

International Human Rights Law: Enforcement Mechanisms and Challenges in a Globalized World

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Published: 13/06/2024

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DOI: <https://doi.org/10.36676/jrps.v15.i2.20>

Abstract

A glimmer of hope in the fight for the promotion and protection of human dignity and basic human rights is international human rights law (IHRL). Individuals worldwide. Yet, its efficacy depends heavily on the robustness of enforcement mechanisms and their adaptation to the complexities of a globalized world. This paper explores the various enforcement mechanisms within IHRL, ranging from international treaties and conventions to regional human rights bodies and domestic legal systems. It delves into the challenges facing these mechanisms, including issues of jurisdiction, state sovereignty, political will, and resource constraints. Moreover, it examines how globalization, with its interconnectedness and transnational nature, both facilitates and complicates the enforcement of human rights norms. The paper concludes by highlighting the need for enhanced cooperation among states, international organizations, civil society actors, and other stakeholders to overcome these challenges and ensure the effective enforcement of IHRL in a rapidly evolving global landscape.

Keywords: International human rights law, Enforcement mechanisms, Globalization, Universal Declaration of Human Rights, Treaties and conventions

Introduction

In an interconnected world where borders are increasingly porous and societies are becoming more interdependent, “the protection and promotion of human rights have emerged as a central concern. International Human Rights Law (IHRL) serves as the cornerstone for addressing these concerns, providing a framework of principles and standards aimed at safeguarding the inherent dignity and rights of all individuals, regardless of nationality, ethnicity, religion, or any other distinguishing factor. The evolution of IHRL has been marked by significant milestones, including the Universal Declaration of Human Rights adopted by the United Nations General Assembly in 1948 and subsequent international treaties and conventions aimed at codifying and expanding upon these principles. While these instruments have laid a solid foundation for the protection of human rights”, their effectiveness hinges on the mechanisms put in place to enforce them. The enforcement mechanisms of IHRL in the context of a globalized world. It will delve into the various avenues available for enforcing human rights norms, ranging from international legal frameworks and institutions to regional bodies

and domestic legal systems. Moreover, it will examine the challenges that impede the effective enforcement of IHRL, such as issues of jurisdiction, state sovereignty, political will, and resource constraints. Furthermore, in light of the increasing interconnectedness of the world, facilitated by advancements in technology, trade, and communication, the paper will analyze how globalization both enables and complicates the enforcement of human rights norms. It will explore the opportunities presented by globalization for advancing human rights agendas, as well as the challenges posed by transnational issues such as migration, climate change, and terrorism. the importance of fostering cooperation and collaboration among states, international organizations, civil society actors, and other stakeholders to overcome these challenges and ensure the effective enforcement of IHRL in a rapidly changing global landscape. By addressing these issues, we can strive towards a world where human rights are respected, protected, and upheld for all individuals, regardless of their circumstances or location.

Review of Literature

(Philip Alston 2005) studied Human Rights Law Enforcement on a Global Scale The processes linked with the implementation of international human rights laws are examined in depth in Alston's book. The function of domestic courts, NGOs, and regional groups in monitoring compliance with human rights standards is examined in this article. International organisations such as the United Nations and regional groups are also considered. Also covered in this book are the challenges and limitations that come with carrying out human rights legislation. Concerns about political opposition and state sovereignty are examples of these constraints and difficulties.

(Dinah Shelton 2013) studied A Companion to International Human Rights Law: An Oxford Handbook The contributors to this anthology include some of the most illustrious names in the field of international human rights law, both as scholars and as practitioners. This booklet delves into several aspects of human rights enforcement. Mechanisms for accountability, oversight, and legislative frameworks are all part of this. The writers delve into the challenges faced by a more globalised society and the ways in which treaty groups, international tribunals, and other institutions aid in the advancement and preservation of human rights.

