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the Ceftriaxone matters



- Excreted by both liver (gallbladder) and kidneys (urine)<sup>1</sup>
- No dosage adjustment is necessary for patients with impairment of renal or hepatic function<sup>\*1</sup>

\* Patients with severely impaired renal function the t<sub>1/2</sub> of ceftriaxone may be prolonged (37-52 hours) and dosage adjustment should be considered.



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## Question - 1

N.V.S

Date : .....

- What is the definition of International Humanitarian law?  $\frac{2}{2}$
- Write down the scope and application of IHL?  $\frac{2}{2}$
- What are the sources of IHL?  $\frac{2}{2}$
- Four Geneva conventions with year.  $\frac{4}{3}$
- Write down the scope and application of common Article 3?  $\frac{5}{4}$
- Write a short note on Martens law with Quotation.  $\frac{5}{5}$
- What are the basic principles of ICRC?  $\frac{4}{2}$  ,  $\frac{18}{3}$  what is the role of ICRC?

## Question - 2

- Define Human Rights Law.  $\frac{2}{2}$
- What are the characteristics of HRL?  $\frac{2}{3}$
- What are the similarities and dissimilarities of IHL and HR?  $\frac{2}{5}$
- Write about the safeguards against Human Rights and Fundamental Rights with Bangladesh perspective.  $\frac{11}{4, 12}$

*[Handwritten signature]*

### Question - 3

- a. What are the International Instruments for Human Rights?  
→ Provisions of UN charter question answer page 210.
- b. Write about UN charter based monitoring system.  $\frac{21}{13}$
- c. UN charter protection of HR  $\frac{7}{8}$
- d. Basic elements of Human Rights  $\frac{21}{13}$
- e. Human Rights in BD constitution - BELA, children Act.  $\frac{12}{4}$

### Question - 4

- a. Write about the Universal Declaration of Human Rights, its preamble, significance and importance, global impact (Quotation answer).  $\frac{17}{13}$
- b. International Human Bill of rights.  $\frac{10}{1}$
- c. ICCPR, ICESCR  $\frac{17}{13}$  in BD constitution (answer page 210)  $\frac{13}{1}$

### Question - 5

- a. Definition of CEDAW  $\frac{15}{8}$
- b. Power, function and role of CEDAW committee.
- c. Core principle of CEDAW in BD constitution.  $\frac{15}{12}$
- d. What are the special provisions for women?

### Question - 6

N.V.I

Date

- a. International Refugee, Non Refuelment, Regional Human Rights system.  $\frac{10}{4}$ , missing person.  $\frac{17}{13}$
- b. Common feature of regional human rights system. VN. European - African (Ethics and morality)  $\frac{10}{23}$
- c. European Convention Human Right 1950 is a living instrument" - Discuss the statement with special reference.  $\frac{2}{3}$   $\frac{19}{13}$
- d. Asylum Seeker, Rights and Responsibility of parties. Refugee convention - OSI  $\frac{19}{9}$

### Question - 7

- a. Define Enforced Disappearance.  $\frac{20}{3}$  Distinction, element, components, impact.  $\frac{26}{13}$
- b. Armed conflict + children (GO) - protection.  $\frac{26}{13}$



### Question-8 N.V.I

Date: .....

- ✓ a. use of force and firearms - basic principles of using firearms.
- b. Code of conduct, <sup>for LED,</sup> escalation and deescalation of force.
- c. force continuum. (Ref: PROB, PA, npe, UN charter)
- ✓ d. In BD practice (police) of firearms. what types of convictions are needed?

### Question-9 N.V.I

- a. Domestic Violence Act → 3. (a) physical abuse, (b) psychological abuse, (c) sexual abuse.
- b. Duties and responsibilities of - Police officer and enforcement officer and service person  
Sec - 4, 5, 6, 7, 8, 9
- c. Rights of victims, Reminders  
Sec - 10, 14, 15, 16

① What is the definition of international Humanitarian Law?

