

Questions

1. a) Definition of International humanitarian law. Write down the Sources & scope of International humanitarian law.
- b) Name of 4 Geneva Convention with year. Scope and application of common article 3.
- c) What is Martens Clause? Write down the quotation of Martens Clause.
- d) What is ICRC? What are the 7 basic principles of ICRC?

Role of ICRC?

2. a) Write down the definition and characteristics of Human rights.
- b) Write down the similarity & difference between International Humanitarian Law and International Human Rights Law.
- c) **Write down about Human rights violations in the BD constitution.**
- d) What is the Human rights provision of the UN Charter? Write in details.
- e) Write down about UN charter based human rights monitoring bodies.
- f) **Write down the global impact and importance of universal declaration of human rights.**
- g) Discuss about the International bill of human rights. Write two convent names(**adoption date and effective date**) and identical provisions.

3. a) Write the definition of discrimination against women according to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).
- b) Discuss about 12 critical area platforms for action in Beijing declaration
- c) Write down the powers **and roles** of CEDAW committee. **Core principles of CEDAW?**
- d) Write down the **special** provisions related to women in Bangladesh constitution specially only for women.

4.

- A. Write down doctrine of non refoulement.
- B. What is the Regional human rights system? Write down three Regional human rights systems. What are their common features?
- C. Write down European convention on HR (1950). European convention on HR is a living Instrument for human rights. Discuss the statement with special reference to the role of the EU court of Human Right.

5. Definition of Enforced/Involuntary Disappearance **in accordance with convention**. Elements or components of Enforced disappearance. **Impact of enforced disappearance on a person, society and state?**

6. Write down the use of force & firearms by law enforcement agencies according to UN Conduct & basic principle of use of force and firearms.

7. What is escalation and de-escalation of force? What is force continuum or force model? Write down the use of force continuum.

8. Write down the 4 basic principles on the use of force and firearms. What is the principle of accountability? Write down the individual responsibility and superior responsibility in the use of force and firearms.

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b) **Name of 4 Geneva Convention with their date. Scope and application of common article 3.**

c) **What is Martens Clause? Write down the quotation of Martens Clause.**

d) **What is ICRC? What are the 7 basic principles of ICRC?**

Definition of International humanitarian law.

IHL stands for **International Humanitarian Law**, which is a **set of rules** that aim to **limit** the effects of armed conflict for humanitarian reasons. It **protects** people who are not participating in hostilities (such as civilians, medical personnel, and prisoners of war) and **restricts** the means and methods of warfare.

The key objectives of IHL are:

1. **Limiting the methods of warfare** (prohibiting weapons that cause unnecessary suffering or have indiscriminate effects).
2. **Protecting those who are not or are no longer fighting** (such as civilians, medical workers, and captured soldiers).
3. **Ensuring humanitarian assistance** is provided to those affected by conflict.

The sources of International Humanitarian Law (IHL) include:

1. **Treaties and Conventions:**
 - **Geneva Conventions (1949) & Additional Protocols (1977):** Protect the wounded, sick, civilians, and prisoners of war.
 - **Hague Conventions (1899, 1907):** Govern the conduct of hostilities and civilian protection.
 - **Weapons Treaties:** Ban or restrict specific weapons (e.g., Chemical and Biological Weapons Conventions).

2. **Customary International Law:** Binding rules based on consistent state practice, such as civilian protection and the prohibition of inhumane weapons.
3. **Judicial Decisions:** Rulings from international courts (e.g., ICC, ICJ) that interpret IHL.
4. **General Principles of Law:** Concepts like proportionality, distinction, and military necessity.
5. **Martens Clause:** Offers protection based on humanity and public conscience where no specific treaty applies.
6. **International Organizations:** Entities like the ICRC and the UN promote and enforce IHL.

Scope and Application of IHL (International Humanitarian Law)

1. **Applicability:** Applies in **armed conflicts**—both international (between states) and non-international (within a state).
2. **Types of Conflicts:**
 - **International:** Between states (Geneva Conventions, Protocol I).
 - **Non-International:** Within a state (Common Article 3, Protocol II).
3. **Protection:**
 - **Civilians** and non-combatants.
 - **Wounded, sick, and captured combatants.**
4. **Warfare Regulation:** Limits weapons and tactics that cause excessive suffering or harm to civilians.
5. **Obligations:** Binding on all parties, including states and non-state actors.
6. **Post-Conflict:** Governs post-war issues like treatment of prisoners and war remnants.

