

Diplomatic Immunity under the framework of international human rights law: Weighing sovereign privilege against personal rights.



Dr. Syed Raza Shah Gilani	Assistant Professor, (Law)* at Abdul Wali Khan University Mardan, Pakistan. Assistant Editor. Journal of Islamic State Practices in International Law; Editor, Book Review. (BRILL) The Asian Yearbook of Human Rights and Humanitarian Law. sgilani@awkum.edu.pk
Dr. Ali Mohammed Al-Matrooshi	Lieutenant Colonel Dr Ali AlMatrooshi Head of Child and Woman Protection Department- General Department Of Human Rights- Dubai Police Teacher of International Public Law- Dubai Police Academy, ORCID: 0000-0001-5954-5994
Dr. Barrister Ali Fayyaz Awan	Compliance, Brunel University London, ORCID Account Number: https://orcid.org/0009-0005-6965-5798 , Ali.Fayyaz@brunel.ac.uk

Abstract: *Diplomatic immunity, a foundational concept in international law, grants diplomats protection from legal action in host countries to ensure the unimpeded performance of their duties. Rooted in the Vienna Convention on Diplomatic Relations (1961), this immunity is vital for maintaining international diplomatic relations. However, its application raises significant challenges within the framework of international human rights law, particularly when it is used to shield individuals from accountability for serious offenses that violate the rights of others. This article provides a comprehensive analysis of diplomatic immunity in the context of international human rights law. It explores the historical evolution and legal foundations of diplomatic immunity, alongside key cases where its application has been contested on human rights grounds. The discussion highlights the inherent tension between the sovereign privilege of states and the personal rights of individuals, examining how this balance is negotiated in contemporary international law. By critically assessing the extent to which current legal instruments and jurisprudence address these conflicts, the article seeks to contribute to the ongoing debate on the reconciliation of diplomatic immunity with the imperatives of human rights protection. Ultimately, it argues for a more nuanced approach that preserves the essential functions of diplomatic immunity while ensuring that it does not become a shield for impunity in the face of human rights violations.*

Keywords: Diplomatic Immunity, International Human Rights Law, Sovereign Privilege

Introduction

Diplomatic immunity is a fundamental principle embedded in international law, designed to facilitate diplomatic relations by granting certain protections and privileges to foreign diplomats. This legal doctrine, enshrined in the Vienna Convention on Diplomatic Relations (1961), ensures that diplomats can perform their duties

without fear of coercion or harassment by the host state. However, the application of diplomatic immunity raises significant questions, particularly when it intersects with the framework of international human rights law. The inviolability of diplomats, while essential for the maintenance of international order and the effective conduct of diplomacy, can sometimes come into conflict with the rights

and freedoms guaranteed to individuals under human rights law. This tension is particularly evident in cases where diplomatic immunity is invoked to shield individuals from accountability for actions that may violate the rights of others, including serious offenses such as human trafficking, exploitation, and other abuses.

This article critically examines the principle of diplomatic immunity within the broader context of international human rights law. It explores the historical development and legal foundations of diplomatic immunity, and analyzes key cases where the doctrine has been challenged on human rights grounds. By weighing the sovereign privilege of states against the personal rights of individuals, this discussion seeks to address the complex balance that must be struck in ensuring both the protection of diplomats and the safeguarding of human rights. In doing so, it will consider the extent to which international legal instruments and jurisprudence have adapted—or failed to adapt—to the evolving demands of a global legal order increasingly concerned with human dignity and accountability. (Gilani, Ali, & Zahoor, 2023)

The concept of sovereign privilege and its relationship with diplomatic immunity

Sovereign privilege is somewhat similar to the internal and external powers that every nation has in its jurisdiction and diplomatic relations. This is about self-sovereignty or the authorities that pertain to the sovereignty of a country. For instance, countries can pass their laws and rule their people as well as communicate with other countries independently (Boyer, 1974). This idea is very profound in international law and forms the foundation for how nations relate with one another. Well, diplomatic immunity is one of the perks of sovereign immunity. Think of that time that you are a diplomat—a special envoy from your country to go and discuss with another country crucial issues which may include trade or even warfare. Diplomatic immunity works like a cloak that saves one from getting into problems in the country of visit. This is an implication that irrespective of the fact that you may violate the law in that country by a technicality, then you cannot be penalized there.

