

## Analyzing International Human Rights Law: Global Enforcement and Treaties



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**Abstract:** *The essence of global efforts to safeguard and uphold human rights lies in International Human Rights Law (IHRL). This comprehensive study examines the origins, significance and far reaching implication of IHRL, shedding light on the pivotal role it plays in creating a fairer and more justified world. Our analysis centres on the UDHR, which is a landmark document that was born in amidst of World War in 1948. Unravelling the historical context in its creation helps us understand, how this document influenced on the creation of IHRL for centuries. These principles today still continue to guide states and subjects alike. The international treaties are the main “pillars” of IHRL, providing the universal structure of human rights protection. This article critically evaluate the 1950 European Convention on Human Rights, and the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social, and Cultural Rights (ICESCR). The treaties emphasize that civil, political, social, and economic rights are interdependent. Consequently, they highlight the global commitment to protect these rights. In addition, they explore the mechanisms and institutions that are responsible for the implementation of IHRL internationally. The UPR is the mechanism through which the UNHRC reviews all countries’ human rights situation as a (Universal Periodic Review). ICC is essential to holding individuals accountable for serious international crimes and promoting justice and accountability. This article shows important cases that reveal how IHRL operates in the real world. These cases demonstrate how IHRL helps secure the rights and dignity of individuals across border from birth of UDHR to the practical implication of IRC.*

**Keywords:** *IHRL, ICCPR, ICESCR, UNHRC, UPR, ICC, IRC, Human Rights, UDHR*

### Introduction

In a world so diverse and connected, the ideals of human rights constitute both a binding moral imperative and a universal promise. It is supported by international human rights law (IHRL), a legal foundation whose objective is to see to it that each one of us enjoys the

fundamental rights and inherent dignity no matter the place of birth and our origins<sup>1</sup>. This article is envisaged as a thorough inquiry into the complex structure of international human rights law. The journey takes us across the spectrum of IHRL, reviewing its origins and implications, and revealing tools created to secure compliance. Imagine a time in history when the

<sup>1</sup> Alice Edwards, “Human Rights, Refugees, and The Right ‘To Enjoy’ Asylum,” *International Journal of*

*Refugee Law* 17, no. 2 (January 1, 2005): 293–330, <https://doi.org/10.1093/IJRL/EEI011>.

world had experienced the atrocities of two world wars, following this unprecedented human trauma, a determined will arose- to save future generations from war and injustice. The determination to live was heard in the UDHR, adopted in 1948, which was intended to be the first step toward a just society. The UDHR established indivisible principles that no matter a person's country of origin, race, political orientation, religion or sex, one is endowed with inherent rights and dignity which should be respected<sup>2</sup>. It is a firm pledge by countries to build a universe of peace, liberty, equality, and justice. However, the UDHR marks only one stage of the IHRL narrative, it is an ideal that captures the dream of humanity and serves as a beacon in the crafting of international treaties and agreements that continue delineating and legalizing these rights. One of these important instruments is the European Convention on Human Rights (1950) and the two International Covenants on Civil and Political Rights (ICCPR) and Economic, Social, and Cultural Rights (ICESCR). Such treaties constitute important documents of IHRL, which include multitude of rights that range from political and civil to socio-economic and cultural rights which emphasizes the nexus of human rights entitlements<sup>3</sup>. Nevertheless, while there is an existence of paper-based IHRL, it is a living, dynamic framework that has a practical influence on daily lives. It demands responsibility, and to this end, there are international institutions and mechanisms. The UNHRC is a "sentinel" that supervises and tackles human rights abuses through UPR<sup>4</sup>. More generally, the ICC endows itself with the jurisdiction of trying individuals responsible for grave international crimes pursuing justice and accountability on global scale. In this article, we

take on an odyssey which spans the legal history of IHRL. This paper will be devoted to the discussion of major judicial decisions that prove how vital is IHRL. From historical beginning of the UDHR to the practical implications of the ICC, these cases serves as signpost along the path, proving how IHRL affects the lives of individuals globally. Thus, as we navigate the complicated terrain of IHRL, we reiterate its eternal significance into the transforming world. This is evidence of the common will of societies, organizations, and individuals for human rights – a will that goes beyond national, cultural, and ideological boundaries. Therefore, IHRL symbolizes a pledge that everyone can lead a life in which their dignity and rights are valued and guaranteed. Such a promise not only reflects the dreams of law creation, but they are also the part of the common moral conscience humanity.

## 1.2 Research questions:

1. What is the impact of economic globalization on the enforcement of international human rights?
2. How do environmental challenges intersect with international human rights, and what stratagems can be employed to address these intersections globally?
3. How does armed conflict undermine the effectiveness of international human rights mechanisms? What can be done to improve the response of these mechanisms to conflicting situations?

