

## The Role of International Law in Protecting Human Rights Globally

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### Abstract

International law plays a critical role in the global protection and promotion of human rights, ensuring the fundamental freedoms and dignity of individuals worldwide. This article explores the key legal instruments, institutions, and mechanisms that shape the international human rights framework, including foundational documents like the Universal Declaration of Human Rights (UDHR) and binding treaties such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). It also examines the roles of key international bodies such as the United Nations (UN), the International Criminal Court (ICC), and regional human rights institutions. Despite these advances, challenges such as state sovereignty, lack of political will, weak enforcement mechanisms, and violations by non-state actors continue to hinder effective human rights protection. Furthermore, emerging issues like climate change, the rights of refugees and migrants, and corporate accountability necessitate ongoing adaptation of international law. The article concludes that while significant progress has been made, continued international cooperation, strengthened legal frameworks, and enhanced accountability mechanisms are essential to address evolving global human rights challenges and to ensure the long-term protection of human rights globally.

### Keywords

PUDHR, ICCPR, ICESCR, ICC, Refugee Rights, Climate Change, Non-state Actors

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## 1. Introduction

The world's effort to avert human rights abuses and to protect basic freedoms relies heavily on the international legal system. Since the world is so closely linked now, human rights are accepted everywhere as a standard for all people in recognition that everyone has certain rights that cannot be taken away. Human dignity relies on these rights which are recognized in international legal agreements (Buergenthal, T. 2006). Yet, while people all over the world accept human rights, there is no single, unified method for saving them on a worldwide scale. The heart of the system includes different treaties, conventions, courts and organizations, each responsible for supporting human rights and punishing violators. The main core for what we know as modern human rights law begins with documents like the UDHR, the ICCPR and the ICESCR (Ssenyonjo, M. 2016).

Along with legal rules, the UN, ICC and a range of regional bodies offer serious oversight and ensure respect for human rights norms. Such organizations work hard to rectify human rights issues, whether they are caused by governments or by armed groups, corporations or others.

Even though there are various human rights frameworks and institutions, handling human rights cases remains full of difficulties. The limitations of state authority, government intentions and unsuccessful enforcement programs are preventing human rights from being fully protected. Besides, the recent challenges of climate change, large-scale migration and the stronger role of groups that are not governments, have made human rights enforcement more difficult.



This article looks at how international law contributes to human rights protection in all parts of the world. It will also look into difficulties encountered when applying human rights and existing gaps in worldwide legal regulations. Our focus is to explain the necessity of continued international unity for ensuring that the idea of human rights exists in real life for everyone.

## **2. Literature Review**

Scholarly experts pay a lot of attention to the ways in which human rights are protected by international law. Many professionals, along with international bodies, have spent years understanding the way human rights have changed in comparison to law. In this literature review, I look at significant research, documents and reports that have influenced discussions in IHRL and focus on current discussions of its effectiveness and the issues facing its implementation.

### **2.1 Theoretical Foundations of Human Rights in International Law**

The progress of international human rights law is the result of many philosophical and ethical ideas, as well as political theories. Philosophers such as John Locke and Immanuel Kant, working early on, emphasized that from dignity and personal freedom all humans have their own rights. Many of these philosophies contributed to the making of important human rights documents, including the UDHR (1948). According to Jack Donnelly in his *The UDHR: Origins, Drafting and Intent* (2013), the UDHR played a major role in making human rights recognized globally because it stated rights that were available to every individual without regard to nationality or political ties. (Donnelly, J. 2013)

Nevertheless, there is much disagreement about how universal human rights truly are, mainly in the face of cultural differences. Upendra Baxi and Sadruddin Aga Khan have discussed how human rights values from the West meet up with non-Western beliefs and traditions. In their studies, they show that while human rights law tries to be universally useful, it can run into problems when local people's traditions differ from universal rights ideals. When these ideas are put to worldwide use, international law runs into obstacles. (Twining, W. 2005)

### **2.2 Key International Human Rights Instruments and Their Impact**

The cornerstone of international human rights law is often said to be the UDHR of 1948. This document details basic human rights for civil, political, economic, social and cultural life. Even so, the UDHR only provides a general roadmap and does not have enforceable powers. For that reason, two important covenants were developed: the ICCPR (1966) and the ICESCR (1966). Combined, they came to be known as the International Bill of Human Rights.

