights-related, economic, political, environmental, health, among others) to produce a disproportionate risk of conflict spillover.

In 2016, the UN Security Council's and the General Assembly's twin resolutions on sustaining peace defined prevention as the avoidance of 'the outbreak, escalation, recurrence, or continuation of violent conflicts'.³⁵ While competing definitions exist, this paper understands violent conflict as state-based armed conflict as 'a contested incompatibility which concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths', and non-state violent conflict as a conflict between non-state armed groups, which may have ties to one or more states.³⁶ Competing claims exist with regards to the threshold for violent conflict, including varying thresholds for inclusion of violent conflict in conflict datasets.³⁷

Rationale for a Five-Year Timeframe for Conflict Early Warning Signs

The debate on what constitutes an 'early' warning is not new and well acknowledged.³⁸ While some indicators may need to be measured over a longer-term horizon (e.g. deepening social divides within a population), others may require more short-term monitoring (e.g. the targeting of human rights defenders (HRDs), journalists and/or civil society organizations (CSOs)) in order to detect rapid changes in risk which could signal new levels of community insecurity, tensions or the escalation or outbreak of violence.³⁹ However, some have argued that 'the precise timeline is less important than the presence of signs that leaders, political factions or other armed groups are taking steps that could ultimately lead to conflict'.⁴⁰ For the purpose of this research, the

research team applied the proposed methodology to a five-year period preceding the outbreak of the conflicts selected for the various case studies. This allowed sufficient space to identify information generated by various HRC mechanisms, which follow established timeframes, including, for example, the four-and-a-half-year UPR cycle.

HUMAN RIGHTS INDICATORS AND CASE STUDY SELECTION

Identifying Human Rights Indicators

Following a thorough review of existing literature on human rights and conflict early warnings, the research team identified a set of human rights indicators that may signal an impending conflict spillover, whereby each could be considered a 'precursor' of violent conflict. While there exists a panoply of human rights and non-human rights-related factors that may influence the future incidence of conflict,⁴¹ the chosen indicators seek to encompass those most commonly associated with violent conflict, as well as those most relevant to the (human rights-related) areas routinely investigated by the HRC's mechanisms (including UPRs, Special Procedures, human rights treaty bodies, among others).

The research identified a set of human rights indicators along a cascading scale, distinguishing between 'red light' and 'amber light' indicators. 'Red light' indicators refer to those 'precursors' that could signal acute risks of violence and conflict. Six indicators were selected: large-scale human rights abuses; targeting of HRDs, journalists and/or CSOs; increase in domestic government violence; foreign government/separatist armed group violence; violence against women and violence against children. 'Amber light' indicators refer to those signals that, while perhaps not signalling an acute risk of conflict, may signal a rising insecurity which could lead to a heightened risk of conflict, with the potential of becoming a 'red light' indicator. Five indicators were selected: deepening social divides; (violations of) political, civil and legal rights; (violations of) economic, social and cultural rights; (shrinking) civic space and access to resources.

A smaller group of three indicators was included relating to areas or themes which may be conceived as 'risk multipliers' when human rights violations co-occur with other events (human rights-related, environmental, health, economic, political etc.) to produce a disproportionate risk of conflict spillover. This group of indicators is defined as 'watch this space' to reflect indicators that, combined with others, could serve as early warnings of violent

conflict. These are: food crisis/es; crime and illicit trade and (violations of the) right to a clean, healthy and sustainable environment.

The human rights indicators table below (see [Annex 3: Table of Human Rights Indicators](#)) details each of the selected indicators and provides a definition and rationale for their inclusion. For each indicator, between five and ten 'sub-indicators' were identified that best attach to or describe the indicator in question. These were used to parse through the information produced by the HRC's most relevant mechanisms to identify whether, and if so when, how and where the HRC identified or picked up on various indicators. Only by understanding whether and, if so, how the HRC gathered data and picked up on early warning signals in the past can we imagine the HRC as a more effective conflict prevention actor.

Two further points are important to acknowledge. First, certain selected indicators were more or less relevant for the various case studies identified. This report does not seek to compare but rather elucidate whether, and if so which, indicators indicating certain conditions, dynamics, trends and micro-events preceding violent conflict were picked up by the HRC for the case studies selected. Existing literature has pointed to the broader importance of anchoring early warning indicators into specific contexts that 'reflect context-specific dynamics and can be adapted to national or subnational early warning systems'.⁴² Second, the selected indicators focus on *dynamic indicators*, i.e. those centred around changes in behaviours and incidents that might indicate impending violence or conflict. These differ from *structural indicators* focusing on long-term societal, economic, political and other changes within a given context.⁴³

The research also considered *perception indicators* measuring changing attitudes among societies, specifically towards a specific population group, or between a government and its population. These indicators involve changing norms, growing hostilities of a government towards its population, increased community radicalization or support for armed groups, among others. Perception indicators can serve as a bridge between dynamic indicators – measuring short-term changes – and structural indicators. For example, in the lead-up to the 2016 and 2017 military crackdowns on the Rohingya community in Myanmar, perception indicators, combined with exclusionary and discriminatory practices towards Rohingya Muslims over time, were important for measuring changing attitudes towards this community as an indicator of potential violence against this group.

Case Study Selection

The research team selected the five conflict case studies examined according to the following key criteria:

- **Coverage of human rights tools, instruments and processes:** The combined cases enable insights from all the ways the human rights system generates information.
- **Types of conflicts:** The cases address conflicts between states (e.g. Ukraine 2014) as well as civil wars (e.g. Mali 2012, South Sudan 2013, Syria 2011), pointing to differing early warnings and/or responses.
- **Triggers for war:** The cases cover conflicts that arose in different ways; for example, some conflicts began with a coup, or an act of military aggression (e.g. Mali 2012), while others began with social movements (e.g. Syria 2011).
- **Temporal and geographic coverage:** The cases explore different moments in the evolution of the human rights system, as well as how contexts were reported on during similar time periods.
- **Geographic coverage:** The cases showcase conflicts from different regions.
- **Accessibility:** The cases have readily accessible sources of information and are not overly reliant on highly confidential or protected data.⁴⁴

While the five case studies examined were primarily selected according to the key criteria outlined above, each case adds particular value to the research question. Among many other country contexts reported on by the HRC in the past 18 years, and the Commission on Human Rights prior to 2006, a thorough quantitative and qualitative examination of these five cases provides valuable insights and findings into the HRC's conflict prevention role across different contexts and time periods. Certain cases selected also allow for a cross-comparison between contexts reported on by the HRC during similar years (e.g. Syria 2007–2011, Mali 2008–2012 and South Sudan 2009–2013), highlighting coverage discrepancies in the HRC's reporting.

METHODOLOGY AND RESEARCH DESIGN

Generating the Datasets

The research team constituted two datasets, one generic and one country-specific. The documentation produced by the HRC and collected across the five case studies examined differed for Dataset A (generic) and Dataset B (country-

specific). Both datasets were adapted to each case study country depending on the time periods examined, as well as the availability of documents.

Dataset A (Generic)

The following documentation produced by the UN's human rights system was included in the generic dataset for the five case studies examined:

1. **HRC Special Procedures:**⁴⁵ Independent human rights experts with mandates to report and advise on human rights from a thematic perspective. As of November 2024, there are 46 thematic mandates.⁴⁶ The most relevant thematic mandates selected for this research include 30 Special Rapporteur thematic mandates, as well as four Working Groups.⁴⁷ For each mandate and Working Group, the dataset includes:
 - Annual thematic reports for the five-year period examined for each country case study⁴⁸
 - Annual reports on Special Procedures⁴⁹ (relevant for the Myanmar and Ukraine case studies)

While three Independent Experts or Special Rapporteurs with country mandates are relevant for the case studies considered (Myanmar, Syria, Mali), only the reporting of the Special Rapporteur on the situation of human rights in Myanmar existed during the five years prior to the outbreak of conflict against Rohingya Muslims in Myanmar in October 2016 and August 2017.⁵⁰ Annual reports of the Special Rapporteur on the situation of human rights in Myanmar between 2013 and 2017 were included in Dataset B (country-specific).

2. **Human rights treaty bodies:**⁵¹ Ten human rights treaty bodies are composed of Independent Experts nominated and elected for fixed four-year renewable terms by state parties to the HRC. All treaty bodies receive support from the Human Rights Treaties Division of OHCHR in Geneva. The relevant treaty bodies included are: the Human Rights Committee; Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination of Discrimination against Women (CEDAW); Committee against Torture (CAT); Committee on the Rights of the Child (CRC); Committee on Migrants Workers (CMW); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED);

Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

3. **Annual reports of the HRC:**⁵² A compilation of all resolutions, decisions and President's statements adopted by the HRC at its sessions held during one calendar year.
4. **Opening statements of the High Commissioner for Human Rights at HRC sessions.**⁵³

Dataset B (Country-Specific)

The following documentation produced by the UN's human rights system was included in the country-specific dataset for the five case studies examined:

1. **Universal Periodic Review:**⁵⁴ The UPR mechanism calls for a peer review of a country's human rights record every four-and-a-half years.
2. **HRC Special Procedures:**⁵⁵ independent human rights experts with mandates to report and advise on human rights from a country-specific perspective:
 - Country visit reports
 - Annual reports of Special Procedures country mandate holders (relevant for Myanmar only)
3. **HRC special sessions:**⁵⁶ HRC special sessions held during the relevant five-year period for each case study selected.
4. **HRC resolutions:**⁵⁷ HRC resolutions adopted during the relevant five-year period for each case study country (e.g. HRC Res 31/24, 20 April 2016) on the situation of human rights in Myanmar).
5. **Press statements/releases by the High Commissioner for Human Rights or the OHCHR:** concerning (fully or in part) the case study country during the five-year period.⁵⁸
6. **Secretary-General reports on UN missions:**⁵⁹ relevant for MINUSMA⁶⁰ in Mali and the United Nations Mission in South Sudan (UNMISS)⁶¹ in South Sudan, as well as UN missions' human rights reports published during the time periods considered.⁶²
7. **Annual reports of the commissions of inquiry and/or fact-finding missions created and mandated by the HRC:** relevant for the IIFMM, created in March 2017, the Independent International Commission of Inquiry on the Syrian Arab Republic, created in August 2011, and the Fact-finding Mission on Syria, created in April 2011.

