

CALL FOR PAPERS

Protection of human rights in the context of armed conflict

Centre for Fundamental Rights, Hertie School, Berlin

13 June 2025

The applicability of international human rights law (IHRL) in the context of armed conflicts has been confirmed by multiple international court and quasi-judicial body decisions. However, beyond the agreement on IHRL's applicability, many contentious legal questions remain. These include the extraterritorial application of human rights treaties to armed conflicts;¹ the interpretation of substantive human rights provisions, such as the right to life,² freedom from torture, inhuman and degrading treatment,³ liberty and security of persons,⁴ freedom of assembly⁵ in the context of armed conflict; and the interaction between human rights and rules of international humanitarian law (IHL), including those relating to the protection of civilians⁶ and the detention of prisoners of war or other persons taking direct part in hostilities.⁷

Recent wars in Ukraine, Gaza, and Sudan, have forcefully brought to the fore questions relating to IHRL's role in situations of armed conflict and the impact of IHRL procedural mechanisms for review and implementation. Whilst some scholars underline that IHRL operates in conjunction with IHL to prevent human rights violations *ex ante* and ensure accountability *ex post* in the context of armed conflicts, this view also has critics. Critics underline that applying human rights law to conflicts merely serves to further legitimise them and their consequences rather than constrain them. Others suggest that IHRL standards cannot be followed effectively by armed forces in the context of conduct of

¹ *Al-Skeini and Others v. United Kingdom*, Judgment, App. no. 55721/07 (ECtHR, 7 July 2011); *Loizidou v. Turkey*, Preliminary Objections, App. no. 15318/89 (ECtHR, 23 March 1995); *Jaloud v. Netherlands*, Judgment, App. no. 47708/08 (ECtHR, 20 November 2014); *Öcalan v. Turkey*, Judgment, App. no. 46221/99 (ECtHR, 12 May 2005); *Pad and Others v. Turkey*, Admissibility Decision, App. no. 60167/00 (ECtHR, 28 June 2007); *Ilaşcu and Others v. Moldova and Russia*, Judgment, App. no. 48787/99 (ECtHR, 8 July 2004); *Georgia v. Russia (II)*, Judgment, App. no. 38263/08 (ECtHR, 21 January 2021); *López Burgos v. Uruguay*, Human Rights Committee, Communication No. R.12/52, UN Doc. Supp. No. 40 (A/36/40) at 176 (1981); et al.

² *Isayeva v. Russia*, Judgment, App. no. 57950/00 (ECtHR, 24 February 2005); *Varnava and Others v. Turkey*, Judgment, App. nos. 16064/90 et al. (ECtHR, 18 September 2009); *Khamzayev v. Russia*, Judgment, App. no. 1503/02 (ECtHR, 3 May 2011); *Kerimova and Others v. Russia*, Judgment, Applications nos. 17170/04 et al. (ECtHR, 3 May 2011); *Santo Domingo Massacre v. Colombia*, Inter-American Court of Human Rights (ser. C) No. 259 (Nov. 30, 2012); et al.

³ *El-Masri v. "Former Yugoslav Republic of Macedonia"*, Judgment, App. no. 39630/09 (ECtHR, 13 December 2012); *Al-Jedda v. United Kingdom*, Judgment, App. no. 27021/08 (ECtHR, 7 July 2011).

⁴ *Velásquez Rodríguez v. Honduras*, Inter-American Court of Human Rights (ser. C) No. 4 (29 July 1988), also concerns the right to life and right to humane treatment.

⁵ *Güleç v. Turkey*, Judgment, App. no. 21593/93 (ECtHR, 27 July 1998); *Isaak v. Turkey*, Judgment, App. no. 44587/98 (ECtHR, 24 September 2008); *Ríos et al. v. Venezuela*, Inter-American Court of Human Rights (ser. C) no. 194 (28 January 28 2009); *Manuel Cepeda Vargas v. Colombia*, Inter-American Court of Human Rights (ser. C) no. 213 (May 26, 2010); et al.

