

**The role of the International Red Cross
and Red Crescent Movement
in promoting respect
for human rights**

by Peter Nobel

As violations of human rights are a growing concern all over the world, and as the perpetrators are not only governments and their agents but all sorts of parties on many levels, it is essential for a major humanitarian organization like the Red Cross and Red Crescent to focus its efforts on counteracting this evil. If it fails to do so it might dangerously weaken its profile and, what is much worse, it will be deserting many of the most vulnerable groups and communities.

1. The Movement's traditional role in regard to human rights

Policy documents and decisions taken at the Movement's international meetings

The International Red Cross and Red Crescent Movement has been active in the field of international law ever since it was founded. Two areas of international law are of primary concern to the Movement, namely, international humanitarian law and human rights law.

While activities in the field of international humanitarian law have always been part of the Movement's work, most of its tasks relating to human rights have been identified as such only during the last decade.

The Movement's terms of reference have developed over the years to include both peacetime and wartime activities, and from simply trying to alleviate human suffering to striving to prevent it.

Work in regard to human rights is based, as are all the Movement's activities, on the *Fundamental Principles of the Red Cross and Red Crescent*. The principles of humanity and impartiality give direction to activities in the field of human rights, that is working in a spirit

of humanity to prevent and alleviate human suffering, and striving towards acceptance of the equal value of all human beings, so that no individual is treated with discrimination.

The most explicit of all the Movement's policy documents on human rights is its definition of peace. This is a positive definition of peace, stating not only what peace is not, but what peace *is*. The Movement's ultimate purpose is the creation of this state of "positive" peace, based on international cooperation, equal distribution of resources and respect for human rights. "Peace is not only the absence of war but a dynamic process of cooperation among all States and peoples, founded on respect for freedom, independence, national sovereignty, equality and human rights, and on a fair and equitable distribution of resources to meet the needs of peoples."

This definition was included in the Programme of Action of the Red Cross as a factor of peace adopted by the First World Red Cross Conference on Peace (Belgrade, June 1975).¹ It had been preceded by an important resolution at the 21st International Conference of the Red Cross (Istanbul, 1969) declaring that "man has the right to enjoy lasting peace", which can be achieved only "if human rights, as set forth in the Universal Declaration of Human Rights and the humanitarian conventions are respected and observed".²

These documents have since been followed by several decisions taken at International Red Cross and Red Crescent meetings underlining the relevance of human rights to the Movement's work.

Thus a report on the *Red Cross and Human Rights* was presented by the ICRC, in cooperation with the Federation, to the Council of Delegates in 1983. The report concluded that human rights were of relevance to the Movement, particularly in areas that overlap with international humanitarian law, but that certain aspects of human rights law would have to be further developed in order to establish their relevance for the Movement.

To follow up the recommendations of the 1983 report, the Commission on the Red Cross, Red Crescent and Peace established a *group of experts on human rights*, to investigate the action already taken by the various components of the Movement. The report of the group of experts, based on a worldwide consultation, was adopted by the Council of Delegates in 1989; it showed a great variety of activi-

¹ *Report of the League of Red Cross Societies on the World Red Cross Conference on Peace (Belgrade, 11-13 June) and Programme of Action on the Red Cross as a factor of peace* (final edition), LSCR, Geneva, 1978, p. 23.

² Resolution XIX — Declaration of Istanbul.

ties in the field of human rights. Few, however, could be said to be directly related to the promotion of respect for human rights. For example, over 80% of the replies perceived the following activities to be connected with human rights: training in first aid and rescue, recreational activities and celebration of Red Cross day!

Considering this variety of activities, the group of experts recommended that the Movement pay special attention to four areas of human rights violations, namely, torture, forced or involuntary disappearances, racial discrimination and ill-treatment of children. However, the group did not discuss methods of implementation nor any plan of action for inclusion in the activities of National Societies.

The work of the various components of the Movement

The activities of the ICRC in relation to human rights are closely connected with international humanitarian law and the special mandate of the ICRC. Visits to political detainees in situations of armed conflict or internal disturbances and tensions are important in this respect. The purpose of such visits is to prevent torture, other kinds of ill-treatment and involuntary disappearances, to improve the detainees' material conditions, and to maintain contact between the detainee and his or her family.