You will just return to your home country and face the consequences there. The thing is immunity is there for good purposes. It enables the diplomats to perform their function without having to worry about facing charges for every slight infringement. It is as if one is providing the other with a clean environment to operate in without the pressure of being harassed or intimidated by the host country. Also, it ensures that there is order in dealing with other countries because diplomats are not restricted in any way about what they can say or do. However, just like everything in this world, there are advantages and disadvantages to this diplomatic immunity. This is because at times diplomats take advantage of their immunity engage in various offences and go unpunished. They could engage in criminal activities such as breaking the law or even getting involved in criminal activities knowing that they will not be apprehended since they are in another country. (Shah Gilani, Ullah, & Zahoor, 2022) This can lead to a lot of frustration and anger, especially if the crimes are severe, for instance, involving the use of violence on people or infringement of human rights (Van Alebeek, 2008).

Consequently, there is a competition between sovereign privilege and diplomatic immunity. On one hand, countries have to protect their diplomats as the latter is supposed to perform his or her duties diligently. On the other hand, they also have to ensure that diplomats do not take advantage of their immunity to do bad things. It is all about one of the biggest challenges, which is to provide as much freedom to diplomats as possible and at the same time control them as much as possible. Over the past few years, there has been a debate on how to enhance this trade-off. There may be disagreement on how the principles of diplomatic immunity should be more strictly or less strictly applied or on which crimes the rules should not apply at all. Some contend that there should be developments aimed at increasing the level of administration and disclosing cases, where diplomats abuse their privileges. It is not easy to attain that, but it is important to make sure that diplomatic immunity is as useful as it is meant to be as well as certify that justice and fairness are perceived

in international relationships (Johns, 2024).

Analysis of the impact of diplomatic immunity on individual rights, particularly in the context of human rights violations

Diplomatic immunity is an immunity that seeks to protect diplomats from legal prosecution in the states they are posted in. It is like armor that shields them from discharging their diplomatic duties knowing very well that no one can threaten them or injustices are going to be done on them by the legal frameworks of the country of host. But this immunity sometimes can be an issue, especially speaking of human rights. However, there is a loophole here and this is the aspect of misuse of the system. The difficulty of the issue is that diplomats cannot be prosecuted and they can therefore engage in unlawful conduct and go unpunished. (Gilani, Rehman, & Khan, 2021) This could be something like a violation of human rights for example torture, discrimination, or limitation of freedom of speech. Such immunity when a diplomat is involved in such an offense will allow them to go unpunished, while the victims are left with no justice and such feeling that the perpetrators will never be punished. Moreover, diplomatic immunity is a significant issue because it takes a very long time to resolve cases of individuals who have infringed on other people's rights and get justice. Since diplomats cannot be prosecuted in the host country, the victims will be left with no option in case they wish to seek justice. For instance, if an individual endures discrimination or abuse by the hand of a diplomat; the person will be left to suffer and cry helplessly because the law cannot arrest the culprit because he/she has diplomatic immunity. This is not only a violation of the rights of the victims to get justice but can prolong the continuation of the action of the perpetrator (Webb, 2012).

Moreover, when human rights are violated under the pretext of diplomatic immunity, it becomes very difficult to carry out diplomatic relations between the two countries. This may create tension that may be viewed from the relation between the host country and the home country thus bringing tension between the countries in general. However diplomatic immunity is still

relevant as it allows the diplomatic relations between countries to establish communication and bargaining (Halverson, 2001). First of all, it is a useful tool that assists diplomats in executing their work, with no concern about receiving unfair punishment. But what is more important in this piece of the puzzle is the lack of means to stop diplomatic immunity from obliterating human rights. The following recommendations have therefore been made to enhance accountability and regulation of the diplomatic missions: For this reason, states must cooperate to erect a structure that can punish diplomats according to their past while at the same time considering diplomatic privileges. It may involve strengthening the legislation of human rights, enhancing responsibilities, and encouraging the public to participate in the discussions on human rights. Thus, the international community must step up to the plate to find out how much has to be lost in terms of privileges to provide justice for the individuals. It is about principles and justice and making sure that the continent does not utter a word on this but at the same respecting the sovereignty of countries. In this way, it is possible to solve the issues of diplomatic immunity established about the achievement of the goals described above, as well as work on the protection and promotion of human rights at the international level.