## 2.1 The Role of Economic Globalization in Shaping Human Rights Enforcement:

By increasing integration of national economies into the global economy, through improved trade, investment, and flow of information,

<sup>2</sup> Li-Ann Thio, "The Universal Declaration of Human Rights at 60: Universality, Indivisibility and the Three Generations of Human Rights | Singapore Academy of Law Journal," accessed October 22, 2023, <https://search.informit.org/doi/abs/10.3316/informit.661277870976549>.

<sup>3</sup> Todd Landman, "Measuring Human Rights: Principle, Practice, and Policy on JSTOR," 2004, <https://www.jstor.org/stable/20069767>.

<sup>4</sup> Ravi Prakash Vyas et al., "Selected Developments in Human Rights and Democratisation during 2018: Could It Have Been Worse? Mixed Messages around Democracy and Human Rights in the Asia Pacific," Global Campus of Human Rights, 2019, <https://repository.gchumanrights.org/items/2dced2d7-054c-47f0-b71a-ff4d0f83c13d>.

economic globalization take place. It entails international trade agreements, Multinational Corporation, and financial global markets<sup>5</sup>. Now, let's explore how this phenomenon affects the enforcement of international human rights:

*i. Economic Leverage and Human Rights:*

The more economically interlinked countries are, the more influence these countries have on each other. In turn, this power can be used to exploit weak economies such as third-world countries. This may provide an opportunity to initiate changes in the area of human rights. For instance, they may stipulate improved work terms and environmental safeguards as a prerequisite to trade commitments.

*ii. Labor Rights and Global Supply Chains:*

Industries such as manufacturing and agriculture are characterized by globalized supply chains. Labor rights may be compromised when products are produced in a different country. Some workers were also exploited and exposed to hazardous circumstances. Therefore, the pressure has increased to make sure that multinational companies provide fair labor practices and human working conditions in their supply chains.

*iii. Wealth Disparities and Human Rights Challenges:*

Economic globalization has significantly contributed to disparities in wealth between and within countries. Such disparities could result into human right issues which include poverty, inequality and unequal access to education and healthcare. Various international organizations and agreements pursue these goals through stimulating economic advancement and poverty

reduction.

*iv. Potential for Abuse:*

Global economic is positive for human rights but can be a double-edged sword. It may result in exploitations and human rights abuse. For instance, in the quest for profits, a company may ignore environmental protection and also use inhuman labor in the process of production. This underscores the importance of stringent international rules and oversights.

*v. Trade Agreements and Human Rights Clauses:*

Today, many agreements for international trade contain human rights provisions. These clauses stipulate that participating countries have to maintain certain provisions on human rights. Such breaches could result in trade sanctions and penalties. These clauses show economic globalization as an instrument for promoting human rights.

**2.2 Intersection of environmental challenges with international human rights and the strategies to address these intersections globally:**

Try envisioning the world where environmental problems such as climate change, deforestation, and pollution have direct impact on people's fundamental rights such as clean air, unadulterated water and healthy environment<sup>6</sup>. This is the complex intersection of environmental challenges and international human rights. The contrast between environmental challenges and Human Rights is as follows:

1. *Right to Life:* There are several ways in which environmental degradation can affect the health and well-being of the people. At its worst, a threat to one's right to life.

<sup>5</sup> Fabrizio Marrella Wolfgang Benedek, Koen De Feyter, "Economic Globalisation and Human Rights: EIUC Studies on Human Rights and ... - Google Books," 2007, [https://books.google.com.pk/books?hl=en&lr=&id=EbbQA84Uv\\_4C&oi=fnd&pg=PA14&dq=The+Role+of+Economic+Globalization+in+Shaping+Human+Rights+Enforcement:&ots=sWwxmMJawx&sig=wncpM](https://books.google.com.pk/books?hl=en&lr=&id=EbbQA84Uv_4C&oi=fnd&pg=PA14&dq=The+Role+of+Economic+Globalization+in+Shaping+Human+Rights+Enforcement:&ots=sWwxmMJawx&sig=wncpM)

k4xNJWn9ppdxX\_RK2vRtzE&redir\_esc=y#v=onepage&q&f=false.

<sup>6</sup> Oliver C. Ruppel, *Part I : International Climate Change Law – a New Legal Discipline ?*, 2020, [https://www.nomos-elibrary.de/10.5771/9783845242781\\_27/intersections-of-law-and-cooperative-global-climate-governance-challenges-in-the-anthropocene?page=1](https://www.nomos-elibrary.de/10.5771/9783845242781_27/intersections-of-law-and-cooperative-global-climate-governance-challenges-in-the-anthropocene?page=1).

