

<Annual Human Rights Campaign>

elsa

The European Law Students' Association

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ANNUAL HUMAN RIGHTS CAMPAIGN **SUPPORTING MATERIALS**

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Human Rights and Climate Justice

May 2026 - July 2026

BIODIVERSITY AS A HUMAN RIGHT: SAFEGUARD LIFE AND LIVELIHOODS

- International Day for Biological Diversity, 22nd of May
 - Current Trends and Challenges:
 - Biodiversity loss threatens global financial stability
 - Indigenous people depend directly on ecosystems
- "Member States must prohibit all forms of deliberate capture or killing in the wild"*
— Council Directive 92/43/EEC of 21 May 1992

A HEALTHY PLANET; A FUNDAMENTAL RIGHT: WORLD ENVIRONMENT DAY

- World Environment Day, 5th of June
 - Current Trends and Challenges:
 - Intensification of climate change and extreme weather events
 - Escalating environmental risks combined with deep social inequalities
- "Right of every person to live in an environment adequate to health and well-being"*
- Article 1 of the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention)

Justice Without Borders: Accountability, Human Rights, and Global Criminal Law

- Day of International Criminal Justice, 17th of July
- Current Trends and Challenges:
 - Emerging Conflicts, Legitimacy Concerns and Accountability Gaps
 - Lack of enforcement, Political Resistance and State Cooperation

"The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole. ." — Art 7 Rome Statute

FOREWORD

Dear Network,
Dear AHRC Organisers,

We were delighted to witness the engagement with the second set of supporting materials. Now, we are thrilled to share the third edition of the AHRC Supporting Materials for May to July 2026.

These resources are designed to inspire and support National and Local Groups in their efforts to highlight the importance of human rights protection. We hope you find them useful and engaging, and we look forward to seeing the creative ways you bring these materials to life.

Wishing you an inspiring final of the term,

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I. Biodiversity as a Human Right: Safeguard Life and Livelihoods

International Day for Biological Diversity, May 22nd

1. A short Introduction

The International Day for Biological Diversity is observed every year on May 22nd and serves as a global reminder of the importance of biodiversity and the need to protect it. It was established by the United Nations General Assembly in 2000, initially to mark the adoption of the Convention on Biological Diversity (CBD). The date was later shifted from December 29th to May 22nd to commemorate the adoption of the CBD in 1992 at the Earth Summit in Rio de Janeiro. The day is coordinated by the Secretariat of the Convention on Biological Diversity, a UN treaty aimed at conserving biological diversity, ensuring the sustainable use of its components, and promoting fair and equitable sharing of benefits arising from genetic resources.¹

The International Day for Biological Diversity is highly relevant to human rights because biodiversity underpins many fundamental rights, including the rights to life, health, food, water, and a healthy environment. Ecosystems provide essential services such as clean air, fertile soil, pollination of crops, and regulation of diseases. When biodiversity is degraded—through deforestation, pollution, overfishing, or habitat destruction—these services are weakened, directly threatening human well-being. Vulnerable populations, particularly Indigenous Peoples and local communities, are often the most affected, as they depend closely on natural ecosystems for their livelihoods and cultural identity. In this sense, biodiversity loss is not only an environmental issue but also a social justice and human rights concern.²

The connection between biodiversity and climate justice is also significant. Climate change and biodiversity loss are deeply interconnected: climate change accelerates species extinction and ecosystem degradation, while healthy ecosystems act as natural carbon sinks that mitigate climate change. For example, forests, wetlands, and oceans absorb large amounts of carbon dioxide, helping to regulate the global climate. When

¹ <https://www.un.org/en/observances/biological-diversity-day>

² <https://journals.sagepub.com/doi/full/10.3233/EPL-219022>

these ecosystems are destroyed, not only is biodiversity lost, but more greenhouse gases are released, worsening global warming. Climate justice emphasizes that those least responsible for climate change—often poorer nations and marginalized communities—suffer its worst impacts. These same groups are also disproportionately affected by biodiversity loss, as they rely more directly on natural resources and have fewer means to adapt.³

Therefore, the International Day for Biological Diversity highlights a shared responsibility: protecting biodiversity is essential not only for environmental sustainability but also for safeguarding human rights and achieving climate justice.