Examination of potential solutions to balance sovereign privilege and individual rights

Balancing sovereign privilege and individual rights, especially in the setting of diplomatic immunity, needs careful contemplation and innovative solutions. Here is an examination of some potential approaches:

Since diplomats are legal entities who are under a legal and moral obligation to uphold specific duties and responsibilities while serving within a foreign nation's diplomatic mission accountability measures have to be introduced and strengthened to ensure compliance with the legal and ethical standards. One of the solutions that could be suggested is the stricter control of diplomats, including the use of inspection and evaluation mechanisms. These inspections can determine the degree of compliance with

diplomatic etiquette, local laws, and proper ethical conduct when in diplomatic relations. Through periodic assessments, the diplomatic missions can detect some of the possible misconduct and find ways of preventing the same. Listing down guidelines on how to conduct investigations on allegations of misconduct is important because diplomats have to be made to answer for their actions. It should describe the mechanisms of how complaints can be made and how they will be addressed and investigated in a transparent manner as well as the measures to be taken as a result of the complaint. Thus, diplomatic missions can show that they are serious about tackling misconduct by following the suggested steps. Besides investigation protocols, more significant measures must be followed to punish the violation of privileges and thus discourage diplomats from such behavior. The ambassadors of the different countries must have a disciplinary process of correcting their behaviors depending on the level of the misconduct. Thus, by giving diplomats responsibilities and penalties for their actions, diplomatic missions can demonstrate that misbehavior will not be permitted. This is because accountability culture in diplomatic missions has to be accompanied by transparency and an open-door policy. Whistleblowers should be protected and any diplomat who is involved in misconduct should be allowed to report the matter without fearing to lose his or her job. Thus, diplomatic missions can foster accountability to drive the correct ethical culture throughout the organization (Shi, 2021).

Increasing the level of openness in the performance of diplomats is also important to solve the problems connected with diplomatic immunity and ensure accountability. When it comes to increasing transparency, there is a proposal for the openness of the diplomatic processes to the public. This might involve offering timely statements on the diplomatic activities that the ministry is involved in including; meetings, negotiations, and other official activities and visits with press releases. Thus, by sharing information on the main diplomatic actions with the public, the countries

contribute to the increased level of trust in diplomatic activities. To increase the level of accountability of diplomatic actions, the information on the activities in the diplomatic field has to be published. This may mean providing to the public the agreements reached diplomatically, treaties, and memoranda of understanding to facilitate checking on compliance with diplomatic agreements. Also, countries may declare the cost of diplomatic services for instance traveling and accommodation of diplomats to increase the accountability of the use of resources in diplomacy. Another problem that can be solved to enhance the visibility of diplomacy activities is the exchange of dialogue between the diplomats and the residents of local communities. Civil society organizations, academia, and other interested parties can engage the diplomatic missions for diplomatic matters, exchange of information, and other issues as may be pertinent. This way diplomats are also able to learn about the different cultures and traditions of the various nations and build a good rapport and relationship with the people hence enhancing the transparency of the diplomatic process. Digital technology can be used to increase the openness of the diplomatic processes in the following ways. As for the media tools, social networks, official websites, and forums are also effective for the communication strategy of the diplomatic missions as they are providing information, discussing with the public, and sometimes even asking their opinion. Therefore, the increase in the opportunities in the sphere of digital communication enables diplomats to address a broader circle of potential recipients and increase diplomatic work's transparency (Roberts, 2023).

It is a matter of importance that proper diplomatic training and education are emphasized to ensure that diplomatic blunders are not committed and human rights are respected within diplomatic practices. Government officials are agents of their country and therefore must have proper knowledge of human rights and proper ethical practices while handling diplomatic affairs. To improve the

diplomatic training it is suggested to create additional modules or courses that are related to human rights law, international humanitarian law, and diplomatic ethical classes. These courses can help give diplomats a clear picture of what is expected of them in terms of international law as well as prepare them for various diplomatic situations responsibly. Such precipitates of training that can be incorporated into general skills training programs may embrace case studies, simulations, and practical exercises that are designed to present the diplomats with human rights principles and ethical concerns when in action. It is thus suggested that diplomats should explore interactive forms of learning to help foster the kind of reasoning and ethical understanding that will be so valuable in the ongoing task of the fight for human rights in diplomacy. Employment exercises like workshops, seminars, and conferences can be useful in enhancing diplomats' knowledge of human rights issues and the changes in international law. This way, countries can promote a culture that enhances diplomats' awareness of human rights principles throughout their diplomatic practice. The programs of diplomatic training can emphasize the characteristics of cultural and individual understanding, as well as the communicative processes in diplomatic relations. In this way, the development of relations between diplomatic agents and the societies of the receiving state would ensure that diplomatic privileges do not go beyond any form of human rights abuses in the host country (Iakovidis, 2021).