The impact of the International Federation of Red Cross and Red Crescent Societies on human rights has been very modest over the years. Activities in this field have focused on refugees, but the emphasis has been on providing this group with humanitarian assistance rather than on upholding their rights. The Federation has also, on an *ad hoc* basis, supported initiatives of National Red Cross and Red Crescent Societies, especially in the field of teaching of human rights.

Such work varies depending on country and region, and has been reported mainly in the areas of teaching of human rights and help for refugees and asylum-seekers. Here again the emphasis is on humanitarian assistance to the victims of human rights violations and their families.

The decisions are there: why has more not been done?

Despite quite far-reaching decisions taken at international meetings of the Movement, relatively little has been achieved in terms of implementation of and actual improvement in respect for the human rights of every woman, child and man. It is not easy to perceive or define the reasons for this situation. Many different and concurrent reasons may be discerned, such as lack of resources in National Societies, and

lack of will and interest on the part of National Society leaders. The latter can be attributed to feelings of non-participation in international decisions of the Movement or to alternative priorities at the local level. Other reasons could be the lack of means of implementation, that is to say, an understanding of how the Movement should work with human rights.

2. New possibilities and responsibilities of the Movement in promoting respect for human rights

The importance of human rights in the changing international situation

Human rights law has emerged as an important branch of international law mainly since the Second World War. The world had become aware of the atrocities committed in Nazi Germany and elsewhere, and was less willing to overlook cruel treatment of a State's own citizens on the grounds that this was an entirely internal affair.

The adoption by the UN General Assembly of the Universal Declaration of Human Rights in 1948 marked the beginning of a rapid development of international human rights law. Universal rules have been developed within the UN system, while regional human rights instruments have been drawn up in Africa, Europe and the Americas. The original instruments included a broad spectrum of rights, while regional treaties have tended to concentrate either on specific themes, such as torture, genocide or discrimination, or on special groups, such as refugees, women and children.

The first human rights documents struggled with the disparities and similarities of political and civil rights (the so-called first generation of human rights), and economic, social and cultural rights (the second generation). Lately, this discussion has revolved around the question of individual rights versus collective rights, in areas such as the right to peace, the right to development, and even the right to a healthy environment (the third generation of human rights).

The changing international situation, especially since the end of the Cold War, has given rise to exceptional interest in respect for human rights among the governments of the world. Human rights and respect for human rights have become one of the top priorities on the international agenda. Most Third World governments seem to be seeking recognition as respecters of human rights, even governments known to violate human rights and basic freedoms.

The changing international situation also means that questions of human rights, which used to be perceived as politically highly sensitive, no longer play a part in the political game of East and West, North and South. Human rights have instead been given a major role in the effort to improve the standard of living of the peoples of the world, struggling against totalitarian and corrupt regimes. The new role is of course, as always, also being used by certain actors on the international scene for their own ends, a fact which needs to be recognized if we are to work in the opposite direction, that is, in favour of the most vulnerable populations of the world.

Activities to promote human rights are therefore of importance to the Movement, both in its traditional role and in the development of its activities, to meet new needs and possibilities. The 1989 report of the group of experts, and the recommendations included therein, were based on the world situation at that time. In today's rapidly changing international climate it is necessary to re-examine those recommendations and to consider drawing up new ones, since a number of other possibilities are now emerging.

A new emphasis on human rights in recent documents of the Movement

A new emphasis on human rights within the International Red Cross and Red Crescent Movement is reflected in the revised mandate of the Movement's Commission on the Red Cross, Red Crescent and Peace.³ The Peace Commission's mandate includes several tasks in the area of human rights, including the development of the Movement's role in promoting respect for the rights of minorities, refugees, women and children, and the prevention of discrimination, torture, summary executions and involuntary disappearances.

For the Federation and the National Societies, the Strategic Work Plan for the Nineties, as updated in spring of 1992,⁴ clearly sets out their respective responsibilities: not only to take action together with the most vulnerable groups, but also to advocate in their favour. The role of the National Societies and the Federation in advocacy has not been emphasized to such a degree before, and this gives an indication of a more long-term and preventive commitment.

³ Council of Delegates 1991, Resolution 3.

⁴ *Strategic Work Plan for the Nineties. Update 1992*, International Federation of Red Cross and Red Crescent Societies, Geneva, 1992, pp. 11-12.