Experts including Philip Alston (1997) have looked closely at how these covenants have developed and affected the commitments made by states. According to Alston, though these treaties have legal force over countries, applying them has been uneven, mainly for the rights related to economy, society and culture that are considered not always enforceable. Furthermore, there are two important optional protocols: signing up to the ICCPR (1966) allows anyone to complain to the Human Rights Committee and the ICESCR protocol (2008) is designed to make the enforcement of social and economic rights easier. Yet compliance by state governments is still a problem for both. (Alston, P. 1979)

Guillermet (2012) also looks at changes in international law related to poverty, inequality between genders and labor rights, as laid out in the ICESCR. Guillermet reminds us that, regardless of their treaties, countries are still not doing everything they are required to and this largely happens in areas with low political will. (Guillermet-Fernández, C., & Puyana, D. F. 2015)

### **2.3 The Role of International Institutions and Mechanisms**

International human rights law covers both the legal agreements, known as treaties and the organizations that make sure they are followed. Internationally, central functions for protecting human rights have been taken on by the UNHRC, the Office of the OHCHR and the UN Treaty Bodies. In his widely quoted work, Louis Henkin (1995) argues that international organizations, especially the UN, have done much to support human rights. Yet, according to Henkin, the UN still struggles in making states accountable for their actions. (Henkin, L. 1994)

Among its roles, the ICC now focuses on prosecuting people who commit genocide, war crimes and crimes against humanity. William Schabas (2011) and David Bosco (2014) are among those who have looked at the part the ICC plays in enforcing human rights laws. Schabas asserts that although the ICC has been important for justice, its results have been diminished by its limited power, resistance from states and the strong political zeal of its prosecutions. These comments highlight the conflict between the ideas of justice and political power in international law. (Schabas, W. A. 2011) (Bosco, D. 2017)

### **2.4 Challenges in the Enforcement of Human Rights**

Despite building these legal instruments, real problems remain in ensuring that human rights are respected around the globe. Because of state sovereignty, international bodies usually cannot intervene in another nation's internal affairs. James Crawford (2018) explains in *The International Law of State Sovereignty* how trying to apply international human rights law can be stopped by the rule of not interfering in the affairs of states, when serious violations are brought about by powerful nations. (Crawford, J. 2018)

Many states do not feel the need to follow international human rights standards. According to .( Benhabib (2013), while international law forms basic frameworks for human rights, the biggest obstacle is often the hostility of local politics to changes that support human rights.( Benhabib, S. 2013)

Besides, organizations made up of people who are not part of governments such as multinational firms, armed groups and terrorists, are now often involved in serious human rights violations. Mainly through the UN Guiding Principles on Business and Human Rights (2011), international law is altering to include corporate accountability. For example, Surya Deva (2022) has said that while companies are putting responsible frameworks in place, compliance with such standards is low and does not remain consistent. (Deva, S. 2022)

### **2.5 Emerging Issues and Future Directions**

New literature has analyzed current concerns that are changing IHL. A major worry is the way climate change threatens human rights. According to John Knox (2018) in *The Human Rights Obligations of Climate Change*, environmental destruction can threaten the survival of people most at risk. Since poverty, displacement and inequality are worsening because of climate change, international law must adapt to cover the link between environmental harm and human rights.

The Rights of Refugees and Migrants are now more important than ever, thanks to the ongoing global refugee crisis. Guy S. Goodwin-Gill writes about the 1951 Refugee Convention and how tougher asylum rules often challenge the protection of refugees. Since both conflict, financial troubles and climate changes drive more people from their home countries, there is a pressing need for improved international actions to support them. (Goodwin-gill, G.S. 2013)

## **3. The Foundation of Human Rights in International Law**

All individuals are recognized in IHRL as entitled to fundamental rights, apart from their nationality, ethnicity, religion or social status. They play a key role in helping everyone experience dignity, equality and

justice. IHRL is built on a history of thinking, laws and agreements that have steadily developed a system to protect human rights.

### **3.1 Philosophical Roots of Human Rights**

The belief in human rights developed out of the natural law tradition which originated in ancient thinking and grew in the Enlightenment. Such philosophers believed that a person's basic rights exist just because they are human. For Locke, life, liberty and property were seen as natural rights that no one could deny or change. Because of their work, it became widely accepted that every human being should enjoy basic freedom and protections in every state or society.