Limitations of IHL

- **War Legality:** IHL governs conduct during war but doesn't address its legality (covered by **jus ad bellum** like the UN Charter).
- **Internal Disturbances:** Does not apply to riots or isolated violence; international human rights law applies instead.
- ***Jus ad bellum, "right to war" in Latin***

Enforcement and Accountability

- **Enforcement Challenges:** Relies on state compliance.
- **International Mechanisms:** ICC and ad hoc tribunals hold individuals accountable, but effectiveness depends on state cooperation.

The Four Geneva Conventions (1949) Date: August 12, 1949

1. **First Geneva Convention:** "For the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field."
 2. **Second Geneva Convention:** "For the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea."
 3. **Third Geneva Convention:** "Relative to the Treatment of Prisoners of War."
 4. **Fourth Geneva Convention:** "Relative to the Protection of Civilian Persons in Time of War."
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- **Additional Protocols (1977):** These protocols supplement the Geneva Conventions.
 - **Protocol I:** Relating to the protection of victims of international armed conflicts.
 - **Protocol II:** Relating to the protection of victims of non-international armed conflicts.
 - **Protocol III:** Adopted in 2005, it relates to the use of the Red Cross and Red Crescent emblems.

Common Articles of the Geneva Conventions

1. **Article 1:** Parties must respect and enforce the Conventions.
2. **Article 2:** Applies to international armed conflicts.
3. **Article 3:** Applies to non-international armed conflicts, ensuring basic humanitarian protections.
4. **Article 9/9/9/10:** Allows humanitarian organizations, like the ICRC, to assist in conflicts.

Common Article 3 of the Geneva Conventions

Scope: Applies to **non-international armed conflicts**.

Protections:

1. **Humane treatment:** No murder, torture, or cruel treatment.
2. **Protection of dignity:** No humiliating treatment.
3. **Fair trials:** Judicial guarantees for detainees.
4. **No hostage-taking.**

Application:

Applies to all parties in non-international conflicts, including government and non-state groups.

Martens Clause

The **Martens Clause** ensures protection for individuals in cases not covered by treaties, relying on **principles of humanity** and **public conscience**.

The Martens Clause first appeared in the preamble to the 1899 **Hague Convention** and continues to be referenced in modern international law.

Quotation:

"In cases not covered by the law in force, the human person remains under the protection of the principles of humanity and the dictates of the public conscience."

ICRC

The **International Committee of the Red Cross (ICRC)** is a neutral, independent organization that provides humanitarian aid and ensures compliance with International Humanitarian Law (IHL) during conflicts.

7 Basic Principles of ICRC:

1. **Humanity:** Alleviate suffering.
2. **Impartiality:** No discrimination.
3. **Neutrality:** Stay neutral in conflicts.
4. **Independence:** Act autonomously.
5. **Voluntary Service:** Non-profit relief.
6. **Unity:** One Red Cross/Crescent per country.
7. **Universality:** Global equality and cooperation.

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Role of ICRC

The ICRC plays a key role in both **internal conflicts** (within a single country) and **international conflicts** (between different countries), guided by the Geneva Conventions. Here's a breakdown:

1. Internal Conflicts (Non-International Armed Conflicts):

- **Humanitarian Assistance:** Provides aid to civilians affected by civil wars, insurgencies, and political violence.
- **Protection of Detainees:** Ensures humane treatment of detainees held by governments or non-state armed groups.
- **Promoting International Humanitarian Law (IHL):** Advocates for compliance with IHL even in non-international conflicts, particularly under Additional Protocol II of the Geneva Conventions.
- **Dialogue with All Parties:** Engages with governments and non-state actors to ensure neutrality and access to affected populations.

