Human Rights Versus Nuclear Weapons: New Dimensions

Lawyers Committee on Nuclear Policy | January 2021



Commentary and Analysis regarding UN Human Rights Committee General Comment no. 36; the Treaty on the Prohibition of Nuclear Weapons; Human Rights, Democracy, and Nuclear Weapons

Available online here

We are witnessing a resurgence of interest in the application of international human rights law to one of the principal threats to the human future: nuclear weapons. A general comment issued by the UN Human Rights Committee in 2018 finds the threat or use of nuclear weapons to be incompatible with respect for the right to life. The Treaty on the Prohibition of Nuclear Weapons adopted a year earlier is suffused with a humanitarian perspective, protects the rights of victims of testing and use of nuclear arms, and cites human rights law and the principles of humanity in its preamble.

Lawyers Committee on Nuclear Policy (LCNP) twice brought together leading lawyers, law professors, and analysts to reflect on these developments, in December 2018 and in May 2019. This publication collects papers based on the speakers' remarks.

- Prof. **Roger Clark** of Rutgers Law, LCNP Executive Director **Ariana Smith**, LCNP President Emeritus **Peter Weiss**, and Dr. **Daniel Rietiker** of the University of Lausanne examine and reflect upon the significance and implications of the finding of the UN Human Rights Committee.
- **Bonnie Docherty** of the Harvard Law International Human Rights Clinic addresses human rights aspects of the Treaty on the Prohibition of Nuclear Weapons.
- **Andrew Lichterman** of Western States Legal Foundation explores how human rights discourse could be a terrain for making connections between disarmament movements and other movements for a more fair, democratic, and ecologically sustainable society.

This publication is highly recommended reading for anyone seeking to understand how a human rights approach can contribute to the abolition of nuclear weapons.