Among the measures that can be proposed in an attempt to solve the problem of ethical behavior and responsibility of diplomats, codes of behavior can be considered as a useful measure. These codes are norms that prescribe the standards of ethical practice in diplomatic practice as expected from diplomats. Consequently, diplomatic codes of conduct can properly establish expected manners and thereby, shield diplomats from getting involved in wrongful actions that would lead to human rights abuses or even lack of control. It is traditionally established that one of the sets of

rules of diplomatic conduct includes provisions on the protection of human rights, precedence of domestic law, and the question of transparency and responsibility while fulfilling diplomatic tasks. These provisions emphasize the importance of moral and ethical behavior of diplomats even if the situation in diplomacy is extremely critical and challenging disregarding the pressure that may be exerted on diplomats. There are often prescribed practices outlining the expectancies of the diplomatic staff while in the host country with the people, other officials, and other groups of people. (Gilani, Ali, & Zahoor, 2023) This may include raising awareness of the cultural protocols, knowledge of cultural practices and manners, and more so the proper ways of communicating that may lead to interaction. To define what should not be done, the diplomatic codes of conduct tend to set up a framework of certain relevant controls and checks. It may entail the establishment of other separate institutions or commissions in charge of supervising the adherence to the code, receiving and investigating complaints of wrongdoing, as well as recommending and implementing the most suitable penalties or punitive actions as the case may be. Diplomatic codes of conduct can be used as informative means, which allows raising awareness among diplomats of their ethical duties as well as the possible repercussions of ignoring diplomatic norms. Knowing what is expected of them in terms of ethical standards is an effective way of avoiding human rights abuses hence, diplomatic codes of conduct should be implemented as they will reform diplomatic relations (Sofer, 2005).

Introducing legal reforms can be considered a proactive strategy for dealing with problems in the sphere of diplomatic immunity and protection of human rights. One of the reform strategies entails engaging in the codification of the treaties and conventions with a view of amending and improving the provisions of diplomatic immunities for instance by scrutinizing the Vienna Convention on diplomatic relations. Thus, by delineating more precisely the boundaries of immunity and the relation between sovereign privilege and human rights, countries can achieve better balance.

These reforms might include entering into diplomatic negotiations to revise the wording of treaties and specify that diplomatic privileges should not allow diplomats to escape justice having committed heinous violations of human rights. National legislation might be adopted by countries for the reinforcement of the measures to protect the victims of the human rights violations committed by diplomats within foreign missions. There may be laws at the national level that give some form of responsibility to diplomats for any acts that may be a breach of civil liberties besides measures that may be taken against them in cases of criminal offenses. These laws could also provide the victims chances to sue and claim compensation for the injuries they have sustained at the hands of the offenders irrespective of the fact that the latter were enjoying diplomatic immunity. Possible reforms in the legal field could try to seek a change of diplomatic immunity concerning new issues of human rights (Rozpedowski, 2019). For example, precautions might be made in which the immunity could be waived or revoked if the diplomats are involved in the abuse of people's rights or are in any way a threat to international stability. That is why flexibility should be introduced into legal measures to confront new threats and to prevent diplomats from using their immunities to restrict human rights and freedoms. Analyzing the legal amendments allows for strengthening the measures ensuring diplomatic immunity and enhancing the protection of the subject's rights. Thus, diplomats cannot take advantage of their privileges, and people who become victims of human rights violations can seek justice. These reforms mean a preventive measure, which is directed to the restoration of the recognition of human rights in the sphere of diplomatic relations and, at the same time, the recognition of the obligations accepted on the international level in the sphere of accountability and justice. Thus, furthering multilateralism is among the key approaches to the challenges related to the principles of diplomatic immunity and human rights. It should also be pointed out that cooperation between the nations can serve as an opportunity to establish common principles

based on which the cases of human rights violations that can take place within the framework of diplomacy can be regulated. When countries share information, conduct coordinated investigations, and integrate mutual assistance treaties, they can guarantee that diplomatic privileges are provided as intended and not a means through which individuals' rights are being violated (Keitner, 2022).