2. Legal Framework

2.1 International Frameworks

2.1.1 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

- UN Human Rights Council Resolution 48/13 (2021)

This resolution formally recognises the right to a clean, healthy and sustainable environment as a human right, which is a major legal development linking biodiversity, human rights, and environmental protection.⁴

- Official UN documentation (UN Digital Library)

Confirms adoption of Resolution A/HRC/RES/48/13 by the Human Rights Council on 8 October 2021.⁵

2.1.2 United Nations Framework Convention on Climate Change (UNFCCC)

- United Nations Framework Convention on Climate Change (1992)

Establishes the global legal framework for climate action, requiring states to stabilize greenhouse gas concentrations.⁶

- Kyoto Protocol (1997)

Introduces legally binding emissions reduction targets for developed countries.

³ <https://www.cbd.int/biodiversity-day/2025>

⁴ <https://searchlibrary.ohchr.org/record/29838>

⁵ <https://digitallibrary.un.org/record/3945636?v=pdf>

⁶ <https://unfccc.int/process-and-meetings/united-nations-framework-convention-on-climate-change>

- Paris Agreement (2015)

Legally requires countries to limit global warming and strengthen climate adaptation and mitigation efforts.

These agreements legally support biodiversity protection through:

- ecosystem-based mitigation (forests, wetlands, oceans)
- climate adaptation strategies that preserve biodiversity
- National commitments (NDCs)

2.1.3 Intergovernmental Panel on Climate Change (IPCC)

- IPCC Assessment Reports (especially AR6 – Sixth Assessment Report)

These reports provide the scientific basis for international climate law and biodiversity policy, showing:

- biodiversity loss is driven by climate change and land use change
- ecosystem degradation increases human vulnerability.⁷

2.2 Regional Frameworks

2.2.1 European Union Environmental Law

The European Union has one of the strongest biodiversity legal systems in the world.

Key legal frameworks:

- EU Biodiversity Strategy for 2030

Legally tied to the European Green Deal; aims to:

- Protect 30% of EU land and sea
- Restore degraded ecosystems

- Habitats Directive (92/43/EEC)⁸

Creates Natura 2000, the largest coordinated network of protected areas in the world.

- Birds Directive (2009/147/EC)

Protects all wild bird species across the EU.

⁷ <https://www.ipcc.ch/assessment-report/ar6/>

⁸ https://environment.ec.europa.eu/topics/nature-and-biodiversity/habitats-directive_en

- EU Nature Restoration Law (2024)⁹

Requires Member States to restore degraded ecosystems such as forests, wetlands, and rivers.

Relevance:

- These laws directly implement biodiversity protection as a legal obligation, not just policy.
- They connect biodiversity to climate mitigation, ecosystem resilience, and human well-being.

3. Current Trends & Challenges

Today, biodiversity loss is widely recognised as one of the most urgent global crises, often described as part of a wider “polycrisis” involving climate change, food insecurity, and inequality. Recent assessments by the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES) show that biodiversity is declining across all regions and ecosystems, driven by land-use change, pollution, overexploitation, invasive species, and climate change. These pressures are interconnected and create cascading effects on ecosystems and human societies, including food systems, water availability, and public health.¹⁰

A key current trend is the growing recognition of biodiversity loss as a systemic economic risk. A 2026 IPBES-related report highlights that biodiversity decline now threatens global financial stability because all economic sectors depend on ecosystem services such as soil fertility, water regulation, and climate stability. However, harmful subsidies and unsustainable production systems continue to drive environmental degradation, meaning that current economic structures often still incentivise biodiversity loss rather than protection.¹¹

At the same time, biodiversity loss is increasingly framed as a human rights and climate justice issue. Indigenous Peoples and local communities are disproportionately affected because their livelihoods and cultural identities depend directly on ecosystems. Research shows that historical land-use change and industrial extraction have significantly reduced

⁹ https://environment.ec.europa.eu/topics/nature-and-biodiversity/nature-restoration-regulation_en

¹⁰

<https://www.carbonbrief.org/ipbes-nexus-report-five-takeaways-for-biodiversity-food-water-health-and-climate/>

¹¹

<https://www.unesco.org/en/articles/new-report-signals-biodiversity-loss-poses-critical-risk-businesses-and-human-wellbeing>

access to healthy environments while contributing to species decline.¹² This creates a clear justice imbalance: those least responsible for environmental damage often suffer the most severe consequences, including food insecurity, displacement, and health risks.

