



“A Review of International Human Rights Law: An Analysis of Enforcement Mechanisms through Comparison”

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Abstract:

Although safeguarding and promoting human rights are fundamental goals of international law, the effectiveness of enforcement mechanisms differs substantially across various legal systems and international organizations. The processes for implementing human rights as outlined in international law, with a focus on the pros and cons of various approaches. It emphasizes how regional human rights bodies, UN mechanisms, and international tribunals differ in their authority, procedures, and impacts when it comes to executing human rights obligations. Because different enforcement regimes face different challenges, like worries about political meddling, noncompliance, and state sovereignty. brand-new advancements in human rights enforcement, such as the expanding function of non-state entities and technology resources for monitoring and documenting violations. By analyzing these procedures in different contexts, we want to gain insight into how international law may strengthen the protection of human rights standards on a global scale. Human rights enforcement within the international legal framework still need greater openness, collaboration, and innovation, according to the results, despite the fact that a lot has changed.

keywords Human Rights, International Law, Enforcement Mechanisms, International Courts

Introduction:

International law has long struggled to guarantee and enforce human rights, despite the reality that these rights are fundamental to every person's value and dignity. As human rights have evolved over the past century, a complex network of international legal frameworks and institutions has been established to guarantee their preservation. The foundation for the cross-border promotion and protection of human rights has been created by international law, which originates from texts like the 1948 Universal Declaration of Human Rights and continuing treaties and conventions. But these legislative tools can only be effective if the enforcement processes are in place. The intricate international legal system involves numerous actors in the enforcement of human rights, including regional human rights organizations, UN procedures, and international tribunals. The political and legal systems in which these organizations operate determine the degree to which they have been effective in holding governments and people accountable for human rights violations. The ability to influence state conduct and ensure adherence to international norms, as well as the levels of authority and rules of process, vary between enforcement systems. Several mechanisms exist within international law for the purpose of enforcing human rights. The effectiveness and operation of crucial institutions such as regional human rights bodies such as the European and Inter-American tribunals, as well as international criminal tribunals and the International Court of Justice, are all being evaluated. The essay discusses a number of challenges, including worries about political interference, state sovereignty, and the limitations of international enforcement due to the absence of a central authority. This comparative analysis will try





to find the pros and cons of different enforcement tactics in order to comprehend how the international community can protect human rights. This study seeks to contribute to ongoing discussions about the trajectory of human rights under international law and how these rights can be better safeguarded in a dynamic global context by delving into the complexities and constraints of existing enforcement mechanisms.

International Courts and Human Rights Enforcement

Having judicial organizations capable of interpreting and applying international law is crucial for preventing human rights violations by states. Courts on a global scale are consulted in such cases. These courts have been essential in shaping the human rights landscape by providing victims with a venue for seeking restitution and by setting precedents that influence both domestic and international law. Here we shall examine the effect, case law, and jurisdiction of a few of the most prominent international tribunals with respect to the enforcement of human rights.

1. The International Court of Justice (ICJ) and Human Rights

The International Court of Justice (ICJ) offers advisory opinions on legal issues brought before it by other UN bodies and organizations and has broad authority to rule on international disputes as the highest court of the UN. While the ICJ primarily deals with disputes between nations, it has played a role in establishing and maintaining human rights norms.

- **Jurisdiction and Role:** The jurisdiction of the ICJ to consider cases typically arises when issues pertaining to human rights intersect with broader areas of international law, like state accountability or the interpretation of international treaties. The ICJ does not hear specific cases, but it does rule on state actions that breach human rights treaties, and this can have far-reaching effects for the protection of human rights.
- **Key Cases:** Cases such as *Bosnia and Herzegovina v. Serbia and Montenegro* (2007), which addressed issues of state responsibility and genocide, demonstrate the ICJ's crucial role in protecting human rights within the framework of international law. In advisory opinions such as 2004's *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the court has also addressed important human rights issues.
- **Impact:** The judgments of the ICJ do not have an immediate impact on the enforcement of human rights, but they do contribute to the growth of international legal norms and bolster state obligations under human rights treaties.

2. The International Criminal Court (ICC): Prosecuting Human Rights Violations

Founded to prosecute the most heinous international crimes—aggression, genocide, war crimes, crimes against humanity, and crimes against humanity—the International Criminal Court (ICC) has become a symbol of human rights enforcement.

