

Absolute Liability in International Human Rights Law

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Abstract : In Strict liability, a person can be held liable for any harm resulting from certain actions or activities without any mistake. The liability is strict because a person can be liable when he or she commits any harm with or without his intention. The duty owed is the duty to avoid causing the plaintiff any harm. However, "strict liability is imposed at the International level by two types of treaties, namely those limited to giving internal effect to treaty provisions and those that impose responsibilities on states. The basic principle of strict liability is that there is a liability on the operator or the state (when the act concerned is attributable to the state) for damage inflicted without there being a need to prove unlawful behavior". In international human rights law, strict liability can exist when a defendant is in legal jeopardy by virtue of an internationally wrongful act, without any accompanying intent or mental state. When the defendant engages in an abnormally dangerous activity against the environment, he will be held liable for any harm it causes, even if he was not at fault. The paper will focus on these activities under international human rights law. First, the paper will define important terms in the first section of the paper. Second, it will focus on state and non-state actors in terms of strict liability. Then, the paper will cover three major areas in which states should be liable for hazardous activities: (1) nuclear energy, (2) maritime pollution, (3) Space Law, and (4) other hazardous activities which damage the environment.

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