

Module 2
Legal Framework



Lesson 2.1
International Legal Framework

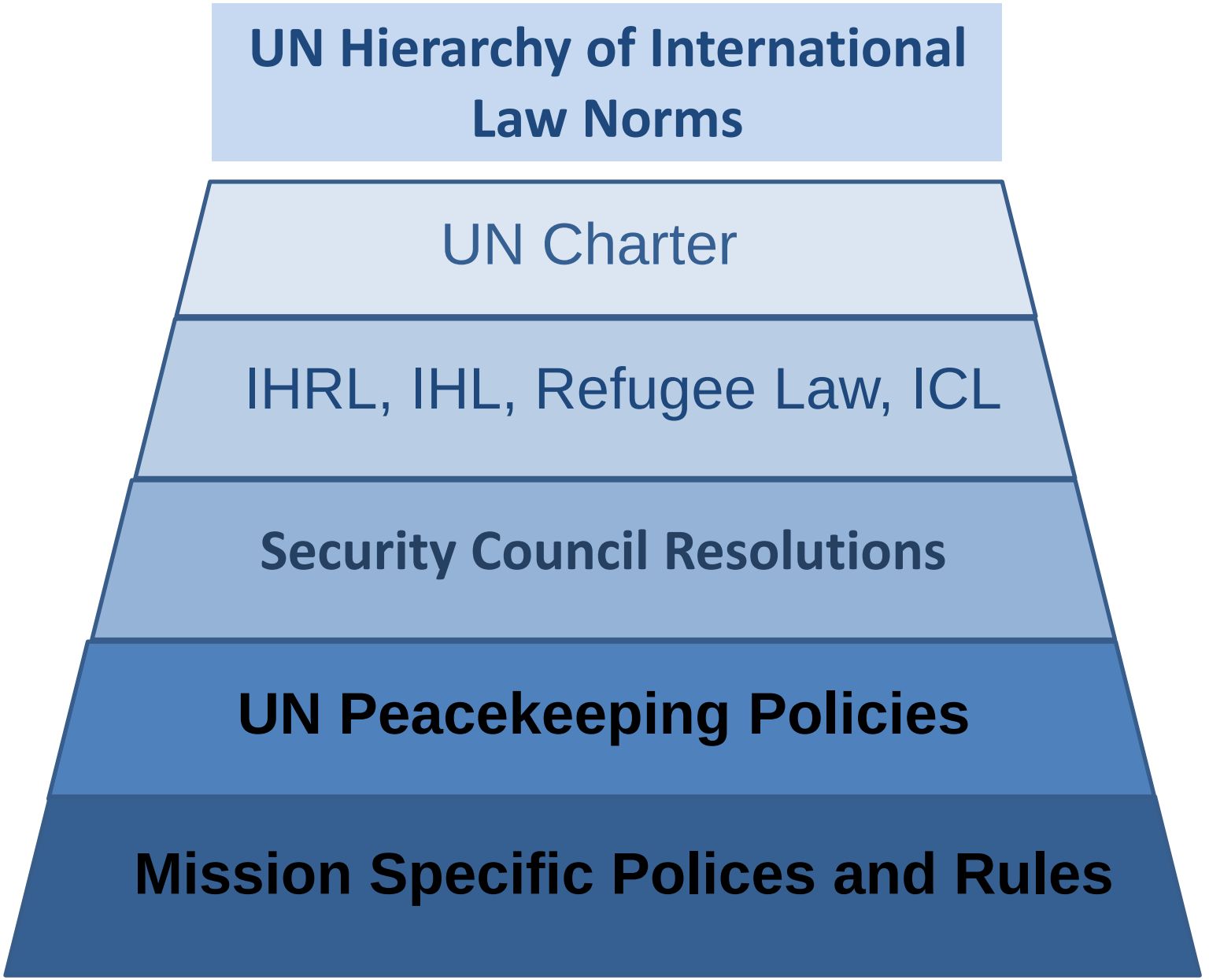
Learning Outcomes

- Understand the international legal framework that applies when assessing MDMH.

- Comprehend roles and responsibilities of the UN system to counter hateful information.