Interstate reporting means that the information is passed across countries that afford a wider perspective of the diplomacy and probably the exploitations. The flow of information about diplomatic activities and possible violations thus helps the countries to notice the patterns of misconduct and act accordingly. It raises the extent of responsibility of the circles involved, which in turn makes the potential abuse of diplomatic immunity minimal. The other factors, that are critical in the investigations of human rights abuses involving diplomats, include the coordination in investigations. Thus justice prevails and the rights of victims are protected because through the coming together of countries' resources and brains adequate and fair investigations on the alleged violations can be conducted. This collaborative effort passes a message to the entire world that diplomatic immunity is not immunity and everyone including diplomats is always held accountable for his/her actions. Multilateral cooperation among the countries enhances efforts in the fight against human rights abuses under diplomatic immunity. Thus, it is possible to state that support and cooperation in addressing misconduct in diplomatic relations help nations protect justice and increase accountability for violations. It not only increases the efficiency of investigations performed independently but also demonstrates that human rights are inviolable and should be defended irrespective of the situation (O'Keefe, 2015).

It is also important to involve civil society organizations and human rights activists in the pursuit of the accountability and protection of human rights where diplomatic immunity is involved. These stakeholders are overseers, observing the diplomatic processes and pushing for the rights of the often ignored victims. It is

suggested that governments should engage civil associations to increase awareness of people on the factors of why diplomatic immunity is crucial and how to find a middle ground between sovereign immunity and individual rights. This way, governments open up the possibility of receiving knowledge and information from CSOs and human rights defenders to facilitate dialogue. Civil society groups can be immediately involved in the human rights violations process and therefore they have useful insights as to how diplomatic immunity can be abused or manipulated. The governments can benefit from this information to see the areas that need to be worked on in diplomacy and come up with better ways of dealing with abuses. Therefore, inclusive civil society aids in boosting the diplomacy and accountability of civil and diplomatic society. Through seeking views and comments from people other than their diplomats, the governments prove that they are willing to adhere to the human rights conventions and ensure that the diplomats are subjected to scrutiny for their behavior. In this context, civil society organizations can become valuable partners in the process of improving the mechanisms of accountability to enhance transparency and prevent abuses of diplomats' privileges to the detriment of the rights of the people. The engagement of civil society and human rights activists is crucial for promoting justice, accountability, and human rights within diplomacy. So, there is a possibility to develop a more effective system of actions focused on civil society and governmental cooperation which will lead to the protection of human rights and diplomats' responsibility. This approach fosters democratic governance and enhances the recognition of the principles that respect the worth and quality of lives of people in their domestic as well as in the global sphere. One has to solve the conflict of interest between sovereign privilege and individual rights by building up accountability institutions, raising transparency, improving the diplomacy courses and setting the code of conduct for the diplomats, looking for legal changes, developing the diplomacy and international relations cooperation and involving civil society and human rights defenders. With these possible

solutions in place, it will be possible for countries to strive towards the achievement of the objective of diplomatic immunity while at the same time recognizing the humanity and equality of individuals (Robinson, 2003).

Discussion of the role of national courts and international tribunals in balancing sovereign privilege and individual rights

National courts are essential in protecting individual rights and ensuring justice is served on perpetrators of the crimes, including diplomats who enjoy immunity. When there are accusations of human rights abuses in which diplomats are involved, the domestic laws of the country have the power to investigate, prosecute, and determine cases depending on the recognized legal principles for international law. However, the main problem is to figure out how to apply diplomatic immunity while respecting individuals' rights. National courts have to face many legal requirements to provide justice to the victims of crime as well as to other parties while upholding the principles of diplomatic immunity. This usually entails a proper analysis of possible international conventions, principles of international law, and domestic legislation relating to diplomatic immunity. The following are some of the challenges that national courts face when trying to deal with the conflict between sovereign privilege and individual rights. Diplomatic immunity is protected under international law; it complicates the process of charging diplomats who are suspected or have been found guilty of offenses. National courts have to address the issue of diplomatic immunity on a case-by-case basis, based on certain factors which include; the gravity of the offense, the rank of the diplomat, and the customary international law. Now and then, national courts may be left helpless when it comes to prosecuting diplomats because of the principle of absolute immunity that protects diplomats from legal actions within the courts of their hosts. This can be especially difficult in instances, which require attention to be paid to severe human rights abuses, where the quest for justice is most important. In this regard, national courts may consider other possibilities for seeking remedy and sanction. The first