Because of World War II, including the Holocaust in the 20th century, it was recognized that an international legal system was required to prevent more human rights violations. As a result, the international community founded legal rules and organizations designed to uphold human rights all over the world. (Shestack, J. J. 2017)

### **3.2 The Universal Declaration of Human Rights (UDHR, 1948)**

The UDHR, passed by the UN General Assembly in 1948, continues to be the greatest step forward in the history of international human rights law. Because of the many abuses seen after World War II, the UDHR was drafted to help prevent such incidents by creating a common set of rights for every person in the world. The UDHR outlines a broad array of rights, categorized into civil, political, economic, social, and cultural rights. Among the most fundamental rights affirmed by the UDHR are:

- The right to life, liberty, and security of person (Article 3)
- The right to a fair trial (Article 10)
- The right to freedom of expression (Article 19)
- The right to work, education, and participate in the cultural life of the community (Articles 23-27)

Although the UDHR itself is not legally binding, it has played a critical role in shaping subsequent international human rights treaties and conventions. Its broad influence has also prompted national governments, international organizations, and civil society to adopt and promote human rights principles globally. (Moyn, S. 2014)

### **3.3 The International Covenants on Human Rights**

Following the UDHR, the international community recognized the need to create binding legal instruments that would translate the principles articulated in the UDHR into enforceable obligations for states. This led to the adoption of two key treaties: The ICCPR and The ICESCR, both in 1966. These treaties form the core of the International Bill of Human Rights.

### **3.4 The International Covenant on Civil and Political Rights (ICCPR, 1966)**

The ICCPR addresses civil and political rights, emphasizing the protection of individual freedoms from infringement by the state. The ICCPR covers a wide range of fundamental rights, including:

- The right to life (Article 6)
- The right to freedom from torture or cruel, inhuman, or degrading treatment (Article 7)
- The right to freedom of speech, association, and assembly (Articles 19 and 21)
- The right to a fair trial and due process of law (Article 14)
- The right to participate in public affairs (Article 25)

Importantly, the ICCPR includes the Optional Protocol, which allows individuals to bring complaints about violations of their civil and political rights before the Human Rights Committee, a body established to

monitor compliance with the treaty. The ICCPR is legally binding on states that have ratified it, making it one of the most important mechanisms for the protection of civil and political rights at the international level. (Vijapur, A. P., & Savitri, K. 2006)

### **3.5 The International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966)**

The ICESCR focuses on the protection of economic, social, and cultural rights, recognizing the right of all individuals to an adequate standard of living, education, and health care. Some key provisions of the ICESCR include:

- The right to work, to fair and just conditions of employment (Article 6)
- The right to education (Article 13)
- The right to the highest attainable standard of physical and mental health (Article 12)
- The right to adequate housing and to an adequate standard of living (Article 11)

The ICESCR, like the ICCPR, is legally binding on the states that ratify it. However, the enforcement of economic, social, and cultural rights has proven to be more challenging than civil and political rights. These rights are often seen as aspirational and require significant state resources to implement fully. As a result, governments' political will and the availability of resources frequently determine how these rights are implemented.

Despite widespread ratification, the two covenants' stipulations are still not consistently enforced. For example, the ICESCR's enforcement ability is limited since it lacks a similar mechanism for individual complaints, but the ICCPR contains provisions for individual complaints through the Human Rights Committee. (Pinto, M. 2022)

### **3.6 The Role of Regional Human Rights Systems**

Regional human rights systems have become significant tools for human rights protection in addition to international measures. These systems include:

- The European Convention on Human Rights (ECHR), which established the European Court of Human Rights (ECtHR) to hear individual complaints against member states.
- The American Convention on Human Rights (ACHR) created the Inter-American Court of Human Rights (IACtHR) to hear cases related to human rights violations in the Americas.
- The African Charter on Human and Peoples' Rights (ACHPR) established the African Court on Human and Peoples' Rights (AfCHPR) to monitor and adjudicate human rights violations across Africa.

These regional institutions play a vital role in giving victims alternate paths to justice, particularly when domestic courts might not be able or willing to offer sufficient remedies. The interpretation and application of international human rights legislation have frequently been impacted by the rulings of these regional courts. (Shelton, D., & Carozza, P. G. 2013)

### **3.7 The Expanding Scope of Human Rights**

Over the years, the range of human rights has broadened to cover fresh matters for protection. As an example, the CERD (1965) Convention focuses on eliminating racial discrimination and the CEDAW (1979) Convention is dedicated to reducing discrimination based on gender.