Content

- International legal framework
- Key international legal principles pertaining to MDMH
- Roles and responsibilities to counter hate speech


UN Hierarchy of International Law Norms
UN Charter
IHRL, IHL, Refugee Law, ICL
Security Council Resolutions
UN Peacekeeping Policies
Mission Specific Polices and Rules

Origins

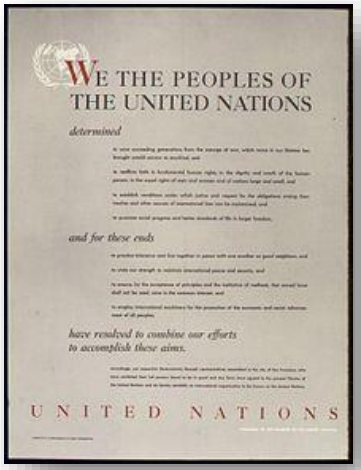
"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Art. 1 Universal Declaration of Human Rights

Key Characteristics

Internationally guaranteed	Legally protected
Focused on the inherent dignity of all human beings	Protect individuals and groups
Oblige States and state actors	Cannot be taken away
Equal and interdepend	Universal

Evolution of International Law



1945 - UN Charter

1948 - Universal Declaration of Human Rights (UDHR)



Covenant of on Civil and Political Rights (ICCPR) - **1966**

Covenant on Economic Social and Cultural Rights (ICESCR) - **1966**

The UDHR and the two Covenants are known as the International Bill of Human Rights

UN Peacekeeper Responsibilities

UN Charter Principles:
- Conformity with International Law
- Encourage respect for Human Rights

Peacekeeper responsibilities

- **Respect**
- **Promote**
- **Protect**

- International Human Rights Law
- International Humanitarian Law (IHL)
- International Refugee Law
- International Criminal Law





International Human Rights Law (IHRL)

- Protects everyone's **dignity, freedom and equality**
- Human rights are **universal** and cannot be taken away
- Still apply during **war or other national emergencies**
- Primarily establishes **obligations of states**
- Non-state armed groups can also violate or abuse human rights

Key International Legal Principles

Rights

- The right to freedom of opinion and expression
- The right to information

Responsibilities

- Prohibition of incitement to discrimination, hostility and violence
- Protection of media and human rights defenders

Best Practices

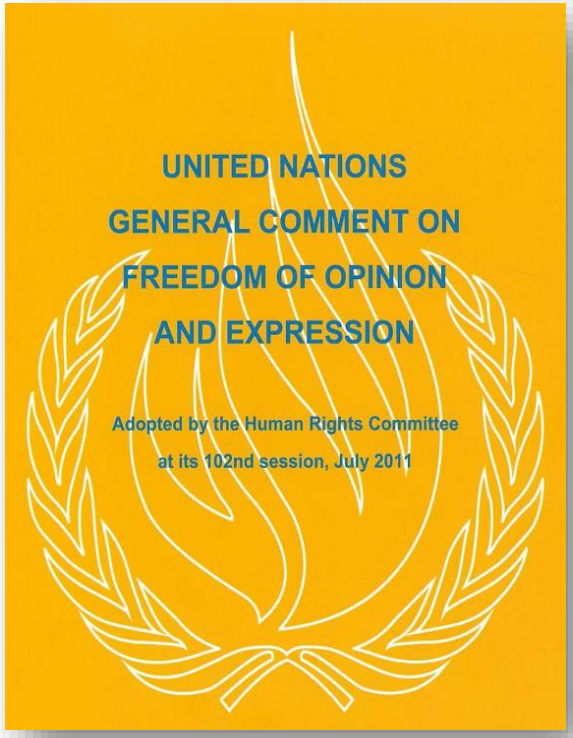
- Enacting laws that protect freedom of expression and the right to information
- Educating the public about these rights and freedoms

State Responsibility

Fighting hate speech impose responsibilities on states to take steps to:		
RESPECT	**PROTECT**	**FULFILL**
Avoid actions that take away people's rights	Ensure that third parties do not deprive people of their guaranteed rights	Establish political, economic and social systems that provide access to their rights for all members of society.

The Rights to Freedom of Opinion and Expression

- The UDHR and the ICCPR protect the **right to hold opinions** and the **right to freedom of expression**.
- **Freedom of information** is a fundamental human right.
- Freedom of expression and information may be **subject to restrictions permissible under international law**.



