

Approaching New Realities

Human Rights in Conflict Situations - Expanding the Scope of the Human Rights Council

16-17 October 2017, Geneva, Switzerland

The resolution that established the Human Rights Council (HRC) in 2006 clearly states that the HRC shall address all issues related to human rights. This includes the protection of rights holders in armed conflicts. During the *Universal Periodic Review* country situations are considered which occasionally need to be framed within International Humanitarian Law (IHL). Thus, the HRC has been addressing situations such as the Gaza conflict, the Commissions of Inquiry on Libya, Syria and Eritrea, or recently on Boko Haram in its 23rd Special Session. Reports used referred to both human rights and IHL. Such an approach contributed substantially to analyse and illustrate the international law obligations of armed non-state actors in armed conflict. While violations of human rights on the ground as such were acknowledged, a clear response and follow-up measures by the HRC, apart from the regular appeals to armed non-state actors, was missing. In fact, a number of states even dismissed consideration of IHL at the level of the HRC beyond the framework and terminology of human rights standards. However, in principle the HRC might exactly be the appropriate institution to combine both human rights standards based on the universal right to life with the IHL framework, which is still permeated by the concept of military necessity.

According to the 2016 War Report of the Geneva Academy of International Humanitarian Law and Human Rights, at least 36 out of 49 situations of armed violence were 'non-international' in character. This definition covers armed violence between armed non-state actors, between one or more states as well as one or more armed non-state actors. Frequently, civilians suffer, become trapped in a siege or between battle fronts, particular in cities. Clashes in South Sudan for instance included ethnic violence, sexual violence and rape, looting, and indiscriminate attacks. Incitements to ethnic violence increased and led to warnings that the situation may escalate into genocide. Although the scope of human rights standards is addressing a large part of such atrocities, the protection of victims is not effective enough. This leads to the question how far an institution such as the HRC could and should be engaged in comprehensive reporting and decision making related to sustaining peace. Certainly the Council should provide independent expertise and reporting as well as finding ways to involve countries that refuse so far to engage with its mechanisms. Its role vis-à-vis the UN General Assembly and the Security Council with whom the principle responsibility for peace and security rests also warrant further discussion.

Taking into consideration that the HRC is the only UN institution, which by its rules foresees the direct participation of non-state actors, there is already a platform established for multi-stakeholder discussions. This may help to classify the situation and to determine the scope of obligations and responsibilities by each of the actors involved, taking into account their respective views.

Furthermore, a comprehensive analysis of such situations within the HRC's work and with non-state actors' participation may allow to effectively combine human rights obligations and the needs for humanitarian aid. This requires enhancing the working methods of the HRC, its instruments and expert mechanisms in order to transfer human rights into reality. Despite the increasing relevance, no instrument or mechanism has been established by the HRC to link human rights activities and humanitarian aid systematically.

Dynamic Member States are needed for launching such an initiative. There are a number of countries who have shown openness towards fine-tuning the HRC's work in the area of humanitarian law, such as Switzerland, Norway, Sierra Leone, Uruguay or Mexico to name just a few. The US delegation has

been playing a dynamic role since its membership in 2009 while recent announcements by the US Secretary of State have cast doubts about the future role of the United States at the HRC. In terms of political power and sustainability, the European Union (EU) might be best placed to play a central role in enhancing the HRC's work. Given current developments, France and Germany seem to be prepared to take a leading role in strengthening the cohesion of the EU as well as in its foreign relations.

This expert seminar will provide a platform for dialogue on the above matters and beyond, including to what extent governments and other supporters might be prepared to strengthen their involvement within the HRC.

Programme

Monday, 16 October 2017

Venue: Geneva Academy of International Humanitarian Law and Human Rights, Geneva

09:00	<i>Registration and welcome coffee</i>
09:30	Welcome and Introduction Robert Roth, <i>Geneva Academy</i> Hubert René Schillinger, <i>FES Geneva</i>
10:00	Setting the stage: “Humanitarian law and human rights law – theory and practice” Input: Françoise Hampson, <i>University of Essex</i>
10:40	Break
11:00	Theme I - Violations of international humanitarian law and human rights law from a civil society perspective Input : Avner Gidron, <i>Amnesty International</i> Moderator: Annyssa Bellal, <i>Geneva Academy</i>
12:30	Lunch
13:30	Theme II - Human Rights and Peacebuilding – Tensions and Synergies Input: Amanda Cahill – Ripley, <i>Lancaster University</i> ; Anna Leissing, <i>Swisspeace</i> Moderator: Hannah Peters, <i>FES Geneva</i>
15:00	Break
15:30	Theme III - Country situations Input 1: South Sudan – Emmanuel Gore, <i>Lutheran World Federation</i> Input 2: Columbia - Ana María Rodríguez, <i>Comisión Colombiana de Juristas</i> Moderator: Theodor Rathgeber, <i>Forum Menschenrechte</i>

17:00	Wrap-up of the day
19:00	<i>Joint Dinner</i> Restaurant Gaya, Rue Ferrier 19, 1202 Geneva

Tuesday, 17 October 2017

Venue: Geneva Academy of International Humanitarian Law and Human Rights, Geneva

09:30	<p>Theme IV: Common issues and conflicting areas between the Human Rights Council and Security Council</p> <p>Input: Wolfgang Heinz, <i>DIMR</i> Additional discussants: Sara Sekkenes, <i>UNDP</i>; Eric Tistounet, <i>OHCHR</i> Moderator: Jochen Motte, <i>FMR</i></p> <p>Discussion Point 1: Which mechanisms exist to establish accountability for all armed actors? What is the relationship between humanitarian law and human rights obligations in that respect?</p> <p>Discussion Point 2: What kind of instruments already exist within the framework of the HRC that could be developed in order to include armed non-state actors?</p>
11:00	Coffee Break
11:30	<p>Theme V: Political Dynamics at the HRC I</p> <p>Challenges for civil society organisations</p> <p>Input: <i>Forum Menschenrechte</i>; Moderator: Felix Kirchmeier, <i>Geneva Academy</i></p>
13:00	<i>Sandwich Lunch</i>
14:00	<p>Theme V cont': Political Dynamics at the HRC II</p> <p>Challenges for HRC member and observer states</p> <p>Input: H.E. Permanent Representative Antje Leendertse, <i>Permanent Mission Germany</i>; Catherine Godin, Deputy Representative, <i>Permanent Mission Canada</i>; Annyssa Bellal, <i>Geneva Academy</i></p> <p>Moderator: Patrizia Scannella, <i>WILPF</i></p>
15:30	Wrap up and Conclusions
16:00	<i>End of conference and departure of participants</i>