Environmental rights, mainly related to climate change and the rights of indigenous peoples are now a key part of international human rights law as well. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) insists on the importance of special measures for these groups. (Brysk, A. 2017)

#### **4. Key International Institutions in Human Rights Protection**

Many international institutions supervise countries and help both victims and offenders with human rights. They follow a mix of laws, pressure politics and perform advocacy activities to work. The following section describes in detail the roles of main international bodies responsible for upholding human rights and individual rights.

##### **4.1 The United Nations (UN)**

The UN, created in 1945 immediately after World War II, is a leading force in supporting and defending human rights world-wide. Multiple UN bodies focus on furthering human rights, checking for violations and making certain that standards are met. By holding discussions on human rights issues, UN member states build up the international system for human rights.

##### **4.1.1 The UN Human Rights Council (UNHRC)**

Overseeing human rights worldwide is the main responsibility of the UNHRC. The organization was set up in 2006 to take over the UN Commission on Human Rights. For three-year terms, the 47 member states of the UNHRC are picked by the UN General Assembly. The Council has been authorized to:

- All states' human rights conditions are carefully watched over by the UNHRC which reviews them regularly using the UPR program.
- The Council is authorized to set up special teams or experts to investigate when people in particular nations or areas suffer arbitrary detention, torture or violence against women.
- The Council helps member nations and civil society groups to discuss human rights and to approve resolutions or recommendations for dealing with such issues.

Still, some people believe that the way the UNHRC is formed, including the inclusion of countries that do not uphold human rights, is what makes the Council questionable. (Ramcharan, B. 2013)

##### **4.1.2 The Office of the High Commissioner for Human Rights (OHCHR)**

The OHCHR which is led by the UN High Commissioner for Human Rights, aims to promote and protect human rights all over the world. OHCHR is responsible for monitoring, advocating for and helping with human rights issues around the world. It is given broad authority to focus on:

- It helps countries to build up their human rights institutions, prepare their national human rights frameworks and provide training on what human rights mean.
- The OHCHR pays attention to violations around the world, investigates them and publishes findings about such cases. It works with authorities, groups in society and different actors to highlight human rights matters.
- The OHCHR is working to see that human rights are included in national and international policies and decisions.

The OHCHR ensures that human rights stay a main topic in global politics, even if its work is limited by the political aims and interests of member states.

##### **4.1.3 UN Treaty Bodies**

UN Treaty Bodies are made up of independent experts tasked with checking that countries follow their international human rights obligations. They help enforce international law by to make sure states follow what they are required to do. Well-known Treaty Bodies under the UN are:

- The committee looks after compliance with the ICCPR. It analyzes states' periodic reports and can publish observations telling states in which areas their human rights performance requires

strengthening. Through the Optional Protocol to the ICCPR, the Committee now is able to hear individual complaints when a country does not offer satisfactory remedies.

- It follows up on how countries meet the standards of the ICESCR. The CESCR reviews states' reports regularly and suggests how those rights can be better safeguarded, including the right to education, health and an adequate standard of living.

Although Treaty Bodies help states stick to their international commitments, uneven reports and states' failure to follow the rules can hinder their impact.

#### **4.2 The International Criminal Court (ICC)**

In 2002, the ICC was formed under the Rome Statute and is a leading global authority for human rights cases. The ICC is the first permanently established court to handle charges against those accused of genocide, war crimes and crimes against humanity. It is important for calling people to account for shocking violations of human rights around the world.

##### **Key functions of the ICC include:**

- The ICC is authorized to investigate and try people in power for genocide, war crimes and crimes against humanity.
- If a country cannot or will not prosecute the crimes, the ICC may continue with a case. Most of the time, national courts take the lead in prosecuting crimes, but the ICC takes over when justice isn't delivered properly.
- If national justice systems are weak, corrupt or refuse to act, the ICC can step in to provide justice for victims of serious human rights wrongs.

Yet, the Court has been criticized for appearing to favor the prosecution of people from Africa, having limited ability to prosecute certain crimes and facing opposition from the United States, Russia and China, three powerful countries that have not ratified the Rome Statute.

#### **4.3 Regional Human Rights Mechanisms**

Apart from UN and ICC options, regional systems for human rights have also come about to help those who have endured human rights abuses. They give communities access to help and justice when national courts do not work well enough for them.