- ✓ IHL is that part of international law that governs the conduct in hostilities or armed conflicts.
- ✓ It lays out the responsibilities of the states and non-state armed group during an armed conflict.
- ✓ IHL is a set of rules which seek —
  - limit the effect of armed conflict.
  - Protect individuals in armed conflict
  - restrict the methods and means of warfare
  - Facilitate the restoration of peace.
- ✓ This is also known as —
  - Law of armed conflict
  - Law of war
  - Human Rights in Armed conflict

② Scope and Application of IHL?

- ✓ IHL is applied only to armed conflicts —
  - ① International Armed conflict — state vs state
    - Wars of national liberation
  - ② Non International Armed conflict — state vs Rebels
    - Rebels vs Rebels
- ✓ IHL is not applicable — In times of peace
  - to internal tension like riots
- ✓ It applies equally to all sides, irrespective of who started the war or who is the attacker.



③ What are the sources of IHL?

- ✓ Leading religions
- ✓ Practices of warlords
- ✓ Writings of philosophers
- ✓ Customary rules of warfare
- ✓ multilateral treaties — Hague conventions 1899  
— Four Geneva conventions
- ✓ Customary International Law — *Jus cogens*  
— Judicial decisions  
— IHLR

④ 4 Geneva conventions with years?

\* The 4 GCs of 1949

- ✓ Were adopted at the diplomatic conference of Geneva on 12 August 1949
- ✓ entered into force on 21 October 1950
- ✓ Result from a process developed in stages in the 19<sup>th</sup> & 20<sup>th</sup> centuries

\* GC-I of 1949

- ✓ Contains 64 Articles
- ✓ for the amelioration of the condition of the wounded & sick in Armed forces in the field

\* GC-II of 1949

- ✓ Contains 64 Articles
- ✓ replaced the Hague convention of 1907
- ✓ for the amelioration of the condition of the wounded & sick in Armed forces in the sea.

\* GC-III of 1949

- ✓ Contains 143 Articles, Replaced the 1929 GC.
- ✓ ~~Supplements the Hague Regulation of 1907~~
- ✓ Relative to the Treatment of Prisoners of war

\* GC-IV of 1949

- ✓ Contains 159 Articles
- ✓ Supplements the Hague Regulation of 1907
- ✓ Relative to the protection of civilian persons in time of war.

⑤ Write down the scope and application of common article 3?

\* Common Article 3 (~~3 articles - 2007 conference 2008~~)

- ✓ called mini convention
- ✓ It has separate protocols
- ✓ It has included all the provisions and characteristics of a full convention. ✓ Prohibits violence to life & persons, taking hostages
- ✓ collection & care of the wounded & the sick.

\* Common Article-1: Respect for the convention

- ✓ Imposes a duty on the states parties to "respect and to ensure respect" for the convention in all circumstances

\* Common Article-2: Application of the convention

- ✓ Originally focus on IACs
- ✓ It applies to all the cases of war or any other AC arising between two or more nations.

\* Common Article-3: Conflicts not of an international character

- ✓ Related to NIACs
- ✓ It provides - humane & non discriminatory treatment for all persons in enemy hands.



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- ✓ Prohibit murder, torture, cruelty, unfair trial.

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⑥ Write a short note on 'Mantens law' with quotation?

- ✓ The Mantens clause is the part of customary international law.
- ✓ 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.
- ✓ It is introduced into the preamble to Hague conventions of 1899 - Laws & customs of war on land
- ✓ Proposed by Prof. Fyodor Mantens, Russian delegate at the Hague peace conference 1899

⑦ What are the basic principles of ICRC? what is the role of ICRC?

- ✓ ICRC - A swiss based humanitarian organization
- ✓ Founded in Geneva in 1863
- ✓ Emblems in use - Red cross, Red crescent, Red crystal.
- ✓ International committee of the Red cross (ICRC)
- ✓ Previous name International committee for Aid to the wounded (ICAW)
- ✓ Relief of the military wounded.