2. International Conflicts (International Armed Conflicts):

- **Aid and Protection:** Provides humanitarian assistance to victims on both sides of the conflict.
 - **Prisoners of War (PoWs):** Monitors the treatment of PoWs under the Geneva Conventions and ensures their rights are respected.
 - **Neutral Intermediary:** Acts as a go-between for conflicting states, negotiating the exchange of prisoners, delivering messages between families, and facilitating humanitarian corridors.
 - **Monitoring Compliance with IHL:** Ensures that all parties in international conflicts adhere to the Geneva Conventions and other rules of warfare.
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2. a) Write down the definition and characteristics of Human rights.
- b) Write down the similarity & difference between International Humanitarian Law and International Human Rights.
- c) **Constitutional safeguard for human rights violation in bangladesh1.**
- d) What is the Human rights provision of the UN Charter? Write in details.
- e) Write down about UN charter based human rights monitoring bodies.
- f) **Write down the global impact and importance of universal declaration of human rights.**
- g) Discuss about the International bill of human rights. Write two convent names(**adoption date and effective date**) and identical provisions.

Definition of Human Rights

Human rights are basic freedoms and protections that belong to everyone, regardless of status. They include rights like life, freedom of expression, and access to education, and are safeguarded by international laws to ensure dignity and equality for all.

Characteristics / Basic Elements of Human Rights

1. **Universality:** Human rights apply to all people, everywhere, without discrimination.
2. **Inalienability:** Rights cannot be taken away or surrendered, except in specific circumstances (e.g., lawful punishment).
3. **Indivisibility:** All rights (civil, political, economic, social, and cultural) are equally important and interconnected.
4. **Interdependence:** The fulfillment of one right often depends on the fulfillment of others.
5. **Equality and Non-Discrimination:** Everyone is entitled to human rights without distinction of race, gender, nationality, or other statuses.
6. **Legality:** Human rights are protected and enforced by law at both national and international levels.

These elements define the universal nature and enforceability of human rights.

Similarities between IHL and IHRL

1. **Protect Individuals:** Both safeguard human dignity and rights.
2. **Universal Application:** Apply to all persons.
3. **Legal Frameworks:** Governed by international law.
4. **Complementary:** Work together during conflict for protection.

Differences between IHL and IHRL

Aspect	International Humanitarian Law (IHL)	International Human Rights Law (IHRL)
Application	Applies during armed conflict (international and non-international conflicts)	Applies at all times (peacetime and conflict)
Primary Focus	Regulates conduct of war, protecting combatants and non-combatants	Protects individuals' rights in all aspects of life
Scope of Protection	Focuses on protecting people affected by conflict (e.g., civilians, PoWs)	Protects broader civil, political, economic, social, and cultural rights
Source of Law	Geneva Conventions, Hague Conventions, and Customary IHL	Universal Declaration of Human Rights, ICCPR, ICESCR, and regional treaties
Enforcement Mechanisms	Primarily through the ICRC, military tribunals, and international courts	UN bodies, national courts, and regional human rights courts
Role of State	Regulates the conduct of both state and non-state actors in conflict	Primarily holds states accountable for human rights violations
Legal Principle	Based on principles of distinction, proportionality, and military necessity	Based on principles of equality, dignity, and individual freedoms

Constitutional safeguard for human rights violation in bangladesh

The **Constitution of Bangladesh** offers several safeguards against human rights violations:

1. **Fundamental Rights (Part III):** Guarantees rights like life (Art. 32), equality (Art. 27), freedom of speech (Art. 39), and religion (Art. 41).
2. **Equality and Non-Discrimination:** Articles 28 and 29 ensure no discrimination based on religion, race, sex, etc., and equal access to public jobs.
3. **Right to Protection of Law (Art. 31):** Protects life, liberty, and property through due legal process.

4. **Protection from Arbitrary Arrest (Art. 33):** Ensures protection against arbitrary arrest and timely judicial oversight.
5. **Freedom of Religion (Art. 41):** Protects religious freedom and prevents forced conversions.
6. **Complaint Mechanism (Art. 44):** Allows individuals to seek enforcement of rights through the Supreme Court.
7. **Judicial Enforcement (Art. 102):** Citizens can directly approach the High Court to enforce rights through writ petitions.

Human Rights Provisions in the UN Charter

1. **Preamble:** Reaffirms **faith** in fundamental human rights, dignity, and equality.
2. **Article 1(3):** Promotes **international cooperation** and respect for human rights without discrimination.
3. **Article 13(1)(b):** Empowers the **General Assembly** to make recommendations for promoting human rights.
4. **Article 55(c):** Calls for **universal respect** for human rights and freedoms.
5. **Article 56: Member states** pledge joint and individual action to uphold human rights.
6. **Article 60: General Assembly** and **ECOSOC oversee** human rights efforts.
7. **Article 62(2): ECOSOC can make recommendations** to promote human rights.
8. **Article 68: ECOSOC establishes commissions**, including for human rights.
9. **Article 76(c):** Ensures respect for human rights in **Trust Territories**..

