



Checklist to Solve a Human Rights Case

In a human rights case the exercise of a human right is affected by the exercise of the human rights of others or by government restrictions.

The following questions lead you through a human rights case and help you to find a solution.

1) Who are the persons and institutions involved in the conflict?

2) What are the conflicting interests of these persons and institutions and how do they relate to each other?

3) Human rights and duties

a) What human rights are affected?

b) What are the legal duties of the involved institutions?

(Look into the Cambodian Constitution, the ICCPR and other international conventions!)

4) What is the meaning of the different terms in the human right articles?

(Look in the internet at the comments, decisions, resolutions, declarations and judgements on related rights and topic you can find)

5) Does the human rights article apply to the concrete case?

(Examine the article step by step and term by term)

6) What are the restrictions on this human right?

(Look which restrictions are mentioned in the article of the Cambodian Constitution and of the ICCPR)

7) Do special laws exist which regulate restrictions on the human right?

Find the Cambodian Laws related to the topic. Look into these laws for details on restriction measures. Apply these laws to the case step by step and term by term!

**8) Are the imposed restrictions proportionate or too strong?
(Principle of Proportionality)**

(Is the measure to restrict the human right of one person justified by the purpose to protect the other right? Can this purpose be achieved with softer measures?)

By answering these eight questions step by step the three basic questions can be answered:

- What is the scope of the involved human rights?
- Can the human right be restricted to protect the other right?
- Is the restriction really necessary (proportionate) to protect the other right