Prohibition of Propaganda for War and Incitement

- Propaganda for war is **prohibited in international law**.
- The Statute of the International Criminal Court (ICC) defines "war propaganda" as inciting publicly to commit violence.
- The ICCPR also requires states to prohibit by law advocacy of national, racial or religious hatred.

Case Study 1: The 1994 Genocide

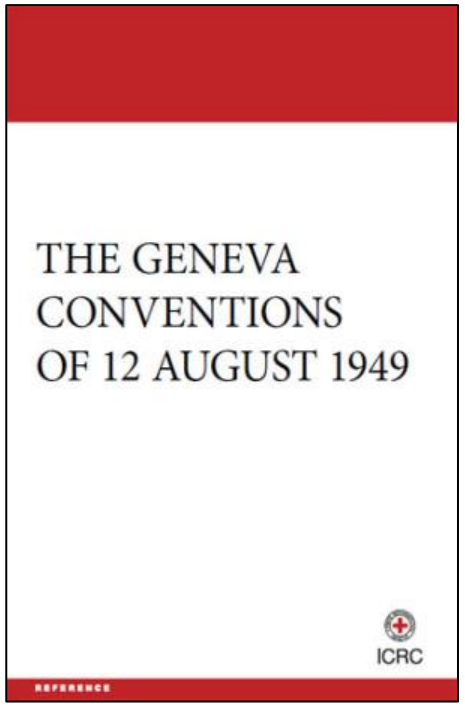
- The 1994 genocide in Rwanda was a mass slaughter of ethnic Tutsis and moderate Hutus by Hutu extremists in 1994. The genocide was fuelled by hate speech that demonized Tutsis and portrayed them as a threat to the Hutu majority.
- The hate speech campaign against Tutsis incited violence, hostility and discrimination by dehumanising the Tutsis and made the genocide possible.



What can be done to prevent hate speech?

International Humanitarian Law

- The “law of war” or “law of armed conflict”.
- Applies in times of armed conflict.
- Limits negative impact of armed conflict and reduces suffering during war.
- Individuals are protected under IHL if they do not engage in hostilities or are no longer doing so.



Information Operations and International Humanitarian Law

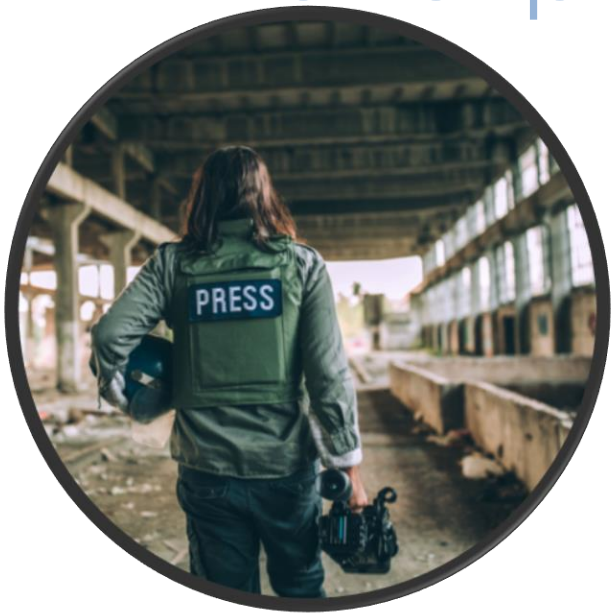
- Prohibition of propaganda for war and incitement to commit war crimes.
- Perfidy.
- Threats of violence or attacks to spread terror among civilian populations.
- Publishing images of prisoners of war.
- Undermining humanitarian operations.

Protecting Journalists and Media Workers



- Attacks on media, journalists and civil society impede and **restrict access to information**.
- **IHRL** safeguards free, independent and pluralistic journalism while **IHL** shields journalists as civilians.
- Propaganda dissemination by journalists **does not** justify targeting them or media facilities.