'RED LIGHT' INDICATORS

INDICATOR	DEFINITION	RATIONALE	SUB-INDICATORS
Large-scale human rights abuses	Large-scale human rights abuses as defined by the UN. ²⁰² Note: Early warning tools within the UN's human rights architecture have mostly focused on identifying growing risks of large-scale human rights abuses such as genocide.	Large-scale human rights abuses are a significant indicator of violent conflict. Risk, incitement, or evidence of genocide, war crimes, ethnic cleansing and crimes against humanity indicate high possibilities for the outbreak of conflict or conflict spillover. This risk factor is also relevant where the 'legacies of past atrocity crimes have not been adequately addressed ... A society in this situation is more likely to resort again to violence.' ²⁰³	Risk, incitement, evidence of atrocity crimes; genocide; war crimes; crimes against humanity; ethnic cleansing; massacre(s); executions; mass killings; mass disappearances/ displacement
Targeting of human rights defenders (HRDs), journalists, civil society organizations (CSOs)	Targeted attacks or restrictions by state or non-state actors against HRDs, including female HRDs, journalists or CSOs may include threats, harassment, acts of intimidation, reprisals, arbitrary arrest and detention, and even extrajudicial execution. These point to real and immediate risks to the life or physical integrity of HRDs, journalists, CSO members and other human rights activists.	Targeted attacks by state or non-state actors against HRDs, including female HRDs, journalists or CSOs, who are often the main transmitters of information about human rights emergencies, may indicate a heightened risk of violent conflict. These may also lead to information about any deterioration in a given situation not reaching the international community.	Targeting of HRDs/ journalists/ CSOs; extrajudicial killings (of HRDs/journalists/CSOs); enforced disappearances (of HRDs/ journalists/CSOs); arbitrary arrest/detention (of HRDs/ journalists/CSOs); kidnapping/abduction (of HRDs/ journalists/CSOs)
Increase in domestic government violence	Government violence against a population or certain population groups can take many forms, including incidents of police or security force brutality, human rights abuses carried out by the military, arbitrary arrests, detention and deportation, among others.	An increase in government violence, especially during periods of social unrest, elections, and/or against certain population groups, may signal a significant risk of violence and conflict spillover. Increases in arbitrary arrests, detention and deportation, particularly as a form of government crackdown on protests, can be a key indicator of future violence or conflict.	Police/security force brutality; human rights abuses by the military; arbitrary detention/arrests (general); deportation; government crackdowns
Foreign government/ separatist armed group violence	Foreign government and/or violence from (separatist) armed groups against a population or certain population groups can take many forms, including incidents of police or security force brutality, human rights abuses carried out by the military, arbitrary arrests, detention and deportation, among others.	An increase in foreign government violence and/or violence from (separatist) armed groups against certain population groups may signal a risk of violence and conflict.	Police/security force brutality; human rights abuses by the military; arbitrary detention/arrests (general); deportation

<p>Violence against women</p>	<p>Sudden and extreme restrictions on women's rights are among the earliest signs of violent conflict. These include, among others, the targeting of women's physical rights, including gender-based violence, killing, abduction and disappearance of women, as well as targeting of women's civil and political rights, including threats against/incidents of intimidation of/attacks on women in public roles, and targeting of women online through misogynistic, homophobic or sexist references or propaganda in the media, social media and at campaign rallies or public events.</p>	<p>Evidence has demonstrated the links between gender inequality and risks of conflict and instability, as well as the links between women's status and a country's propensity for violence.²⁰⁴ Overlooking gender in early warning risks ignores gender norms or behaviours that may contribute to the outbreak of conflict.²⁰⁵</p>	<p>Gender-based violence, including sexual violence/abuse;²⁰⁶ intimidation of/attacks on women; trafficking in women;²⁰⁷ hate speech targeted towards women; misogyny; killing, abduction, disappearance and/or displacement of women</p>
<p>Violence against children</p>	<p>Sudden and extreme restrictions on children's rights are among early signs of violent conflict.²⁰⁸ These include incidents of violence against children, including sexual violence; killing and/or maiming of children; abduction and forced displacement of children, as well as targeting of children's civil and political rights (e.g. recruitment and use of children by armed forces and/or groups), right to education (e.g. restrictions on education, especially for young women, attacks against schools), among others.</p>	<p>Evidence has highlighted the links between violence against children and risks of conflict and instability.²⁰⁹</p> <p>In particular, increases in recruitment and use of children by armed forces and/or groups, often combined with other factors such as socio-economic factors (e.g. high level of instability, high poverty rates), can signal a heightened risk of conflict, and can be linked to the likelihood of conflict recurrence.²¹⁰</p>	<p>Violence against children, including sexual violence; killing and/or maiming of children; forced displacement/abduction of children; arbitrary arrest/detention of children/juveniles; child recruitment/recruitment of children; trafficking of children (including cross-border);²¹¹ attacks on schools; restrictions on education (especially girls); denial of humanitarian access for children</p>

'AMBER LIGHT' INDICATORS

INDICATOR	DEFINITION	RATIONALE	SUB-INDICATORS
Deepening social divides	Social divides are those divides between certain groups within a population that develop along national, ethnical, racial or religious lines. These may present as inter-group tensions or patterns of prejudice and/or discrimination against protected groups that create stress in the relationship among groups or with the state, generating an environment conducive to conflict.	Deepening social divides may indicate an increasing risk of violent conflict or conflict spillover when discrimination against protected groups, and persistent patterns of it, serve as both a cause and a perceived justification of group violence. ²¹² Social instability caused by the exclusion of certain groups or tensions based on identity issues increase the risk of violent conflict.	Segregation; ²¹³ discriminatory/exclusionary policies; ²¹⁴ racial, religious, ethnic, gender, sexual orientation discrimination; racial hatred, religious, ethnic and inter-communal violence (or risk of), e.g. tribal/sectarian violence; torture and ill-treatment
Violations of Political, civil and legal rights	Violations of political, civil and legal rights, as set out by the UN, ²¹⁵ include, among others, violations of the right of peaceful assembly and freedom of association, which may signal increasing political instability and a potential risk of conflict. Political repression, including during periods of social unrest, may also be an indicator of future violence or conflict.	Violations of political, civil and legal rights have been associated with increased risks of violent conflict or conflict spillover. ²¹⁶	Political, civil, legal rights; political repression (or other actors e.g. armed groups); revocation/stripping of citizenship; restrictions on voting; ²¹⁷ access to justice/rule of law
Violations of Economic, social and cultural rights	Violations of economic, social and cultural rights may include, among others, forcibly evicting people from their homes (right to adequate housing); failure to ensure a wage sufficient for a decent living (right to work); failure to prevent starvation (freedom from hunger). ²¹⁸	There is increasing evidence that violations of economic, social and cultural rights are causes, consequences or even predictors of violence, social unrest and conflict. OHCHR has discussed 'key risk factors for instability linked to human rights, in particular economic, social and cultural rights, although a comprehensive methodology on the integration of human rights into early warning analysis is yet to be developed.' ²¹⁹	Economic, social and cultural rights; socio-economic inequality; attacks/destruction/theft of villages, homes, farms, businesses and/or cultural or religious symbols/sites/property; forced evictions/land confiscation; restrictions on movement; extortion and illegal taxation; restrictions/attacks on freedom of religion; (risk of) humanitarian crisis and/or blockage of humanitarian assistance; (access to) healthcare/sanitation

<p>Civic space²²⁰</p>	<p>Civic space refers to the environment that enables people and groups, or 'civic space actors', to participate meaningfully in the political, economic, social, and cultural life of their societies.²²¹</p> <p>Restrictions on freedom of opinion and expression and/or violence against civic space actors or those who express dissenting or unpopular views may silence critical voices and ultimately shrink civic space.</p>	<p>While related to restrictions of civil and/or political rights, a broader closing of civic space may indicate an overall decline in peace and security and an increased risk of conflict.</p> <p>Restrictions on freedom of opinion and expression, including restrictions and silencing of NGOs (especially women's organizations), indicate a decline of civic space which can fuel conflict and violence.</p>	<p>Hate speech/propaganda (inflammatory speech); attacks on freedom of expression (including press freedom); restrictions on NGOs (especially women's organizations)</p>
<p>Access to Resources</p>	<p>Unequal access to essential resources, economic inequality, and corruption are often grouped together as a precursor to conflict, with clear links to economic, social and cultural rights (see 'rationale').</p> <p>Structural resource scarcity refers to an uneven distribution of resources, where some groups have limited access to resources.</p>	<p>Unequal access to essential resources (e.g. sufficient food, potable water) may exacerbate economic inequalities, and when combined with factors such as poor governance, stagnant economies and ethnic and/or political tensions, can exacerbate grievances and lead to a heightened risk of conflict. Disputes over essential resources (e.g. water, arable land) have spilled over into violent conflict and instability.²²²</p> <p>Further, population pressures (e.g. youth bulges, ageing populations, urbanization), combined with shortages of essential resources, increase societal vulnerabilities and may increase the likelihood of interstate violence. Resource stress (arising from the scarcity of resources to support a population) because of population pressures has been linked to many types of violence, including genocide.²²³</p> <p>Resource scarcity also increases environmental insecurity.</p>	<p>Corruption; tensions/disputes over essential resources/resource scarcity/inequality; population pressures (e.g. youth bulges)</p>