##### **4.3.1 European Court of Human Rights (ECHR)**

In 1950, the Council of Europe created the ECHR, a judicial authority called the ECHR. Personal complaints against Council of Europe member states signed up to the Convention may be looked into by the Court. It has the power to order nations to change their conduct and makes final judgements. By protecting civil and political rights including the right to life, freedom of speech, and immunity from torture, the ECHR has been crucial in the development of human rights legislation.

##### **4.3.2 Inter-American Court of Human Rights**

Parties to the ACHR within OAS regions can apply to the Inter-American Court of Human Rights, as the court operates inside the OAS. The Court is taking action to help countries in the Americas uphold human rights. It is allowed to make decisions that are taken seriously by law and has helped stop repressive politics, abuse during torture and the disappearance of suspects.

##### **4.3.3 African Commission on Human and Peoples' Rights (ACHPR)**

The ACHPR was created by the Organization of African Unity (OAU) which became the African Union (AU), to secure human rights throughout Africa. The Commission gets complaints from people and NGOs

and it advises states on making their human rights laws better. The AfCHPR is a court connected to the Commission and decisions it delivers are binding on member states of the AU, helping to preserve human rights. (Oberleitner, G. (2007))

## **5. The Role of Customary International Law in Human Rights Protection**

Treaties and conventions remain the main tools for protecting human rights, but customary international law (CIL) also greatly supports the defense of basic rights and freedoms everywhere. Most states consider certain norms and habits in international relations as legally obligatory, even if these rules are not formally recorded in legal contracts or agreements. Such norms take shape from what states regularly do and the idea that those practices are lawful.

Unlike treaty law which works only for states that have ratified the correct agreements, customary international law is enforceable for every state to follow, regardless of their participation in the treaty. So, important human rights, based on customary law, are guaranteed everywhere for everyone.

Below is a detailed exploration of the key aspects of customary international law in the context of human rights:

### **5.1 Definition and Sources of Customary International Law**

Customary international law is one of the two primary sources of international law, the other being treaty law (or conventional law). Customary law arises when:

1. There is consistent and widespread practice by states that follows a specific pattern of behavior. This could include legal, diplomatic, or political practices that have become routine among states.
2. States must follow the practice out of a belief that they are legally obliged to do so. This subjective belief, also known as *opinio juris sive necessitatis*, distinguishes customary law from mere habits or practices that are followed out of convenience or diplomatic considerations.

When both elements—consistent state practice and the belief that the practice is legally obligatory—are present, a customary norm is formed. Customary international law operates on the principle of universality, meaning that it is binding on all states, regardless of their participation in specific treaties. (Schabas, W. A., & Schabas, W. 2021)

### **5.2 Examples of Human Rights Norms in Customary International Law**

Many of the core human rights protections enshrined in international law have their roots in customary international law. These norms are universally binding and hold significance even in the absence of treaties. Key examples of customary international law protections in human rights include:

#### **5.2.1 The Prohibition of Torture**

The prohibition of torture is one of the most fundamental norms of customary international law and is universally accepted as binding on all states. Torture is considered one of the most severe violations of human dignity and human rights, and its prohibition has attained *jus cogens* status—meaning it is a peremptory norm of international law from which no derogation is allowed.

- The principle is part of international treaties, for example CAT and because it is customary law, all countries are bound by it, regardless of their involvement in CAT.
- Every country, regardless of whether it has ratified any human rights treaties, is prohibited from torturing anyone. All nations see this as a fundamental requirement in customary international law.



### **5.2.2 The Prohibition of Slavery and Slave Trade**

The law against slavery and slave trade is a main customary norm in international law. The idea that slavery should be banned has long been accepted and it stems from early foreign law and Britain's 1807 Abolition of the Slave Trade Act, similar laws by other countries and older international legal documents.

- Under the influence of the 1926 Slavery Convention, slavery and the slave trade were brought to an end worldwide and in due course, became recognized by customary law as an obligation for every country without exception.
- That is why no country can engage in, tolerate or allow slavery or the slave trade and everyone recognizes it as a violation of human rights.

### **5.2.3 The Right to Self-Determination**

The liberty of self-determination is a basic principle in international human rights law. It consists of the right for people or nations to decide on their own political situation and grow economically, socially and culturally. Originally considered a decolonization principle, the right to self-determination is now recognized in international law as a part of the custom.

- Article 1 of the United Nations Charter (1945) confirmed the right to self-determination and this was later reaffirmed in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).
- Widely recognized as customary law, this right extends to all groups and is especially important in cases of occupation, colonization or outside rule.