UN Charter-Based Human Rights Monitoring Bodies

1. **Human Rights Council (HRC):** Main body promoting human rights globally, conducts **Universal Periodic Reviews (UPR)** and appoints independent experts for **Special Procedures**.
 2. **Office of the High Commissioner for Human Rights (OHCHR):** UN's principal human rights entity, supporting the HRC, preventing violations, and assisting governments and civil society.
 3. **ECOSOC:** Oversees human rights initiatives and previously established the Human Rights Commission.
 4. **Universal Periodic Review (UPR):** Reviews human rights records of all UN member states every four years.
 5. **Special Procedures:** Independent experts monitoring and reporting on specific human rights issues or countries.
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Q - Discuss about the International bill of human rights. Write two convent name and identical provisions

International Bill of Human Rights

The **International Bill of Human Rights** consists of:

1. **Universal Declaration of Human Rights (UDHR)**: Non-binding, adopted in 1948, outlining basic human rights.
2. **International Covenant on Civil and Political Rights (ICCPR)**: Legally binding, adopted in 1966, protecting civil and political rights.
3. **International Covenant on Economic, Social and Cultural Rights (ICESCR)**: Legally binding, adopted in 1966, ensuring economic, social, and cultural rights.

Identical provisions in the ICCPR and ICESCR include:

1. **Non-Discrimination**: Rights must be exercised without discrimination based on race, sex, religion, etc.
2. **Equal Rights of Men and Women**: Guarantees equality in enjoying the rights provided by the covenants.
3. **Right to Self-Determination**: Peoples can freely determine their political and economic status.
4. **Limitations on Rights**: Prevents actions aimed at destroying or limiting recognized rights.

Optional Protocols of the International Bill of Human Rights:

1. **Optional Protocol to the ICCPR (1966)**: Allows **individuals to submit complaints** to the UN Human Rights Committee for violations of civil and political rights. Entered into force in 1976.
2. **Optional Protocol to the ICESCR (2008)**: Enables **individuals to file complaints** for violations of economic, social, and cultural rights. Entered into force in 2013.
3. **Second Optional Protocol to the ICCPR (1989)**: Aims to **abolish the death penalty**, with exceptions in wartime. Entered into force in 1991.

These protocols enhance enforcement of human rights beyond the original covenants.

“UDHR is a common standard for all people and nations”:

The Universal **Declaration of Human Rights (UDHR)**, adopted in 1948, is a common standard for all people and nations. It:

1. **Universal Applicability:** Applies to everyone, regardless of nationality, race, or religion, affirming that all people are born free and equal in dignity and rights.
2. **Comprehensive Scope:** Covers civil, political, economic, social, and cultural rights, including life, liberty, security, and freedom of speech.
3. **Moral and Legal Influence:** Though not legally binding, it has shaped international human rights law and national constitutions, serving as a key reference for protecting human rights.
4. **Global Recognition:** Accepted worldwide as a standard for human rights, influencing policies and promoting global respect and justice.

Global Impact and Importance of the Universal Declaration of Human Rights (UDHR)

- **Foundational Document:** Established a global benchmark for human rights, influencing international treaties and national laws.
- **Promotion of Dignity:** Emphasizes inherent dignity and equal rights, inspiring global movements for equality and justice.
- **Guidance for International Law:** Informed the development of major human rights treaties and conventions.
- **Influence on National Legislation:** Many countries have incorporated its principles into their laws and constitutions.
- **Advocacy and Awareness:** Raised global awareness and provided a key tool for human rights advocacy.
- **Empowerment:** Recognizes individual rights and supports challenges to injustices and abuses.
- **International Cooperation:** Fosters global collaboration in addressing human rights challenges and promoting solidarity.

3. a) Write the definition of discrimination against women according to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- b) Discuss about 12 critical area platforms for action in Beijing declaration
- c) Write down the powers of CEDAW committee
- d) Write down the provision related to women in Bangladesh constitution specially only for women.

