

# ***" International Humanitarian Law and Human Rights "***

***International Humanitarian Law and Human Rights Meeting  
Porec, Croatia - 9 to 11 June 2005***

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***Vice President - International Federation  
of Red Cross and Red Crescent Societies***

Mister President,  
Ladies and Gentlemen,  
Dear Friends,

First of all, let me dedicate few words to warmly thank the Croatian Red Cross for organizing such kind of important debate, in an environment where, too often International Humanitarian Law and Human Rights are neither properly understood nor respected.

Certainly because of it's recent experience over the last decade, as well as a deep commitment to International Humanitarian Law, the Croatian Red Cross has dedicated energy, intelligence and support to strengthen respect to IHL during number of key recent events such as the 27<sup>th</sup> International Conference of the Red Cross and Red Crescent (Geneva, November 1999), the Red Cross and Red Crescent Mediterranean Conference (Cairo, May 2004), as well as organizing today's round table and debate.

It is right that "in a changing world, the International Federation and so, its members, must be clear about the values

underpinning their action. Indeed, former assumptions are shifting, whether in terms of the decline of the State and the body politic or the simultaneous affirmation of international society and private trans-national organizations.

The "crises" calling for humanitarian intervention have changed as well. Natural disasters are no longer only as "natural" as in the past, and human responsibility is increasingly marked and remarked on; by the same token, the "classic" wars of yesteryear have given way to guerrilla wars, internal wars and civil wars over which international law often holds no sway."<sup>1</sup>

In the Federation Strategy 2010, adopted by the General Assembly in 1999, the Promotion of the Movement's Fundamental Principles and Humanitarian values is the first core area among four of them. One could question what are the bridges between humanitarian values and human rights?

"The two notions are obviously very similar semantically. Thus, when we speak of humanitarian values such as "the protection of health", "the protection of life" and "respect for

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<sup>1</sup> Principles and Values Department' Research 2003 « Reflections on the role of Human Rights in shaping the definition of Humanitarian Values of the International Federation of Red Cross and Red Crescent Societies »

the human being", we hark back to fundamental rights such as "the right to health", "the right to life" and "respect for human dignity"<sup>2</sup>.

Since 2001, the International Federation is getting higher profile in international fora such as the United Nations Commission on Human Rights. In its statement, as part of High Level Segment (19 March 2003), the President of our International Federation, Juan Manuel Suarez del Toro encouraged, the connection between the two concepts when he reaffirmed the importance the organization attaches to the human rights ideal. In the same line, working relationship have been reinforced between the International Federation and the Human Rights Commission

"However, a degree of caution must be exercised when blurring the distinction between the two concepts, the scope of the law being especially broad.

Humanitarian Values and Human Rights nevertheless seem to meet on two key concepts on which the two value systems are based and towards which they aim: **peace and human dignity.**"<sup>3</sup>

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<sup>2</sup> Idem

<sup>3</sup> Id, ibid

Finally, it is also important for the Red Cross and Red Crescent, to clarify and explain how Human Rights law and International Humanitarian Law are linked.

"Human Rights law aims essentially to establish and maintain democracy and the rule of law. It establishes ordinary law, which is applicable at all times and tends to be developed in peace time. It differs from International Humanitarian Law, even though the two branches of international public law have a common core of "intangible rights".<sup>4</sup>

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<sup>4</sup> Id, ibid

Mister President,  
Ladies and Gentlemen,  
Dear Friends,

Don't worry; I will not make a lecture on Human Rights or International Humanitarian Law. I just want to share with you some of my thoughts.

Human Rights could be perceived as challenging our Movement's philosophical and ideological neutrality. The International Federation, with its 181 member National Societies, encompasses many philosophical and religious models. It must take care to carry out tasks *"which rally virtually unanimous support"*.

In today's environment, religions raise human rights issues. This would certainly need more deep analysis and diagnosis, for us to better understand this specific environment and properly answer to the needs of the community, in the respect of their rights as well as of their believes and opinions.

The debate of today is not an easy debate. It does also relate to the dilemma of being a "Needs Based" Organisation versus a "Rights Based" Organisation.

There is no direct answer. Indeed, the principle of impartiality makes a direct reference to being "*guided by needs alone*" and the Statutes of our Movement define the actions of National Societies as being carried out "*according to the needs of the people of their respective countries*". What is seen as the traditionally non-political, neutral and independent nature of a needs-based approach fits with the Federation's traditional approach.

However, "the notion of non-discrimination in the principle of impartiality finds a close parallel with the notion of equitable assistance found in most rights-based approaches...There are many examples where the Federation and the Movement has made clear links between its activities and human rights. ...In summary, the Federation's approach can be characterized as **"driven by needs, informed by rights"**. The Federation takes both needs and rights into account in its work"<sup>5</sup>

Mister President,

Ladies and Gentlemen,

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<sup>5</sup> *Principles and Values Department' Research 2003 « Rights-based and needs-based approaches to humanitarian assistance, development and protection. Q&A »*

Dear Friends,

This could seem very theoretical, but the 97 million volunteers of the Red Cross and Red Crescent Societies make it realty on a daily basis.

A more practical example of National Society involvement in Human Rights area is the commitment of NS to cooperate with governments in order to implement policies and operational measures in prisons in order to create a safer environment and reduce the risk of transmission of HIV, Tuberculosis and other diseases among detainees, prisoners and staff (see action point 4.2.5 of the Agenda for Humanitarian Action of the last International Conference). Based on this, I believe that there could be indeed a role for National Societies as auxiliary to their authorities also in other areas related to work in prisons as National Societies could be of value to governments as they are committed to the Principles of neutrality and humanity when assisting to improve the conditions of prisoners.

In particular, I would like to stress the personal commitment of your executive President, Dr. Nenad Javornik,

with whom I have often discussed about International Humanitarian Law, and whose ideas on the need to strengthen the Red Cross presence in prisons, both in war times and peace times I strongly support.

Prisons remain one of the greatest unsolved problems of humanity, and a stronger humanitarian presence against crimes and outrages perpetrated even by those who stand as human rights defenders in prisons worldwide is needed. Prisons probably represent the place in which the difference between the Middle age and modern times is narrower. And it is for this reason that, despite the well known and universally appreciated efforts made by the ICRC, I think that our Movement could and should do more.

I have no doubt that the discussions along the next days will food the global debate on the subject and will impact on our local programmes and activities, keeping in mind that **What** we do makes a difference, because it's founded on a "**Why**" (the need, the human suffering) and a "**How**" (ref to IHL, Human Rights, Fundamental Principles, Humanitarian Values) being so definitively, "**driven by needs, informed by rights**".

Thank you