

2020 Annual Conference

CONCEPT NOTE WORKING GROUP 3

Humanitarian law and human rights: How do universal and regional human rights mechanisms deal with international humanitarian law?

Online event (Zoom), Thursday 15 October 2020,
14:00 – 15:30

International humanitarian law (IHL) lacks mechanisms to strengthen its own compliance. If it undoubtedly remains an appropriate legal framework for regulating armed conflicts, such structural flaw of its system has left victims of violations “in search of a forum” and thus prompted a general recourse to the more-developed human rights machinery, including to mechanisms rooted in (universal and regional) treaties. Because they provide procedural ways for the examination of individual complaints, such treaty-body mechanisms are indeed much better equipped to address victims’ grievances.

Despite recurrent criticism - related to their lack of clarity on certain substantive issues and/or coherence of their decisions – developments toward greater convergence between IHL and human rights are likely to have a defining influence on the treaty bodies’ approach in the future. Universal treaty bodies should not necessarily be expected to take the lead but may follow suit where regional mechanisms of judicial nature show the way through their abundant case law.

Focusing on examples of recent relevant practice (case-law and/or updated general comments), panelists will be asked to critically assess the record of both universal and regional human rights treaty-body mechanisms in dealing with international humanitarian law. Their intervention should also identify potential avenues for increased cooperation, debate and knowledge sharing between mechanisms while being mindful of limitations inherent to their specific mandates.

PANELISTS

- **Françoise Hampson**, Emeritus Professor, University of Essex
- **Jelena Pejic**, Senior Legal Advisor, International Committee of the Red Cross
- **Benyam Mezmur**, Professor of Law, University of the Western Cape, South Africa, Member of the Committee on the Rights of the Child and Member of the African Committee of Experts on the Rights and Welfare of the Child
- **Matt Pollard**, Senior Legal Advisor, International Commission of Jurists

MODERATOR

- **Emilie Max**, Researcher, Geneva Academy

PARTNERS

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