\* 7 Principles: **HIINUVV**

- ① Humanity ② Impartiality ③ Neutrality ④ universality
- ⑤ Independence ⑥ Voluntary service ⑦ unity

\* Role of ICRC ✓ Protection of lives & dignity of victims of AC  
 ✓ Visit prisoners & victim, ✓ organise relief operation, ✓ promote & facilitate family reunion. ✓ often these services in AIAP / station them IHL

⑧ Define Human Rights Law?

- ✓ HR are those inviolable & natural rights which are universally inherent in all human beings without distinction as to race, sex, colour, religion, nationality etc.
- ✓ These rights & freedoms are indispensable for the free & full development of a HR.
- ✓ HR are derived from the inherent worth & dignity of, and the respect for the human person.

⑨ What are the characteristics of HR?

- ✓ Universal inheritance
- ✓ Inalienability
- ✓ Inviolability
- ✓ Non-discrimination
- ✓ Indivisibility
- ✓ Interdependence

⑩ What are the similarities and dissimilarities of IHL & HR?

\* Similarities:

- ✓ Both are part of public international law
- ✓ Complementary bodies of law
- ✓ Both are designed to restrict the power of state authorities
- ✓ Both aim at protecting individuals

\* Dissimilarities:

IHL	IHRL
Applicable in times of AC and belligerent condition	Both Peace & AC
Sources are- GCs, Additional Protocols,	UDHR, ICPR, ICESCR
No dogmatic in nature	Delegable in times of emergency
Mind in upon state and	state actors





⑪ Write about the safeguard the HR and fundamental rights in Bengali perspective.

#### \* Safeguards

- ✓ Constitution
- ✓ UDHR
- ✓ GRCs
- ✓ National & International laws
- ✓ ICRC
- ✓ IHL, IHRL
- ✓ National Human Rights Commission
- ✓ UN charter ~~73~~

#### \* HR in BB constitution

- ✓ Reference is the Preamble - fundamental aim of the state to establish a socialist society, free from exploitation, rule of law, FHR, equality & justice.
- ✓ Fundamental Principles of state policy - 8-25
- ✓ Fundamental Rights 26-47A
- ✓ 5 types of writ - Habeas corpus, Mandamus, certiorari, Quo Warranto, Prohibition.
- ✓ Children Act, BELA,

⑫ What are the international instruments for HR?

- ① ICRC ② UNSC ③ UNGA ④ UN secretariat
- ⑤ ECOSOC ⑥ Treaty based institutions ⑦ IHL,
- ⑧ IHRL, ⑨ GRCs

⑬ Write about the UN charter-based monitoring system <sup>Date</sup>

✓ UN charter based human rights monitoring bodies derive their establishment from provisions contained in the UN charter or from the resolutions adopted thereon.

#### \* UN charter-based monitoring bodies for HR are

① office of the High Commissioner for HR

- ✓ established by the UNGA in 1993
- ✓ lead & coordinate the role in the field of HR
- ✓ Provide support, guidance & expertise to all HR bodies
- ✓ Provide assistance to govt.

② HR council

- ✓ established in 2006 by UNGA
- ✓ Replaced by UN commission on HR
- ✓ assume all the mandates, mechanisms & responsibilities of the UN HR activities

③ Universal Periodic Review

- ✓ established in 2007 by an HRC Resolution
- ✓ assess state's HR records
- ✓ address HR violations
- ✓ provide technical assistance
- ✓ enhance the capacity

④ UNGA third committee

- ✓ examine HR questions & reports of HRC
- ✓ hear & interact with stakeholders
- ✓ considers draft resolutions



#### ④ UN charter protection of HR?

- ✓ The charter consists of a Preamble & 111 Articles grouped into 19 chapters.
- ✓ The Preamble and 8 Articles are the references to HR in the UNC.
- ✓ Promotion of HR as a purpose & objective of UN - Art 1(3), 55(c), 76(c).
- ✓ Fulfillment of HR obligations by UN & its members - Art 13(1), 56, 60, 62(c), 68

