HUMANITARIAN MECHANISM IN THE CONTEXT OF HUMAN RIGHTS

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#### ABSTRACT

This Abstract present an overview of the various mechanism regarding improvement of the situation affected by armed conflict. Some are from the International Humanitarian law, but there are many others humanitarian mechanism presents. United Nation Charter, Human Rights monitoring bodies, the diverse organs and the agencies of the United Nations .Humanitarian action constantly negotiates between a minimalist and secondary morality ,struggling to save life .The objectives of Humanitarian action are to save lives ,alleviate suffering and maintaining human rights, human life and human dignity during and in the aftermath of man-made crisis and natural disasters or armed conflicts, as well as to prevent and strengthen preparedness for the occurrence of such situations. Apart form these universal Declaration of Human Rights, Convention Against Torture and Vienna Declaration are also effectively prohibit inhumane activity and try to build humanitarian ground for the welfare of mankind.



Every person has dignity and values. Human Rights are those basic rights which each individual should get. Human Rights connect us to each and every individual through a shared set of rights and responsibilities. Humanity is basically depend upon each and every individual that how well a person treats other. Humanitarian Mechanism presents all the Humanitarian work done by the different Convention, Organizations for those who are suffering and saving lives any time, any place in the world. Humanitarian are important when the most vulnerable lack access adequate standards of living such as food, shelter and health care and that time Humanitarian aid brings relief in times of need. Help is provided based on needs with the goal of saving Human Lives, soothing human suffering and maintaining Human Dignity. There are various causes and effects of Humanitarian crisis which includes Political unrest, Environmental causes, Healthcare emergencies, population displacement, Hunger and malnutrition, lack of Basic services. Every year World Humanitarian Day is celebrated on 19<sup>th</sup> August. This day is observed as the anniversary of the bombing of the United Nations Headquarters in Iraq.22 people lost their lives including UN High Commissioner for Human Rights.



**United Nation** is an international organization which founded in the year 1945. It is also called the successor of League of Nation. After WWII. The United Nations came into force. The main purpose of the United Nations is to maintaining international peace and security, developing friendly relation among nations and promoting social progress, better living standards and Human Rights. The Charter of United Nations is the foundational treaty of the UN. The headquarter of United Nation is in the New York City and the Secretary General is Antonnio Gutterrus. It has Six Principal organs.



a)General Assembly – UNGA is the one of the most important Principal Organs of United Nations. Article 9 to 23 of the UN Charter lays down the composition of General Assembly. General Assembly consists of all the members of UN and i.e. 193 members. Chapter III of the United Nation Charter deals with the General Assembly which contained from (Article 9-23).The function of General Assembly is a deliberative body. It has power of Discussion, investigation, review, supervision and to criticize in relation to the work of UN as a whole. UNGA is commonly known as Central body of UN because it elects some or all of the members of all the organs of the UN. It elects all the 10 non-permanent members of the Security Council, elects all the 54 members of the ECOSOC and some members of Trusteeship Council.

b) Security Council – United Nation Security Council is charged with ensuring international peace and security. The UNSC is the only UN body with the authority to issue binding resolutions on member states. UNSC consists of 15 members.5 permanent and 10 non-permanent.

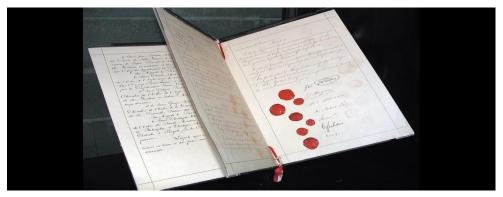
5 Permanent members are China, France, Russia, United Kingdom, United States, these were the great powers that were the victors of WWII and Non-Permanent members are Estonia, India, Ireland, Kenya, Mexico, Niger, Norway, Tunisia, Vietnam, Saint Vincent. After got the approval from UNSC, the UN may send peacekeepers to regions where armed conflict has recently ceased to enforce the terms of peace agreement. The peacekeeping force as a whole received the Nobel Peace prize in 1988.

