The prevention of gross human rights violations under international human rights law

van der Have, N.S.

Link to publication

Creative Commons License (see https://creativecommons.org/use-remix/cc-licenses):
Other

Citation for published version (APA):
Over the past decades there has been a great deal of attention for concepts aiming to prevent gross human rights violations, such as conflict prevention and the responsibility to protect. Despite this shift in attention towards prevention, it has remained unclear what legal obligations states have to prevent gross human rights violations under international human rights law. For example, it is unclear what types of obligations states have at different points in time, when they are triggered, what concrete measures they may require and how they apply outside a state’s territory.

This study sets out to systematically assess the content and scope of obligations to prevent gross human rights violations. To be able to understand obligations to prevent in their interconnection, the focus is on three specific types of injury prohibited under international human rights law: torture, arbitrary death and genocide. Further distinctions are made between four temporal phases (long-term prevention, short-term prevention, preventing continuation, preventing recurrence) and territorial and extraterritorial obligations. A point of analysis throughout the study is how the capacity of states influences the content and scope of obligations to prevent gross human rights violations in territorial and extraterritorial settings.