A major challenge is that biodiversity loss is accelerating despite international agreements. Global analyses show that nature is declining at rates of 2–6% per decade, with long-term reductions in ecosystem integrity across terrestrial, freshwater, and marine systems.¹³ A large-scale study of nearly 100,000 sites found that human activity has already reduced local species diversity by around 20% on average in impacted areas, demonstrating the scale of ecological disruption.¹⁴

A concrete example is the record global forest loss in 2024, driven by climate-intensified fires and land conversion for agriculture and industry. Countries such as Brazil and Bolivia experienced significant deforestation, described as a “global red alert,” with ecosystems disappearing at unprecedented speed.¹⁵ This is critical because forests are both biodiversity hotspots and major carbon sinks, meaning their destruction worsens both biodiversity loss and climate change simultaneously.

Overall, the main challenges are systemic rather than isolated. Biodiversity loss is driven by economic systems prioritising short-term profit, weak enforcement of environmental laws, and persistent global inequalities. At the same time, climate change accelerates ecosystem collapse, creating reinforcing feedback loops. This widening gap between international biodiversity targets (such as protecting 30% of land and sea by 2030) and real-world outcomes highlights the urgent need for transformative change in how societies value and govern nature.

4. Recommended Focus Areas for Events & Advocacy

- Effects of biodiversity loss on the realization of basic human rights such as the rights to food, water, health, and an adequate standard of living
 - Examine how ecosystem degradation directly undermines essential human needs and increases vulnerability, especially for marginalized populations.

¹² <https://link.springer.com/article/10.1186/s13643-023-02423-x>

¹³

<https://www.carbonbrief.org/ipbes-nexus-report-five-takeaways-for-biodiversity-food-water-health-and-climate/>

¹⁴

<https://www.theguardian.com/environment/2025/mar/26/human-link-biodiversity-loss-species-ecosystems-climate-pollution-eawag-study-nature-aoe>

¹⁵

<https://www.theguardian.com/environment/2025/may/21/fires-record-loss-forests-global-heating-agriculture-logging-brazil-bolivia-aoe>

- Impact of industrial agriculture, deforestation, and extractive industries on ecosystems, species extinction, and climate stability
- Analysis of how large infrastructure projects (mining, dams, transport corridors, urban expansion) affect local communities, land rights, and Indigenous livelihoods
- Legal protections for environmental defenders, Indigenous Peoples, and biodiversity activists
- Impact of consumer behaviour, global supply chains, and corporate practices on biodiversity loss and ecosystem degradation
 - Explore links between consumption patterns (e.g. palm oil, soy, beef, fashion) and deforestation or habitat destruction, points with suggestions for local groups to organise events, workshops, or campaigns.

5. Suggested Readings & Resources

- **International Day for Biological Diversity – United Nations (UN)** – <https://www.un.org/en/observances/biological-diversity-day>
- **Biodiversity Day Toolkit and Campaign Resources – Convention on Biological Diversity (CBD)** – <https://www.cbd.int/biodiversity-day/2025/toolkit>
- **Integrating Human Rights in National Biodiversity Strategies and Action Plans – Office of the High Commissioner for Human Rights (OHCHR)** – <https://www.ohchr.org/sites/default/files/documents/issues/climatechange/information-materials/integrating-hr-in-national-biodiversity-strategies-action-plans.pdf>
- **International Day for Biological Diversity – UNESCO** – <https://www.unesco.org/en/days/biological-diversity-day>
- **Human Rights Dimensions of the Kunming-Montreal Global Biodiversity Framework – Convention on Biological Diversity (CBD)** – <https://www.cbd.int/article/human-rights-day-2023>
- **Global Assessment Report on Biodiversity and Ecosystem Services – Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES)** – <https://ipbes.net/global-assessment>

II. A Healthy Planet, A Fundamental Right

World Environment Day, 5th of June

1. A short Introduction

World Environment Day is an annual global event held on June 5, led by the United Nations through its environmental arm, the United Nations Environment Programme. It was established in 1972 during the United Nations Conference on the Human Environment (also known as the Stockholm Conference), following a resolution by the UN General Assembly. The day is meant to raise awareness and encourage worldwide action to protect the environment.¹⁶

A healthy environment is fundamental to the enjoyment of basic human rights, including the rights to life, health, food, water, and housing. Environmental degradation—such as pollution, deforestation, and climate change—can directly threaten these rights. In recognition of this, the UN has increasingly framed access to a clean, healthy, and sustainable environment as a human right.¹⁷

World Environment Day highlights the unequal impacts of environmental harm. Vulnerable communities—especially in low-income countries—often contribute the least to climate change but suffer the most from its effects, such as extreme weather, displacement, and resource scarcity. This raises issues of climate justice, which emphasizes fairness, accountability, and the protection of human rights in environmental policies. The day serves as a platform to advocate for equitable solutions that address both environmental sustainability and social justice.¹⁸