C) Economic and Social Council – ECOSOC consists of 54 members. It is responsible for promoting higher standards of living, full employment, and economic and social progress. It has fifteen specialized agencies like, FAO, WHO, IMF etc, Eight functional commissions and five regional commissions. Chapter X of the United Nation Charter deals with the Economic and Social Council which contained from Article (61-72).

d) The Secretariat – It comprises of the Secretary General and other staff as the organization may require. It provides services to the other organs like General Assembly, The Security Council, The ECOSOC. The Secretary General is appointed by the General Assembly on the recommendation of Security Council. The Secretariat is located at the headquarters of the UN in New York. The Secretariat is in chapter XV of the United Nation Charter which contained from Article (97-101)

e)The International Court of Justice – Chapter XIV of the United Nation Charter deals with the International Court of Justice. Sometimes it is also known as World Court. ICJ is the successor of the permanent court of Justice, which was established in 1920 by the League of Nation .ICJ consists of a panel of 15 judges elected by the UNGA and UNSC for Nine years terms .seated in the Peace Palace in The Hague, Netherland, The ICJ is the only principal organ not located in New York.

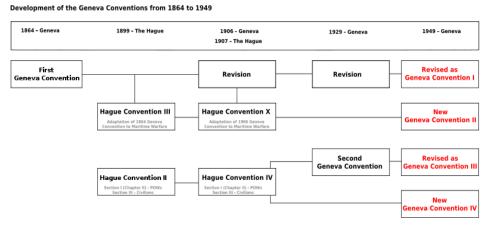
f)The Trusteeship – Chapter XIII of the United Nation Charter deals with the Trusteeship which contained Article from (86 - 91).It established to help ensure that trust Territories were administered in the best interests of their inhabitants and of the International peace and security. The last was Palau which became a member state of the United Nation in December 1994.As it mission fulfilled, UNTC suspended it operation on 1<sup>st</sup> November 1994.



Henri Dunant, was a Swiss Humanitarian businessman and social activist.During a business trip in 1859, Dunant was witness to the aftermath of the Battle of Solferino. He recorded his memories and experiences in the book "A Memory of Solferino" which inspired the Creation of Geneva Convention and International Red Cross Society.

**The Geneva Conventions** have series of four Treaties and three additional Protocols, which has been established for the international legal standards for humanitarian treatment in war.

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Geneva Convention was signed on 22<sup>nd</sup> August, 1864. 1<sup>st</sup> Geneva Convention (1864) relates to the "Condition of the wounded and sick in Armed Forces in the field during the war". 2<sup>nd</sup> Geneva Convention(1906) "Protecting wounded, the Sick and the shipwrecked Military Personnel at Sea during war".3<sup>rd</sup> Geneva Convention (1929) deals with "Prisoners of War".4<sup>th</sup> Geneva Convention(1949) deals with "Non-Combatants". Warfare has changed dramatically since the Geneva Conventional Humanitarian Law. Educational Institutes and organizations including Harvard University, The International Red Cross Society (ICRC), and the Rohr Jweish Learnin institute ude the Geneva Convention as a primary text investigating torture and warfare. The main purpose of Geneva Convention and their Additional Protocols is the body of public international Law, whose purpose is to provide minimum protections, standards of humane treatment, and fundamental guarantees of respect to individuals who become victims of armed conflicts.

The three Amendment Protocols are as follows:-

Additional Protocol I(1977)	International Armed Conflicts
Additional Protocol II(1977)	Non-International Armed
	Conflicts
Additional Protocol	Additional distinctive Emblem.
III(2005)	



**International Committee of the Red Cross (ICRC)** is one of the largest and independent humanitarian organizations. It has a unique position within the International Humanitarian Law.Its mandate follows from the Geneva Convention of 1949.ICRC has largely been affective in addressing Sexual Violence, building respect for the laws, cooperating with national Societies, Economic securities, Humanitarian action, health care in danger.



ICRC has used its neutrality, impartiality and independence to build a long, impressive track record of working effectively in Conflict-affected and fragile states. It maintains a strong presence in many areas where government has effectively disappeared and where other humanitarian actors are unable to work. The ICRC is a part of the international Red Cross and Red Crescent Movement and 192 National Societies. It is the oldest and most honored and recognized organization for the humanitarian law in the world. It won three Nobel Peace Prize in the year 1917, 1944 and 1963.

Some of the Missions of ICRC are as follows:

- a) To organize nursing and care for those who are found wounded on the battlefield
- b) To organize protection and care for civil population
- c) To help who are in need either on the battlefield on in the sea at the time of war.
- d) To monitor Compliance of parties with the Geneva Conventions.