### **5.2.4 The Principle of Non-Refoulement**

States are not permitted to send individuals back to countries where torture, persecution or other horrific treatment might happen according to non-refoulement. The principle forms an essential part of international refugee law and is listed in the 1951 Refugee Convention and its 1967 Protocol. But it has now also been seen as customary international law.

- Non-refoulement is a basic rule in human rights law and is expected by all states, regardless of whether they have joined the Refugee Convention.
- Because of this principle, people in danger of serious harm because of their race or religion cannot be returned and both the UNHCR and various international human rights bodies have reinforced this view.

### **5.2.5 The Right to a Fair Trial**

Being tried in a fair way is a human rights standard that has become customary around the world. It includes a variety of rights, for example, the right to an impartial court, the right to hire a legal advocate and the right to attend a hearing conducted in public.

- This freedom is essential for the rule of law and can be found in various kinds of treaties, the ICCPR included, but it remains binding for every state even when they have not ratified them.
- Everyone now accepts that a person cannot be held without cause, must have legal help and that other fair trial elements are part of international customary law.

## **5.3 Importance of Customary International Law in Human Rights Protection**

The protection of human rights is greatly aided by customary international law:

1. All countries, whether or not they are party to treaties, are obligated by customary law to respect human rights. This is especially significant when human rights are considered so basic that no nation can break them.
2. When agreements are silent or when countries have not accepted treaties, customary international law helps make up the difference. A country that does not ratify the Convention Against Torture is still legally bound by the customary rule against torture.
3. Even if no formal treaties on human rights exist, customary law helps protect individuals by allowing human rights concepts to change and adapt along with new practices of states.

#### **5.4 Challenges and Criticisms of Customary International Law**

While customary international law plays a crucial role in human rights protection, there are several challenges:

- Determining the exact scope and content of customary law can be difficult because state practice is not always consistent, and opinions about what constitutes customary law may vary.
- While customary law is binding, it lacks a central enforcement mechanism, making compliance difficult to ensure. States may disregard customary norms without facing formal consequences.
- The application of customary international law often depends on political will, meaning that states may selectively adhere to customary human rights norms when it suits their interests. (Smith, R. K. 2022)

### **6. Challenges in Enforcing Human Rights at the International Level**

Despite the establishment of a comprehensive international legal framework designed to protect human rights, enforcement remains one of the most persistent challenges in the realm of international human rights law. While legal instruments, treaties, and institutions have laid the groundwork for global human rights protections, various factors hinder their effective implementation and the holding of violators accountable. Below are the key challenges that persist in enforcing human rights at the international level:

#### **6.1 State Sovereignty**

The idea of state sovereignty stands as a main obstacle to implementing human rights internationally. It is a basic rule in international law that each state governs its region without being influenced by forces outside. The principle appears in the United Nations Charter which gives member states more self-control and freedom from other nations.

- Numerous states dealing with poor rights records refuse to allow international bodies to check their policies inside the country, referring to sovereignty as their reason for resistance. You can see this resistance occur when foreign human rights standards conflict with local ways of doing things, politics or economy. Owing to sovereign immunity, a government can evade being answerable to the worldwide community and side-step efforts to observe human rights.
- Despite having the UN Human Rights Council and the ICC to ensure states obey the law, some states will resist these efforts because they want to avoid their influence. States might postpone or not enforce human rights commitments, based on their own sovereignty beliefs and could walk away from international treaties when this suits them.
- China, Russia and several Middle Eastern countries have in the past refused to accept outside criticism about human rights in their countries, saying this is against their independence and cultural

or political customs. Nations that oppose some of the UN Human Rights Council's decisions claim they are driven by politics and are too invasive.

## **6.2 Lack of Political Will**

Existing global laws and organizations are not enough because a lack of political will continues to stop their enforcement. There are several factors that make it hard for governments to obey their responsibilities in human rights:

1. Political stability, the nation's security or economic needs can be more important to governments than human rights protections. Such countries may worry that efforts to respect human rights could harm their political power, affect their profits or limit how well they can rule.
2. Sometimes, international human rights law confronts what states see as their strategic and political interests. Sometimes, countries with a lot of power prefer not to address human rights issues among their allies to continue favorable political or economic deals with them. It is often argued that not sanctioning Saudi Arabia or China for human rights problems shows this issue.
3. Sometimes, governments have insufficient will at home to enforce international human rights requirements. Officials in charge may block changes to international human rights when such changes might limit their authority or if members from the public are against following international laws. Those in charge of authoritarian governments often choose to handle control over people before respecting their rights.
4. While the international community has criticized the way Myanmar's military junta handles the Rohingya, the government's lack of change and openness to global observation has stopped real improvements. Just as before, North Korea has often ignored pressure to improve its human rights, explaining that its independence prevents scrutiny from the rest of the world.