##### ① The Preamble

- ✓ Consists of two parts → A general call for maintenance of international peace, security & respect for HR  
→ A declaration in a contractual style that the govt. have agreed to the charter
- ✓ Determination to save succeeding generation from the scourge of war.
- ✓ to affirm faith in fundamental HR
- ✓ to practice tolerance & live together in peace

##### ② Purposes of the UN - Art 1(3)

- ✓ To achieve international co-operation in promoting & encouraging respect for HR & FR for all without distinctions as to race, sex, religion

##### ③ Responsibilities of UN - Art 55(c)

- ✓ Promote universal respect for HR & FR for all.

#### ⑤ objective of Trusteeship System - Art 76(c)

- ✓ Encourage respect for HR & FR for all.

#### \* Fulfillment of HR obligations

##### ① Responsibility of G1A - Art 13(1) (b)

- ✓ Initiate studies & make recommendations for assisting in the realization of HR & FR for all.

##### ② Pledge of States - Art 56

- ✓ Take joint & separate action in cooperation with the

##### ③ Hierarchy of Responsibility - Art 60

- ✓ Responsibility is vested in UNGA and under the authority of UNGA, the ECOSOC

##### ④ Power of ECOSOC - Art 62

- ✓ Make recommendations for promoting respect for & observance of HR & FR

##### ⑤ Establishment of commissions - Art. 68

- ✓ Set up commissions for the promotion of HR

## ⑮ Basic Elements of HR?

Write about the universal declaration of HR, its preamble, significance, importance, global impact? <sup>check</sup> ⑥ ②②

## ⑰ International Bill of Human Rights

✓ The following instruments are collectively known as the international bill of HR -

① Universal Declaration of Human Rights - 1948

② International Covenant on civil & Political Rights - 1966

③ ICESCR - 1966

✓ The two covenants were intended to - Provide a binding effect to the rights & freedoms listed in the UDHR  
- enumerate a monitoring & enforcement mechanism

## ⑱ ICCPR? and its monitoring body - The Human Rights Committee. ②③

✓ A multilateral treaty on the civil & political rights of individual.

✓ Adopted by UNGA in 1966

✓ Establish the individual complaints system

✓ aiming at the abolition of death penalty

✓ No derogation - Right to life, equality before law, Freedom from torture, Freedom of thought, slavery, Freedom of conscience, Freedom of religion.

✓ Milestone in providing rights of minority people.

✓ Recognises minority people's right to enjoy their culture, practise their religion, own language

✓ UN Declaration on the Elimination of All Forms of Racial Discrimination 1963, \*Article 27 → Person belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, practise their religion,



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## \* CPR in BD constitution?

### Civil Rights:

- ✓ Principles of ownership - 13
- ✓ Emancipation of peasants and workers - 14
- ✓ Provision of basic necessities - 15
- ✓ Free and compulsory education - 17
- ✓ Equality of opportunity - 19
- ✓ Equality before law - 27
- ✓ Discrimination on grounds of religion etc - 28
- ✓ Equality of opportunity in public employment - 29
- ✓ Right to protection of law - 31
- ✓ Protection of right to life and personal liberty - 32
- ✓ Prohibition of forced labour - 34
- ✓ Freedom of profession or occupation - 40
- ✓ Freedom of religion - 41
- ✓ Right to property - 42

### Political Rights:

- ✓ Right to protection of law - 31
- ✓ Safeguards as to arrest and detention - 33
- ✓ Freedom of ~~native~~ movement - 36
- ✓ Freedom of assembly - 37
- ✓ Freedom of association - 38
- ✓ Freedom of thought and speech

## (19) What is the committee on Economic, social & cultural Rights under ICESCR? <sup>22</sup>

- ✓ A multilateral treaty on the ESCR.
- ✓ Adopted by UNGA in 1966
- ✓ States parties - 171, Bangladesh - 1998
- ✓ Preamble, 31 article
- ✓ Inter-state & individual complaints system.