'WATCH THIS SPACE' INDICATORS

INDICATOR	DEFINITION	RATIONALE	SUB-INDICATORS
Food crisis/es	Economic shocks, climate shocks and increasing food prices can contribute to the onset of food crises.	Research has shown that food crises are triggers of conflict and social unrest. ²²⁴ Inequalities in access to food and water and/or where resource shortages begin to have an impact on the basic survival needs of a population can heighten existing grievances and build momentum towards conflict. ²²⁵	Food/water crisis/insecurity, famine; social unrest; drought(s)/flooding
Crime and illicit trade	<p>Increases in illicit trade may refer to increases in the trade of drugs, light arms and weaponry, among others. These increases, if measured, may signal an increased risk of violence and impending conflict.</p> <p>Increases in organized crime (including transnational organized crime) may involve increases in illicit trafficking of firearms, drugs, protected species, cultural property or falsified medical products, as well as increases in human trafficking and the smuggling of migrants.²²⁶</p>	<p>Violence that may stem from illicit exchanges can contribute to destabilizing a state and cycles of persistent violence, which can lead to conflict or its re-occurrence.²²⁷ Research has explored the impact of organized crime, including transnational organized crime, on conflict dynamics and the political economy of conflict.²²⁸ In fact, organized crime has emerged as a 'major stress factor that exacerbates state fragility, undermines state legitimacy, especially in post-conflict settings, and often lowers the incentives of armed groups to enter political settlements'.²²⁹ Organized crime often goes hand in hand with illicit trade: the negative impact of organized crime on state legitimacy is exacerbated by the 'growth of transnational criminal markets and the shift in illicit flows'.²³⁰</p>	Illicit trade/exchanges and/or drug trafficking; proliferation and/or widespread distribution of light arms; human trafficking/smuggling of migrants; transnational (organized) crime; state fragility
Right to a clean, healthy and sustainable environment ²³¹	The substantive elements of the right to a clean, healthy and sustainable environment include clean air, a safe climate, access to safe water and adequate sanitation, healthy and sustainably produced food, non-toxic environments in which to live, work, study and play and healthy biodiversity and ecosystems. ²³²	<p>Recent research has explored the right to a healthy environment in relation to armed conflicts, arguing that a 'more integrated understanding of human rights and the environment ... could also address the risk of conflicts between these areas - for instance, the risk that environmental protection measures may contribute to human rights violations, or that actions developed to safeguard human interests may harm the environment'.²³³ Research is also gradually emerging on the links between environmental rights and conflict, and how their 'better management can serve as a tool in conflict prevention, resilience and early warning', including within the HRC.²³⁴</p>	Environmental human rights violations; right to a clean, healthy and sustainable environment; hazardous substances and wastes; climate insecurity

ANNEX 2: SPECIAL PROCEDURES MANDATE HOLDERS

Of the 46 Special Procedures mandate holders of the Human Rights Council, the research team identified 30 relevant mandates for the purpose of this research:

1. Special Rapporteur on the human rights of migrants
2. Special Rapporteur on extrajudicial, summary or arbitrary executions
3. 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
4. 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
5. Special Rapporteur on the right to food
6. Special Rapporteur on the situation of human rights defenders
7. Special Rapporteur in the field of cultural rights
8. Special Rapporteur on the independence of judges and lawyers
9. Special Rapporteur on the promotion and protection of the right of freedom of opinion and expression
10. Special Rapporteur on the rights of indigenous peoples
11. Special Rapporteur on the rights of persons with disabilities
12. Special Rapporteur on the rights to freedom of peaceful assembly and of association
13. Special Rapporteur on the human rights of internally displaced persons
14. Special Rapporteur on the right to education
15. Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment
16. Special Rapporteur on minority issues
17. Special Rapporteur on extreme poverty and human rights
18. Independent expert on human rights and international solidarity
19. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance
20. Special Rapporteur on freedom of religion or belief
21. Special Rapporteur on the sale, sexual exploitation and sexual abuse of children
22. Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity
23. Special Rapporteur on contemporary forms of slavery, including its causes and its consequences
24. Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
25. Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
26. Special Rapporteur on trafficking in persons, especially women and children
27. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence
28. Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights
29. Special Rapporteur on violence against women and girls, its causes and consequences
30. Special Rapporteur on the human right to safe drinking water and sanitation

The reporting of the Special Rapporteur on the situation of human rights in Myanmar was included in Dataset B for the Myanmar case study given its country-specific reporting. In addition, reporting from four Working Groups were considered: Working Group on Enforced or Involuntary Disappearances; Working Group on Arbitrary Detention; 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; Working Group on Discrimination against Women and Girls.

END NOTES

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https://quano.org/sites/default/files/resources/Public%20report%20on%20special%20procedures_version_1_web.pdf (last accessed 9 February 2025).

2 United Nations and World Bank Group, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*, 2018, <https://openknowledge.worldbank.org/entities/publication/4c36fca6-c7e0-5927-b171-468b0b236b59> (last accessed 9 February 2025).

3 For a consolidated list of the mandates considered see Annex 4: Special Procedures Mandate Holders.

4 The mandates for the Independent Expert on the situation of human rights in Mali and the Special Rapporteur on the situation of human rights in the Syrian Arab Republic were both established after the outbreak of conflict (in the case of Mali under HRC Res 22/18, 10 April 2013, and in the case of Syria at the 18th special session of the Human Rights Council (HRC) under HRC Res S-18/1, 5 December 2011).

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10 See International Crisis Group, *Ten Challenges for the UN in 2024–2025*, Special Briefing No. 12, 10 September 2024, <https://www.crisisgroup.org/global/sb12-ten-challenges-un-2024-2025> (last accessed 9 February 2025); UN, *A New Agenda for Peace*, supra fn 7.

11 UN, *A New Agenda for Peace*, supra fn 7, p 3.

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13 A. Day and E. Harper, *Delivering the Right to Peace: Towards a Strengthened Role of the Human Rights Council in the UN's Peace and Security Framework*, Geneva Academy and United Nations University Centre for Policy Research (UNU-CPR), October 2023, https://www.geneva-academy.ch/joomlatools-files/docman-files/RB_DELIVERING%20THE%20RIGHT%20TO%20PEACE.pdf (last accessed 9 February 2025).

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16 See Annex 1, Section C, Methodology and Research Design.

17 In his annual report on the human rights situation in Myanmar in 2014, the Special Rapporteur on the situation of human rights in Myanmar warned that 'the pattern of widespread and systematic human rights violations in Rakhine State may constitute crimes against humanity as defined under the Rome Statute of the International Criminal Court'. See Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, UN doc A/HRC/25/64, 2 April 2014, §51.

18 Between 2007 and 2011, Syria was mentioned at least 469 times across the annual reporting of the 30 relevant Special Procedures mandates selected, ten treaty bodies, annual reports of the HRC and opening statements of the High Commissioner for Human Rights at the HRC sessions held during those years. In contrast, Mali was mentioned 176 times between 2008 and 2012; South Sudan 18 times between 2009 and 2013; Ukraine 214 times between 2010 and 2014 and Myanmar 248 times between 2013 and 2017.

19 HRC Res S-16/1, 4 May 2011; Report of the Human Rights Council on its seventeenth special session, UN doc. A/HRC/S-17/2, 18 October 2011; HRC Res, S-18/1, 5 December 2011.

20 Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, UN doc, A/HRC/22/58, 17 April 2013.

21 See, for example, Report of the Secretary-General on the situation in Mali, UN doc S/2013/189, 26 March 2013, §36.

22 See, for example, Report of the United Nations High Commissioner for Human Rights on the human rights situation in South Sudan, UN doc A/HRC/28/49, 27 March 2015, §9; Report of the United Nations High Commissioner for Human Rights on the assessment mission by the Office of the United Nations High Commissioner for Human Rights to improve human rights, accountability, reconciliation and capacity in South Sudan, UN doc A/HRC/31/49, 10 March 2016, §12

23 In the case of Myanmar, the Special Rapporteur on the situation of human rights in Myanmar formulated specific recommendations to the Government of Myanmar in its annual reporting to address economic, social and cultural rights. See, for example, *ibid*, §91.

24 The 2023 *Delivering the Right to Peace* report argued that 'a more rights-driven approach to peace and security could (a) benefit from the dynamic and empirically rich ecosystem of the HRC and OHCHR, (b) align the UN more directly to address the root causes of violent conflict, and (c) open the potential for more creative use of forums beyond the SC'. See Day and Harper, *Delivering the Right to Peace*, supra fn 13, p 13.

25 See Annex 3: Table of Human Rights Indicators for a full list and rationale for the human rights indicators identified for this research.

26 UN and World Bank Group, *Pathways for Peace*, supra fn 2.

27 Quaker United Nations Office and OHCHR, *Integrating Human Rights and Sustaining Peace*, supra fn 1.

28 For a consolidated list of the mandates considered see Annex 4: Special Procedures Mandate Holders.

29 In her statement introducing the preliminary report on the situation of human rights in the Syrian Arab Republic in June 2011, United Nations High Commissioner for Human Rights, Ms Navi Pillay, argued that 'despite several official communications requesting the Government of Syria to grant access to the Fact-Finding Mission, I have received no response from the Government. This lack of responsiveness severely hampers our work. Due to the impossibility to deploy to Syria, my team is gathering information from outside the country'. See OHCHR, 'Statement of Ms. Navi Pillay, United Nations High Commissioner for Human Rights to the Introduction of Preliminary Report on the Situation of Human Rights in the Syrian Arab Republic', 15

June 2011, <https://www.ohchr.org/en/statements/2011/06/statement-ms-navi-pillay-united-nations-high-commissioner-human-rights> (last accessed 9 February 2025).

30 The mandates for the Independent Expert on the situation of human rights in Mali and the Special Rapporteur on the situation of human rights in the Syrian Arab Republic were both established after the outbreak of conflict (in the case of Mali under HRC Res 22/18, supra fn 4, and in the case of Syria at the eighteenth special session of the HRC under HRC Res S-18/1, supra fn 4).

31 B. Ki-Moon, 'Remarks to the Opening of the Seventh Session of the Human Rights Council', supra fn 14.

32 Harper and Ubushieva, Environmental Human Rights as a Tool in Early Warning and Conflict Prevention, supra fn 5.

33 See A. Day and J. Caus, Conflict Prevention in an Era of Climate Change: Adapting the UN to Climate-Security Risks, United Nations University, 2020, <https://collections.unu.edu/eserv/UNU:7632/UNUClimateSecurity.pdf> (last accessed 9 February 2025).

34 There is evidence that 'human rights violations, particularly when widespread and systematic, can serve as indicators of an increased risk of conflict, violence or instability because violations of human rights are often the underlying long-term drivers or the shorter-term triggers of conflict or instability'. See OHCHR, 'Human Rights and Early Warning of Violations, Conflict or Crisis', <https://www.ohchr.org/en/prevention-and-early-warning/human-rights-and-early-warning-violations-conflict-or-crisis> (last accessed 9 February 2025).

