

2015 OSCE HUMAN DIMENSION IMPLEMENTATION MEETING

Working session 9: Democratic institutions

Fund to Support of Fundamental Researches

Dissemination of knowledge about human rights and international humanitarian law in times of armed conflicts: role and tasks of non-governmental organizations and academic circles

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Significance and humanistic value of human rights and mechanisms to ensure them dramatically increases during armed conflicts. However, ordinary standards and mechanisms of human rights, mainly designed for peaceful situations, are not always effective, operational and applicable in times of armed conflict. For these situations international humanitarian law was specifically created to protect victims of war. International humanitarian law does not replace or displace human rights law but supplements it, provide a complementary mechanism to fix and respect human rights in times of armed conflict.

Protection of human rights and freedoms is mediated by multitudinous and varied international and domestic institutions, which compose a single system, where the most important role belongs to human rights NGOs. In times of armed conflict, this system, quite naturally, reconstructs and alters its goals and objectives, but the role and importance of human rights NGOs is not only reduces, but significantly increases both at national and international levels. NGOs significantly activate its work, change shapes and objectives of activities orientation. This is evident in situations involving internally displaced persons in Ukraine and asylum seekers in EU member states. The activity of human rights non-governmental organizations is multifaceted and includes dissemination of knowledge about human rights, without which any other human rights activities is impossible.

The level of implementation of international humanitarian law is directly linked with dissemination of knowledge about it; in fact in times of armed conflict a situation with human rights protection is significantly exacerbated, appear other terms and conditions of such protection, which are reduced to special rules and mechanisms, collectively defined as the

protection of war victims. In peacetime, despite direct responsibilities of states under the Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 and vigorous activity of the International Committee of the Red Cross, this activity is very limited in forces and means, particularly at the post-Soviet area. However, in times of armed conflict there is a need to harshly increase such activities, but the shortage of time and efforts beget a significant gap in knowledge, and as a consequence, in the application of international humanitarian law by the entire population of a state party to an armed conflict, as well as by specific target groups, which knowledge of international humanitarian law is decisive in ensuring of its compliance and enforcement. Here, we are talking about deputies and government officials of various levels who are responsible for political decisions, their implementation in legislation and their implementation in relation to various categories of war victims; military servicemen responsible for direct application and compliance of international humanitarian law in the context of military operations; sanitary and medical personnel, which knowledge and application of international humanitarian law is a guarantee of security and defense; lawyers responsible for implementation of international humanitarian law into national law, implementation of its standards, control over its observance and ensuring human rights activities in the case of violation of war victims' rights. A separate target group, which knowledge of international humanitarian law is necessary and mandatory, including in relation to dissemination of knowledge about it, is journalists. Journalists bear double responsibility. First of all, in dissemination of knowledge about international humanitarian law, creating a positive information background aimed to promote respect for international humanitarian law. The media largely may provide conditions conducive to spread knowledge about international humanitarian law and its observance. On the other hand, journalists in their activities should not promote or incite, intentionally or unintentionally, to a breach of international humanitarian law, war crimes, genocide or crimes against humanity. These target groups, despite their diversity and mass, should be prior, main and primary in preparation and development of international humanitarian law.

In times of armed conflict in Ukraine a particularly important issue is respect for international humanitarian law. So quite urgent is to disseminate knowledge about international humanitarian law among these target groups, which, first of all must, know, understand and apply international humanitarian law.

One of the unconditioned obligations of states under the Law of Geneva is to spread knowledge about international humanitarian law¹. This is a direct and immediate obligation of a

¹ Ст. 47 Женевской конвенции об улучшении участи раненых и больных в действующих армиях, ст. 48 Конвенции об улучшении участи раненых, больных и лиц, потерпевших кораблекрушение, из состава вооруженных сил на море, ст. 127 Женевской конвенции об обращении с военнопленными 1949 г., ст. 144 Женевской конвенции о защите гражданского населения во время войны, ст. 83 Дополнительного протокола

state, which forms of implementation may be different. The Geneva Conventions of 12 August 1949 and the Additional Protocols of 8 June 1977 explicitly stated the following forms: dissemination of the Conventions as widely as possible, including the study of the Conventions in programs of military and, if it is possible, civil education. As practice and our researches show, knowledge of international humanitarian law by civilian population and, what is significant, by the abovementioned target groups is not always high. In its turn, in times of armed conflict the most rapid and flexible dissemination of knowledge about international humanitarian law is necessary, with the maximum amount of coverage of population and target groups. And if the main focus of state activities in this regard is traditionally turned to the armed forces, the other categories of population are poorly or hardly covered by dissemination of knowledge about international humanitarian law. Without excluding the obligation of a state to disseminate knowledge about international humanitarian law among the general population, in practice, in this regard, special importance belongs to activity of human rights NGOs and academic community, which is consistent with goals and objectives of the first and knowledge and aspirations of the second. It is within the interaction of these two subjects is possible significantly to increase the level of knowledge, and as a consequence, the application of international humanitarian law.

