
Global Certificate Course in Humanitarian Law, Ethics, and Human Rights

Human Rights in Armed Conflict

Human Rights in Armed Conflict

Human rights in armed conflict are a vital aspect of international humanitarian law. In times of conflict, it is crucial to ensure that the rights of individuals are protected and respected, even amidst the chaos and violence. Understanding the key terms and vocabulary related to human rights in armed conflict is essential for anyone involved in humanitarian work, peacekeeping operations, or advocacy efforts.

International Humanitarian Law (IHL)

International humanitarian law, also known as the law of armed conflict, is a set of rules that seek to limit the effects of armed conflict by protecting individuals who are not or are no longer participating in hostilities. It applies to both international and non-international armed conflicts and is based on the principles of humanity, distinction, proportionality, and necessity.

Geneva Conventions

The Geneva Conventions are a set of four treaties adopted in 1949 that establish the standards of international humanitarian law for the treatment of the wounded, sick, and shipwrecked, prisoners of war, and civilians in times of armed conflict. They are considered the cornerstone of IHL and are binding on all parties to a conflict.

Common Article 3

Common Article 3 of the Geneva Conventions applies to armed conflicts not of an international character. It sets out minimum standards of treatment for all individuals who are not or are no longer taking part in hostilities, including prohibition of violence to life and person, cruel treatment, and outrages upon personal dignity.

International Human Rights Law

International human rights law is a body of law that protects the rights and freedoms of individuals around the world. It encompasses treaties, customary international law, and general principles recognized by nations. Human rights are inherent to all individuals and are protected regardless of nationality, ethnicity, religion, or any other status.

Universal Declaration of Human Rights (UDHR)

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, is a foundational document in the field of human rights. It sets out a common standard of rights for all people and has been instrumental in the development of international human rights law.

International Human Rights Instruments

International human rights instruments are treaties and conventions that establish legal obligations for states to respect, protect, and fulfill human rights. Examples include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Non-Discrimination

Non-discrimination is a fundamental principle of human rights law that requires states to treat all individuals equally and without discrimination. This principle applies in all areas of life, including access to education, healthcare, employment, and participation in public life.

Right to Life

The right to life is a fundamental human right that is protected under international law. It prohibits arbitrary deprivation of life and requires states to take measures to protect individuals from unlawful killing. The right to life is non-derogable, meaning it cannot be suspended even in times of emergency or armed conflict.

Right to Liberty and Security of Person

The right to liberty and security of person guarantees that individuals cannot be arbitrarily arrested or detained. It requires states to respect due process rights, including the right to be informed of the reasons for arrest, the right to legal counsel, and the right to challenge the lawfulness of detention.

Right to Fair Trial

The right to a fair trial is a cornerstone of the rule of law and due process. It includes the right to be heard by a competent, independent, and impartial tribunal, the presumption of innocence, the right to legal representation, and the right to appeal. In times of armed conflict, ensuring fair trials can be a challenge due to the breakdown of judicial systems and security concerns.

Prohibition of Torture and Cruel, Inhuman, or Degrading Treatment

The prohibition of torture and cruel, inhuman, or degrading treatment is absolute and non-derogable under international law. It prohibits states from subjecting individuals to torture or other forms of cruel, inhuman, or degrading treatment, regardless of the circumstances. In armed conflict, the risk of torture and ill-treatment can be heightened due to the breakdown of law and order.

Protection of Civilians

The protection of civilians is a key principle of international humanitarian law that requires parties to a conflict to distinguish between civilians and combatants and to take all feasible precautions to avoid harm to civilians. This includes ensuring the provision of humanitarian assistance and protecting civilian objects such as homes, schools, and hospitals.

Principle of Proportionality

The principle of proportionality requires parties to a conflict to weigh the military advantage anticipated from an attack against the potential harm to civilians or civilian objects. An attack is considered disproportionate if the harm caused to civilians or civilian objects is excessive in relation to the concrete and direct military advantage anticipated.

Principle of Necessity

The principle of necessity requires parties to a conflict to use only the amount of force necessary to achieve a legitimate military objective. It prohibits the use of excessive force or unnecessary harm to achieve military goals. This principle is essential for minimizing harm to civilians and upholding the principles of humanity in armed conflict.

Humanitarian Access

Humanitarian access refers to the ability of humanitarian organizations to reach and assist people affected by armed conflict. It includes the right of humanitarian personnel to provide assistance and protection to those in need, as well as the obligation of parties to a conflict to allow and facilitate humanitarian access. In some conflicts, humanitarian access can be restricted due to security concerns or lack of cooperation from parties to the conflict.

Internally Displaced Persons (IDPs)

Internally displaced persons are individuals who have been forced to flee their homes due to armed conflict, violence, natural disasters, or human rights violations but have not crossed an international border. They are entitled to protection and assistance under international law, including the Guiding Principles on Internal Displacement and relevant human rights instruments.

Refugees

Refugees are individuals who have crossed an international border to escape persecution, war, or violence. They are protected under international refugee law, including the 1951 Refugee Convention and its 1967 Protocol. Refugees are entitled to certain rights, including the right to seek asylum, protection from refoulement, and access to basic services.

Children in Armed Conflict

Children are among the most vulnerable groups affected by armed conflict. They are entitled to special protection under international law, including the Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict. Children are often recruited as child soldiers, subjected to violence, and deprived of education and healthcare in conflict-affected areas.

Sexual and Gender-Based Violence

Sexual and gender-based violence is a pervasive issue in armed conflict, affecting women, men, and children. It includes rape, sexual slavery, forced marriage, and other forms of sexual violence. Sexual and gender-based violence is prohibited under international law, including the Geneva Conventions and the

Convention on the Elimination of All Forms of Discrimination against Women.

Accountability

Accountability is essential for ensuring respect for human rights in armed conflict. It refers to the obligation of states and individuals to investigate and prosecute violations of international humanitarian law and human rights law. Accountability mechanisms include domestic courts, international tribunals, and truth commissions.

Transitional Justice

Transitional justice is a holistic approach to addressing human rights violations in post-conflict societies. It includes mechanisms such as truth commissions, reparations programs, prosecutions, and institutional reforms. Transitional justice aims to promote accountability, reconciliation, and the rule of law in societies recovering from conflict.

Challenges in Upholding Human Rights in Armed Conflict

Upholding human rights in armed conflict faces numerous challenges, including lack of compliance with international law by parties to the conflict, impunity for perpetrators of violations, limited humanitarian access, and the difficulty of ensuring accountability in conflict-affected areas. Addressing these challenges requires concerted efforts by states, humanitarian organizations, civil society, and the international community.

Conclusion

In conclusion, understanding the key terms and vocabulary related to human rights in armed conflict is essential for anyone working in the humanitarian field. International humanitarian law and human rights law provide a framework for protecting individuals affected by armed conflict and promoting respect for human dignity and rights. By upholding these principles and working towards greater accountability and justice, we can mitigate the impact of armed conflict on civilians and build a more just and peaceful world.