2. *Right to Health:* Exposure to pollutants and hazardous substances may result in severe health problems, thereby violating the right to health.
3. *Right to Food:* Droughts, floods or other climate change inspired extreme weather event may impede agriculture and food supplies, undermining the adequate food rights.
4. *Right to Housing:* The climate of change may rise the sea level forcing communities out homes thereby leading to violation of their housing rights.

### 2.3 Strategies to Address these Intersections:

1. *International Agreements:* Through international agreements such as the Paris Agreement, countries must jointly work together towards mitigating climate change and minimizing environmental damage<sup>7</sup>. Such agreements acknowledge the role of human rights in environmental undertakings.
2. *Legal Protections:* It is imperative that national and international legal frameworks explicitly incorporate human rights principles in relation to environmental issues. Courts and tribunals may have a significant function in bringing governments and corporations to account for environmental related violations of human rights.
3. *Public Awareness:* It is important to raise awareness on human rights implications of environmental challenges. It enables communities to speak out for their rights and compels governments and corporations to adopt more sustainable policies.
4. *Community Involvement:* Environmental harm usually falls on local communities. Involving them in decision making

processes ensure that their rights are valued and helps find sustainable solutions that work for everyone.

5. *Technology and Innovation:* Technology advancements help to monitor environmental changes and ensuring compliance with environmental regulation. It can thus safeguard human rights in instances where environment is destroyed.
6. *Capacity Building:* Countries in the Global South may not have enough capacity to handle environmental problems adequately. However, international support and capacity-building programmes may assist these countries in safeguarding the rights of their citizens during the pursuit of sustainable development.

### 2.4 The Impact of Armed Conflict on Human Rights Mechanisms:

1. *Right to Life:* Individual's right to life is put at risk by war. Civilians may be affected and there might be targeted killings<sup>8</sup>.
2. *Right to Freedom:* This often results in mass displacement and Refugee crisis. People might be held without charges, or held in custody.
3. *Right to Fair Trial:* During war time, the justice system may fall apart, leaving people at risk of not getting a fair trial.
4. *Right to Health:* Hospitals and medical personnel are likely to be attacked, as access to health care is disrupted.
5. *Right to Education:* Schools may be demolished to disrupt a child's right to education.

### 3.1 Challenges Faced by International Human Rights Mechanisms:

1. *Access and Monitoring:* The situation is

<sup>7</sup> CP Carlarne, JD Colavecchio - NYU Env'tl. LJ, and Undefined 2019, "Balancing Equity and Effectiveness: The Paris Agreement & the Future of International Climate Change Law," *HeinOnline*, 2019, [https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/nyuev27&section=9](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/nyuev27&section=9).

<sup>8</sup> William A. Schabas, "Lex Specialis? Belt and Suspenders? The Parallel Operation of Human Rights Law and the Law of Armed Conflict, and the Conundrum of Jus Ad Bellum," *Israel Law Review* 40, no. 2 (2007): 592–613, <https://doi.org/10.1017/S0021223700013443>.

hard to control where human rights groups or monitors are limited in their ability to access conflict torn areas.

2. *Enforcement*: It is difficult to enforce human rights standards when the government or any other non state actors involved in the conflict. During the time of war the states do not respect human rights.
3. *Accountability*: However, it becomes quite tricky when dealing with powerful players in a conflict where human rights are violated.

### **3.2 How Mechanisms Can Respond to Conflict-Related Challenges:**

To improve the effectiveness of international human rights mechanisms in conflict situations, several strategies can be employed:

1. *Early Warning Systems*: Such mechanisms can set up early warning systems that can identify conflicts at their inception and avoid violation of human rights.
2. *Peacekeeping Missions*: This also indirectly supports human rights as peacekeeping forces, within UN auspice, stabilise conflict zones and protect civilians.
3. *Diplomacy*: Diplomacy has an important role to play in conflict resolution, and the centrality of human rights concerns should always underline negotiations.
4. *Accountability Mechanisms*: Courts such as the ICC can also carry out an investigation into the conduct of war crimes or human rights abuses and subsequently prosecute responsible parties.
5. *Humanitarian Aid*: Humanitarian organizations, working closely with human rights mechanisms, can effectively deliver assistance to those most in need in zones of conflict.
6. *Engaging Civil Society*: Significantly, civil society organizations both at the local level and others are contributory in registering

abuses, offering support, and promoting human rights in zones affected by conflict.