The role of non-governmental organizations in dissemination of knowledge about international humanitarian law in Ukraine is very significant and is connected with their flexible methods and forms of activity and formation of the system of human rights organizations, switching its potential in the context of armed conflict on the new categories, requiring assistance and protection. At the same time dissemination of knowledge about international humanitarian law is combined with its use. However, at the early stage, human rights organizations and their members themselves are the objects in relation to obtaining the necessary knowledge about international humanitarian law. The questionnaire survey, which we conducted during training for lawyers of public reception of Ukrainian Helsinki Group for Human Rights, indicated that the primary level of lawyers' knowledge of international humanitarian law is very superficial, and the possibility of its use in preparation of applications to the European Court of Human Rights is quite low. In this regard, we have prepared a *Handbook for public reception lawyers*, containing both general provisions of international humanitarian law, as well as specific issues related to the application of international humanitarian law in the European Court of

к Женевским конвенциям от 12 августа 1949 года, касающегося защиты жертв международных вооруженных конфликтов 1949 г., ст. 19. Дополнительного протокола к Женевским конвенциям от 12 августа 1949 года, касающегося защиты жертв вооруженных конфликтов немеждународного характера 1949 г.

Human Rights. Thus, at the primary level an important object to disseminate knowledge about international humanitarian law must be members of human rights NGOs.

Also, important meaning belongs to activities aimed at the target groups, which conduct specialized professional public organizations or non-governmental organizations within individual projects. As the experts in international humanitarian law, we participated in trainings for journalists. This target group is extremely important as an intermediate element for dissemination of knowledge about international humanitarian law among general population and formation of positive motivation for its observance. The results of opinion poll showed that journalists have little awareness about terminology, concepts and principles of international humanitarian law, however, demonstrate great interest in obtaining knowledge about it. Support Fund for Fundamental Researches prepared *Handbook on international humanitarian law for journalists*, which contains both general provisions of international humanitarian law, as well as materials about legal status of journalists in times of armed conflict and mechanisms for protection of journalists in armed conflict. It is important to spread educational programs on international law and international humanitarian law on journalists associated with coverage of the anti-terrorist operation and occupation of the Crimea, situation related to protection of rights of internally displaced persons.

Among other target groups, for which dissemination of knowledge about international humanitarian law is a priority, and which may be covered by trainings or other forms of training in international humanitarian law, we may distinguish volunteers engaged in assistance to armed forces and/or civilian population in the area of anti-terrorist operations; medical and health care personnel; chaplains; lawyers of different subordination, especially connected with human rights and law enforcement in the area of anti-terrorist operation.

Separately, we should note improving of knowledge about international humanitarian law among public servants. The first step in this regard may be a questionnaire survey, which will identify gaps in knowledge of international humanitarian law and motivate officials to study it. The second step should become special training and educational programs on international humanitarian law for public servants. Support Fund for Fundamental Researches prepared *Handbook on international humanitarian law for the Interdepartmental Commission on implementation of international humanitarian law in Ukraine*, which may become the basis for preparation of similar edition for other categories of public servants.

An important role in dissemination of knowledge about international humanitarian law belongs to academic community. As a rule, number of professional experts particularly in international humanitarian law is limited, because of the narrowness and little applicability of relevant knowledge in peacetime. Undoubtedly, there are more teachers and other knowledge

holders of international humanitarian law, but they hold knowledge about specific issues of international humanitarian law. The composition of experts on international humanitarian law in Ukraine has few dozens of experts and developed mainly through the work of the Kiev delegation of the International Committee of the Red Cross in 2000-2008 and further scientific and practical activities of the older generation of experts. The biggest number of experts on international humanitarian law is concentrated in the Institute of International Relations of Taras Shevchenko National University of Kyiv; however experts on international humanitarian law are present in Odessa, Lviv, Kharkiv. The experts are actively involved in the work on dissemination of knowledge about international humanitarian law; they participate in training and consulting for government agencies and human rights organizations. Moreover, inclusion of the core of experts on international humanitarian law into the Interdepartmental Commission on implementation of international humanitarian law in Ukraine has essential meaning. Support Fund for Fundamental Researches united the most qualified experts in international humanitarian law.

An important component of dissemination of knowledge about international humanitarian law is to determine the current level of knowledge about it. Support Fund for Fundamental Researches developed questionnaires to assess competence in the field of international humanitarian law for various target groups and conducted a pilot research among military prosecutors, lawyers of public receptions and journalists.

Thus, we may formulate basic proposals for dissemination of knowledge about international humanitarian law with involvement of the potential of non-governmental organizations and academic circles:

- 1) Development of programs and techniques for training and seminars on international humanitarian law for various target groups with the assistance of experts on international humanitarian law.

- 2) Carrying out of trainings and seminars for different target groups with experts on international humanitarian law within non-governmental organizations.

- 3) Involvement of experts on international humanitarian law to work of the Interdepartmental Commission on implementation of international humanitarian law in Ukraine and other state bodies.

- 4) Assessment of competence in the field of international humanitarian law of various target groups with recommendations to improve the knowledge of international humanitarian law.

- 5) Preparation of a series of handbooks on international humanitarian law for various target groups.