2. Legal Framework

2.1 International Frameworks

2.1.1 The Stockholm Declaration

The Stockholm Declaration provides the foundational international framework linking environmental protection to human rights. Adopted in 1972 at the United Nations Conference on the Human Environment, it represents the first global recognition that environmental quality is essential to human dignity and

¹⁶ <https://www.un.org/en/observances/environment-day/background>

¹⁷ <https://journals.sagepub.com/doi/full/10.3233/EPI-219022>

¹⁸ <https://www.worldenvironmentday.global/about/history/world-environment-day-2022>

well-being. Principle 1 affirms that humans have a fundamental right to “an environment of a quality that permits a life of dignity and well-being,” while also emphasizing a responsibility to protect and improve the environment for present and future generations.¹⁹

Although the declaration is not legally binding, it has significantly shaped the development of international environmental and human-rights law. Principle 21 establishes that states have sovereign rights over their natural resources but must ensure that activities within their jurisdiction do not cause environmental harm to other states. This principle remains central to contemporary climate law and transboundary environmental governance.

From a human-rights and climate-justice perspective, the Stockholm Declaration is particularly important because it introduces early notions of equity and differentiated responsibilities. It acknowledges that developing countries face distinct environmental and developmental challenges, laying the groundwork for later concepts such as fairness and global responsibility in climate governance. As such, it continues to influence how environmental harm is framed as a human-rights issue and how international cooperation is structured.

2.1.2 The Rio Declaration on Environment and Development

The Rio Declaration builds upon the principles established in Stockholm and further develops the relationship between environmental protection, development, and human rights. Adopted at the Earth Summit, it sets out 27 principles that guide international environmental governance, with a strong emphasis on sustainable development and participatory rights.²⁰

Principle 10 is particularly significant from a human-rights perspective, as it establishes that environmental issues are best handled with the participation of all concerned citizens. It affirms rights of access to information, public participation in decision-making, and access to justice in environmental matters. These procedural rights are now widely recognized as essential components of environmental human rights and have been further developed in legally binding instruments such as regional conventions.²¹

The Rio Declaration also introduces key legal and policy principles, including the precautionary principle and the concept of common but differentiated

¹⁹ <https://legal.un.org/avl/ha/dunche/dunche.html>

²⁰ <https://www.cbd.int/doc/ref/rio-declaration.shtml>

²¹ https://www.un.org/en/conferences/environment/rio1992?utm_source=chatgpt.com

responsibilities. These principles are central to climate justice, as they recognize that while all states share responsibility for environmental protection, they do not bear equal historical responsibility or capacity to respond.

In the context of climate change, the Rio framework reinforces the idea that environmental protection cannot be separated from social and economic development. It supports the integration of human rights into environmental decision-making and highlights the need for inclusive, equitable approaches to sustainability and climate action.

2.2 Regional & National Frameworks

2.2.1 The Aarhus Convention

A key example of a regional framework that reflects the principles highlighted on World Environment Day is the Aarhus Convention, adopted in 1998 under the United Nations Economic Commission for Europe. The Convention operationalizes the link between environmental protection and human rights by establishing legally binding obligations for its parties, particularly across Europe. The Aarhus Convention is built on three central pillars: access to environmental information, public participation in environmental decision-making, and access to justice. These procedural rights ensure that individuals and communities are not only informed about environmental issues but are also actively involved in decisions that affect their environment and well-being. This aligns closely with the goals of World Environment Day, which promotes awareness, accountability, and public engagement in environmental protection.²²

From a human-rights perspective, the Convention is significant because it transforms abstract environmental principles into enforceable rights. By guaranteeing transparency and participation, it empowers citizens to hold governments accountable for environmental harm and policy decisions. This is particularly important in the context of climate change, where local communities are often directly affected by environmental degradation but may lack political influence.

In terms of climate justice, the Aarhus Convention contributes to more equitable environmental governance by ensuring that vulnerable and marginalized groups have a voice in environmental matters. It reinforces the idea that environmental

²² <https://unece.org/environment/press/aarhus-convention-membership-reaches-45-iceland-ratifies-far-reaching>

protection is not only a technical or scientific issue but also a matter of democratic governance and human rights. As such, it represents a concrete regional implementation of the broader principles celebrated on World Environment Day.

