**Health Emergencies in Large Populations (H.E.L.P.) Course**

**Legal Framework**

**Time: 90 minutes**

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| **Educational Objectives: What should participants be able to do at the end of the course** | **Enabling Objectives: The interim steps that build on each other and lead to the final educational objectives**  | **Core issues / Reference topics** |
| 1. *Participants are able to* explain which legal instruments are of key relevance in situations of armed conflict and other humanitarian crises and when and how these are applicable
 | * 1. **International Humanitarian Law (IHL)**

*Participants are able to* distinguish different situations of violence and identify the main IHL instruments applicable to each of these  | ***Main part of the session on legal instruments**** International armed conflicts (IAC), non-international armed conflicts (NIAC) and other situations of violence (OSV)
* Main instruments:
	+ Geneva Conventions 1949
	+ Additional Protocols 1977 (IAC and NIAC)
	+ Identify the main parts applicable to IAC and NIAC
	+ Common Article 2 Geneva Conventions (definition of IAC),
	+ Common Article 3 Geneva Conventions (definition of NIAC)
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| * 1. **International Human Rights Law (IHRL)**

*Participants are able to* explain what human rights are, who has the obligation to respect and protect them and who are the intended beneficiaries  | ***Main part of the session on legal instruments*** * Human rights as rights which individuals and groups can expect to enjoy and/or claim
* Obligation to respect and protect human rights placed upon States only (majority view reflecting the existing view, with a growing minority in favour of seeing non-State armed groups be bound by human rights law)
* Most relevant instruments *(just to know their existence)*
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|  | * 1. **IHL vs IHRL**

*Participants are able to* explain the difference between IHRL and IHL in terms of scope of application | * Differences in thematic, personal and geographic scopes of application between the two regimes
* Human rights are applicable at all time, including during armed conflict
* Possibility to derogate from certain obligations during public emergencies that threaten the life of the nation (+ conditions for derogations). However, certain rights can never be derogated or degrading treatment or punishment; prohibition against slavery
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|  | * 1. **Refugees, IDPs, Migrants**

*Participants are able to* explain the distinction between refugees, displaced persons and migrants and the main rules applicable to each category | ***Short introduction only*** in order to understand the legal meaning (and hence applicable protection) of the various categories, and make sure that the terms are used correctly* Discuss the distinction between refugees, internally displaced persons, and migrants
* Definition of refugee as a legal status
* Existing international and regional instruments
* Geneva Convention on the definition of the status of refugees (1951)
* OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969)
* (non-binding) UN Guiding Principles on IDPs
* (IDPs) Kampala Convention
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| 1. *Participants are able to* explain the basic rules and principles applicable in situations of armed conflict and other humanitarian crises
 | * 1. *Participants are able to* explain the most relevant rules of IHL
 | ***Main part of the legal session**** Rules related to the conduct of hostilities:
* Principles of distinction, proportionality, precautions
* Main rules related to means and methods of warfare (e.g. prohibition of indiscriminate attacks, prohibition of superfluous injury and unnecessary suffering, new weapons review, specifically prohibited methods of warfare, etc.)
* Rules related to the protected of persons in the hands of party to the conflict (e.g. humane treatment, rules applicable to detention, etc.)
* Main rules related to health-care (including HCiD project) -see below 2.2 /Link to module Violence Against Health Care
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| * 1. *Participants are able to* explain the responsibilities of healthcare personnel working in crisis situations and the main rules linked to the care and protection of wounded and sick and the protection of healthcare personnel and health services overall
 | ***Main part of the legal session***Link to other course modules, e.g. Violence against health care and Humanitarian protection* Protection of (military and civilian) wounded and sick: respect, protect, care (including evacuation and equal treatment)
* Protection of medical personnel:
* On the battlefield: may not be attacked, may perform medical duties in conformity with medical ethics, etc.
* Once in enemy hands: repatriation or employment caring for POWs
* Under control of the enemy: right to perform medical duties, etc.
* Duties of medical personnel (including refraining from participating in hostilities, care without discrimination, etc.)
* Protection of medical services and cases of loss of protection for medical services
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| * 1. **RC/RC Emblem**

*Participants are able to* explain the protective and indicative use of the Red Cross, Red Crescent and Red Crystal emblems | * Rules applicable to the Red Cross/Red Crescent/Red Crystal emblems
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| * 1. **Global Health Law**

*Participants are able to* explain the purpose and scope of the International Health Regulations  | ***Short introduction*** to the International Health Regulations (2005) – agreement between 196 countries including all WHO Member States to work together for global health security. * Focus on the purpose and scope
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