### Article-13

- ① Liberty of parents to ensure the religious and moral education of their children.

Art-15 → Right to take part in cultural life and to promote the development.

- ✓ Participate in cultural, religious, social, economic public life.
- ✓ Minorities rights to enjoy their own culture, practice their religion, use their language.

## \* Committee on Economic, social & cultural Rights

- ✓ Established by ECOSOC in 1985
- ✓ A body of 18 independent experts
- ✓ Monitor & ensure compliance
- ✓ Examine state reports
- ✓ Issue findings on a country's performance.
- ✓ Consider inter & individual complaints



## ②① Definition of CEDAW ?

- ✓ A product of the global women's movement to address gender inequality
- ✓ Often described as an international bill of HR for women
- ✓ A treaty that is exclusively dedicated to gender equality
- ✓ Adopted in 1979 by UNGA, Parties - 189, BP-1984
- ✓ Global agenda on women's empowerment & gender equality
- \* Global Waves of Feminism

First waves - 1848-1920:- Recognition as human beings - Equal in dignity & rights, Right to vote, Property rights, labour rights

Second waves - 1960s - 1980s:- Women's liberation, A socio-political & cultural movement, Education, Workplace, family, domestic violence.

Third waves - 1990s - 2000:- Intersectionality -

Gender equality, Discrimination, sexual harassment in workplace,

Fourth waves - 2010s - : Digital or Online Feminism, Feminist movement using the internet, Trans women, cybercrime.

## ✓ ②① What are the basic principles of CEDAW

### \* Principle of Non-Discrimination - Article - 1

- ✓ Non-discrimination is integral to the concept of equality
- ✓ Seeks to eliminate discrimination against women in all fields & spheres.
- ✓ Action against inequality

### \* Principles of state obligation - Article - (2-16)

- ✓ State obligation embodies 3 elements - respect, protection and promotion of the HR of women.
- ✓ Legislature, Executive & Judiciary are responsible for the fulfillment of all state obligation.

### \* Principle of substantive Equality - Article 1-3

- ✓ It stands for de facto equality - equality in fact
- ✓ Equality of opportunity - through law, policy, programs
- ✓ Equality of access to opportunity.
- ✓ Equality of result or outcome.

## ✓ ②② CEDAW principles in OD constitution ? 22

① Preamble - aim of the state to ensure rule of law, fundamental HR & freedom, equality & justice, political, economic & social rights.

② General Provisions respecting Non-discrimination & Equality

① State's endeavour to ensure equality of opportunity - 19C

② Equality before law & the equal protection of law - 27

③ No discrimination on any ground - 28 (1 & 3)

④ Equality of opportunity in public employment - 29





### ④ Special Provisions in favour of women

- ① state's endeavour to ensure equality of opportunity & participation of women in all spheres of national life - 19(3)
- ② Women's equal rights with men in all spheres of public life - 28(2)
- ③ 50 reserved seats in the house of nation for the women - 65(3)

### \* CEDAW Reservation & Bangladesh.

# Bangladesh maintains reservations on 2 Articles of CEDAW.

① Art. 2: state obligation to condemn & eliminate discrimination against women in all its forms

Art 16(1)(c): state obligation to ensure equal rights & responsibilities in marriage and divorce.

Why? ✓ These provisions of CEDAW are conflicting with the sharia law based on the Holy Quran & Sunnah.

✓ Leaders of all religious faith are not agreed to the modification of these laws relating to marriage, divorce, inheritance, guardianship

✓ The society is not yet ready to accept such modification.

### ② Refugees

✓ Refugees are people who have fled their countries to escape conflict, violence or persecution and have sought safety in another country.