3. Current Trends & Challenges

World Environment Day increasingly highlights the **urgent and interconnected environmental crises** facing the planet today. Recent themes—such as the 2025 focus on **plastic pollution**—show how environmental degradation is no longer a distant issue but a direct threat to ecosystems, human health, and global equality. Microplastics, for example, are now found not only in oceans but also in food chains and even human bodies, illustrating how deeply environmental harm has penetrated everyday life.²³

One of the most pressing challenges is the **intensification of climate change and extreme weather events**. According to recent data, climate-related disasters such as floods, wildfires, and heatwaves are becoming the “new normal,” with over **765,000 deaths and USD 4.2 trillion in losses** recorded globally between 1993 and 2022.²⁴ These events disproportionately affect vulnerable populations, especially in the Global South, where infrastructure and adaptive capacity are often limited. As a result, climate change is not only an environmental issue but also a **human rights crisis**, threatening access to food, water, housing, and health. A major issue emphasized in current World Environment Day discussions is **global inequality in both responsibility and impact**. Research shows that the **wealthiest 10% of the global population are responsible for a large share of emissions**, while poorer communities contribute far less yet face greater risks. This imbalance is further reflected geographically: countries in the Global North tend to produce significantly higher CO₂ emissions, while populations in the Global South experience higher levels of air pollution and environmental harm.²⁵ Such disparities highlight a central concern of **climate justice**—that those least responsible for environmental degradation suffer its most severe consequences.

Recent findings also underline the scale of inequality. For instance, studies suggest that the **richest groups contribute disproportionately to global warming**, while poorer populations remain the most vulnerable to climate impacts such as

²³ <https://www.unep.org/news-and-stories/story/key-moments-world-environment-day-2025>

²⁴ <https://www.germanwatch.org/sites/default/files/2025-02/Climate%20Risk%20Index%202025.pdf>

²⁵ <https://www.nature.com/articles/s42949-025-00302-z>

heatwaves, displacement, and food insecurity.²⁶ This “carbon divide” raises ethical and legal questions about responsibility, fairness, and the need for equitable climate policies.

In summary, World Environment Day today reflects a world facing **escalating environmental risks combined with deep social inequalities**. The key challenge is no longer only environmental protection, but ensuring that responses to climate change are **fair, inclusive, and grounded in human rights**, addressing both the causes of environmental harm and the unequal burdens it creates.

4. Recommended Focus Areas for Events & Advocacy

- Impacts of plastic pollution, waste management, and circular economy approaches on ecosystems, biodiversity, and human health
- Effects of climate change and extreme weather events (heatwaves, floods, wildfires) on the realization of basic human rights such as health, housing, food security, and water access
- Environmental justice and inequality in exposure to pollution, climate risks, and resource depletion between Global North and Global South communities
- Legal protections for environmental defenders, Indigenous peoples, and local communities facing land degradation, deforestation, and resource extraction projects
- Role of international frameworks (e.g., Paris Agreement, Stockholm Declaration) in shaping national environmental policies and promoting sustainable development
- Strategies for transitioning toward sustainable consumption and production patterns, including reducing single-use plastics and promoting circular economy systems
- Corporate responsibility, transparency, and accountability in pollution reduction, waste management, and environmental impact reporting across global supply chains

5. Suggested Readings & Resources

- World Environment Day – UN observance page – <https://www.un.org/en/observances/world-environment-day>

²⁶

<https://www.theguardian.com/environment/2025/may/07/two-thirds-of-global-heating-caused-by-richest-study-suggests>

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- World Environment Day background and history – United Nations Environment Programme (UNEP) – <https://www.unep.org/world-environment-day>
 - Stockholm Declaration (1972) and the origin of global environmental governance – UN Environment Programme archive – <https://www.unep.org/resources/report/stockholm-declaration>
 - Rio Declaration on Environment and Development (1992) – United Nations Sustainable Development knowledge platform – https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf
 - Right to a healthy environment – UN Human Rights Council and OHCHR resources – <https://www.ohchr.org/en/special-procedures/sr-environment>
 - World Environment Day themes and campaigns overview – UNEP official campaigns page – <https://www.worldenvironmentday.global/about/history/world-environment-day-2022>

III. Justice Without Borders: Accountability, Human Rights, and Global Criminal Law

Day of International Criminal Justice

17th of July

1. A Short Introduction

Every year on 17 July, the international community observes the **Day of International Criminal Justice**, marking the adoption of the Rome Statute of the International Criminal Court (ICC) in 1998.²⁷ This landmark treaty established the first permanent international court with jurisdiction over the most serious crimes of concern to the international community: genocide, crimes against humanity, war crimes, and the crime of aggression.