### **4.1 Historical foundation of international Human Rights Law:**

The historical background of the IHRL is closely related with the aftermath of the Second World War. It was an epoch in which the world had experienced unfathomable destruction, death, and enormous human rights transgressions. There arose a determined will that such barbaric acts should never occur again in response to these horrors<sup>9</sup>. The UDHR, which was adopted in 1948, plays a central role in this historical narrative. It was an unprecedented document that claimed all human beings have equal and inherent rights. To understand the moral and ethical principles underpinning IHRL, it is essential to grasp the circumstances and events that caused the creation of the UDHR. Analysis of the historical background brings out the motivation and need for the development of IHRL. The declaration depicts when the international community made a declaration to defend the rights of all and guarantee their fundamental rights. The legal framework of IHRL is based on this historical background.

### **4.2 Analyzing Key International Treaties and Agreements in IHRL:**

This objective involves a thorough examination of crucial international treaties and agreements within international human rights law IHRL. The legal instruments that form IHRL consist of this network that tackles various aspects of human rights. We shall therefore examine these important treaties and agreements, examining their basic principles, provisions, and significance within the wide sphere of IHRL.

#### **4.2.1 Some of these vital treaties and agreements include:**

1. *The European Convention on Human Rights (1950)*: This treaty set a regional standard for human rights in Europe. This includes various civil and political rights and

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<sup>9</sup> DINAH SHELTON, "A N I NTRODUCTION TO THE H ISTORY OF I NTERNATIONAL H UMAN R IGHTS L AW," no. August (2007).

introduced the European Court of Human Rights to ensure compliance and deal with related cases<sup>10</sup>.

2. *International Covenants on Human Rights:* The major covenants falling into this category are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Together, these are all-comprehensive human rights, covering both civil and political rights—such as the right to life and liberty to express— and socio-economic rights, including the right to engage in works and access to education<sup>11</sup>.
3. *Specialized Treaties:* In addition, there are various treaties concentrating on particular areas of human rights. Some of these are the Convention on the Rights of the Child, Convention for the Elimination of All Forms of Discriminations against Women (CEDAW), and conventions for matters that include torture and racial discrimination, rights of refugees.

#### 4.3 International Mechanisms of Protection of Human Rights:

By this we seek to understand the systems and institutions responsible for protecting human rights across the world. It is necessary because every person must have the basic freedoms and respect for their dignity protected internationally. Here's an in-depth look at these mechanisms:

1. *The United Nations Human Rights Council (UNHRC):* think of it as a watchful guardian. UNHRC continues to monitor human rights conditions in different nations. UPR is one of its critical tools to evaluate the situation with human rights in countries.

If any problem is found, recommendations for improvements are made.

2. *The International Criminal Court (ICC):* Try to picture it as a world's court of justice. The ICC tries individuals who commit heinous crimes which stun the collective conscience of humanity. These include murder, genocide, and war crimes. This makes them face the consequences of their heinous activities.
3. *Regional Human Rights Mechanisms:* It's like working in groups or in teams at regional level. There are also different courts and commissions dedicated to hearing cases of human rights violations in particular regions of the world such as Europe or Africa. For instance, the Inter-American Court of Human Rights solves problems of the Americas.
4. *Civil Society and Advocacy:* Picture this as everyday heroes. They include civil society organizations, activists and advocacy groups. These include researching into human rights abuse, reporting on their findings, and advocating for change. They are among the first to speak out about human rights abuses.

#### 5.1 Real-World Significance through Case Laws:

##### *Case 1: The Nuremberg Trials (1945-1946)*

Visualise the events following the end of World War 2 that brought out the terrors of the Holocaust and other cruel experiences. Nuremberg Trials, which were designed to bring Nazi leaders to justice for crimes such as, the crimes against humanity, war crimes, and genocide<sup>12</sup>. It was a milestone in world history since it was the first time that individuals were called accountable for such grave international

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<sup>10</sup> Colonel G.I.A.D. Draper, "Implementation of the European Convention on Human Rights, 1950," *Brill.Com*, 1972, [https://brill.com/downloadpdf/book/edcoll/9789004422834/B9789004422834\\_s006.pdf](https://brill.com/downloadpdf/book/edcoll/9789004422834/B9789004422834_s006.pdf).

<sup>11</sup> Alan Brudner, "The Domestic Enforcement of International Covenants on Human Rights: A Theoretical Framework," *HeinOnline*, 1985,

[https://heinonline.org/hol-cgi-bin/get\\_pdf.cgi?handle=hein.journals/utlj35&section=21](https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/utlj35&section=21).