Definition of Discrimination Against Women (CEDAW)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

CEDAW defines discrimination against women as any **distinction, exclusion, or restriction** based on sex that impairs or nullifies women's equal enjoyment of human rights and freedoms in political, economic, social, cultural, civil, or other fields.

12 Critical Areas of Concern in the Beijing Declaration

The **Beijing Declaration and Platform for Action** identified 12 critical areas that require urgent action to advance women's rights and gender equality. These areas provide a global framework for addressing various challenges faced by women worldwide.

1. **Women and Poverty:** Address poverty affecting women through economic independence and social protection.
2. **Education:** Ensure equal access to education and eliminate gender disparities.
3. **Health:** Improve women's healthcare, including reproductive and maternal services.
4. **Violence Against Women:** Eliminate all forms of violence, including domestic violence and trafficking.
5. **Women in Armed Conflict:** Protect women in conflicts and involve them in peace processes.
6. **Economy:** Promote women's economic empowerment and equal pay.
7. **Power and Decision-Making:** Ensure equal participation of women in leadership and decision-making.
8. **Institutional Mechanisms:** Strengthen policies and institutions for gender equality.
9. **Human Rights:** Guarantee protection of women's human rights.
10. **Media:** Promote positive portrayals of women and their participation in media.
11. **Environment:** Involve women in environmental decisions and address gender impacts.
12. **The Girl Child:** Protect the rights of girls, ensuring access to education and protection from abuse.

Powers of the CEDAW Committee

The **Committee on the Elimination of Discrimination against Women (CEDAW Committee)** is responsible for overseeing the implementation of the **Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)**. Its powers include:

1. **Reviewing State Reports:** Assesses reports from State Parties on CEDAW implementation and provides recommendations.
2. **General Recommendations:** Issues guidance on improving women's rights based on specific articles or themes.
3. **Individual Complaints:** Considers complaints from individuals or groups claiming CEDAW violations (under the Optional Protocol).

4. **Inquiry Procedure:** Investigates grave violations of women's rights with state consent.
5. **Inter-State Complaints:** Handles complaints between states regarding CEDAW obligations (rarely used).
6. **Monitoring and Advocacy:** Promotes awareness and advocates for gender equality globally.

Basic principles of (CEDAW) are:

1. **Non-Discrimination:** Aims to eliminate all forms of discrimination against women, ensuring equal rights.
2. **Equality:** Promotes gender equality in all areas of life, including legal, social, and economic aspects.
3. **Participation:** Ensures full participation of women in political, social, and economic activities.
4. **Social and Cultural Change:** Calls for modifying social and cultural norms that perpetuate discrimination against women.
5. **Temporary Special Measures:** Encourages measures like affirmative action to accelerate actual equality between women and men.
6. **Comprehensive Approach:** Addresses the complex and varied forms of discrimination women face.
7. **State Responsibility:** Obligates states to implement the provisions of CEDAW and ensure accountability for violations.

Provisions Related to Women in the Bangladesh Constitution

The **Bangladesh Constitution** includes several provisions specifically aimed at promoting women's rights and ensuring gender equality:

1. **Article 28(2):**
 - Ensures that women have equal rights with men in all spheres of the state and public life.
 - States: *"Women shall have equal rights with men in all spheres of the State and of public life."*
2. **Article 28(4):**
 - Allows the state to make special provisions in favor of women and children to address gender-based disparities.
 - States: *"Nothing in this article shall prevent the State from making special provision in favor of women or children or for the advancement of any backward section of citizens."*
3. **Article 19(3):**
 - Promotes the participation of women in national life by ensuring equality of opportunity for all citizens, including women.
 - States: *"Steps shall be taken to ensure participation of women in all spheres of national life."*

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4. a) Write down International refugee law. Discuss it
b) Write down non refoulement law
c) Write down the Regional human right system. Discuss it. Write down three Regional human rights systems. What are their common features?

International Refugee Law

International Refugee Law provides a legal framework to protect refugees fleeing persecution, conflict, or violence.

Key Components:

1. **1951 Refugee Convention**: Defines a refugee and guarantees protection from persecution. Establishes the principle of **non-refoulement** (no return to danger).
2. **1967 Protocol**: Expands protection globally, beyond Europe, and removes time limits.
3. **Non-Refoulement**: Core principle prohibiting the return of refugees to countries where they face harm.
4. **UNHCR**: The UN agency responsible for refugee protection, assistance, and advocacy.