The Day serves as a reminder of the global commitment to ending impunity and ensuring accountability for atrocities that shock the conscience of humanity. It highlights the role of international criminal law in protecting fundamental human rights, promoting peace, and reinforcing the rule of law across borders. Over time, the observance has evolved into a platform for reflecting on the progress and limitations of international justice systems, particularly in addressing contemporary conflicts, political resistance, and enforcement challenges.²⁸

International criminal justice is deeply rooted in the protection of human dignity. It seeks not only to punish perpetrators but also to recognize victims, establish historical truth, and deter future violations. The prosecution of crimes such as genocide and crimes against humanity reflects a collective acknowledgment that certain acts are so grave that they concern all of humanity, transcending national boundaries and sovereignty.²⁹

At the same time, the system faces persistent challenges. Selective enforcement, political influence, limited jurisdiction, and difficulties in arresting suspects have raised questions about effectiveness and legitimacy.³⁰ Nevertheless, the Day of International Criminal Justice underscores the continued importance of strengthening international legal mechanisms to ensure that justice is not only declared but delivered.

²⁷ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

²⁸ <https://www.coalitionfortheicc.org/icc-history>

²⁹ <https://www.cambridge.org/core/books/abs/human-dignity-in-international-law/human-dignity-in-international-criminal-law/7F7CB9400903DD251CFD61822828BCCA>

³⁰ <https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/289B449A-347D-4360-A854-3B7D0A4B9F06/283740/010911SalzburgLawSchool.pdf>

2. Legal Framework

The Day of International Criminal Justice offers an opportunity to examine the legal architecture underpinning accountability for international crimes. This framework operates across international treaties, customary international law, regional human rights systems, and domestic legal orders, reflecting a multi-layered approach to justice.

2.1 International Frameworks

2.1.1 The Rome Statute of the International Criminal Court

The Rome Statute (1998) is the cornerstone of modern international criminal law). It established the International Criminal Court (ICC), which has jurisdiction over³¹:

- **Genocide** (Article 6)
- **Crimes against humanity** (Article 7)
- **War crimes** (Article 8)
- **Crime of aggression** (Article 8 bis)

The Statute is grounded in the principle of complementarity, meaning the ICC acts only when national jurisdictions are unwilling or unable to prosecute crimes genuinely. This reinforces state sovereignty while ensuring accountability gaps are addressed.

Importantly, the Rome Statute incorporates strong victim participation and reparations mechanisms, recognizing victims not merely as witnesses but as rights-holders within proceedings.³²

2.1.2 International Humanitarian Law and Customary Law

International criminal justice is closely linked to International Humanitarian Law (IHL), particularly the Geneva Conventions of 1949 and their Additional Protocols.³³ These treaties establish rules governing armed conflict, including the protection of civilians, prisoners of war, and humanitarian actors.

Serious violations of IHL constitute war crimes, forming a core part of ICC jurisdiction. In addition, customary international law, which is derived from consistent state practice and opinio juris plays a critical role in defining and prosecuting crimes, especially where treaty law is incomplete.³⁴

³¹ <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

³² <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

³³ <https://www.icrc.org/en/war-and-law/treaties-customary-law/geneva-conventions>

³⁴ <https://geneva-academy.ch/wp-content/uploads/2025/09/Harmonizing-War-Crimes-Under-The-Rome-Statute.pdf>

2.1.3 Ad Hoc Tribunals and Hybrid Courts

Before the ICC, international criminal justice was shaped by **ad hoc tribunals**, such as³⁵:

- International Criminal Tribunal for the former Yugoslavia (ICTY)
- International Criminal Tribunal for Rwanda (ICTR)

These tribunals were created in response to mass atrocities committed during the conflicts in the Balkans and the Rwandan genocide, marking a significant shift from purely national prosecutions toward international accountability mechanisms. (UN Security Council Resolutions 827 (1993) and 955 (1994)).³⁶

The ICTY and ICTR made groundbreaking contributions to the development of international criminal law. Most notably, they established that sexual violence can constitute a war crime, a crime against humanity, and an act of genocide. In the landmark ICTR case Prosecutor v. Jean-Paul Akayesu (1998), the Tribunal recognized rape as a constitutive act of genocide when committed with intent to destroy a protected group.³⁷

More recently, hybrid courts (e.g., the Special Court for Sierra Leone) combine international and domestic law, reflecting a trend toward localized justice mechanisms.³⁸

2.2 Regional & National Frameworks

2.2.1 European and Council of Europe Frameworks

Within Europe, international criminal justice is complemented by the Council of Europe and the European Court of Human Rights.³⁹

While the ECtHR does not prosecute international crimes, it plays a crucial role in ensuring procedural accountability under the European Convention on Human Rights. Key provisions include:

- Article 2 (Right to Life)
- Article 3 (Prohibition of Torture)
- Article 6 (Right to a Fair Trial)

The Court has developed jurisprudence requiring states to investigate serious human rights violations effectively, even in contexts involving conflict or state violence. For example, in cases such

³⁵ <https://unict.irmct.org/>; <https://www.icty.org/>

³⁶ [https://undocs.org/S/RES/827\(1993\)](https://undocs.org/S/RES/827(1993)) ; [https://undocs.org/S/RES/955\(1994\)](https://undocs.org/S/RES/955(1994))

³⁷ https://hrlibrary.umn.edu/instree/ICTR/AKAYESU_ICTR-96-4/Judgment_ICTR-96-4-T.html

³⁸ <https://hybridjustice.com/special-court-for-sierra-leone/>

³⁹ <https://www.echr.coe.int>

as *Al-Skeini v. United Kingdom* (2011), the Court affirmed states' obligations to investigate deaths occurring in conflict zones.⁴⁰

2.2.2 Universal Jurisdiction

Additionally, many European states apply the principle of universal jurisdiction, which allows domestic courts to prosecute certain grave international crimes, such as genocide, crimes against humanity, and war crimes, regardless of where they were committed, the nationality of the perpetrator, or the nationality of the victim. This principle is rooted in the idea that such crimes harm the international community as a whole and must not go unpunished, particularly where territorial states are unwilling or unable to act.

A leading example is Germany's Code of Crimes against International Law (*Völkerstrafgesetzbuch*), adopted in 2002. The VStGB fully incorporates core crimes from the Rome Statute of the International Criminal Court into German domestic law, enabling German prosecutors to pursue cases even in the absence of a direct national connection.⁴¹ The German Federal Public Prosecutor (*Generalbundesanwalt*) has made active use of this framework, particularly in cases related to the Syrian conflict.

One of the most notable applications is the Koblenz trial (2020–2022), where a former Syrian intelligence officer, Anwar R., was convicted of crimes against humanity for acts of torture committed in Syria.⁴² This marked the first time a national court worldwide secured a conviction for state-sponsored torture in the Syrian conflict, demonstrating the practical impact of universal jurisdiction.⁴³

3. Case Study Example: Prosecutor v. Bosco Ntaganda (ICC, 2019)

A landmark case before the ICC is *Prosecutor v. Bosco Ntaganda*. Ntaganda, a former militia leader in the Democratic Republic of Congo, was convicted in 2019 of 18 counts of war crimes and crimes against humanity, including murder, sexual slavery, and the recruitment of child soldiers.⁴⁴

The case is particularly significant for several reasons⁴⁵:

- Accountability for sexual and gender-based violence

The judgment represents one of the most comprehensive recognitions of sexual violence in international criminal law. The Court affirmed that acts such as rape and sexual slavery can constitute both war crimes and crimes against humanity, even when committed against

⁴⁰ <https://hudoc.echr.coe.int/eng?i=001-105606>

⁴¹ <https://www.echr.eu/en/event/ten-years-code-of-crimes-against-international-law-in-germany-opportunities-and-shortcomings/>

⁴² <https://www.bbc.com/news/world-europe-56160486>

⁴³ <https://www.hrw.org/news/2022/01/13/germany-conviction-state-torture-syria>

⁴⁴ <https://www.icc-cpi.int/drc/ntaganda>

⁴⁵ <https://www.justiceinitiative.org/uploads/7e513599-a0b5-474b-994d-326a5927ff7b/briefing-paper-ntaganda-sentencing-20190910.pdf>

members of the perpetrator's own armed group. This broadened the legal understanding of sexual assault and challenged earlier assumptions that such crimes occur only against "enemy" populations.

- Recognition of child soldiers as victims

The Court acknowledged that children recruited and used in armed conflict are not only perpetrators but also victims of grave violations of international law. Importantly, the ICC held that child soldiers could be victims of additional crimes, including sexual violence and inhumane treatment within armed groups, strengthening protections under international humanitarian and human rights law.

- Development of jurisprudence on command responsibility and direct participation

The judgment clarified the modes of liability under the Rome Statute, including Ntaganda's role as both a direct perpetrator and a military commander exercising effective control. This contributed to the Court's evolving jurisprudence on leadership responsibility in non-international armed conflicts.

At the same time, the case exposed several systemic challenges facing international criminal justice ⁴⁶

- Difficulties in arrest and enforcement

Ntaganda remained at large for nearly a decade before surrendering, highlighting the ICC's reliance on state cooperation and the absence of its own enforcement mechanism.