According to Art-1 of the 1951 convention relating to the status of ~~Ref~~ Refugees -

A refugee is someone who, - has a well founded fear of persecution because of his/her - race, religion, nationality, membership in a particular social group or political opinion, is outside his/her country of origin and is unable to avail him/herself of the protection of that country for fear of persecution.

✓ There are currently over 27.1 million refugees globally.

### \* UN Instruments on Refugees

- ① UN Convention relating to the status of Refugees - 1951
- ② Protocol relating to the status of Refugees - 1967

### ② Principle of Non-Refoulement?

✓ Under IHL, no one should be forcibly sent to a place where she may be persecuted. This fundamental principle is known as non-refoulement.

According to Art-33 of UNCRSR, The Principle of non-Refoulement guarantees that a refugee should not be returned to a country where she may face serious threats to life or freedom.

→ The practice of not forcing refugees on asylum seekers to return to



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✓ (25) What are the common features of Regional Human Rights systems? Give an account of African HR system?

### \* Common features:

- ✓ Chapter VIII (Art 52-54) of the UN charter allows the existence of the regional arrangements for—
  - + maintenance of international peace & security
  - Pacific settlement of local disputes.

### \* Major RHRs -

- ① The European system—The Paramount Role of the court
- ② The Inter-American system—Promoting Democracy
- ③ The African system—Rights & Duties.

- ① Established under the auspices of an IGO
- ② Only states may be held accountable for HR violations
- ③ A complaints mechanism
- ④ Monitoring & Promotion activities
- ⑤ Assist Govts in the implementation of obligations.
- ⑥ Raise people's awareness of HR

### \* African HR system:

#### Instruments:

- ① Protocol on the Rights of women in Africa—2003/2005
- ② African charter on the Rights and Welfare of the child—1990
- ③ Convention on preventing and combating corruption—2003/2005
- ④ African charter on Democracy, Elections and Governance—2007.
- ⑤ African charter on Human & People's Rights—1981/1988

### \* features:

- ① Youngest regional system
- ② Combination of the 3 Generations of HR
  - ✓ 1<sup>st</sup> Generation of HR—civil & Political Rights
  - ✓ 2<sup>nd</sup> "—Economic, social & cultural Rights
  - ✓ 3<sup>rd</sup> "—collective or group Rights
- ③ True indivisibility & interdependence of the HR
- ④ Enumeration of the Rights & duties together.
- ⑤ Special emphasis on—Individuals owe an obligation to their families, communities, countries & the African continent as a whole.
- ⑥ The rights and duties of the community—family, society, nation.
- ⑦ Ethics and morality.

\* main monitoring body is the African commission on Human and People's Rights.

✓ (26) "European convention on HR—1950 is a living instrument - discuss the statement with special reference—

- ✓ Adopted in 1950 in Rome by the council of Europe.
- ✓ States Parties—46.

### \* Guaranteed Rights & freedoms

- ① Physical integrity & dignity of a person
  - ✓ life, liberty & security—Art-2
  - ✓ torture or inhuman treatment—Art-3
  - ✓ Slavery & servitude—Art-4



Date \_\_\_\_\_



### ③ Protection of Personal life - Art-2

- ✓ Privacy, ✓ thought, conscience & religion
- ✓ marriage, ✓ non discrimination. - Art-15

### ④ Due procedure before courts of law

- ✓ fair trial
- ✓ <sup>Prohibition of</sup> retroactivity <sup>Art-7</sup>
- ✓ effective legal remedy

### ⑤ Communication & Participation in society

- ✓ opinion & expression, ✓ assembly & association

### \* Arguments:

- ✓ ECHR is termed as "a living instrument".
- ✓ This 'living instrument' doctrine has been used from the beginning by the European court of HR
- ✓ It was observed by and first articulated in the case of Tyrer v. United Kingdom (1978)
- ✓ The judgement was observed by ECHR
- ✓ Thus, through case law as well as the adoption of Additional Protocols, EC has become "a living instrument".