procedure is to try and solve the conflict and human rights issues through diplomatic means, within the sending state. In this regard, national courts may recommend that cases be heard in international courts or be forwarded to other international organizations with jurisdiction over human rights violations including the International Court of Justice (ICJ), or any regional human rights courts. International tribunals serve as a check and complementarity to sovereign immunity and personal rights where they offer a platform to hear cases involving states and cases of human rights abuses. These tribunals work under international law and can try cases of diplomatic immunity and any other matter that has to do with state jurisdiction. International tribunals may render a more fair and unbiased decision in the case of disputes with diplomats as compared to national courts where the diplomats would stand trial. In this way, international tribunals could also play an important role in shaping international law through their decision-making in the states' disputes and in the cases of applying and interpreting the respective international legal instruments, as well as through the protection of individuals' rights in particular. Nevertheless, international tribunals also have their drawbacks when supporting the sovereign privilege at the detriment of the individual right. They are faced with many legal challenges and political matters in their practice, and at the same time, they have to adhere to the standards of neutrality, equality as well as justice. Also, their decisions may be in problems with enforcement, especially where states fail to implement their decisions (Pustorino & Raimondi, 2023).

Analysis of the challenges and limitations of balancing sovereign privilege and individual rights

One of the biggest issues that are capable of influencing the relations between countries is the abuse of diplomatic immunity because diplomats work beyond the norms of law. This looks at the fact that to execute some of their criminal conduct, some heartless people may involve themselves in intending duties that come with diplomatic immunity so that they cannot be bothered, arrested, or interfered with in the

course of the job. This is a great danger to the rule of law as it erases any push for accountability and justice. Another unfortunate consequence of diplomatic immunity misuse is the possibility of people's rights and freedoms violations. Diplomatic immunity bearers are capable of engaging in criminal activities such as trafficking in persons, exploitation of vulnerable groups for instance women or children, and even physical aggression on persons in the host countries. Such diplomats are so immune from the law, that they can perpetrate the worst acts of human rights abuses on victims who have no means of getting justice not to mention liberty. For instance, the cases of violation of diplomatic immunity affect the perception that citizens have towards diplomatic bodies and international law. This is because; whenever diplomats are given this special privilege which in many instances places them above the law, diplomatic missions turn out to be an avenue of injustice to the affected society. Furthermore, it may lead to increased rivalries between different countries and generate issues that hinder cooperation on matters of global concern. To solve the problem of misbehavior of diplomats, it is necessary to employ a comprehensive approach that would address the issue of diplomatic immunity but at the same time protect diplomats as officials of foreign states and international organizations. They may include, enhancing a level of supervision in the diplomatic offices, enhancing accountability and reporting measures, and promoting collaboration between host countries and countries of origin in handling complaints of abuse. Thus, international society might depend on justice, equality, and protection of human rights in diplomacy, as far as diplomats are also accountable for their actions and one can discourage them from evading the penalty behind diplomatic immunity. One of the challenging features of diplomatic practice is the misuse of the norms and principles of diplomatic immunity, which raises questions regarding the principles of justice and accountability in diplomacy. Though diplomatic immunity was projected to protect diplomats from any power in the performance of their jobs, this is still a gap that criminals can benefit from. This gap

destabilizes the rule of law and makes it clear that diplomats can do many things. A more terrible effect of this issue is that diplomatic immunity acts as a pretext for other violations of human rights (Lau, 2021).

There is also the tendency of diplomats to indulge in outrageous and criminal activities such as human trafficking or violent conduct towards people in the host country and they are hard to prosecute due to diplomatic immunity. Such exploitation makes sure that cycles of abuse are maintained, and that the victims have no way out. Furthermore, diplomats are involved in misusing diplomatic immunity which is a disservice to the diplomatic institutions as well as the international law. (Gilani, Zahoor, & Rehman, 2021) This means that when diplomats seem to be absolved from legal ramifications, the affected communities develop sentiments of unfairness. Also, diplomatic relations get straining, hence limiting international cooperation on key international matters. Combating diplomatic immunity abuse must be solved in the framework of several methods. Embassy officials should be accountable due to the increased cases of misconduct and therefore, there is a need to enhance supervision within diplomatic missions. The measures of accountability and transparency must be increased so that diplomats are punishable according to their actions. In addition, there is a need for increased intercession between host and sending states to respond and handle cases of such malpractice swiftly and appropriately. Here, the international community is in a position to maintain the principles of accountability and justice, thus diplomatic relations and human rights are protected (Davidson, 2021).