3. Various types of activities to promote respect for human rights

The present, traditional role of the Movement with regard to human rights as revised in recent years still does not include any specific indication as to how the Movement should work with human rights. Before considering this aspect, we should examine various types of human rights activities and discuss the areas of human rights that might be of relevance to the Red Cross and Red Crescent.

What is human rights work?

Human rights work can be long-term or short-term in nature, and could include four types of activities: measures to prevent human rights violations; measures to put a stop to such violations; humanitarian assistance to the victims of human rights violations and their families; and sanctions against human rights violators. This list is by no means exhaustive.

Some overlapping between the various categories is inevitable, especially between activities to prevent and those intended to put a stop to violations.

Preventing violations of human rights

Measures to prevent violations of human rights have a long-term objective, that is, to change the situation so that the violations disappear over a long period thanks to activities directed at the root cause of the problem.

The teaching of human rights to a variety of target groups will have a long-term effect in that the rules will be known both to those responsible for their implementation and to those who benefit from them. Target groups will include government officials, military officers, schoolteachers, local officials, minority groups and other vulnerable groups. Paralegal workers, lawyers and judges will receive special training. Various types of information campaigns will be directed at the general public.

The effort to *change domestic laws* to promote human rights and to prevent violations is likewise a long-term task, and the same is true of work to *modify and develop international human rights law*.

In many cases structural change is needed to prevent violations of human rights, such as *revision of a country's legal system* or the re-allocation of government expenditure from arms and defence to the

health sector. Other examples are legal aid to guarantee access to a court or special information materials distributed to target groups.

Besides these efforts of an academic and legislative nature, mention must obviously also be made of the practical work on the spot, which is after all the main contribution our Movement can make. By opening homes for street-children, for example, a National Society helps to prevent human rights violations by shielding such children from the many abuses to which they are otherwise exposed.

Putting a stop to violations of human rights

To put a stop to ongoing violations of human rights, Amnesty International and other organizations *collect information on such practices* and *publish this information*. The information is also used to condemn the practices of certain governments or other authorities. These activities are primarily short-term in character.

The confidential activities of the ICRC for political detainees and other persons, though different in character, also aim at preventing, or as the case may be, stopping violations of human rights. Other methods such as reporting mechanisms and diplomatic measures must be considered.

Humanitarian assistance to victims and their families

Humanitarian assistance covers a wide range of activities, its purpose being to help persons who are or have been victims of human rights violations. In many cases assistance is also given to the victims' families.

Much of the Movement's current work in human rights falls into this category. It includes tracing and forwarding of Red Cross messages, financial support for families, distribution of relief supplies in prisons, and providing health facilities for rural populations.

Sanctions against human rights violators

Sanctions against human rights violators may be imposed by international or regional tribunals as well as by domestic or *ad hoc* courts.

Sanctions such as economic embargoes [and even military action] may be decided upon multilaterally in various intergovernmental organizations such as the United Nations. Lately, there has also been a highly controversial trend among major donor governments of the North to link development aid to the human rights record of the recipient government.

4. The role of the Red Cross and Red Crescent: to prevent human rights violations through advocacy in favour of the most vulnerable

Advocacy

As mentioned above, the various components of the Movement are active mainly in the field of humanitarian assistance to the victims of human rights violations. These activities are of great importance to the victims and should be further developed in the future, in accordance with the guidelines set out in the Strategic Workplan for the Nineties.

There is also a need, however, for the Movement to become actively involved in the prevention of violations, in conformity with the notion of "promoting respect for human rights"; that is part of the mandate of the Peace Commission. The Movement has a responsibility to work for long-term changes and not only short-term goals. National Societies and the Federation should advocate in favour of the most vulnerable, in order to bring about a lasting improvement in their situation.

This means that the National Society should take appropriate action to prompt the government to carry out its responsibilities in compliance with international law and humanitarian standards, in the interests of the most vulnerable members of society. A responsibility which, depending on the issue and the rights involved, would mean first putting an end to the violations, and secondly seeing that they are not repeated. The National Society also has an obligation to shape public opinion in favour of the most vulnerable. Again, the methods and means employed will depend on the cultural and political environment and the support provided by the Federation and other National Societies.

Advocacy should be based on the rights of the vulnerable group, thus emphasizing the respect due to the individual and avoiding overtones of charity. Respect for the vulnerable and their human rights will be further strengthened through the active work of the National Society together with the group concerned.

