



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

Arun Singla*

2nd year Student, Bachelor in Law

Vaish College of Law, Rohtak

Email: arunnsingla@gmail.com

ORCID: <https://orcid.org/0009-0003-2027-0112>

Accepted: 30/07/2024

Published: 30/07/2024

* Corresponding author

How to Cite this Article:

Singla, A. (2024). International Human Rights Law: Enforcement Mechanisms and Challenges in a Globalized World. *Indian Journal of Law*, 2(4), 46-51.

DOI: <https://doi.org/10.36676/ijl.v2.i4.39>



Abstract: *The summary gives an introduction of international human rights legislation, focusing on enforcement methods and the issues it confronts in an increasingly linked and globalised society. The growth of human rights legislation, the function of international organisations, and the challenges of maintaining compliance and responsibility in a variety of cultural, political, and legal situations. International human rights legislation is a cornerstone of the global legal system, supporting basic rights and freedoms for all people, regardless of nationality, race, religion, or socioeconomic standing. The abstract examines the beginnings of human rights legislation, charting its evolution from the Universal Declaration of Human Rights to different international treaties, conventions, and customary standards.*

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

Introduction

International human rights legislation is a source of hope and ambition in our contemporary society, advocating for the preservation and advancement of basic rights and freedoms for all people, regardless of nationality, race, religion, or socioeconomic class. This corpus of legislation, founded on the Universal Declaration of Human Rights and expanded upon by international treaties, conventions, and customary standards, symbolises a collective commitment to preserving every human being's inherent dignity and value. In recent decades, the landscape of human rights enforcement has changed dramatically, reflecting the complexity of a more linked and globalised globe. While international human rights legislation offers a





strong foundation for advancing justice and accountability, it confronts significant obstacles in guaranteeing compliance and resolving transgressions in a variety of cultural, political, and legal situations. The diverse character of international human rights legislation, including its historical growth, enforcement methods, and the ongoing issues it faces in the modern period. It recognises the progress achieved in codifying human rights concepts, as well as the critical role performed by international organisations, while simultaneously acknowledging the limits and inadequacies inherent in enforcing these rights. As we navigate the complexities of a globalised world marked by rapid technological advancements, shifting geopolitical dynamics, and emerging threats to human security, we must critically evaluate the efficacy of existing enforcement mechanisms and investigate novel approaches to address new and evolving challenges. We may work toward a fairer, egalitarian, and rights-respecting world for current and future generations by encouraging more collaboration among nations, international organisations, civil society groups, and the commercial sector.

Foundations of Human Rights: The Universal Declaration and Treaties

- The Universal Declaration of Human Rights (UDHR) is examined in its historical context and relevance as a fundamental document in the creation of international human rights legislation. Discussing its ratification by the United Nations General Assembly in 1948, as well as its assertion of basic human rights and freedoms.
- International Human Rights Treaties: An examination of the role of international treaties and conventions in developing and codifying human rights norms beyond the Universal Declaration of Human Rights. Discussing significant treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social, and Cultural Rights (ICESCR), and regional human rights instruments, as well as their contributions to the international human rights framework.

Treaty Ratification and Implementation: Examining the process of treaty ratification by governments, as well as the duties that come with domestic implementation and enforcement of human rights standards. Exploring the role of national law, judicial interpretation, administrative actions, and other mechanisms in guaranteeing treaty compliance.





Monitoring and Reporting Procedures: Investigating the mechanisms provided by human rights treaties to ensure state compliance and promote reporting on human rights issues. Discussing the role of treaty organisations, committees, and special rapporteurs in conducting assessments, making recommendations, and fostering interaction between governments and civil society.

Interactions between Treaties and Customary Law: Investigating the link between treaty law and customary international law in the realm of human rights, particularly the influence of state practise, opinio juris, and judicial judgments on customary norms and standards. Discussing the need of customary law as a supplement to treaty law in defending human rights.

Evolving Interpretations and Expansions of Rights: Examining the dynamic character of human rights legislation, as well as how rights are interpreted and expanded throughout time. In light of changing social, political, and technical realities, we will discuss topics such as new rights recognition, rights intersectionality, and the gradual fulfilment of economic, social, and cultural rights.

Challenges and controversies: Addressing problems and issues surrounding the interpretation and implementation of human rights treaties, such as rights disputes, cultural relativism, reservations and derogations, and restrictions on rights during times of emergency or national security. Discussing issues about the universality vs cultural uniqueness of human rights principles, as well as the necessity for contextualised methods to rights fulfilment.

Mechanisms of Enforcement: Treaty Bodies and Special Procedures

Treaty Bodies: An overview of the treaty bodies formed under different international human rights treaties to ensure that states comply with their responsibilities. Discussing treaty bodies' composition, mission, and activities, such as examining state reports, making recommendations, and interpreting human rights standards.