Discussion:

- Refugees are granted rights, including access to employment and protection.
- **Non-refoulement** is a binding principle, protecting refugees from forced return.
- The **UNHCR** plays a central role in ensuring international obligations are met.
- Challenges include strained asylum systems and addressing new issues like **climate refugees**.

Non-Refoulement Law

Non-refoulement is a fundamental principle of international refugee law that prohibits countries from returning refugees or asylum seekers to a country where they would face persecution, torture, or other serious harm. This principle is enshrined in several international legal instruments.

Regional Human Rights Systems

Regional human rights systems are mechanisms established to protect and promote human rights within **specific geographical regions**. These systems complement global human rights frameworks, such as those set by the United Nations, by addressing the **unique social**,

cultural, and legal contexts of their respective regions. They often have their own **conventions, commissions, and courts** to oversee human rights protection and ensure accountability.

Three Regional Human Rights Systems:

1. European Human Rights System: 1950

- **Framework:** Established under the **Council of Europe** and governed by the **European Convention on Human Rights (ECHR)** (1950).
- **Institutions:** The **European Court of Human Rights (ECtHR)**, based in Strasbourg, **France**, oversees the implementation of the ECHR.
- **Function:** The ECtHR allows individuals to file complaints against member states, and its judgments are binding, holding countries accountable for human rights violations.

2. Inter-American Human Rights System: 1969

- **Framework:** Based on the **American Convention on Human Rights** (1969), part of the **Organization of American States (OAS)**.
- **Institutions:** The system has two main bodies: the **Inter-American Commission on Human Rights (IACHR)** and the **Inter-American Court of Human Rights**, both responsible for monitoring and addressing violations.
- **Function:** The IACHR investigates complaints and provides recommendations, while the Court can issue binding judgments on state violations.

3. African Human Rights System: 1981

- **Framework:** Governed by the **African Charter on Human and Peoples' Rights** (1981), adopted by the **African Union (AU)**.
- **Institutions:** The **African Commission on Human and Peoples' Rights** monitors human rights, while the **African Court on Human and Peoples' Rights** adjudicates cases.
- **Function:** Individuals and NGOs can file complaints to the Commission, and the Court issues rulings on human rights violations by African states.

Common Features of Regional Human Rights Systems:

1. **Human Rights Conventions:** Each region has a human rights treaty or charter that defines the rights to be protected (e.g., ECHR, American Convention, African Charter).
2. **Oversight Bodies:** All systems have independent commissions and courts to monitor compliance and adjudicate complaints (e.g., ECtHR, IACHR, African Court).
3. **Individual Access:** Individuals or groups can file complaints against their governments, empowering citizens to seek justice at the regional level.
4. **Binding Decisions:** The courts in all three systems issue binding judgments that states are required to implement.
5. **Promotion and Protection:** Besides legal mechanisms, these systems promote human rights education, support reforms, and advocate for vulnerable populations.

4A. a) Write down European convention on HR (1950).

European convention on HR is a living Instrument for human rights. Discuss the statement with special reference to the role of the EU court of Human Rights.

European Convention on Human Rights (1950)

The European Convention on Human Rights (ECHR), established by the Council of Europe in 1950, is a key international treaty aimed at protecting human rights across Europe. It came into force on **September 3, 1953**.

Key Provisions:(Total 18 articles + additional protocols)

1. **Article 1:** Obligation to **respect** human rights.
2. **Article 2:** Right to **life**, protected by law.
3. **Article 3:** Prohibition of **torture** and inhumane treatment.
4. **Article 4:** Prohibition of **slavery** and forced labor.
5. **Article 5:** Right to liberty and **security**.
6. **Article 6:** Right to a **fair trial**.
7. **Article 7:** No punishment without law.
8. **Article 8:** Right to respect for private and **family life**.
9. **Article 9:** Freedom of **thought**, conscience, and **religion**.
10. **Article 10:** Freedom of **expression**.
11. **Article 11:** Freedom of **assembly** and association.
12. **Article 12:** Right to **marry** and start a family.
13. **Article 14:** Prohibition of **discrimination**.