## **6.3 Weak Enforcement Mechanisms**

Although international human rights law sets up enforcement methods, they usually do not work well enough to solve violations:

1. Many international human rights bodies such as the ICC, do not have comprehensive jurisdiction. The ICC has jurisdiction over crimes committed by individuals inside states that have joined the Rome Statute or where the UN Security Council has sent a case to the court. As a result, states not included in the Statute, for example the United States, Russia and China, do not come under the authority of the ICC.
2. It is still hard to prosecute people who violate human rights when cases go to international courts. Justice can be pushed back and sometimes blocked because of problems with political issues, lack of cooperation during diplomatic talks or unwillingness from some countries to let their citizens be tried in international courts.
3. The United Nations and similar organizations are unable to enforce human rights rulings. The Security Council's powers to intervene militarily or apply sanctions are sometimes politically debated and these methods have mixed effects when it comes to obeying human rights standards. Sanctions can result in harm to everyday people, but not those at the top who carry out the abuses.
4. The court's attempt to charge Sudanese President Omar al-Bashir with war crimes and crimes against humanity has been complicated by Khartoum's decision not to cooperate with the arrest

warrant. Although a warrant from the ICC was in place, the suspect continued to leave his country, showing the difficulties of enforcement when nations do not cooperate.

#### **6.4 Non-State Actors**

The enforcement of human rights is frequently threatened by terrorist groups, armed militias and big companies. Because many of these parties aren't held back by international rules, it is often difficult to hold them responsible:

1. Many times, non-state armed organizations which have no government control, are responsible for human rights abuses. ISIS and Boko Haram have committed mass brutalities, like killing people, inflicting sexual violence and driving away others from their homes. As neither UN members nor parties to treaties such groups escape much obligations imposed by international law.
2. Many large corporations headquartered outside a nation may harm human rights, especially, in places that are less developed. Although corporations may suppress workers, pollute or displace those in need, the laws enforcement officials use to enforce rules over them are not always effective. In lots of instances, companies can avoid being held accountable by working in fragile states or making use of missing international regulations.
3. Some multinational businesses are being investigated for human rights violations, among them exploiting children in the mining industry in the Democratic Republic of Congo. Although prohibited by international human rights law, it is often very hard to enforce against companies since there are few binding rules and not enough effort to hold them accountable. (Donnelly, J., & Whelan, D. J. 2020)

### **7. Recent Developments and Future Prospects**

In the last few years, international law has developed significantly to meet new and ongoing threats to human rights. As problems around the world grow, international law is being changed to protect human rights in places where they were not considered before. They demonstrate that the world is beginning to see the importance of adjusting human rights law for new global issues. I will now discuss new issues and the likely outcomes for international law in these areas:

#### **7.1 Climate Change and Human Rights**

One of the greatest concerns in current international law is the way climate change affects human rights. More and more, people recognize that climate change harms humans by causing higher sea levels, stronger weather and breaking down the natural environment. Because of this wider understanding, changes are being made to international law to help safeguard those harmed by climate change.

- People living in areas close to oceans, low-income nations and small island groups are more threatened by climate issues. As a result, in the Pacific Islands, sea level rise forces communities from their homes and deprives them of decent housing, work opportunities and sometimes, their lives. Floods and droughts are becoming more common in Bangladesh and are now seriously impacting people's ability to get food, clean water and proper health care.
- Growing numbers of nations are now recognizing that climate change affects both the environment and people. Efforts by the UNHRC and similar organizations helped bring the right to a healthy environment to international law. The Intergovernmental Panel on Climate Change (IPCC) and other international bodies have stated that it is necessary to have laws globally that protect people and the environment together.

- Recognition that climate change is linked to human rights has been granted by both the courts and lawmakers. In 2019, the world's countries approved an UN General Assembly resolution guaranteeing each person the right to a healthy, clean and sustainable environment. In 2021, the United Nations Human Rights Council pointed out that environmental problems can endanger human rights and asked governments to take tackling climate change seriously to protect everyone's rights.
- As climate change gets worse, new international laws may be needed to guarantee that people's rights are safe in the face of harm from the environment. Upcoming changes could involve drafting firmer agreements on how to help displaced persons caused by climate change and setting up stronger international measures for climate justice.