⁶ *Alejandro v. Cuba*, Case 11.589, Inter-American Commission of Human Rights, Report No. 86/99, OEA/Ser.LV/II.106, doc. 3 rev. (1999); *Democratic Republic of the Congo v. Burundi, Rwanda and Uganda*, Communication 227/99, African Commission on Human and Peoples' Rights (2003); *Sudan Human Rights Organisation & Centre on Housing Rights and Evictions (COHRE) v. Sudan*, Communication 279/03-296/05, African Commission on Human and Peoples' Rights (2009); et al.

⁷ *Hassan v. United Kingdom*, App. no. 29750/09 (ECtHR, 16 September 2014); et al.

hostilities. It is also pointed out that whether and how IHRL applies to armed groups remains unsettled. Finally, others fear that overstressing IHRL to the battlefield makes a false promise to victims in search of accountability. The applicability of IHRL in times of armed conflict, therefore, is faced with a triple challenge of legitimacy, *ex ante* persuasiveness and *ex post* effectiveness.

Against this background, this research workshop, co-organised by the Centre for Fundamental Rights at the Hertie School, the Essex Armed Conflict and Crisis Hub and the Human Rights Centre at the University of Essex, and the Oxford Institute for Ethics, Law and Armed Conflict and the Bonavero Institute of Human Rights at the University of Oxford, invite paper submissions that examine the role of IHRL in regulating armed conflict and responding effectively to human rights violations and abuses occurring during armed conflict. We welcome paper proposals that employ legal-doctrinal, normative, critical and socio-legal perspectives and methods on the following non-exhaustive list of topics:

- The role of IHRL in constraining the conduct of hostilities and how it interacts with principles of distinction, precaution, and proportionality in IHL;
- Critical approaches to the humanisation of warfare;
- The role of IHRL in the protection of civilians, prisoners of war or detained persons who do not take direct part in hostilities;
- The role of IHRL in protecting combatants in light of the (revisionist) Just War Theory;
- The relationship between the IHRL and the law regulating the use of force (including the prohibition of aggression);
- The role of international courts and quasi-judicial bodies in interpreting and applying international law in the context of armed conflict;
- Evidentiary standards for proving human rights law violations in the context of armed conflicts;
- Interactions between IHRL and international criminal law in affording accountability for crimes and reparation to victims;
- Remedies for violations of IHRL and/or IHL violations in the context of armed conflicts;
- Civil society efforts towards accountability for violations of human rights and/or IHL in the context of armed conflicts.

Submissions

The workshop is open to both established and early-career scholars and practitioners, including advanced PhD students. It welcomes submissions from researchers of human rights law and international law as well as from those working at the crossroads of law and other disciplines. Single case and comparative case studies are both welcome.

Interested participants should provide an abstract in **Word format of no more than 500 words**. Together with their abstracts, in the same Word document, applicants should provide the following information: name, affiliation, the title of the proposed paper and a contact email address. Interested participants should also indicate whether they are able to present in person in Berlin. To submit an abstract please write to fundamentalrights@hertie-school.org by **3 February 2025** with the heading **'Submission: Protection of Human Rights in Armed Conflict Workshop'**. The criteria for selection are originality and fit. Work already published, or under review for publication, is not eligible for submission. Speakers will be informed of the acceptance of their proposals by **24 February 2025** and be required to submit a draft paper by **2 June 2025**. Papers should be between 8,000 and 10,000 words, including references.



Workshop Format

In principle, the one-day workshop will be held in person at the Hertie School on **13 June 2025**. However, the workshop may be made hybrid to accommodate presenters online at the sole discretion of the organisers. Each paper will receive comments and feedback from senior academics as well as other workshop participants, who are expected to have read each other's papers in advance. The organisers will cover meals for all invited paper presenters. We request that those who are invited use their own funds for travel and accommodation. The workshop has limited funds to support the attendance of early career researchers, in particular those from the Global South.