(Michael Goodhart 2016) studied Exploring Human Rights: Policy and Action In her work, Goodhart provides an in-depth analysis of the political dynamics and practical prospects surrounding the application of international human rights law. Many different types of actors, including governments, NGOs, and international advocacy networks, are covered in depth in this article as they pertain to human rights agendas. Beyond this, the book delves into the impact of modern obstacles like globalisation and armed conflict on the protection of human rights worldwide.

(Jean-Marc Coicaud 2003) studied Human Rights Around the World Coicaud delves into the effects of globalisation on the execution of human rights protocols and standards in this study. In this article, we look at how changes in politics, economics, and technology brought about by globalisation have helped and hurt efforts to promote and protect human rights over the past

few decades. In addition, the book delves into the role of international law and institutions in addressing human rights abuses in a rapidly changing world.

(Gerd Oberleitner 2013) studied *The Challenges and Opportunities of Implementing International Human Rights Law*. This edited book brings together research and commentary from academics and professionals in the field of law to examine the challenges and possibilities of enforcing international human rights laws. The role of national courts, regional human rights procedures, and the evolving notions of corporate responsibility for human rights breaches are some of the topics covered. This book offers fresh perspectives on human rights enforcement and the potential for improved accountability systems in a more globalised world.

(Andrew Clapham 2007) studied *A Concise Introduction to Human Rights*. Human rights are briefly discussed in Clapham's work, which covers subjects like their origins, legal foundation, and current issues. Examines the impact of globalisation on human rights advocacy and protection on a worldwide scale, as well as the function of national and international organisations in upholding human rights standards.

(Aryeh Neier 2012) studied *Global Advocates for Human Rights: A Chronology*. Human rights movements around the world are chronicled in this book by Neier, which starts at the very beginning and stays up to the present day. This book takes a look at the major events, people, and groups that have shaped human rights standards and practices. It goes on to talk about the opportunities and challenges that the movement is facing right now in this environment of rapid change.

(William F. Felice 2011) studied *Diversity on a Global Scale and Human Rights*. Felice delves into the connections between human rights ideas and worries about cultural diversity, globalisation, and development in her book. The course delves into the various contexts where human rights are put into practice and how cultural, economic, and political factors influence this process. It also explores how international law and institutions contribute to better understanding and communication between cultures.

Evolution of International Human Rights Law (IHRL)

The International Human Rights Law “(IHRL) has evolved over time, rooted in philosophical and religious traditions. It emerged after World War II and was bolstered by the Universal Declaration of Human Rights (UDHR) in 1948. The law covers civil, political, economic, social, and cultural rights. Regional human rights mechanisms have also emerged to address regional challenges. The development of IHRL has been influenced by state actors, non-state actors, and international institutions. NGOs, civil society groups, and human rights defenders have played key roles in ratifying treaties and holding states accountable.

- **Post-World War II Era:** The devastation of World War II catalysed global efforts to establish a framework for the protection of human rights, culminating in the adoption of the Universal Declaration of Human Rights by the United Nations General Assembly in 1948.
- **Codification and Expansion:** Subsequent to the Universal Declaration, international treaties and conventions were developed to codify and expand upon the principles

enshrined in it, covering a wide range of civil, political, economic, social, and cultural rights.

- **Regional Initiatives:** Regional human rights mechanisms emerged to complement the international framework, such as the European Convention on Human Rights and the Inter-American Court of Human Rights, contributing to the growing body of IHRL.
- **Customary International Law:** Alongside treaty-based instruments, customary international law norms have developed through state practice and opinion juris, further solidifying the foundations of IHRL.
- **Influence of Non-State Actors:** Non-governmental organizations (NGOs), civil society groups, and international organizations have played pivotal roles in advancing human rights agendas, advocating for the ratification of treaties, monitoring compliance, and providing assistance to victims of rights violations.