## **7.2 The Rights of Refugees and Migrants**

Because of the global refugee and migrant crisis, there is now more attention being paid to boosting international protection for people who have been displaced. The recent mass movements of people because of conflict, persecution, poor economies and natural disasters have proven that today's rules for protecting refugees and migrants are inadequate.

- The basic document governing international refugee law today is the 1951 Refugee Convention along with its 1967 Protocol. Even so, a massive number of people have become displaced worldwide, with over 100 million displaced reported by the UNHCR (United Nations High Commissioner for Refugees). Consequently, there is a stronger push to make sure international agreements help more refugees and that states are committed to sharing refugee responsibilities.
- Recent events like the Syrian refugee crisis, the displacement of Afghans and the continuing Ukraine crisis have led many people to demand that international law be updated for migrants and refugees. Handling a big number of asylum seekers has been a serious challenge for European Union nations which has caused arguments about spreading the burden and who should be given asylum. Also, climate change is pushing more people to leave their homes, especially those living near the seas or deserts.
- In the European Union and Latin America, some countries have improved ways of helping refugees by entering into agreements such as the Global Compact on Refugees (2018) which supports closeness among nations and equal sharing of responsibilities. Additionally, the New York Declaration for Refugees and Migrants (in 2016) helped to emphasize why migration must be approached through a human rights framework.
- As we go forward, international law could focus on granting additional protections to refugees and migrants, especially those who leave their homes due to climate problems or new events like an economic crash or a pandemic. Nations around the world might adopt binding agreements on protecting refugees and begin to share the responsibility more between states.

## **7.3 Corporate Accountability**

It is now a key matter for international law that multinational companies often take part in human rights violations, especially in conflicted or developing countries. Over the last ten years, more attention has focused on companies making sure they uphold human rights rules, especially in their operations around the world.

- The UN Guiding Principles on Business and Human Rights, also called the Ruggie Principles, were a major advance in dealing with business and human rights. Their purpose is to remind states to

protect human rights, require companies to observe human rights and ensure remedies for those whose human rights are broken by companies.

- Human rights organizations report that corporations based in conflict zones and those with weak leadership have often hurt others. Companies in the DRC have reportedly gained from using child labor and contributing to conflict with their purchase of conflict minerals. Similarly, companies involved in places of armed conflict often become involved in war crimes, human trafficking and more.
- Although the Ruggie Principles laid out a way to hold companies accountable, there is still a serious deficit in ways to enforce them. International and national laws are not always strong enough to demand that companies take responsibility for offenses they commit abroad in places where legal systems are weak.
- These days, companies are increasingly being asked to adjust their corporate activities to meet international Human Rights standards. The EU Non-Financial Reporting Directive, along with other regional initiatives, is aimed at increasing how much companies reveal about their involvement with human rights and the environment.
- Moving ahead, it may be necessary for international law to enforce tougher and more powerful rules on companies. The number of advocates for treaties requiring global corporations to respect human rights in both conflict and developing nations is rising. Such legal changes may follow the example set by the OECD Guidelines for Multinational Enterprises and the UN Global Compact.

## 8. Conclusion

Human rights are secured in many countries due to international law. Many years have passed and progress in the field is due in part to the UDHR and International Covenants which provide the basis for regulating human rights globally. The UN, the ICC and many regional human rights organizations are among those that uphold and protect human rights.

Still, dealing with a variety of major problems is necessary. Many states continue to resist having their behavior analyzed from other countries which makes full enforcement of human rights law difficult. Many politicians think that their tasks in politics, economics or strategy should come before their responsibility toward human rights. It is also challenging to hold people accountable for these crimes because some cases occur where enforcement tools cannot function under special political circumstances. International law is not always able to address problems involving multinational corporations, terrorist organizations and similar groups clearly, leading to complication for the law.

Improved human rights protection will come from stronger international laws. Because of this, states need to be accountable for their tasks in human rights and the rules for businesses should be improved by using the UN Guiding Principles on Business and Human Rights. In today's world, climate change, the movement of people and the duties of companies are all new challenges that call for international law to evolve. Laws and systems should reflect the challenges we face today to keep human rights from being changed. United efforts, strong implementation and reliable justice for all people, state and non-state, are necessary to move ahead. Each new development in human rights law makes it easier for there to be justice and equality for every person.

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