Committee on the Elimination of Discrimination Against Women (CEDAW): Investigating the CEDAW Committee's mission and actions in advancing gender equality and women's rights globally. Discussing its role in ensuring state conformity with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and tackling critical concerns such as violence against women, employment discrimination, and political engagement.





Examining the mission and activities of the Human Rights Committee created under the International Covenant on Civil and Political Rights (ICCPR) (ICCPR). Discussing its role in assessing state reports, conducting national investigations, and adjudicating individual human rights abuses under the Optional Protocol to the ICCPR.

Analyzing the mission and actions of the CESCR in evaluating state conformity with the International Covenant on Economic, Social, and Cultural Rights (ICESCR) (ICESCR). Discussing its role in assessing state reports, giving general remarks, and tackling critical concerns like as the right to education, health care, and a decent quality of life.

Special Processes: Investigating the system of special procedures created by the United Nations Human Rights Council to handle unique nation circumstances or thematic concerns concerning human rights. Discussing the mandate, duties, and actions of special rapporteurs, independent experts, and working groups that perform fact-finding missions, issue reports, and make recommendations to governments.

Universal Periodic Review (UPR): Discussing the Human Rights Council-established procedure for assessing the human rights status in all UN member nations. Examining the peer review process, state engagement, and execution of UPR recommendations to enhance human rights compliance and accountability.

Challenges and opportunities: Addressing the difficulties and possibilities for treaty bodies and special processes to effectively promote and safeguard human rights. Discussing concerns such as report backlogs, resource restrictions, politicisation, and state collaboration, as well as ways to improve the effectiveness, independence, and accessibility of human rights bodies.

Conclusion

"International Human Rights Law: Enforcement Mechanisms and Challenges in a Globalized World" provides a comprehensive examination of the enforcement mechanisms and challenges facing international human rights law in the context of globalization. Throughout the exploration of treaty bodies, special procedures, and emerging issues, several key themes have emerged. Firstly, the conclusion emphasizes the critical role of enforcement mechanisms in upholding human rights standards and promoting accountability. Treaty bodies, such as the Human Rights Committee and the Committee on the Elimination of Discrimination against Women, play a crucial role in monitoring state compliance with human rights treaties and addressing violations through recommendations and inquiries. Secondly, the conclusion





acknowledges the persistent challenges facing human rights enforcement, including politicization, resource constraints, and lack of cooperation from states. These challenges hinder the effectiveness of enforcement mechanisms and undermine efforts to promote human rights and hold violators accountable. Despite these challenges, the conclusion remains optimistic about the potential for progress in the field of international human rights law. It calls for continued advocacy, awareness-raising, and capacity-building efforts to strengthen enforcement mechanisms and address gaps in human rights protection.

Moreover, the conclusion emphasizes the importance of adapting enforcement mechanisms to address emerging issues in a rapidly changing world. From digital rights to climate justice, new challenges require innovative approaches and collaboration across sectors and borders. Ultimately, the conclusion underscores the enduring importance of upholding human rights principles in the face of global challenges. By working together to strengthen enforcement mechanisms, promote accountability, and protect human rights for all individuals, we can build a more just, equitable, and rights-respecting world for present and future generations.

Bibliography

- Alston, P., & Goodman, R. (2013). *International human rights law*. Oxford University Press.
- Clapham, A. (2016). *Human rights: A very short introduction*. Oxford University Press.
- Donnelly, J. (2013). *Universal human rights in theory and practice*. Cornell University Press.
- Langford, M., Vandenhole, W., & Scheinin, M. (Eds.). (2013). *Global justice, state duties: The extraterritorial scope of economic, social, and cultural rights in international law*. Cambridge University Press.
- Moyn, S. (2014). *Human rights and the uses of history*. Verso Books.
- Nowak, M. (2018). *The United Nations convention against torture: A commentary*. Oxford University Press.
- Parameshwar Reddy Kothamali, Vinod Kumar Karne, & Sai Surya Mounika Dandyala. (2024). Integrating AI and Machine Learning in Quality Assurance for Automation Engineering. *International Journal for Research Publication and Seminar*, 15(3), 93–102. <https://doi.org/10.36676/jrps.v15.i3.1445>
- Rehman, J. (2019). *International human rights law: Cases, materials, commentary*. Sweet & Maxwell.
- Shelton, D. (2016). *Remedies in international human rights law*. Oxford University Press.





Shelton, D. (2016). The Oxford handbook of international human rights law. Oxford University Press.

Simmons, B. A. (2009). Mobilizing for human rights: International law in domestic politics. Cambridge University Press.