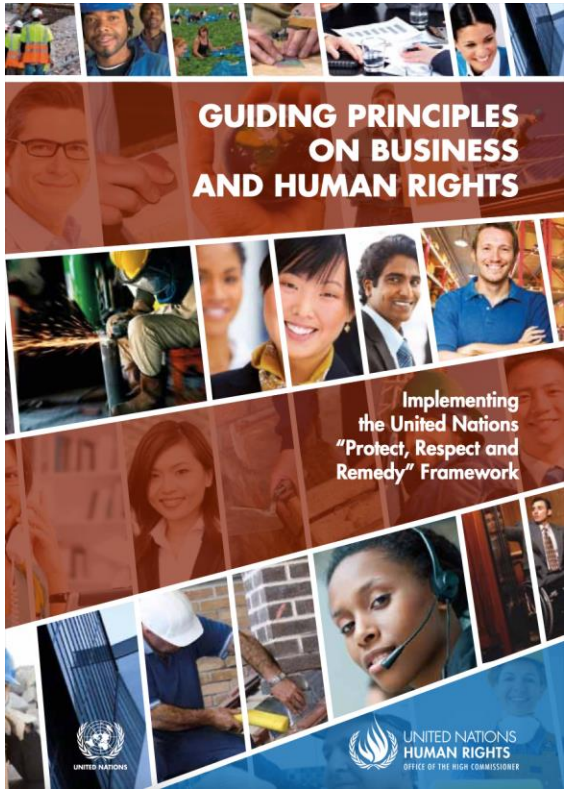
Example Scenario: Freedom of expression and media



- How are the government's attacks violating international law?
- What is the impact of the government's attacks on the media coverage?
- What can be done to protect the news media?

- Country A is in the midst of an armed conflict where the government is fighting against a rebel group. The news media is reporting on the conflict, but the government is unhappy with the coverage.
- The government begins to attack the news media, calling it "biased" and "supportive of the rebels" and begins to harass and intimidate journalists. Some journalists are threatened with violence, and others are arrested.
- The government's attacks on the news media have a chilling effect on media coverage of the conflict as journalists are afraid to report on the government's wrongdoing.

Roles and Responsibilities to Addressing Hate Speech



- The Guiding Principles on Business and Human Rights (2011) outline corporate legal standards during conflicts.

- The UN Strategy and Plan of Action on Hate Speech (2019) sets out strategic guidance for the UN to address hate speech at the national and global level

The Rabat Plan of Action

- The Rabat Plan of Action (2012) provides a tool for assessing when speech reaches the high threshold of incitement as covered by article 20(2) of the ICCPR

- The Rabat Plan of Action outlines a six-part threshold test taking into account following criteria:



Take Aways

- Understanding the international legal framework pertaining to MDMH is crucial to grasp the UN's role to contribute to an empowering information space.

- Incitement to hostility, discrimination and violence can undermine peacekeeping efforts.



Lesson 2.2

UN Mission Specific Legislative Guidance

Learning Outcomes

- Understand mission specific legislative guidance and mandates pertaining to MDMH.
- Follow a course of action in line with UN obligations.

Content

- Security Council Resolutions
- UN Policies
- UN legislative guidance, policies and guidelines

Security Council Resolutions

- The Security Council Resolution is the legal basis for the deployment of any mission.
- Outlines tasks and responsibilities that the Council expects the mission to accomplish.



Applicable UN Resolutions

- General Assembly Resolution 78/80 (December 2023)
- Security Council Resolution 2686 (June 2023)
- Report of the Special Committee on Peace Operations A/77/19 (March 2023)
- General Assembly Resolution 76/274 (July 2022)

Mission Mandates

The Security Council has mandated individual peacekeeping missions to action to monitor, report and counter misinformation and disinformation:

- **MINUSCA** - Security Council Resolution 2659 (2022)
- **UNIFIL** - Security Council Resolution 2650 (2022)
- **MONUSCO** - Security Council Resolution 2666 (2022)



Related Peacekeeping Policy Framework

Relevant DPO-DOS Policies, Guidelines and SOPs (examples):

- Information Integrity in Peacekeeping Settings
- Human Rights in UN Peace Operations and Political Missions
- Strategic Communication in Peace Operations
- Peacekeeping Intelligence
- Preventing and responding to Conflict-Related Sexual Violence

Relevant Secretary-General Policies and Bulletins (examples):