192 Counties are the members of International Committee of Red Cross. And for those societies who are in the formation and invited as observes to the international federation. The ICRC is funded by the Voluntary contributions. They receive contributions from the State Parties to the Geneva Conventions, National Red Cross and Red Crescent Societies, Supranatural Organization and Public and private sources.

**Universal Declaration of Human Rights-** In the context of human rights, Universal Declaration of Human Rights (UDHR) is an important milestone. It was adopted on 10th December, 1948 by the General Assembly of United Nations. Apart from civil and political rights it guarantees several economic, social and cultural rights too. This international document tries to establish equality and equal opportunity for every individual, so that worldwide peace can be maintained on every humanitarian ground. The preamble and the thirty articles of UDHR, implied different perspective of humanity along with human rights. Each and every article, described here, not tries to protect the basic human rights of an individual, but also provide security and proper justice with its particular provisions. As per article I of the UDHR, all human beings are born free and equal in dignity and rights. Irrespective of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, all the rights are applicable to every and this has been clearly mentioned in article 2. It also promoted right to life, liberty and security in its article 3. To improve the humanitarian mechanism, it strictly prohibited the practice of slavery and any kind of torture in its articles 4 and 5 respectively. Apart from this, it mentioned right to marriage, property, freedom of thought and opinion in articles 16, 17, 18, and 19 respectively in order to eliminate any form of inhumane activity in these fields.



**Convention Against Torture** - It is also known as Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which provided a comprehensive definition of torture in its article -I. This mechanism undoubtedly an progressive initiative to prohibit and eliminate any kind of violation and torture to mankind and it also build the path for humanitarian aspects of human rights. This convention is extremely required to eradicate all forms of torture. No civilized and developed country accept or grant any form of violation or torture to its citizen, still there are lots of incidents regarding inhumane behaviors or more than that. Hence, this convention also possesses a committee to monitor different incidents of torture in its member states. It mainly consists of three parts with 33 articles. Under any circumstance this convention strictly restraint all forms of inhuman activity rather to maintain an overall peace and humanitarian ground and to prevent any type of unhuman practice, it has separate legislative, administrative and judicial authority.



Vienna Declaration (1993)-Another major important humanitarian mechanism in the context of human rights must be the Vienna Declaration and Programme of Action, which was adopted in Vienna Conference, 1993. The main purpose of this conference was to recheck and evaluate the development and promotion of human rights since 1948, i.e after adoption of Universal Declaration of Human Rights and to recognize any barriers in this field. This conference was held on 14 to 25th June, 1993 and presence of several sections of participants were noticed along with, different government delegates and members of International human rights community, academics, treaty bodies, national institutions and representatives of more than 800 non-governmental organizations (NOOs). At the initial stage, there were three regional meetings in Tunis of Africa region, Costa Rica of Latin American region and Bangkok of Asian region. The main purpose of Vienna Declaration was to exercise of human rights in a proper and impartial way, so that importance of every individual can be recognized. Programme of Action means nothing but the ultimate applicability and active roles of different rights and freedoms.

The major important factor regarding Vienna declaration was that it never categorized different rights hierarchically, rather it emphasized equally to every rights.

Article 1 of this declaration implied Human rights and fundamental freedoms for every individual and for the protection and promotion of of these rights each government should be responsible. This declaration also mentioned the matter of selfdetermination in its article II. Along with that, it also concerned for Protection of Civilian Persons in Time of War, and other applicable norms of humanitarian law which has been referred in Article 3 of the declaration, it mainly deals with people with different foreign or external occupation. According to article 8, the reciprocal correlation was established among three important factors, such as; Democracy, development and human rights. This declaration also protested against any kind of racial discrimination, as a result, under article 15 it provided the mechanism to eliminate any mal practice like this. According to article 17, any form of terrorism has been prohibited. Women specially the rights of girl child have been mentioned in article 18, where rights of different ethnic, religious, linguistic, national minorities also mentioned. Rights of child was mentioned in article 21. Apart from all these Vienna Declarion promoted and secured rights of different categories of people of the society, such as indigenous people, disabled people, and refugee people in its articles; 20,22 and 23 respectively.

Lastly it can be said that, all the above mentioned mechanisms play significant role in the context of human rights in order to protect and secure humanitarian aspects.

