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Economic, social, and cultural rights in armed conflict / Eibe Riedel

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Abstract:	<p>Previously, states parties in the midst of violent conflict tended to be excused from effective monitoring and implementation of their human rights obligations until peace-time conditions were restored. States were referred to IHL and other international law rules in armed conflict situations. In the last 20 years, however, the practice of human rights treaty bodies has gradually changed. Today the human rights treaty bodies regularly question states parties on the realization of human rights, even in times of armed conflict, and a number of authors have addressed how human rights obligations can apply alongside or instead of IHL rules. The focus of debate has been primarily on the relationship between civil and political rights (cp-rights) and IHL rules, in particular the protection of the right to life during armed conflict situations. Economic, social, and cultural rights (esc-rights), by contrast, have received little or no attention. Examples given in the IHL context usually focus on the prohibition of torture and inhuman and degrading treatment, violations of the right to life, the prohibition of slavery, restrictions of freedom of movement, etc, which of course mark grave violations of human rights. Yet the Geneva Conventions of 1949 and the Additional Protocols of 1977 also contain specific obligations in respect of esc-rights. People who die of hunger or starvation, are denied access to basic health care, face deplorable working conditions, lack housing, water, and adequate sanitation, all suffer as much, if not more than those whose rights are violated under many provisions of the International Covenant on Civil and Political Rights (ICCPR).</p>
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