The **European Court of Human Rights (ECtHR)** was established to handle cases where individuals believe their rights under the ECHR have been violated.

ECHR as a Living Instrument

The ECHR is a "living instrument," meaning:

1. **Judicial Interpretation:** The ECtHR interprets the Convention in light of contemporary conditions.
2. **Evolving Standards:** The Convention adapts to new human rights challenges and societal values.
3. **Precedent and Flexibility:** Previous rulings **guide interpretations**, allowing adaptation to new issues.
4. **Progressive Development:** The ECHR helps develop legal protections over time.
5. **Impact on National Laws:** National laws evolve in line with the Convention's interpretations.

5. Definition of Enforced Disappearance **in accordance with convention**. Elements or components of Enforced disappearance. **Impact of enforced disappearance on a person, society and state?**

Definition of Enforced Disappearance (according to the Convention)

According to Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPED-1910):

Enforced disappearance involves the arrest, detention, abduction, or any other form of deprivation of liberty by state agents or individuals/groups acting with the state's authorization, support, or acquiescence. This is followed by a refusal to acknowledge the deprivation of liberty or concealment of the person's fate or whereabouts, placing them outside the protection of the law.

Elements of Enforced Disappearance

1. **Deprivation of Liberty:** Detention or abduction without legal basis.
2. **State Involvement:** Perpetrated by state agents or those acting with state support.
3. **Concealment:** Victim's whereabouts or fate is kept secret.
4. **Lack of Legal Protection:** Victims are denied legal rights and protections.

Impact of Enforced Disappearance

On the Person:

- **Physical and Mental Harm:** Severe abuse and trauma.
- **Uncertainty and Fear:** Psychological distress from not knowing their fate.
- **Legal and Social Invisibility:** Denial of rights and legal recourse.

On Society:

- **Psychological Trauma:** Emotional strain on families and communities.
- **Erosion of Trust:** Loss of faith in institutions and legal systems.
- **Chilling Effect:** Suppression of free expression and political participation.

On the State:

- **Human Rights Violations:** Damage to international reputation.
- **Legal and Ethical Responsibility:** Obligation to prevent, investigate, and punish.
- **Political Instability:** Contributes to unrest and conflict.

Enforced disappearance has significant negative effects on individuals, society, and states, undermining human rights and stability.

6. UN Conduct and basic principle of use of force and firearms.

UN Code of Conduct for Law Enforcement Officials

The **UN Code of Conduct for Law Enforcement Officials** (adopted by the General Assembly in 1979) sets out ethical standards for law enforcement officers:

- **Respect for Human Rights:** Law enforcement officials must respect and protect human rights and fundamental freedoms in their work.
- **Legality:** They must act in accordance with national and international laws, including laws regarding the use of force.
- **Integrity and Professionalism:** Officers should perform their duties with integrity, professionalism, and accountability.
- **Non-discrimination:** They should not discriminate on any grounds such as race, color, sex, language, religion, or political opinion.
- **Proportionality:** Use of force must be necessary and proportional to the situation.

Use of Force & Firearms by Law Enforcement Agencies

According to the **UN Code of Conduct for Law Enforcement Officials** and the **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**, the guidelines are:

Use of Force:

1. **Legality and Necessity:** Force should only be used when necessary and to the extent required to achieve a legitimate law enforcement objective
2. **Proportionality:** The level of force used must be proportional to the threat or resistance encountered. Excessive force is prohibited
3. **Non-violence:** Law enforcement officials should employ non-violent means as much as possible before resorting to force
4. **Accountability:** Use of force must be subject to strict legal and administrative scrutiny to ensure accountability and transparency
5. **Training and Protocols:** Law enforcement officials should receive training on the appropriate use of force and follow established protocols

Use of Firearms:

1. **Firearms as Last Resort:** Firearms should only be used when absolutely necessary to protect life, particularly when there is an imminent threat of death or serious injury

2. **Precautionary Measures:** Efforts must be made to **minimize** harm and avoid unnecessary injuries. This includes **warning** the person and taking all possible precautions before using firearms
3. **Proportionality:** The use of firearms must be proportional to the threat faced. They should not be used indiscriminately or excessively
4. **Regulation and Control:** The use and carrying of firearms by law enforcement should be strictly regulated and controlled according to national laws and regulations
5. **Reporting and Investigation:** Any use of firearms must be reported and thoroughly investigated to ensure compliance with legal standards and accountability

These principles ensure that law enforcement agencies use force and firearms in a manner that respects human rights and maintains public trust

7. What is escalation and de-escalation of force? What is force continuum or force model? Write down the use of force continuum.