35 UNGA Res 70/262, 12 May 2016; UNSC Res 2282, 27 April 2016. The 2018 UN and World Bank Group Pathways for Peace report argues that prevention also requires 'proactively addressing deeper, underlying risks that prevent sustainable development and peace. In most conflicts, these deeper risks create fertile ground for mobilization to violence'. See UN and World Bank Group, Pathways for Peace, supra fn 2, p 6.

36 See, for example, the Uppsala Conflict Data Program and Peace Research Institute Oslo (PRIO) definitions of armed conflict: <https://www.uu.se/en/department/peace-and-conflict-research/research/ucdp/ucdp-definitions> (last accessed 9 February 2025); A. M. Obermeier and S. A. Rustad, Conflict Trends: A Global Overview, 1946–2022, PRIO 2024, <https://www.prio.org/publications/13513> (last accessed 20 February 2025), p 7. There is no agreed, single definition of armed conflict. The term may refer to 'civil war, ethnic war, and interstate war at high and low intensities as well as violence that falls short of war, such as militarized disputes, terrorism, and riots or strikes'. See T. S. Szayna, A. O'Mahoney, J. Kavanagh, S. Watts, B. Frederick, T. C. Norlen and P. Voorhies, Conflict Trends and Conflict Drivers: An Empirical Assessment of Historical Conflict Patterns and Future Conflict Projections, RAND Corporation, 2017, https://www.rand.org/pubs/research_reports/RR1063.html (last accessed 9 February 2025). The Pathways for Peace report found that violent conflicts have become more complex and protracted, involving more non-state groups and regional and international actors. See UN and World Bank Group, Pathways for Peace, supra fn 2.

37 See Szayna et al, Conflict Trends and Conflict Drivers, supra fn 36, Table 2.2. Data Sets and Definitions, p 13.

38 International Crisis Group, Seizing the Moment: From Early Warning to Early Action, Special Report No. 2, 22 June 2016,

https://www.crisisgroup.org/sites/default/files/seizing-the-moment-from-early-warning-to-early-action_0.pdf (last accessed 9 February 2025), p 4.

39 For further examples, see International Foundation for Electoral Systems, Gender-Sensitive Indicators for Early Warning of Violence and Conflict: A Global Framework, 2021, <https://cepps.org/wp-content/uploads/2021/07/ifes-gender-sensitive-indicators-for-early-warning-of-violence-and-conflict-a-global-framework-may-2021.pdf> (last accessed 9 February 2025).

40 International Crisis Group, Seizing the Moment, supra fn 38, p 4.

41 See, for example, Szayna et al, Conflict Trends and Conflict Drivers, supra fn 36.

42 International Foundation for Electoral Systems, Gender-Sensitive Indicators for

Early Warning of Violence and Conflict, supra fn 39, p 6.

43 While structural indicators are important to consider, these are less likely to help measure risks of violence and conflict in the short term; meanwhile, dynamic indicators may signal heightened levels of insecurity, tensions or violence, signalling the potential for conflict spillover within a shorter time period.

44 While the case of Guatemala in the 1980s was initially considered, the lack of available information given that the case predates the creation of the HRC in 2006 did not make it possible to include it.

45 OHCHR, 'Special Procedures of the Human Rights Council', <https://www.ohchr.org/en/special-procedures-human-rights-council> (last accessed 13 November 2024).

46 OHCHR, 'Thematic Mandates', <https://spinternet.ohchr.org/ViewAllCountryMandates.aspx?Type=TM> (last accessed on 13 November 2024).

47 For a consolidated list of the mandates considered see Annex 4: Special Procedures Mandate Holders.

48 For example, OHCHR, 'Annual Thematic Reports: Special Rapporteur on truth, justice and reparation', <https://www.ohchr.org/en/special-procedures/sr-truth-justice-reparation-and-non-recurrence/annual-thematic-reports> (last accessed 13 November 2024).

49 Annual reports on Special Procedures provide updated information on the system of Special Procedures as a whole, its achievements, as well as facts and figures on, for example, country visits and thematic reports. They give a comprehensive overview of the activities undertaken by Special Procedures in the reporting period, both individually and as a system, including country visits, communications, thematic reports, follow-up activities, joint actions, development of international standards and advocacy. The reports also outline the work of the Coordination Committee and give a summary of the main issues discussed at the annual meetings of Special Procedures, which are usually held in June of each year. See OHCHR, 'Annual Reports on Special Procedures', <https://www.ohchr.org/en/special-procedures-human-rights-council/annual-reports-special-procedures> (last accessed 13 November 2024).

50 The mandates for the Independent Expert on the situation of human rights in Mali and the Special Rapporteur on the situation of human rights in the Syrian Arab Republic were both established after the outbreak of conflict (in the case of Mali under HRC Res 22/18, supra fn 4, and in the case of Syria at the eighteenth special session of the HRC under HRC Res S-18/1, supra fn 4. These were thus not included in the datasets.

51 OHCHR, 'UN Treaty Body Database', https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en (last accessed 13 November 2024).

52 HRC, 'Annual Reports of the Human Rights Council', <https://www.ohchr.org/en/hr-bodies/hrc/documents> (last accessed 21 September 2024).

53 'The High Commissioner also has a critical role to play in bringing early signs of human rights emergencies to the attention of the Council. She does so through statements delivered at the start of each Council session, as well as under agenda item 2'. See Overview of Consultations on the Contribution of the Human Rights Council to the Prevention of Human Rights Violations, UN doc A/HRC/43/37, 14 January 2020, §63.

54 HRC, 'Documentation by Country', <https://www.ohchr.org/EN/HRBodies/UPR/Pages/Documentation.aspx> (last accessed 13 November 2024).

55 OHCHR, 'Special Procedures of the Human Rights Council', supra fn 45.

56 HRC "Special Sessions", <https://www.ohchr.org/en/hr-bodies/hrc/special-sessions> (last accessed 13 November 2024).

57 Universal Rights Group, 'UN Human Rights Resolutions Portal', <https://www.universal-rights.org/human-rights/human-rights-resolutions-portal/> (last accessed on 13 November 2024).

58 UN, 'Office of the United Nations High Commissioner for Human Rights', <https://>

www.ohchr.org/en/search (last accessed 13 November 2024).

59 UN, 'United Nations Peacekeeping Operations, Special Political Missions and Other Political Presences', <https://www.unmissions.org/> (last accessed 13 November 2024).

60 United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), 'Documents', <https://minusma.unmissions.org/en/documents> (last accessed 12 September 2024).

61 United Nations Mission in South Sudan (UNMISS), 'Documents', <https://unmiss.unmissions.org/documents> (last accessed 12 September 2024).

62 See UNMISS, 'Human Rights Reports', <https://unmiss.unmissions.org/human-rights-reports> (last accessed 10 November 2024).

63 The Syrian Arab Air Force was also found responsible for 98 percent of the 349 recorded attacks using chemical weapons throughout the war, causing dozens of human rights violations. See T. Schneider, E. Bap and K. Shoumali, Assad's Long Reach: The Syrian Arab Air Force at War', Global Public Policy Institute, 2021, <https://chemicalweapons.gppi.net/analysis/assads-long-reach-syaaf-pt-1/> (last accessed 9 February 2025).

64 OHCHR, 'Council Hears Reports on Côte d'Ivoire and Syria, Holds General Debate on Human Rights Situations That Require Its Attention', 15 June 2011, <https://www.ohchr.org/en/press-releases/2011/06/council-hears-reports-cote-divoire-and-syria-holds-general-debate-human> (last accessed 9 February 2025). During the General Debate, Venezuela argued that 'Syria was located in an area of geopolitical tension and Venezuela was concerned that this was being exploited by exterior forces to deepen the conflict and scale up instability in the region.'

65 OHCHR, 'Continued Killings of Protestors Risks Sending Syria into Downward Spiral – Pillay', 28 March 2011, <https://www.ohchr.org/en/press-releases/2011/03/continued-killings-protestors-risks-sending-syria-downward-spiral-pillay> (last accessed 9 February 2025).

66 See OHCHR, 'Statement Delivered on Behalf of all Special Procedures Mandate-Holders of the United Nations Human Rights Council at the Seventeenth Special Session of the Human Rights Council on the Situation of Human Rights in the Syrian Arab Republic', 22 August 2011, <https://www.ohchr.org/en/statements/2011/08/statement-delivered-behalf-all-special-procedures-mandate-holders-united-nations> (last accessed 9 February 2025). This statement was delivered by Juan Mendez, the then Special Rapporteur on torture.

67 Documentation examined includes annual reporting produced by 30 Special Rapporteur thematic mandates, including 4 Working Groups (Working Group on Enforced or Involuntary Disappearances, Working Group on Arbitrary Detention, Working Group on Discrimination against Women and Girls, 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); 10 human rights treaty bodies; annual reports of the HRC and opening statements of the High Commissioner for Human Rights at HRC sessions.

68 OHCHR, 'Human Rights Council Concludes Special Session on Syrian Arab Republic', 29 April 2011, <https://www.ohchr.org/en/press-releases/2011/05/human-rights-council-concludes-special-session-syrian-arab-republic> (last accessed 9 February 2025). In opening remarks, the then United Nations Deputy High Commissioner for Human Rights, Kyung-Wha Kang, said that the recent events in Syria warranted the Council's urgent attention. See OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic in Special Session', 22 August 2011, <https://www.ohchr.org/en/press-releases/2011/08/human-rights-council-debates-situation-human-rights-syrian-arab-republic> (last accessed 9 February 2025).

69 HRC Res S-16/1, supra fn 19.

70 HRC Res S-17/1, 22 August 2011; HRC Res S-18/1, supra fn 4.

71 OHCHR, 'Council Hears Reports on Côte d'Ivoire and Syria', supra fn 64.

72 For a consolidated list of material collected across the five case studies selected for this report, see Annex 1, Section C, Methodology and Research Design. The mandate of a Special Rapporteur on the situation of human rights in the Syrian Arab

Republic was established via HRC Res S-18/1, supra fn 4, adopted at the third special session on the Syrian Arab Republic on 2 December 2011. There are thus no reports published during the time period examined. Further, there were no country visits by Special Rapporteurs to Syria despite several requests.

