

Human rights – the issue of genocide

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Human Rights - Genocide Human rights are the rights and freedoms to which all humans are entitled.

The Universal Declaration of Human Rights, an international declaration accepted by the United Nations in 1948, represents the first universal acceptance of the concept of human rights. This declaration also sets the foundation for national laws, constitutions, international treaties and continuing international debate on human rights. There are various types of human rights such as civil, political, economic, social, cultural and individual. Human rights are universally acknowledged and every individual across the world is entitled to all rights.

Genocide is one such human rights issue that has breached international humanitarian law at various times throughout history. In general terms it is defined as the deliberate and organized destruction of a particular group, but in legal terms it is defined, by the UN Convention on Genocide, as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life, calculated to bring about its physical destruction; imposing methods to prevent births within the group and forcibly transferring children of the group to another group.

Genocide is one of the world's worst and most violent human rights issues and requires unique methods for solution as it is often carried out by a country's own military or police force, for example the genocide committed by the Nazis in World War Two Germany. It is also one of the hardest crimes to prosecute as it requires the intention of destruction in

whole, or in part to be proved. Because of this, it is crucial for international intervention in the form of the United Nations, laws, treaties, the International Criminal Court, specific tribunals and various anti-genocide organisations to effectively help prevent and punish crimes of genocide. Over time, many legal responses have been put in place in order to prevent and punish the crime of genocide.

The Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG) was accepted in December 1948 by the UN General Assembly as a part of the United Nations Agreements on Human Rights. The convention came into effect on the 12th January 1951 and provided the world with the first legal and internationally recognised definition for genocide, as previously mentioned. It is mostly effective in binding all member states who signed the convention to take action to enforce laws to stop crimes of genocide committed within their nation; however some states signed with the condition that no accusation of genocide could be brought against them without their authority, leaving the risk that genocide could go unpunished in these particular countries. The convention has been nevertheless been effective in that since 1948, over 80 member states of the UN have introduced legislation that integrates the terms of the Genocide Convention into their national law.

The convention's definition of genocide was also adopted by the Rome Statute of the International Criminal Court (the treaty that formed the ICC). After Australia ratified the CPPCG it introduced included the Genocide Convention Act (1949) which reinforced the provisions of the original

convention, making genocide illegal within Australia. The International Criminal Court (ICC), established in 2002, is a permanent court that has the power to prosecute people for crimes of genocide. The court can only try crimes that have been committed since 2002; however, its introduction represented an important step for more effective international enforcement of human rights. The court only has the authority to try people from the states that have signed the Rome Statute Treaty; however the treaty does recognise that the UN Security Council has the right to refer cases from non-member states to the court, for example when in 2005, the UN Security Council passed a resolution referring the situation in Darfur, Sudan to the ICC which the court could not have otherwise prosecuted. By July 2008, prosecutors at the ICC had filed ten charges of war crimes against Sudan's President, Omar al-Bashir, including three counts of genocide. The prosecutors stated that al-Bashir had masterminded and implemented a plan to destroy in substantial part, three tribal groups in Darfur, due to their ethnicity, however in 2009 it was ruled that there was insufficient evidence to prosecute al-Bashir for genocide.

This decision was however reversed in 2010, with the ruling that a too severe standard of proof had been applied to the genocide charge. In July 2010 a second arrest warrant for al-Bashir was issued, charging him again with three counts of genocide. In the case of some acts of genocide, specific ad hoc tribunals will be set up by the UN for the prosecution of individuals from certain events, such as the International Criminal Tribunal for Rwanda, which was formed so as to effectively punish those who committed genocide in Rwanda during 1994.

Although these responses have provided better methods for more effective prevention and punishment of genocide, there are several criticisms of the way these systems operate, including the fact that the provisions of the CPPCG only allow for it to punish those who have already committed genocide. This criticism did however lead to the 2006 introduction of UN Security Council Resolution 1674, which ??? reaffirms the responsibility to protect populations from genocide and crimes against humanity???. The resolution, which is legally binding, consigns the Security Council to take action against genocide and protect civilians. As genocide is one of the most extreme human rights issues in the world, it naturally gains a great amount of international public attention. Numerous non-profit organisations and campaigns have been established in efforts to help prevent genocide. Some of these non-legal responses include The Genocide Intervention Network which, established in 2005, is a non-profit organisation that aims to ??? empower individuals and communities with the tools to prevent and stop genocide.??? Another non-legal response to the issue of genocide is Genocide Watch, an international organisation founded by Gregory Stanton which attempts to predict, prevent, limit, eliminate, and punish genocide across the world through reporting and public awareness campaigns.

Genocide Watch also acts as Coordinator of the International Campaign to End Genocide, an ??? international coalition dedicated to creating the international institutions and the political will to end genocide forever???. As of 2010, Genocide Watch has been working on using their resources and knowledge of genocide to recommend specific actions to prevent genocide in high risk areas and offering their support to national justice systems, special

ad hoc tribunals and the International Criminal Court. These organisations work to get their message across by holding various events such as conferences and concerts to promote human rights, workshops and various reviews of international legal agencies. Another, more recent response to genocide is the 2010 establishment of Genocide Awareness and Prevention Month in California. With the support and work of volunteers and individuals across the world, as well as the universal recognition and maintenance of such organisations, these efforts can be highly effective in raising awareness of the continuing issue of genocide and helping to prevent it.

As genocide violates numerous human rights and is such a difficult crime to prevent, it is necessary for the existing legal and non-legal responses to combine to effectively punish the crime of genocide. Although the current structures and organisations, such as the International Criminal Court, Convention on Genocide and various non-profit organisations have been partially successful in punishing some acts of genocide, many experts believe it is crucial for a permanent organization to be put in place to supervise the correct implementation of the terms of the Genocide

Convention, as well as the operation of the Convention itself. Bibliography *

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