Escalation and De-escalation of Force

Escalation of Force:

- **Definition:** The process of increasing the level of force used in response to escalating resistance or threat.
- **When It Occurs:** This happens when an individual's behavior or situation intensifies, prompting law enforcement to escalate their response accordingly. For example, if a suspect becomes increasingly aggressive, officers might escalate from verbal commands to physical restraint or even use of weapons if necessary.

De-escalation of Force:

- **Definition:** The process of reducing the level of force used as the situation calms or as the threat decreases.
- **When It Occurs:** Officers reduce their use of force once a situation is under control or the threat level diminishes. This may involve using calming techniques, withdrawing from a situation, or switching to less confrontational methods.

Force Continuum (or Force Model)

Definition: The Force Continuum, also known as the Force Model, is a framework used by law enforcement to determine the appropriate level of force in various situations. It provides a range of responses from minimal to maximum force, guided by the principle of proportionality and necessity.

Use of Force Continuum:

1. **Presence:** The mere presence of law enforcement can have a calming effect and prevent escalation.
2. **Verbal Commands:** Clear, lawful instructions given to individuals to comply with orders. This is typically the first step in the force continuum.
3. **Physical Contact:** Minimal physical force to control or restrain an individual, such as guiding or holding.
4. **Physical Force:** Moderate force used to overcome resistance, including techniques such as holds, strikes, or baton use.
5. **Less-Lethal Weapons:** Tools designed to incapacitate without causing permanent harm, such as tasers or pepper spray.
6. **Lethal Force:** Force that is likely to cause death or serious injury, used only when there is an imminent threat to life or serious injury.

8. What is the principle of accountability? Write down the individual responsibility and superior responsibility in the use of force and firearms.

Principle of Accountability

Definition: The principle of accountability requires that individuals and organizations, including law enforcement officials and government bodies, are held responsible for their actions and decisions. It ensures that there are mechanisms in place to oversee, review, and address misconduct or failures in duty.

Key Aspects of the Principle of Accountability:

- **Transparency:** Actions and decisions should be conducted openly, allowing for scrutiny and review by relevant authorities and the public
- **Responsibility:** Individuals and organizations must take responsibility for their actions and decisions, acknowledging any mistakes or misconduct
- **Oversight:** Independent bodies or mechanisms should monitor and review actions to ensure compliance with laws, regulations, and ethical standards
- **Redress and Remedy:** Affected individuals should have access to mechanisms for seeking redress or remedy for any harm or injustice suffered
- **Legal and Administrative Actions:** There should be processes for investigating, prosecuting, and disciplining those responsible for misconduct or violations
- **Preventive Measures:** Systems should be in place to prevent future misconduct by enforcing standards, providing training, and promoting ethical behavior

Individual Responsibility and Superior Responsibility in the Use of Force and Firearms

Individual Responsibility:

- **Adherence to Protocols:** Law enforcement officials must follow established protocols and legal standards when using force and firearms.
- **Proportionality:** Officers are responsible for ensuring that any force used is proportionate to the threat or situation.
- **Training and Competence:** Individuals must be properly trained and demonstrate competence in the use of force and firearms.
- **Accountability:** Each officer is accountable for their actions and decisions, including any misuse of force or firearms.
- **Reporting and Documentation:** Officers must accurately report and document incidents involving the use of force and firearms.

Superior Responsibility:

- **Command Responsibility:** Superiors are responsible for ensuring that their subordinates are trained and adhere to the rules and standards regarding the use of force and firearms.
- **Oversight and Supervision:** Superiors must provide effective oversight and supervision to prevent and address any misuse of force by their subordinates.
- **Investigation and Accountability:** Superiors must ensure that any incidents involving the misuse of force or firearms are investigated thoroughly and that appropriate actions are taken.
- **Policy Implementation:** They are responsible for implementing and enforcing policies related to the use of force and firearms within their organization.
- **Preventive Measures:** Superiors should establish preventive measures to avoid the misuse of force, including regular training and updates on legal standards.