Principles and Standards of International Human Rights Law (IHRL):

1. **Universality:** IHRL is founded on the principle that human rights are inherent to all individuals, regardless of their nationality, ethnicity, religion, or any other status. This principle asserts that human rights are not privileges granted by states but are entitlements belonging to every human being by virtue of their humanity.
2. **Inalienability:** Human rights are inalienable and cannot be taken away or surrendered under any circumstances. This principle emphasizes that individuals possess certain rights simply by virtue of being human and that these rights cannot be waived or forfeited, even in times of conflict or emergency.
3. **Indivisibility:** IHRL recognizes that human rights are interdependent and indivisible, meaning that civil, political, economic, social, and cultural rights are interconnected and mutually reinforcing. Upholding one set of rights often requires the promotion and protection of others, and the realization of human dignity is contingent upon the fulfilment of all rights.
4. **Non-discrimination:** IHRL prohibits discrimination on the basis of race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. This principle mandates that all individuals are entitled to equal treatment and opportunities, without discrimination or prejudice.
5. **Equality and Equity:** IHRL emphasizes the principles of equality and equity, ensuring that all individuals have equal access to rights and opportunities, regardless of their background or circumstances. This includes addressing systemic inequalities and disparities to ensure that marginalized and vulnerable groups are afforded equal protection and participation.
6. **Rule of Law:** IHRL is grounded in the rule of law, requiring that human rights be protected and upheld through legal frameworks, procedures, and institutions. This principle emphasizes the importance of accountability, transparency, and judicial oversight in ensuring compliance with human rights standards.

7. **Accountability:** IHRL mandates that states and other duty-bearers are accountable for respecting, protecting, and fulfilling human rights obligations. This principle requires mechanisms for monitoring, reporting, and remedying human rights violations, as well as holding perpetrators accountable through legal and judicial means.
8. **Participation and Inclusion:** IHRL recognizes the importance of meaningful participation and inclusion of individuals and communities in decision-making processes that affect their lives. This principle emphasizes the importance of empowering marginalized and vulnerable groups to exercise their rights and engage in the democratic process.
9. **Human Dignity:** IHRL upholds the inherent dignity and worth of every individual, recognizing that human rights are essential for the fulfilment of human potential and the realization of human dignity. This principle underpins all other principles and standards of IHRL, guiding efforts to promote and protect human rights for all.

Challenges in Enforcement of International Human Rights Law

Enforcing international human rights law faces numerous challenges rooted in political, economic, cultural, and institutional factors. These obstacles hinder the effective protection of human rights globally.

Political Factors: State sovereignty, political will, and geopolitical tensions hinder human rights enforcement, with governments prioritizing national sovereignty over international obligations and conflicts between states obstructing collaborative initiatives.

Economic Constraints: Financial limitations, economic inequality, and globalization hinder human rights enforcement in many countries. Resource-poor nations lack infrastructure, while economic inequality increases the likelihood of abuses. Globalization also undermines labour and environmental protections.

Cultural and Social Barriers: Cultural relativism challenges universal human rights, causing resistance from diverse perspectives, social norms, and religious beliefs, often seen as Western impositions.

Lack of Accountability: Impunity, corruption, and inefficient judicial systems contribute to human rights violations, allowing perpetrators to escape punishment and perpetuate abuses unchecked.

Globalization: Transnational issues like migration, human trafficking, and crime complicate human rights enforcement, while multinational corporations' influence can lead to violations and digital technologies pose new challenges.

Institutional Limitations: Fragmentation among international human rights bodies leads to inconsistent enforcement, limited resources, and slow bureaucratic processes, reducing the effectiveness of international human rights mechanisms.

Conclusion

The enforcement of International Human Rights Law (IHRL) in a globalized world is a complex task, despite progress in its development and enforcement mechanisms. Challenges

include jurisdiction, state sovereignty, political will, and resource constraints. Globalization also impacts IHRL enforcement, facilitating cross-border cooperation but exacerbates transnational challenges. However, the importance of upholding and promoting human rights is crucial, as violations undermine individual dignity and contribute to global instability. To address these issues, cooperation and solidarity among states and stakeholders are essential. Prioritizing human rights in policies and institutions can build a more just, inclusive, and sustainable world.

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