Diplomatic immunity is a complicated issue that has protected human rights abused criminals and fostered impunity. Since diplomats enjoy immunity from the laws of their host countries, the victims have no chance of getting any form of justice or compensation for the harm that was meted out to them. This denial of justice continues to allow perpetrators of injustices to go scot-free and go on to perpetrate more injustices, hence the culture of impunity is

perpetuated. Diplomatic immunity makes it difficult for victims to seek justice against the offenders and thus remain vulnerable without any protection. Such feelings of helplessness may also increase the plight of vulnerable people and groups, thus giving further effect to injustice in society. Also, the impossibility of turning to legal aid emphasizes the circle of victimization, when people cannot get justice for themselves and offenders continue to act in the same way. Diplomatic immunity implies that even criminals will not be prosecuted while, at the same time, justice remains a mere illusion for those who need it most. To tackle this problem it is necessary to provide a coordinated effort of protecting diplomatic immunity on the one hand and, on the other, providing justice for victims. This might entail researching the effectiveness of other ways of enforcing the accountability of diplomats through international courts or diplomatic means, as well as enabling the victims to file their complaints and seek justice through diplomatic means or other legal means. When impunity in the name of diplomatic immunity is broken the international community will be able to make a great stride in the fight for justice and human rights (Gilani, Khan, & Zahoor, 2021)

Conclusion

It needs to be understood that diplomatic immunity only protects diplomats while they are performing their functions; nevertheless, this privilege reinforces already existing domination over societies and their members. Since diplomatic immunity absolves diplomats regardless of the wrong they have committed, it inherently places the sovereignty of states above the rights of people. This shift of power in the favour of diplomats means that the diplomats are free to do anything they want because they are immune to any repercussions that might come their way. Thus, it can be seen that diplomatic immunity affects countries and their citizens, especially the most vulnerable, in a negative way. With no power to fight cases of unlawful authority, such people are left defenseless at the hands of diplomats who use their immunity to get away with murder or to continue oppressing the masses. These cyclical repetitions of

repression and exclusion reinforce original discriminations in society and therefore increase social injustices against the oppressed groups rendering it hard for them to seek justice or redress for human rights abuses. Furthermore, the nature of diplomatic relations implicitly unmasks inequality and injustice in international relations. Anytime officials are let loose to do as they wish, it means some people are untouchable, thus leading to the breakdown of institutions and social injustice. To restore the balance of power in diplomatic relations, it is necessary to re-consider the premises of diplomatic immunity, as well as its current functions and effects that might contribute to the continuation of abuses by the diplomats. On the other hand, diplomatic privileges should be complemented with proper accountability and supervision measures to avoid taking advantage of the system and infringing on the rights of other people disregarding their status (Randelzhofer & Tomuschat, 2023).

Situations in which diplomatic immunity is abused or misused can cause tension in the diplomatic relations between countries and result in diplomatic tensions. When diplomats take advantage of their immunity, immunity will be perceived as a hostile act by the host country thus resenting their sovereignty. This may culminate into diplomatic crises where the affected countries tend to counter by applying punishment of some sort of sanctions. The diplomatic tensions that arise out of this can influence international relations in a very significant manner due to the challenges that come with the ability to work together to address or deal with issues of mutual regional and global concern. Sometimes, diplomatic conflict may appear to be extremely sensitive, which results in diplomatic deportation or diplomatic boycott. All these actions not only aggravate the existing conflicts but also affect the diplomatic processes aimed at building constructive and peaceful international relations. Tensions in foreign relations can limit collaboration on essential international affairs like security, commerce, and protection of the environment. When countries engage in diplomatic squabbles, cooperation is impaired thus the tendency of not

being able to arrive at win-win resolution on most issues. This may have fatal consequences for interstate relations and security and the lives of people around the entire globe (Parrish, 2019).

These are challenges and limitations that need to be addressed with the collaboration of the international community. One must admit that the concept of diplomatic immunity is rather delicate and it is crucial to maintain the correct balance between privileges and rights so that the immunity would work in the way it was supposed to. To this effect, we can proceed toward the realization of justice in the international system where diplomatic immunities will not be used as a tool to trample on the rights of individuals.

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