<sup>12</sup> Caroline Sharples, "Holocaust on Trial: Mass Observation and British Media Responses to the Nuremberg Tribunal, 1945–1946," *Holocaust and Its Contexts*, 2013, 31–50, [https://doi.org/10.1057/9781137350770\\_3/COVER](https://doi.org/10.1057/9781137350770_3/COVER).

crimes. The trials laid a foundation for prosecution of perpetrators of mass atrocities and established the theory that an individual can be criminally culpable according to international law.

*Case 2: Aung San Suu Kyi and Myanmar (various periods)*

Consider the continuing fight for democracy in Burma. For instance, Aung San Suu Kyi who is among those who fought this battle was arrested at home for political reason. Her release and then the political position demonstrates that IHRL matters with respect to freedom of expression as well as political participation in the real world<sup>13</sup>. The story of her journey reflects that IHRL can influence political change and safeguard individual's rights, even under authoritarian regimes.

*Case 3: The Rwanda genocide and Jean-Paul Akayesu.*

This case ponders over the Rwanda genocide of 1994. The International Criminal Tribunal for Rwanda sentenced Jean-Paul Akayesu, a Rwandan mayor, to life imprisonment<sup>14</sup>. This case illustrates the power of IHRL in making people accountable for heinous crimes. This is an influential statement that such offenders will be brought to accountability to maintain notions of justice and accountability.

*Case 4: Obergefell v. Hodges (2015)*

Think of the plight of the LGBTQ+ movement. In the US, the Obergefell v. Hodges case paved way for the nationalization of same sex marriage. This is a story that confronts social convention and brings about equality through the machinery of IHRL. This indicated that people should not be discriminated based on

their sexual orientation, but rather be afforded with equal rights.

*Case 5: The South African Truth and Reconciliation Commission (1996).*

Consider the aftermath of apartheid in South Africa. To address the atrocities of apartheid and facilitate the culture of reconciliation and equality, the Truth and Reconciliation Commission was established. This case serves to illustrate that IHRL could prove useful in the process of healing, reconciliation and transformation in societies affected by the scars of conflict and discrimination. It puts focus on the need to recognize past transgressions and pursue a more just and fair world<sup>15</sup>.

These cases demonstrate how IHRL has a true and significant impact on people, communities and countries respectively. These cases also demonstrate that IHRL is important for maintaining justice, accountability, equality and respect for human dignity in a number of circumstances.

**Conclusion:**

Human rights are a ray of hope in the tapestry of our interconnected world. Through this article, we have unveiled the murky terrain of IHRL in which the principles borne out of World War II dictate the quest for a just world order. IHRL is a framework that protects the inherent dignity of all individuals as stated in the UDHR, and also in many significant international treaties. Through economic globalization, we have seen how nations are forced and compelled to respect and promote human rights. The right to life, health, and a clean environment may all be in line with one another. Human rights are often tested in the very heart of armed conflict. Nevertheless, international mechanisms try to

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<sup>13</sup> Anna Tan, "A Critical Assessment of Human Rights Diplomacy By Western States in Myanmar (Burma) From 2007 To 2020," *Asian Affairs* 52, no. 3 (2021): 655–87, <https://doi.org/10.1080/03068374.2021.1953783>.

<sup>14</sup> Beth Van Schaack, "Santa Clara University School of Law Legal Studies Research Papers Series Engendering Genocide : The Akayesu Case Before the International Criminal Tribunal for Rwanda Engendering Genocide : The Akayesu Case Before

the International Criminal Tribunal For" 2008, no. 08 (2008): 30, <https://ssrn.com/abstract=1154259>.

<sup>15</sup> Alfred Allan and Marietjie M. Allan, "The South African Truth and Reconciliation Commission as a Therapeutic Tool - Allan - 2000 - Behavioral Sciences & the Law - Wiley Online Library," 2000, [https://doi.org/https://doi.org/10.1002/1099-0798\(2000\)18:4%3C459::AID-BSL366%3E3.0.CO;2-T](https://doi.org/https://doi.org/10.1002/1099-0798(2000)18:4%3C459::AID-BSL366%3E3.0.CO;2-T).

safeguard the weak, provide justice, foster peace, and search for the importance of IHRL in creating a place of liberty, equality and fairness. There have been difficulties but we have noted the resolve of activists on the human rights front, the power of communities, and the prospects of diplomacy, and accountability in making things better. In conclusion, IHRL is more than just a legal framework – it's a promise. A promise that regardless of our background, we can live in a place where our basic rights and human dignity is respected and safeguarded. It is the bond that does not know boundaries, cultures, ideologies, but rather unites us with the idea of more honest and just world.