- Length and complexity of proceedings

The case spanned several years, reflecting the evidentiary challenges of prosecuting mass atrocities, including witness protection, documentation of crimes, and procedural safeguards.

- Resource constraints and costs

International trials require significant financial and institutional resources, raising ongoing concerns about efficiency and sustainability.

- Limited deterrent effect

While symbolically powerful, questions remain about whether such prosecutions effectively deter future crimes, particularly in ongoing conflict settings.

4. Current Trends & Challenges

Despite significant developments in international criminal law, the system continues to face a range of complex and interrelated challenges. These include structural limitations in enforcement,

⁴⁶<https://www.justiceinitiative.org/uploads/7e513599-a0b5-474b-994d-326a5927ff7b/briefing-paper-ntaganda-sentencing-20190910.pdf>

ongoing political resistance, and concerns about fairness and legitimacy. At the same time, new conflicts and evolving forms of violence are testing the capacity of existing institutions to deliver timely and effective justice. The following points highlight some of the most pressing issues currently shaping the landscape of international criminal justice.

- **Enforcement and State Cooperation:**

The ICC lacks its own enforcement mechanism and depends on states to arrest suspects. Non-cooperation remains a major obstacle, particularly when powerful states or political allies are involved.⁴⁷

- **Selectivity and Legitimacy Concerns:**

Critics argue that international criminal justice has been applied unevenly, with disproportionate focus on certain regions, raising concerns about bias and geopolitical influence.⁴⁸

- **Emerging Conflicts and Accountability Gaps:**

Recent conflicts, including the war in Ukraine, have intensified discussions about accountability mechanisms and the limits of existing institutions⁴⁹

- **Victim Access and Reparations:**

While the ICC has made strides in victim participation, many affected individuals still face barriers to justice, including lack of awareness, distance, and resource constraints.⁵⁰

- **Political Resistance:**

Some states have withdrawn from or refused to join the ICC, citing concerns about sovereignty and politicization.

5. Recommended Focus Areas for Events & Advocacy

- Strengthening mechanisms to investigate and prosecute international crimes
- Supporting cooperation between states and international courts
- Victims' rights and participation expanding access to justice and reparations
- Promoting trauma-informed legal processes
- Encouraging national courts to prosecute international crimes
- Ensuring gender-sensitive investigations and prosecutions
- International justice and geopolitics addressing double standards and political influence
- Debating recognition of new crimes (e.g., ecocide)
- Strengthening legal responses to cyber warfare and hybrid threats

⁴⁷<https://www.icc-cpi.int/sites/default/files/NR/rdonlyres/289B449A-347D-4360-A854-3B7D0A4B9E06/283740/010911SalzburgLawSchool.pdf>

⁴⁸ <https://ishr.org/realignment-of-the-international-criminal-court-with-the-modern-age/>

⁴⁹ <https://www.icc-cpi.int/situations/ukraine>

⁵⁰ <https://rwi.lu.se/wp-content/uploads/2012/04/Reparations-for-Victims-Evans.pdf>

6. Suggested Readings & Resources

- International Criminal Court (ICC) – <https://www.icc-cpi.int>
- Rome Statute of the ICC – <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>
- ICRC – International Humanitarian Law Database – <https://ihl-databases.icrc.org>
- Coalition for the ICC (CICC) – <https://www.coalitionfortheicc.org>
- ECtHR Case Law Database (HUDOC) – <https://hudoc.echr.coe.int>

6.1 Podcasts

- Asymmetrical Haircuts (ICC & international justice podcast) <https://www.asymmetricalhaircuts.com/>
- Dead Men Walking (podcast series on international courts) <https://www.justiceinfo.net/en/156717-dead-men-walking-episode-1-the-international-criminal-court.html>

6.2 YouTube / Documentaries

- ICC YouTube Channel – <https://www.youtube.com/user/IntlCriminalCourt>
- The International Criminal Court (ICC) Explained: Cases, Controversies, and Why It Matters <https://www.youtube.com/watch?v=qniRHyXrApA>
- *The Reckoning: The Battle for the International Criminal Court* (documentary) <https://www.imdb.com/title/tt1212439/>

Your Feedback Matters

We welcome your input. We hope these resources serve as a valuable guide in planning meaningful and productive sessions for your group. Should you have any suggestions for improving these materials, or if there are specific topics or international days you would like included in future editions, please do not hesitate to share your ideas.

Please send any feedback, ideas, or suggestions to director.ahrc@elsa.org