73 See, for example, Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic, UN doc A/HRC/18/53, 15 September 2011, §69.

74 Ibid. The term was mentioned 11 times.

75 See, for example, OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic', supra fn 66; OHCHR, 'Human Rights Council Holds Interactive Dialogues on Situation of Human Rights in Syria and in Sudan', 19 September 2011, <https://www.ohchr.org/en/press-releases/2011/09/human-rights-council-holds-interactive-dialogues-situation-human-rights> (last accessed 9 February 2025).

76 See, for example, OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic', supra fn 68; Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic, supra fn 73. Police and/or security force brutality is mentioned 22 times in the former and 24 times in the latter document.

77 See, for example, OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic', supra fn 68.

78 See, for example, the first Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, UN doc A/HRC/S-17/2/Add.1, 23 November 2011. See also data for 'torture and ill-treatment' in this section.

79 See, for example, OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic', supra fn 68. Only a few days before, the then UN High Commissioner for Human Rights, Navi Pillay, warned against the escalation of a government crackdown in Syria. See OHCHR, 'Pillay Denounces Escalation of Government Crackdown in Syria, Calls for Immediate End to Killings', 25 April 2011, <https://www.ohchr.org/en/press-releases/2011/04/pillay-denounces-escalation-government-crackdown-syria-calls-immediate-end> (last accessed 9 February 2025).

80 During his visit to Syria in 2010, the Special Rapporteur on the right to health stressed the importance of 'increasing awareness of gender-based violence, a problem for which no data was available during his mission. He called upon the Government to give due attention to the "protection of human rights of women in this process, and ... to prevention, treatment and rehabilitation.'" See OHCHR, 'Substantial Progress on Health in Syria, But More Needs to Be Done, Says UN Expert', 15 November 2010, <https://www.ohchr.org/en/press-releases/2010/11/substantial-progress-health-syria-more-needs-be-done-says-un-expert> (last accessed 9 February 2025).

81 OHCHR, 'Committee on the Rights of the Child considers the Report of the Syrian Arab Republic', 22 September 2011, <https://www.ohchr.org/en/press-releases/2011/09/committee-rights-child-considers-report-syrian-arab-republic> (last accessed 9 February 2025).

82 At its eighteenth special session on the Syrian Arab Republic in December 2011, the HRC condemned 'the extensive violations of children's rights committed by the Syrian authorities, including the killing of children during demonstrations'. See Report of the Human Rights Council on its Eighteenth Special Session, UN doc A/HRC/S-18/2, 31 January 2012, §1(c).

83 The first Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, supra fn 78, in November 2011 mentioned the use of torture and ill-treatment at least 20 times.

84 See, for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1: Syrian Arab Republic, UN doc A/HRC/WG.6/12/SYR/3, 25 July 2011; Compilation Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1:

Syrian Arab Republic, UN doc A/HRC/WG.6/12/SYR/2, 5 September 2011.

85 See related data for 'Government crackdown'.

86 See, for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1, supra fn 82.

87 Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic, supra fn 73, §32, 47-48; Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, supra fn 78, §83, 107, 112(l).

88 See, for example, OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic in Special Session', supra fn 68.

89 See for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1, supra fn 84.

90 These are the Fact-Finding Mission on Syria (mandated under HRC Res S-16/1, supra fn 19, on 29 April 2011) and the Independent International Commission of Inquiry on the Syrian Arab Republic (mandated under HRC Res S-17/1, supra fn 70).

91 The first Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (supra fn 76, p 1) in November 2011 documented 'patterns of summary execution, arbitrary arrest, enforced disappearance, torture, including sexual violence, as well as violations of children's rights', which would have amounted to crimes against humanity.

92 Over the course of 2011, the HRC's collected documentation on the situation in Syria made at least 44 references to executions; 69 references to mass killings; 63 to mass disappearances/displacement and 53 mentions of crimes against humanity.

93 The first Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, supra fn 78, mentioned the use of torture and ill-treatment at least 20 times.

94 See OHCHR, 'Committee against Torture Begins Examination of Report of Syria', 3 May 2010, <https://www.ohchr.org/en/press-releases/2010/05/committee-against-torture-begins-examination-report-syria#:~:text=The%20Committee%20against%20Torture%20this,or%20Degrading%20Treatment%20or%20Punishment> (last accessed 9 February 2025); OHCHR, 'Committee against Torture Hears Response of Syria', 4 May 2010, <https://www.ohchr.org/en/press-releases/2010/05/committee-against-torture-hears-response-syria> (last accessed 9 February 2025).

95 In a statement delivered on behalf of all Special Rapporteurs at the sixteenth HRC special session on the situation of human rights in Syria (29 April 2011), the Special Rapporteur on the right to food argued that 'not only has the Government violently suppressed this right of peaceful protesters, it has arbitrarily arrested human rights defenders, journalists and bloggers. These play a crucial role in monitoring recent events and informing the public. We have called upon the Government, as we do today, to release immediately all those who have been arbitrarily arrested and detained.' See OHCHR, 'Statement of All Special Procedures Mandate Holders of the United Nations Human Rights Council at the Sixteenth Special Session of the Human Rights Council on the Situation of Human Rights in the Syrian Arab Republic', 29 April 2011, <https://www.ohchr.org/en/statements/2011/04/statement-all-special-procedures-mandate-holders-united-nations-human-rights> (last accessed 9 February 2025).

96 Compilation Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1, supra fn 84, §62. A number of individual cases involving alleged arbitrary arrests and/or issues related to the independence of the judiciary were also raised with the Government through communications from Special Procedures mandate holders (see §44).

97 Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, supra fn 78, §88.

98 See, for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 15 (c) of the Annex to Human Rights Council Resolution 5/1, supra fn 86, §64.

99 The '(Risk of) humanitarian crisis and/or blockage of humanitarian assistance' appeared 31 times in the period examined, all in 2011. See, for example, OHCHR, Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic in Special Session', supra fn 68.

100 Following a visit to Syria in September 2010, the Special Rapporteur on the right to food estimated that between 'two to three million people may be considered food insecure in Syria, following four years of severe drought in the north-eastern part of the country.' See OHCHR, "'Two to Three Million Syrians Face Food Insecurity'", supra fn 88. One year later, in August 2011, the report of the Fact-Finding Mission on Syria documented violations of human rights committed since March 2011, including violations of the rights to food and health, and to medical treatment to injured persons. See Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in the Syrian Arab Republic, supra fn 73, Annex p 24.

101 OHCHR, 'Human Rights Council Passes Resolution on Syrian Arab Republic in Special Session', 29 April 2011, <https://www.ohchr.org/en/press-releases/2011/05/human-rights-council-passes-resolution-syrian-arab-republic-special-session> (last accessed 9 February 2025). Others, such as Lebanon, Belarus, Iran and the Democratic People's Republic of Korea, raised the issue of double standards, arguing that the approval of a resolution was not 'fitting for the role conferred to the Council, which was to have a dialogue free of politicization and double standards'. The Russian Federation argued that the special session and ensuing resolution 'violated the principles of universality and non-selectivity that were fundamental to the Human Rights Council'. Similar claims were made during the second special session on Syria in August 2011; see OHCHR, 'Human Rights Council Debates Situation of Human Rights in Syrian Arab Republic in Special Session', supra fn 68.

102 The three HRC resolutions resulting from the special sessions are: HRC Res S-16/1, supra fn 19; HRC Res S-17/1, supra fn 70; HRC Res S-18/1, supra fn 4.

103 National Report Submitted in Accordance With Paragraph 15 (A) Of The Annex To Human Rights Council Resolution 5/1: Mali (2008), §118.

104 The documentation examined includes annual reporting produced by 30 Special Rapporteur thematic mandates, including four Working Groups (Working Group on Enforced or Involuntary Disappearances, Working Group on Arbitrary Detention, Working Group on Discrimination against Women and Girls, 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); 10 human rights treaty bodies; annual reports of the HRC and opening statements of the High Commissioner for Human Rights at HRC sessions. The mandate of the Independent Expert on the situation of human rights in Mali was established in 2013, hence after the beginning of the Malian civil war and outside of the time period examined.

105 See Syria (2011) case study above.

106 Between 2009 and 2013, South Sudan appeared only 18 times across the annual reporting of the most relevant Special Procedures mandates selected for this research (30 Special Rapporteur thematic mandates and four Working Groups), 10 human rights treaty bodies, annual reports of the HRC and opening statements of the High Commissioner for Human Rights at HRC sessions collected for the 2009-2013 period. See South Sudan (2013) case study below.

107 The six treaty bodies that referenced Mali each year between 2008 and 2012 are: the Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination of Discrimination against Women (CEDAW); Committee on the Protection of the Rights of All Migrant Workers and Members of their Families; Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT); Committee on the Rights of Persons with Disabilities (CRPD); Committee on Enforced Disappearances (CED). The first report available for the CRPD is for 2009, while the first report available for the CED is for 2011.

108 This included, for example, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, among others. Overdue reports were noted by the Committee against Torture (CAT), the Committee on Economic, Social and Cultural Rights (CESCR) and CERD (by more than 10 years).

109 See Report of the Human Rights Council, UN doc A/63/53, 2008.

110 HRC Res 20/17, 17 July 2012, §2.

111 Ibid.

112 HRC Res 21/25, 19 October 2012, §3. The opening statement of the United Nations High Commissioner for Human Rights to the HRC twentieth session and twenty-first special session in 2012 also expressed concern for the situation in Mali and its impact on the region. See OHCHR, 'Opening statement by Navi Pillay, High Commissioner for Human Rights to the Human Rights Council 20th Special Session', 18 June 2012, <https://www.ohchr.org/en/statements/2012/06/opening-statement-navi-pillay-high-commissioner-human-rights-human-rights> (last accessed 9 February 2025). Mali was not mentioned in any opening statements of the UN High Commissioner for Human Rights until after the outbreak of the conflict in 2012.

113 For a consolidated list of material collected across the five case studies selected for this report, see Annex 1, Section C, Methodology and Research Design.

114 Instances of gender-based violence appeared at least 47 times in the Report of the Working Group on the UPR for Mali in 2008. See Report of the Working Group on the Universal Periodic Review: Mali, UN doc, A/HRC/8/50, 13 June 2008.