### \* Monitoring & Enforcement machinery-

- ① European commission of HR.
- ② European court of HR
- ③ Committee of ministers

### \*\* Inter American HR system -

- ✓ HR in OAS charter - A Pan American <sup>Date</sup> multilateral treaty
- ✓ Proclamation of the FR without any distinction - Art 3
- ✓ Respect for the rights of the individual. - Art 17
- ✓ Rights to material wellbeing, fair wages - Art. 45
- ✓ Right to education - Art 49

### ②7 Asylum Seeker?

- ✓ An individual who is seeking international protection.
- ✓ Not every asylum seeker will ultimately be recognised as a refugee.
- ✓ But every refugee is initially an asylum seeker

### ②8 Rights and responsibilities of parties to the Refugee convention - 1951?

#### ① As for the Refugees:

- ✓ Shall abide by the national laws of the contracting states - Art 2

#### ② As for the contracting states

- ✓ Respect a refugees personal status and the rights particularly rights relating to marriage - Art 12



- ✓ Provide free access to courts for refugees Ant-16
- ✓ Provide administrative assistance to Refugees - Ant 25
- ✓ Provide travel documents for refugees - Ant-28
- ✓ allow refugees to transfer their assets - Ant 30
- ✓ Cooperate with the UNHCR Ant 35
- ✓ Shall not discriminate against refugees Ant 3
- ✓ freedom to practice their religion Ant 4
- ✓ Elementary Education - Ant 22
- ✓ The right of association in unions or other associations - Ant 15
- ✓ self employment Ant 18
- ✓ Practice of the liberal professions - Ant 19
- ✓ Right to free movement Ant 26

## Q9) Enforced disappearance?

- ✓ According to Art 2 of International Convention for the Protection of all Persons from ED-2010, ED is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the state or by persons or groups of persons acting with the authorization of the state.
- ✓ ED is thus characterized by the presence of 3 constitutive & cumulative elements -
  - Deprivation of liberty
  - Involvement of govt officials, at least by acquiescence
  - Refusal to acknowledge the deprivation of liberty.

## Impact:

- ✓ directly victimizes those disappeared Date \_\_\_\_\_
- ✓ Subjects their families to uncertainty
- ✓ threatens & subjugates communities.
- ✓ Violates a wide range of HR including -
  - ① right to liberty & security of the person
  - ② Right to the protection of the law
  - ③ Right to a fair trial
  - ④ right to a family life
  - ⑤ Right to information.

## Q10) Who are Missing Persons?

- ✓ Missing persons are individuals - of whom their families have no news who have been reported missing as a result of an AC (NIAC or IAC), internal violence, a natural catastrophe.

## \* Restoring Family Links (RFL)

- ✓ RFL covers a wide range of services, all designed to alleviate the pain of separation among loved ones.
  - ✓ looking for individuals on behalf of their family
  - ✓ Restoring family contact
  - ✓ Reuniting family members
- \* ICRE endeavours.





W/ ③ Who is children? what are the six grave violations against children in AC? what are the protection measures needed to take for the children in AC?

\* children:

- ① Art 1 of UNCR, "every human being below the age of eighteen years" is a children
- ② Sec-4 of the children Act-2013, all persons up to the age of 18 years shall be regarded as children.

\* General Principles of UNCR

✓ adopted in 1989; contains 54 Articles, 42 rights including - civil, political, economic, social & cultural nature.