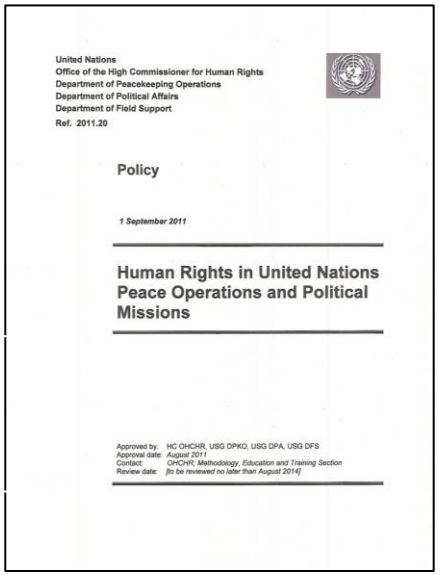
- Human Rights Due Diligence Policy on UN Support to non-UN Security Forces
- Our Common Agenda Policy Brief 8: Information Integrity on Digital Platforms

Compliance with UN policies is mandatory

Policy on Information Integrity in Peacekeeping Settings

- **Developed** in response to the grave and growing challenge to information integrity.
- **Sets out** the approach, parameters, methods and processes to strengthen information integrity and tackle MDMH.
- **Responds** to and is grounded in GA and Security Council guidance.

Policy on Human Rights in Peace Operations


United Nations
Office of the High Commissioner for Human Rights
Department of Peacekeeping Operations
Department of Political Affairs
Department of Field Support
Ref. 2011.20

Policy

1 September 2011

Human Rights in United Nations Peace Operations and Political Missions

Approved by: HC OHCHR, USG DPKO, USG DPA, USG DFS
Approval date: August 2011
Contact: OHCHR, Methodology, Education and Training Section
Review date: [to be reviewed no later than August 2014]

Peacekeeper Responsibilities:

- Identify
- Record
- Report
- Keep Confidential
- Refer
- Protect
- Follow the Situation

Policy on Strategic Communications in Peace Operations

- Establish common standard for strategic communications and public information.



- Facilitate cohesive communication across UN peacekeeping operations.

- Strengthen ability to garner political and public support and fulfil mandates.

Case Study 1: Countering MDMH



In Utopia where the multidimensional peacekeeping operation UNAMU operates, a rumour begins to spread that peacekeepers are collaborating with one of the warring factions. This rumor quickly spreads on social media, fueling tensions and is threatening to undermine the work of the mission.

What is the appropriate action for UNAMU in accordance with UN policies?

Preventing Conflict Related Sexual Violence (CRSV)

- Harmful information may be used to incite CRSV in conflict settings
- Hate Speech is often weaponized to hinder participation of marginalized groups like women as voters, candidates, media workers, etc.
- Addressing these issues is crucial to safeguarding human rights and promoting peace in conflict zones.





Case Study 2: CRSV and MDMH



Describe what measures the peacekeeping operation should take to address this situation

A warring faction **systematically targeted women and girls** in a remote village, subjecting them to brutal acts of sexual violence. As news of the assaults emerged, social media platforms were **flooded with rumours and fabricated information** accusing victims of collaborating with perpetrators. **Hate speech directed at the victims quickly spread** on social media, further traumatizing them and making it even more difficult to seek justice.

Peacekeeping-Intelligence
(DPO Peacekeeping-Intelligence Policy)

- Full respect for human rights & international law
- No clandestine activities
- No exposure of sources to harm
- No payment or incentives to sources
- Independence of UN's peacekeeping-intelligence
- Cooperation with states subject to conditions

Case Study 3: Responding to the mis- and disinformation

The peacekeeping mission in Utopia began to notice a rise in misinformation and disinformation being spread about the work of the mission. This information was often targeting peacekeepers and national staff and was intended to make them feel unsafe.



JMAC/JOC began to monitor the situation, and quickly identified a number of sources of the mis and disinformation.

What legal limits will the mission have to adhere to while monitoring the situation?

Take Aways

- The UN General Assembly and Security Council have recognized the increasing threat of MDMH to peacekeeping operations.
- UN missions must take steps to address this problem, including by establishing a framework to counter this issue in line with international human rights law.
- Uniformed personnel must understand and respond to MDMH that might impact peace and security in line with international law and the UN policies based on it. They must be able to differentiate between MDMH and security responses.

Questions