International Human Rights and Humanitarian Law 101

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International Human Rights and Humanitarian Law 101

- Documenting Human Rights & Humanitarian Violations
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- Documenting Human Rights & Humanitarian Violations
  - volunteers must have a basic understanding of international human rights protections in order to effectively probe for details about events and so as to appropriately code information during database entry
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- Overlapping Systems of Protection

- Human Rights Law
  - Applies in periods of peace as well as conflict

- Humanitarian Law
  - Applies only during armed conflict

- International Criminal Law (Crimes against Humanity)
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- **International Human Rights Law**
  - HUMAN RIGHTS are the rights that all people have by virtue of being human
  - HUMAN RIGHTS are derived from the inherent *dignity* of the human person
  - Enshrined in the Universal Declaration of Human Rights & other international legal instruments
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• Documenting Human Rights Violations
  – Right to Life: Arbitrary and extrajudicial killings
  – Equality: government privileges for certain tribal groups
  – Personal integrity: beatings
  – Freedom from slavery: forced labor
  – Freedom from arbitrary arrest/detention: detentions based on suspicion/association
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- Documenting Human Rights Violations
  - Freedom of movement and residence: checkpoints, forced displacements
  - Due Process: detention without charge or trial, no opportunity to present a defense
  - Freedom of opinion and expression: arrests of journalists, confiscation of media equipment
  - Freedom of association and assembly: violent suppression of peaceful protests
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• Documenting Human Rights Violations
  – Right to safe and healthy working conditions: no protection from unsafe chemicals on rubber plantations
  – Right to form trade unions and to strike: harassment of union organizers
  – Right to Social Security: breakdown of government service infrastructure
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- Documenting Human Rights Violations
  - Right to adequate food, clothing and housing: destruction of homes & crops, water contamination because of corpses
  - Right to education: schools closed because of fighting
  - Right to health care: lack of medical care in refugee camps
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• International Humanitarian Law
  – a set of rules which seek to limit the effects of armed conflict on civilians through
  • protection of those who are not, or are no longer, taking part in fighting
    – civilians, religious/medical military personnel, prisoners of war
  • restrictions on the means and methods of warfare, i.e., weaponry and tactics
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- **Crimes Against Humanity** are any of the following acts when committed as part of a **widespread or systematic attack** directed against any civilian population:
  - Murder
  - Extermination
  - Enslavement
  - Deportation or forcible transfer of population
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• Crimes Against Humanity (cont’d)
  – Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law
  – Torture and other inhuman acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health
  – Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity
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- Crimes Against Humanity (cont’d)
  - Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law
  - Enforced disappearance of persons
  - The crime of apartheid
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• Genocide is defined as:
  – Killing members of the group
  – Causing serious bodily or mental harm to members of the group
  – Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part
  – Imposing measures intended to prevent births within the group
  – Forcibly transferring children of the group to another group
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• International Criminal Law
  – Under the Rome Statute of the ICC, war crimes are any of the following breaches of the Geneva Conventions:
    • Willful killing
    • Torture or inhuman treatment, including biological experiments
    • Willfully causing great suffering, or serious injury to body or health
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• International Criminal Law
  • Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
  • Compelling a prisoner of war or other protected person to serve in the forces of a hostile power
  • Willfully depriving a prisoner of war or other protected person of the rights of fair and regular trial
  • Unlawful deportation or transfer or unlawful confinement, and taking of hostages