The role of the National Societies

The various components of the Movement would have different roles to play in the promotion of human rights. The main responsibility would invariably lie with each National Society, stemming from its activities conducted together with vulnerable groups. The Society should always take the human rights situation into consideration in

deciding which groups are the most vulnerable in its country and should actively advocate in their favour. The Federation and other National Societies have a responsibility to assist in this process.

The ICRC will continue to play an important role in sensitive and dangerous situations, but ought to find ways of cooperating more closely with the National Society in question.

The role of the Federation, the ICRC and the Henry Dunant Institute

Local human rights work would need to be supplemented and reinforced at the international level by the provision of information and know-how and by concerted action in various international fora. The National Societies will need back-up in the form of evaluation, ideas as to methods and means, collated information on the extent of certain problems, etc. Responsibility for this kind of support should probably lie with the Federation, working in cooperation with the ICRC and the Henry Dunant Institute.

The Federation and the ICRC should also be responsible for ensuring that the Movement plays a more active role in various international fora, with a view to influencing the decisions of the UN and other governmental organizations on matters related to Red Cross and Red Crescent activities. This international lobbying would thus prepare the ground for the local efforts of the National Societies.

A further dimension which should be taken into consideration when developing the role of the Movement in human rights is the possibility of regional cooperation between National Societies. New possibilities, methods and experiences might well be shared with Societies facing similar problems.

What areas of human rights should be a priority for the Movement?

The most vulnerable groups

Past decisions of the Movement, notably the recommendations of the 1989 group of experts and the mandate of the Peace Commission, point to certain areas of human rights and to the rights of certain groups. The target groups for National Societies and the Federation must, however, always be the most vulnerable groups in each society. These will obviously vary from country to country. Each Society has a responsibility to advocate in their favour, and it will thus inevitably

be the human rights most relevant to those groups that will be the concern and priority of each respective National Society.

The rights of certain groups

The area of human rights in general and the rights of certain groups should be taken into consideration when establishing and revising the priorities and activities of each National Society in accordance with the Strategic Work Plan for the Nineties.

Children should always, until proven otherwise, be considered as a potential "most vulnerable group", and their inability to assess their rights is an important factor to be taken into consideration.

Refugees, asylum-seekers and displaced persons should likewise be seen as one of the most vulnerable groups, until proven otherwise by comparison with other groups.

Women and minorities are potentially vulnerable groups, but their situation will differ from country to country, and their vulnerability will also have to be assessed in relation to that of other groups.

In any case, the specific rights of each of these groups would need further elaboration and should therefore be taken separately by the Peace Commission in its subsequent work on the Movement's role in promoting human rights.

Fundamental rights of the individual

Racism and racist tendencies should always be a primary concern for the Movement. Persons subjected to racism will inevitably be one of the most vulnerable groups of a society. Advocacy in their favour might be directed to the public at large and/or the government, depending on the manifestations of the racism.

In countries where torture, summary executions, involuntary disappearances and hostage-taking occur, persons subjected to such gross violations of human rights will obviously be labelled a "most vulnerable group". The perpetrators might be government agents or other authorities. The extent to which a National Society can act in these situations will depend on local circumstances. The ICRC does, however, have a special mandate and thus certain possibilities for action in the event of gross violations of human rights. In these situations, the National Society should have a responsibility to alert the ICRC of violations of human rights, but might find it appropriate to leave contacts with the authorities to the ICRC, which can act on the basis of its very special mandate. The activities of the National Society

for this group of vulnerable persons might therefore be limited to contacts with and support of the activities of the ICRC.

Economic and social rights

The poorest sectors of the population have already been recognized as the most vulnerable group by most National Societies, and advocacy in favour of this group ought naturally to include calls for improvement in the implementation of the relevant economic and social rights.

Moreover, the traditional activities of the National Societies and the Federation centre around health, including aspects such as primary health care, hygiene and nutrition, and the general standard of living of the needy. Lately, activities linked to HIV seropositivity and AIDS have been undertaken by many National Societies. Of special relevance in this area of economic and social rights could be the right to health, the right to an adequate standard of living and the right to basic education.

Specific guidelines would however be needed in this area in which the National Societies and the Federation have special experience and skills, since it has not been touched upon in previous decisions of the Movement on human rights.

Today's rapidly changing world offers new challenges and new possibilities. Anyone who cannot take up the challenges will have to retire from the field of action, and those who cannot take advantage of the new possibilities will be missing a unique opportunity.

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