- **Jurisdiction and Role:** The ICC has the authority to hear cases involving crimes committed within its member states or by nationals of those states. The only time it can intervene is when national courts either reject or are unable to do so in accordance with the complementarity principle. The court has a crucial role in both punishing perpetrators of severe human rights violations and deterring similar crimes in the future.
- **Key Cases:** The International Criminal Court (ICC) has handled some high-profile cases, including that of Thomas Lubanga Dyilo, a former Congolese warlord convicted of using child soldiers in combat. One further example that stands out is the ongoing case of Darfur-related genocide and crimes against humanity charges against Sudanese President Omar al-Bashir.
- **Impact:** In spite of challenges such as limited authority, political resistance, and issues with state cooperation, the International Criminal Court (ICC) has been instrumental in holding perpetrators of grave human rights crimes accountable. Despite all of these setbacks, the ICC





is still crucial in enforcing international human rights laws and guaranteeing senior-level accountability.

3. Regional Human Rights Courts and Their Interaction with International Courts

The enforcement of human rights is a joint duty of the International Criminal Court, the International Court of Justice, and regional human rights tribunals. Legal recourse for human rights violations can be sought directly through regional courts such as the African Court of Human and Peoples' Rights (AfCHPR), the Inter-American Court on Human Rights (IACHR), and the European Court of Human Rights (ECHR).

- **Interaction with International Courts:** The decisions of these regional courts often address broader concepts of international human rights law, even if they are not directly linked to the ICJ or the ICC. A complex web of interplaying legal systems might be created, for example, by the jurisprudence of regional courts and decisions of international courts.
- **Case Law and Influence:** As an example, the extensive body of case law developed by the ECHR has significantly influenced the interpretation and application of human rights principles worldwide, not just in Europe. Both the IACHR and the AfCHPR have contributed to the advancement of human rights in their respective regions, despite encountering unique challenges related to enforcement and government compliance.
- **Impact on Global Human Rights:** The international human rights regime is strengthened via the cooperation of regional and international tribunals, which provides many layers of enforcement and protection. Because different courts may reach different conclusions when interpreting human rights legislation, it is essential that they work together and share information.

4. Challenges and Future Directions

Human rights enforcement through international tribunals has come a long way, yet there are still obstacles that make them ineffective. State sovereignty, political meddling, and jurisdictional limitations are among the reasons human rights protections have not been completely implemented.

- **State Sovereignty and Compliance:** The authority of international courts often runs counter to national sovereignty, which is a major roadblock. States' rejection or noncompliance with the jurisdiction of international courts could impede human rights enforcement.
- **Political Influence:** One of the most significant challenges is the tension that exists between the authority of international courts and the sovereignty of individual nations. It is possible that the implementation of human rights could be hampered if states refuse to comply with the jurisdiction of international courts due to their refusal to accept it.
- **Jurisdictional Limitations:** In many cases, their authority is limited because of something like the express mandates of international courts or the requirement that states give their consent. It is possible that this will limit the ability of the courts to interfere in specific matters involving human rights, or it may even prevent them from doing so completely.

The international judicial system is extremely important to the global human rights system, notwithstanding the challenges that have been presented. Some of the potential actions that could be taken in the future include the development of innovative solutions to issues such as political opposition and noncompliance, the enhancement of the enforcement capacities of these courts, and the improvement of collaboration between regional and international organizations.

Conclusion

The issue of human rights enforcement within the framework of international law is a complex one that is always evolving. There has been a significant amount of progress made as a consequence of the establishment of several regional human rights bodies and international courts; yet, the effectiveness of





these systems varies substantially. In different parts of the world, human rights are protected and improved in a variety of different ways, depending on the particulars of each enforcement technique chosen. International tribunals such as the International Court of Justice (ICJ) and the International Criminal Court (ICC) have been extremely important in the advancement of human rights. On the other hand, the ability of these courts to properly enforce human rights is sometimes hampered by significant barriers, such as problems of authority, challenges to the sovereignty of states, and political influence. Regional human rights courts, such as the Inter-American Court of Human Rights (IACHR) and the European Court of Human Rights (ECHR), offer more accessible and individualized possibilities for redress, despite the fact that they face comparable issues in terms of human rights enforcement and compliance. It is recommended in the report that institutions that are responsible for protecting human rights at both the international and regional levels collaborate more closely with one another. In addition, it is of the utmost importance to address the continuously existing gaps in enforcement, particularly in regions where political turmoil or official opposition renders the rulings of the courts meaningless. The function of non-state actors and the possibilities afforded by technological advancements in the surveillance and reporting of human rights abuses are two further areas that show promise for development and progress. The mechanisms that are used to implement human rights need to be flexible and adaptive in order to deal with new and developing problems, such as the consequences of climate change, large migrations, and concerns about digital privacy. We need to strengthen these mechanisms, increase coordination among regional and international institutions, and create a culture of responsibility and compliance if we are serious about ensuring that human rights are upheld everywhere. If we are serious about this, we will make sure that these systems are strengthened.

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