115 UN News, 'Women primary victims of violence in northern Mali, says UN rights official', 9 October 2012, <https://news.un.org/en/story/2012/10/423062>.

116 The 2008 UPR mentioned female genital mutilation (FGM) and excision at least 44 times, with several recommendations focused on combatting female genital mutilation and other forms of gender-based violence. Three treaty bodies (Human Rights Committee, CEDAW, and the Committee on the Rights of the Child (CRC)) also highlighted the 'continued frequent practice of FGM and the lack of legislation prohibiting it'. See Report of the Working Group on the Universal Periodic Review: Mali, supra fn 115, §21.

117 See, for example, National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1: Mali, UN doc A/HRC/WG.6/2/MLI/1, 14 April 2008; Summary Prepared by the Office Of The High Commissioner for Human Rights, in Accordance with Paragraph 15 (C) of the Annex to Human Rights Council Resolution 5/1: Mali, UN doc A/HRC/WG.6/2/MLI/3, 3 April 2008.

118 Between 2008 and 2012, there were 55 references to violence against children in Mali, including sexual violence (30 mentions in 2008, 25 in 2012); 42 references to trafficking of children, including cross-border (34 mentions in 2008, 8 in 2012); 20 references to restrictions on education, especially for girls (13 mentions in 2008, 7 in 2012) and 12 references to child recruitment (all in 2012). Analysis of Mali-related HRC reporting during those years also revealed references to the killing and/or maiming of children (1 mention), forced displacement/abduction of children (3 mentions), arbitrary arrest/detention of children/juveniles (1 mention) and attacks on schools (2 mentions).

119 National Report Submitted in Accordance with Paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1: Mali, supra fn 116, §101. The need for increased protection of children was a significant focus of the UPR on Mali in 2008.

120 Ibid, §118. The National Report also noted that 'in the light of the difficulties and constraints identified, an evaluation mission by the Office of the High Commissioner for Human Rights is needed in order to assess Mali's assistance needs in ... Building institutional and operational capacity for the administration of justice, especially by increasing the number of courts and tribunals, providing training for judges and court officials and improving living conditions for inmates of prisons and correctional education institutions'. Ibid, §120.

121 Food insecurity and malnutrition were flagged as a 'problem, with 33 per cent of children suffering from lack of food'. See Compilation Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15(B) of the Annex to Human Rights Council Resolution 5/1: Mali, supra fn 116, §34.

122 During the period examined (2008–2012), the first UPR for Mali took place on 15 May 2008, while the information for the second UPR (held in January 2013) was made available in 2012 and was thus included in the documentation examined.

123 Summary prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution

16/21: Mali, UN doc A/HRC/WG.6/15/MLI/3, 30 October 2012, §48.

124 OHCHR, 'Pillay Calls for Major Effort to Halt Human Rights Abuses in Mali', 12 April 2012, <https://www.ohchr.org/en/press-releases/2012/04/pillay-calls-major-effort-halt-human-rights-abuses-mali> (last accessed 9 February 2025).

125 D. Howden, 'South Sudan: The State That Fell Apart in a Week', The Guardian, 23 December 2013, <https://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>.

126 HRC Res 2155, 27 May 2014. See also UN Peacekeeping, 'UNMISS Fact Sheet', last updated 29 February 2020, https://peacekeeping.un.org/sites/default/files/unmiss_peacekeeping_mission_fact_sheets.pdf (last accessed 9 February 2025).

127 For a consolidated list of material collected across the five case studies selected for this report, see Annex 1: Methodology.

128 Report of the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, UN doc A/HRC/23/44, 18 March 2013, §18.

129 OHCHR, 'Opening Statement by Ms. Navi Pillay United Nations High Commissioner for Human Rights at the Human Rights Council 24th Session', 9 September 2013, <https://www.ohchr.org/en/statements/2013/09/opening-statement-ms-navi-pillay-united-nations-high-commissioner-human-rights> (last accessed 9 February 2025).

130 See, for example, Report of the Independent Expert on the situation of human rights in the Sudan, Mohamed Chande Othman, UN doc A/HRC/18/40, 22 August 2011, §8, 10, 36; Report of the Secretary-General on South Sudan, UN doc, S/2011/678, 2 November 2011, §50; Report of the Secretary-General on South Sudan, UN doc S/2012/140, 7 March 2012, §21, 74; Report of the Secretary-General on South Sudan, UN doc S/2012/486, 26 June 2012, §77.

131 See, for example, Report of the Working Group on the Universal Periodic Review: Sudan, UN doc A/HRC/18/16, 11 July 2011), § 40, 50; United Nations Mission in South Sudan, Incidents of Inter-Communal Violence in Jonglei State, 2012, https://unmiss.unmissions.org/sites/default/files/june_2012_jonglei_report.pdf (last accessed 21 February 2025), p 25, 29, 31; Report of the Independent Expert on the situation of human rights in the Sudan, Mashood A. Baderin, UN doc A/HRC/24/31, 18 September 2013, §34.

132 In 2012, South Sudan was placed on the HRC's map when the Special Rapporteur on the human rights of internally displaced persons, Chaloka Beyani, requested a country visit to South Sudan (as well as Sudan).

133 See the aggregated data collected on violence against children above.

134 Report of the Working Group on the Universal Periodic Review: Sudan, supra fn 132, §5.

135 These include: 'Clearly voice its intention to guarantee the protection of ethnic and religious minorities and formalize post-referendum agreements on citizenship rights which will safeguard civil, political, economic, social and cultural rights on an equal footing as citizens – regarding people of both northern and southern Sudan origin (Finland); ... Take concrete steps to prevent any form of infringement on the human rights of southern Sudanese residing in the north, including by addressing issues of nationality and citizenship in cooperation with the authorities in Southern Sudan (Norway); ... Adopt legislation and measures to allow the free practice of religions in Sudan and in South Sudan (Lebanon); ... Foresee measures that would guarantee the right to their religions to groups that will become minorities in both countries after the birth of the new State, namely Muslims in South Sudan and non-Muslims in (north) Sudan (Somalia).' See Ibid, §§83–84.

136 Ibid, §§85, 83.86.

137 Report of the Working Group on Enforced or Involuntary Disappearances, UN doc A/HRC/16/48, 26 January 2011.

138 Fourth Annual Report of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, CAT/C/46/2, 3 February 2011. The Subcommittee carried out a visit to Ukraine from 16 to 25 May 2011, which resulted in several recommendations to Ukrainian authorities. See Report on the

Visit of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to Ukraine, UN doc CAT/OP/UKR/1, 16 March 2016.

139 Report of the Committee on the Elimination of Racial Discrimination, UN doc A/66/18, 2011, p. 110. The Committee recommended that the Government of Ukraine 'ensure[s] the restoration of political, social and economic rights of Tatars in the Crimea, in particular the restitution of property including land or the compensation for its loss' (ibid, p 111). The issue of discrimination against Crimean Tatars was again flagged in 2014 in the annual Report of the Human Rights Committee, UN doc A/69/40, Vol. 1, 2014, and the annual Report of the Human Rights Council, UN doc A/69/53, 2014.

140 Report of the Committee on the Elimination of Racial Discrimination, supra fn 140, p 109.

141 Report of the Special Rapporteur on minority issues, UN doc A/69/266, 6 August 2014, §35.

142 Report of the Working Group on Enforced or Involuntary Disappearances, UN doc A/HRC/27/49, 4 August 2014, §103.

143 HRC Res 26/30, 15 July 2014, §12.

144 OHCHR, 'Human Rights Council 26th Session: Pillay at Human Rights Council', 10 June 2014, <https://www.ohchr.org/en/statements/2014/06/human-rights-council-26th-session> (last accessed 9 February 2025).

145 OHCHR, 'Opening Statement by Zeid Ra'ad Al Hussein United Nations High Commissioner for Human Rights at the Human Rights Council 27th Session', 8 September 2014, <https://www.ohchr.org/en/statements/2014/09/opening-statement-zeid-raad-al-hussein-united-nations-high-commissioner-human> (last accessed 9 February 2025).

146 For a consolidated list of material collected across the five case studies selected for this report, see Annex 1: Methodology, C. Methodology and Research Design.

147 See, for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Ukraine, UN doc A/HRC/WG.6/14/UKR/3, 20 July 2012, §23; Report of the Working Group on the Universal Periodic Review: Ukraine, UN doc A/HRC/22/7, 20 December 2012, §62, 86, 97.76 ; OHCHR, 'Human Rights Committee Considers Report of Ukraine', 9 July 2013, <https://www.ohchr.org/en/press-releases/2013/07/human-rights-committee-considers-report-ukraine> (last accessed 9 February 2025).

148 See, for example, OHCHR, 'Ukraine: UN Special Rapporteur Urges Stronger Minority Rights Guarantees to Defuse Tensions', 16 April 2016, <https://www.ohchr.org/en/press-releases/2014/04/ukraine-un-special-rapporteur-urges-stronger-minority-rights-guarantees> (last accessed 9 February 2025); OHCHR, 'Briefing by ASG Ivan Šimonović to the UN Security Council', 16 April 2024, <https://www.ohchr.org/en/statements/2014/04/briefing-asg-ivan-simonovic-un-security-council> (last accessed 9 February 2025).

149 See, for example, Summary Prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Ukraine, UN doc A/HRC/WG.6/14/UKR/3, 20 July 2012; Report of the Working Group on the Universal Periodic Review: Ukraine, supra fn 146; OHCHR, 'Human Rights Committee considers report of Ukraine', supra fn 148.

150 See, for example, Report of the Working Group on the Universal Periodic Review: Ukraine, supra fn 146, §27, 48 88, among others, as well as 7 UPR recommendations raising the issue of trafficking in persons, for example, §97.83;

Compilation prepared by the Office of the High Commissioner for Human Rights in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Ukraine, UN doc A/HRC/WG.6/14/UKR/2, 13 August 2012, §32. Human trafficking allegations also led the HRC to consider a report in 2013. OHCHR, 'Human Rights Committee Considers Report of Ukraine', supra fn 148.