- ① Non-discrimination - All the rights must be available to all Art-2
- ② The best interest of the child - Art-3
- ③ Respect for the views of the child Art-12

\* 4 categories of Rights of the child

① Survival Rights

✓ Right to life - Art 6, ✓ Quality health care - Art 24  
✓ Nutrition & clean water - Art 24

② Developmental Rights

✓ Parental guidance, love & care - Art 5  
✓ Education - Art 28  
✓ Rest, leisure & recreation - Art 31  
✓ Access to information - Art 17

③ Protection Rights

✓ Privacy - Art 16  
✓ Violence, abuse & exploitation - Art 19  
✓ Inhuman treatment & detention - Art 37

④ Participation Right

✓ Opinion & expression - Art 12-13  
✓ Thought, conscience & religion - Art 14  
✓ Assembly & association - Art 15

\* Six grave violations in AC

- ① Killing and maiming of children
- ② Recruitment and use of children
- ③ Sexual violence against children
- ④ Abduction of children
- ⑤ Attacks against schools and children
- ⑥ Denial of Humanitarian access.

\* UNICEF Report on six Grave violations

✓ Between 2005 & 2022, UN verified 315,000 grave violations against children committed in 30 conflict situations across Africa, Asia, Middle East & Latin America.

\* Catherine Mary Russell says Any war is ultimately war on children." [she is an executive Director of UNICEF]





## \* Protection of children under IHL

- ✓ Armed forces & armed groups are required by IHL to take measures to protect children, who are particularly vulnerable during times of war.
- ✓ 4 GCs are related to the protection of civilian persons in AC.
- ✓ IHL, IHRL, domestic courts & tribunals, ICC, domestic legislation

## Necessity

## \* (32) What is the use of force by LEO?

- ✓ Use of force means and includes "a necessary course of action taken by law enforcing officials to restore safety in a community when other practices are ineffective"
- ✓ Any physical effort used to control, restrain or overcome the resistance of another.

## \* (33) Basic Principles of using firearms by LEOs?

- ① Legality → IHRL, IHL, Code of conduct for LEOs - 1979, Basic Principles on the use of Force & firearms by LEO, - 1990, Domestic Law - CrP, PC, PRB.
- ② Necessity → CrP-127<sup>118</sup>, PA-30, PRB-153 [even non violent means are not sufficient] (PC-96-106) 141-160
- ③ Proportionality → CrP-50<sup>146</sup>, balance between benefits of the UFA and the possible consequences, to protect other life.
- ④ Accountability → BPVFF Principle - 6, 7, 8, 22, 26
  - ① Prompt reporting about death and injury,
  - ② Proper investigations,
  - ③ Individual responsibility

## \* (34) Force continuum?

① Level-1: Officer's Presence - CrP-157, 127-128, Date:

② Level-2: Verbal Response - CrP 127-128,

③ Level-3: Empty Hand Technique (Physical Restrain)

④ Level-4: less lethal weapon - Baton, pepper spray, tear gas, electric shock, rubber bullets, water cannons

Level-5:

⑤ Lethal Weapons - Knives, Guns, bombs CrP-129-132, PRB-153

⇒ Robert Peel says, Police use physical force to the extent necessary to secure the law or to restore order only when the exercise of advice & warning is found to be insufficient. [Principles of Law Enforcement]

## \* (35) Escalation & De-escalation of Force?

### \* Escalation:

- ✓ The intensification - increase the intensity, use of force model,

### \* De-escalation:

- ✓ A method to defuse a crisis before it reaches the point of physical violence
- ✓ Involve some techniques that can be used to avoid the use of force.
- ✓ Goal of de-escalation → calm the situation, prevent violence, Avoid the use of force, Problem solving & cooperation
- ✓ De-escalation is not about giving in, avoiding or ignoring the issue, but creating a safe & respectful environment for dialogue & resolution.



L, domestic courts & tribunals, ICC, Domestic legislation

### Necessity

\* Art-3 of UN code of conduct  
- 1979 → LEOs may use  
force only when non violent  
means are ineffective.

\* non violent means —

Police Presence, uniform,  
shield, helmet, body language,  
Verbal persuasion.

the use of force &  
force means and  
taken by law  
a community with  
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in LEOs?



\* Proportionality → to the extent required for the performance of their duty - Art 3

OPVFF - 5

- Shall minimize damage & injury
- respect & preserve human life.