151 See OECD, States of Fragility 2016: Understanding Violence, 2016, https://www.oecd.org/en/publications/states-of-fragility-2016_9789264267213-en.html (last accessed 9 February 2025)

152 See, for example, OHCHR, 'Committee on the Elimination of Racial Discrimination Considers Report of Ukraine', 18 August 2011, <https://www.ohchr.org/en/press-releases/2011/08/committee-elimination-racial-discrimination-considers-report-ukraine> (last accessed 9 February 2025).

153 United States Holocaust Memorial Museum, 'They Want Us All To Go Away': Early Warning Signs of Genocide in Burma, 2015, p 2, <https://www.ushmm.org/m/pdfs/20150505-Burma-Report.pdf> (last accessed 9 February 2025).

154 See Section E3 below, Most Frequently Occurring Terms.

155 OHCHR, 'Myanmar: "Reforms Continue Apace, But Key Human Rights Issues Remain Unaddressed" – UN Expert', 20 February 2013, <https://www.ohchr.org/en/press-releases/2013/02/myanmar-reforms-continue-apace-key-human-rights-issues-remain-unaddressed-un> (last accessed 9 February 2025). OHCHR, 'Human Rights in Myanmar: "Address Shortcomings Before They Become Entrenched"', 11 March 2013, <https://www.ohchr.org/en/press-releases/2013/03/human-rights-myanmar-address-shortcomings-they-become-entrenched> (last accessed 9 February 2025).

156 OHCHR, 'Religious Violence in Myanmar, the Consequences of Government Inaction in Tackling Prejudice and Discrimination – UN Expert', 28 March 2013, <https://www.ohchr.org/en/press-releases/2013/03/religious-violence-myanmar-consequences-government-inaction-tackling> (last accessed 9 February 2025). 'I have received credible allegations that widespread and systematic human rights violations by state officials targeted against the Rohingya and wider Muslim populations have occurred and are continuing in Rakhine State. These involve the most serious of allegations, including extrajudicial killings, rape and sexual violence, arbitrary detention and torture and ill-treatment in detention, deaths in detention, and denial of due process and fair trial rights', said the Special Rapporteur. See OHCHR, 'Myanmar / Rakhine Commission: "Positive Starting Point But Government Must Address Impunity" – UN expert', 1 May 2013, <https://www.ohchr.org/en/press-releases/2013/05/myanmar-rakhine-commission-positive-starting-point-government-must-address> (last accessed 9 February 2025).

157 OHCHR, 'Myanmar: UN Expert Urges Government to Act on Local Regulations Targeting Rohingya Muslims in Rakhine State', 31 May 2013, <https://www.ohchr.org/en/press-releases/2013/05/myanmar-un-expert-urges-government-act-local-regulations-targeting-rohingya> (last accessed 9 February 2025).

158 OHCHR, 'Myanmar Must Tackle Discrimination Against Ethnic and Religious Minorities – Pillay', 19 June 2013, <https://www.ohchr.org/en/press-releases/2013/06/myanmar-must-tackle-discrimination-against-ethnic-and-religious-minorities> (last accessed 9 February 2025).

159 OHCHR, "'Myanmar is Moving Forward in Many Areas, But Must Stem the Spread of Incitement of Religious Hatred,' Says UN Expert' 22 August 2013, <https://www.ohchr.org/en/press-releases/2013/08/myanmar-moving-forward-many-areas-must-stem-spread-incitement-religious> (last accessed 9 February 2025).

160 OHCHR, 'Myanmar Rohingya Abuses May Be Crimes Against Humanity, UN Rights Experts Warn', 4 October 2017, <https://www.ohchr.org/en/press-releases/2017/10/myanmar-rohingya-abuses-may-be-crimes-against-humanity-un-rights-experts> (last accessed 9 February 2025).

161 OHCHR, 'Alarming Deterioration in Northern Rakhine Was Preventable, Zeid Says, Urging Restraint', 29 August 2017, <https://www.ohchr.org/en/press-releases/2017/08/alarming-deterioration-northern-rakhine-was-preventable-zeid-says-urging> (last accessed 9 February 2025).

162 Close to half of these references were found within the annual reports of the HRC, which referenced the situation in Myanmar a total of 124 times, but which included HRC resolutions on Myanmar as well as presidential statements. The documentation examined includes annual reporting produced by 30 Special Rapporteur thematic mandates, including four Working Groups (Working Group on Enforced or Involuntary Disappearances, Working Group on Arbitrary Detention, Working Group on Discrimination against Women and Girls, 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); 10 human rights treaty bodies; annual reports of the HRC and opening statements of the High Commissioner for Human Rights at HRC sessions. Reporting from the Special Rapporteur on the situation of human rights in Myanmar was included in Dataset B.

163 In total, annual reporting from 21 Special Procedures mandate holders examined

for this research mentioned Myanmar between 1 and 6 times (2013–2017). The two Working Groups included the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention. The treaty bodies that referenced Myanmar in their reporting during the period examined are CESCR, CEDAW, CAT and CRC.

164 See the Report of the Special Rapporteur on minority issues, supra fn 142; Report of the Special Rapporteur on minority issues, Rita Izsák, UN doc A/HRC/28/64, 5 January 2015; Report of the Special Rapporteur on minority issues, Rita Izsák-Ndiaye, UN doc A/71/254, 29 July 2016; Report of the Special Rapporteur on minority issues, UN doc A/72/165, 24 July 2017.

165 See the Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, UN doc A/HRC/26/29, 14 April 2014; Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, UN doc A/HRC/32/36, 10 August 2016.

166 Report of the Special Rapporteur in the field of cultural rights, UN doc A/HRC/34/56, 16 January 2017, §91.

167 See, for example, OHCHR, 'Opening Statement by UN High Commissioner for Human Rights Navi Pillay at the 23rd session of the Human Rights Council, Geneva, 27 May 2013', 27 May 2013, <https://www.ohchr.org/fr/statements/2013/05/opening-statement-un-high-commissioner-human-rights-navi-pillay-23rd-session> (last accessed 9 February 2025); OHCHR, 'Opening Statement to the 29th Session of the Human Rights Council by the High Commissioner for Human Rights', 15 June 2015, <https://www.ohchr.org/en/statements/2015/06/opening-statement-29th-session-human-rights-council-high-commissioner-human> (last accessed 9 February 2025); OHCHR, "'Hate is Being Mainstreamed" – Global Update by the High Commissioner at the 32nd Session of the Human Rights Council' 13 June 2016, <https://www.ohchr.org/en/statements/2016/06/hate-being-mainstreamed-global-update-high-commissioner-32nd-session-human> (last accessed 9 February 2025). During these sessions, the HRC also reiterated calls for the establishment of an OHCHR Country Office in Myanmar to address human rights challenges in the country.

168 These are: HRC Res 22/14, 10 April 2013; HRC Res 25/26, 15 April 2014; HRC Res 28/23, 2 April 2015; HRC Res 29/21, 22 July 2015; HRC Res 31/24, 20 April 2016.

169 HRC Res S-27/1, 8 December 2017; HRC Res 34/22, 3 April 2017.

170 There have been two other special sessions on Myanmar (fifth HRC special session on 2 October 2007 and twenty-ninth HRC special session on 12 February 2021).

171 A total of six HRC resolutions on Myanmar were adopted between 2013 and 2017: HRC Res 22/14 in 2013; HRC Res 25/26 in 2014; HRC Res 28/23 and HRC Res 29/21 in 2015; HRC Res 31/24 in 2016 (see supra fn 168 for all); HRC Res S-27/1 and HRC Res 34/22 in 2017 (supra fn 170). HRC Res 34/22 established the Independent International Fact-Finding Mission on Myanmar (IIFMM) to 'investigate the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar, in particular in Rakhine State ... with a view to ensuring full accountability for perpetrators and justice for victims'. The IIFMM published reports in August 2018 and September 2019, as well as thematic reports on Sexual and Gender-Based Violence in Myanmar and the Gendered Impact of its Ethnic Conflicts (UN doc A/HRC/42/CRP.4, 22 August 2019) and The Economic Interests of the Myanmar Military in August 2019 (UN doc A/HRC/42/CRP.3, 5 August 2019). These were not included in the dataset given that they are outside the period examined.

172 For a consolidated list of material collected across the five case studies selected for this report, see Annex 1, Section C, Methodology and Research Design.

173 See, for example, OHCHR, 'Brutal Attacks on Rohingya Meant to Make Their Return Almost Impossible – UN human rights report', 11 October 2017, <https://www.ohchr.org/en/press-releases/2017/10/brutal-attacks-rohingya-meant-make-their-return-almost-impossible-un-human> (last accessed 9 February 2025).

174 Report of the Working Group on the Universal Periodic Review: Myanmar, UN doc A/HRC/31/13, 23 December 2015, §98, 143.70, 143.71.

175 See, for example, OHCHR, 'Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar by Tomás Ojea Quintana, 16 February 2013, Yangon International Airport, Myanmar', 18 February 2013, <https://www.ohchr.org/en/statements/2013/02/statement-special-rapporteur-situation-human-rights-myanmar-tomas-ojea-quintana> (last accessed 9 February 2025).

176 See, for example, OHCHR, 'Myanmar: UN Expert Urges Government to Act on Local Regulations Targeting Rohingya Muslims in Rakhine State', supra fn 158.

177 See, for example, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, supra fn 20, §11-13, 37, 58, 88; Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21: Myanmar, UN doc A/HRC/WG.6/23/MMR/2, 31 August 2015, §32, 46.

178 Report of the Working Group on the Universal Periodic Review: Myanmar, supra fn 173, §51, 144.63, 145.65; Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21: Myanmar, supra fn 178, § 51.

179 OHCHR, 'Myanmar: UN Expert Urges Government to Act on Local Regulations Targeting Rohingya Muslims in Rakhine State', supra fn 158.

180 For example, Report of the Special Rapporteur on the situation of human rights in Myanmar, UN doc A/HRC/34/67, 14 March 2017, §91(d).

181 In 2015, the Special Rapporteur on the situation of human rights in Myanmar noted widespread 'complaints of illegal land confiscation, forced evictions and concerns about land use policy'. See Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, UN doc A/HRC/28/72, 23 March 2015, §50.

182 HRC Res S-27/1, supra fn 170.

183 OHCHR, 'Myanmar "Needs Urgently to Get Back on Track" – Zeid', 25 February 2015, <https://www.ohchr.org/en/press-releases/2015/02/myanmar-needs-urgently-get-back-track-zeid> (last accessed 9 February 2025).

184 Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, supra fn 17, §51, 84. This conclusion by the Special Rapporteur was highlighted a year later in 2015 in a compilation of reports of the treaty bodies and special procedures, prepared by OHCHR. Compilation Prepared by the Office of the United Nations High Commissioner for Human Rights in Accordance with Paragraph 15 (b) of the Annex to Human Rights Council Resolution 5/1 and Paragraph 5 of the Annex to Council Resolution 16/21: Myanmar, supra fn 178, §83.

185 OHCHR, "'Callous" Approach to Northern Rakhine May Have Grave Repercussions – Zeid', 16 December 2016, <https://www.ohchr.org/en/press-releases/2016/12/callous-approach-northern-rakhine-may-have-grave-repercussions-zeid> (last accessed 9 February 2025).

186 OHCHR, "Myanmar: UN human rights chief calls for international criminal investigation of perpetrators of violence against Rohingya", 5 December 2017, <https://www.ohchr.org/en/press-releases/2017/12/myanmar-un-human-rights-chief-calls-international-criminal-investigation> (last accessed 20 February 2025). Further, Zeid posed the following question to the HRC in December 2017: 'can anyone rule out that elements of genocide may be present?' See, OHCHR, 'Myanmar: UN Human Rights Chief Calls for International Criminal Investigation of Perpetrators of Violence Against Rohingya', 5 December 2017, <https://www.ohchr.org/en/press-releases/2017/12/myanmar-un-human-rights-chief-calls-international-criminal-investigation> (last accessed 9 February 2025).

187 This differs from the two other relevant special procedures country mandates for the selected case studies – the Independent Expert on the situation of human rights in Mali and the Special Rapporteur on the situation of human rights in the Syrian Arab Republic – which were established after the outbreak of conflict in Mali and Syria, respectively.

188 Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, supra fn 20.

189 Report of the Special Rapporteur on the situation of human rights in Myanmar, 18 March 2016, §37.

190 See, for example, Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, supra fn 17, §42.

191 Report of the Working Group on the Universal Periodic Review: Myanmar, supra fn 175, §92.

192 See, for example, OHCHR, 'Statement of the Special Rapporteur on the Situation of Human Rights in Myanmar by Tomás Ojea Quintana', supra fn 174.

193 The HRC encouraged 'the Government to facilitate interfaith and intercommunity dialogue and to address the root causes of the issue'. See HRC Res 25/26, supra fn 169, A/HRC/RES/25/26 (2014), §10.

194 OHCHR, 'Myanmar: UN Expert Urges Government to Act on Local Regulations Targeting Rohingya Muslims in Rakhine State', supra fn 158.

195 OHCHR, 'Comment by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein on the Abuse of the Special Rapporteur on human rights in Myanmar, Yanghee Lee', 21 January 2015, <https://www.ohchr.org/en/press-releases/2015/01/comment-un-high-commissioner-human-rights-zeid-raad-al-hussein-abuse-special> (last accessed 9 February 2025). The UN-appointed expert was verbally attacked during her visit to Myanmar.

196 Report of the Special Rapporteur on the situation of human rights in Myanmar, Yanghee Lee, supra fn 180, §66(e). A few months later, HRC Resolution 29/21 in July 2015 urged the Government of Myanmar 'to grant full citizenship rights, in keeping within a transparent due process, to Rohingya Muslims in Rakhine State, including by reviewing the 1982 Citizenship Law'. See HRC Res 29/21, supra fn 169, §9. It is worth noting that for more than 20 years, holders of the special procedures mandate on the situation of human rights in Myanmar had advocated for the reform of the 1982 Citizenship Act.

197 HRC Res S-27/1, supra fn 170.

198 Between 2013 and 2017, issues in access to healthcare and/or sanitation services were mentioned 40 times across the HRC's reporting on Myanmar, while there were 49 references to restrictions on movement.

199 OHCHR, 'Religious Violence in Myanmar', supra fn 157.

200 Report of the Working Group on the Universal Periodic Review: Myanmar, supra fn 175, §145.48.. In 2014, the Special Rapporteur on Myanmar had recommended in his annual report that 'to tackle the problem of hate speech, the Government should investigate the nature and extent of the harm caused to persons and groups as a result of the hostility and violence incited by certain individuals and groups on the basis of racial or religious hatred, and hold the perpetrators to account'. See Report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, supra fn 17, §77.

201 Report of the Special Rapporteur on the situation of human rights in Myanmar, supra fn 181, §11.

202 See UNGA Res 60/1, 24 October 2005.

203 United Nations, Framework of Analysis for Atrocity Crimes: A Tool for Prevention, 2014 (reprinted in 2018), p 11, <https://www.ohchr.org/sites/default/files/2021-11/Genocide-Framework-of-Analysis-English.pdf> (last accessed 9 February 2025). This is particularly relevant for examining case studies where conflict occurred after a peace process (e.g. South Sudan, 2013).

204 International Foundation for Electoral Systems, Gender-Sensitive Indicators for Early Warning of Violence and Conflict, supra fn 39, p 3. See also M. Caprioli, 'Primed for Violence: The Role of Gender Inequality in Predicting Internal Conflict', 49 International Studies Quarterly 2 (2005).

205 Efforts to date to develop and integrate gender-sensitive indicators

into early warning systems have been ad hoc and inconsistent. See Gender-Sensitive Indicators for Early Warning of Violence and Conflict, supra fn 39.

206 Monitoring increases in gender-based violence (including sexual violence) is important to measure. However, omitting other gender indicators creates a blind spot. Understanding how gender norms are driving behaviour could enhance the prediction of violence and conflict. See International Foundation for Electoral Systems, Gender-Sensitive Indicators for Early Warning of Violence and Conflict: A Global Framework, , May 2021, https://cepps.org/wp-content/uploads/2021/07/ifes_gender-sensitive_indicators_for_early_warning_of_violence_and_conflict_a_global_framework_may_2021.pdf (last accessed 20 February 2025), p 8.

207 An increase in human trafficking, especially of women and children, which may be the result of a number of factors including the increased presence of armed groups and/or security forces in a region, may signal an increased risk of conflict.

208 UNSC Res 1261, 30 August 1999, identified six grave violations committed against children in times of conflict, including killing and maiming; sexual violence; abduction and forced displacement; recruitment and use of children in armed conflict in violation of international law; attacks on objects protected under international law, including places that usually have a significant presence of children such as schools and hospitals; denial of humanitarian access for children. These violations serve as the basis for gathering information and reporting on violations affecting children. See UN Office of the Special Representative of the Secretary-General for Children and Armed Conflict, 'The Six Grave Violations', <https://childrenandarmedconflict.un.org/six-grave-violations/> (last accessed 9 February 2025).

209 Early warning indicators for the six grave violations against children have been identified. See United Nations Department of Peace Operations and Department of Political and Peacebuilding Affairs, 'Annex 9: Early Warning Indicators of the Six Grave Violations Against Children', Handbook for Child Protection Staff in United Nations Peace Operations, 2023, <https://digitallibrary.un.org/record/4014056#:~:text=1%20Introduction%20%20Role%20of%20child%20protection%20staff,monitoring%20and%20evaluation%20Annex%201%3A%20roles%20and%20r> (last accessed 9 February 2025). However, a recent paper has highlighted the 'glaring omission of consideration for children in existing conflict early warning systems, and currently no early warning indicators focused on children's engagement in conflict, one of the most documented violations against children and an important factor in the perpetuation of cycles of violence'. C. Baillie Abidi and L. Cleave, 'Child Responsive Conflict Early Warning: Prioritizing Children in Peace and Security', 26 Civil Wars 3 (2023), <https://doi.org/10.1080/13698249.2023.2233257>, p 479.

210 C. Baillie Abidi and L. Cleave, 'Child Responsive Conflict Early Warning: Prioritizing Children in Peace and Security', supra fn 210, p 496.

211 An increase in human trafficking, especially of children and women, which may be the result of a number of factors including the increased presence of armed groups and/or security forces in a region, may signal an increased risk of conflict.

212 However, 'the risk factor is not the existence of diversity within the population of a country, nor is it those differences per se that cause conflict between groups. Instead, it is discrimination based on such differences, and persistent patterns of it, that establish divisions within society which serve as both a material cause and a perceived justification of group violence'. See UN, Framework of Analysis for Atrocity Crimes, supra fn 204, p 18.

213 For example, the physical segregation of the Rohingya from members of other ethnic groups in Myanmar.

214 This includes the denial of the existence of protected groups or of recognition of elements of their identity (e.g. Myanmar, Ukraine).

215 UNGA Res 2200(XXI), 16 December 1966.

216 OHCHR, 'Human Rights and Early Warning of Violations, Conflict or Crisis', supra fn 34.

217 For example, the Rohingya in Myanmar.

218 OHCHR, 'Economic, Social and Cultural Rights', <https://www.ohchr.org/en/human-rights/economic-social-cultural-rights#:~:text=Economic%20social%20>

and%20cultural%20rights,and%20sanitation%2C%20and%20to%20work (last accessed 9 February 2025).

219 Early Warning and Economic, Social and Cultural Rights: Report of the United Nations High Commissioner for Human Rights', UN doc E/2016/58, 13 May 2016, §48. Including the targeting and violations of economic, social and cultural rights as an indicator of violent conflict in our research has helped the research team identify whether the HRC picked up on violations of economic, social and cultural rights alongside civil and political rights in its various mechanisms, for the various case studies identified. This has helped identify potential blind spots in terms of the HRC picking up on violations of civil and political rights vs economic, social and cultural rights and has been particularly relevant in the case of Syria (2011).

220 OHCHR, 'OHCHR and Protecting and Expanding Civic Space', <https://www.ohchr.org/en/civic-space> (last accessed 9 February 2025).

221 UN, Protection and Promotion of Civic Space, United Nations Guidance Note, 2020, p 3, https://www.ohchr.org/sites/default/files/Documents/Issues/CivicSpace/UN_Guidance_Note.pdf (last accessed 9 February 2025).

222 Szayna et al, Conflict Trends and Conflict Drivers, supra fn 36.

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