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DEPARTMENT OF LAW

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**THE PROBLEMATIC OF ENFORCEMENT OF HUMAN
RIGHTS PRINCIPLES UNDER INTERNATIONAL HUMAN
RIGHTS LAW**

Dissertation submitted and Presented in Partial
Fulfillment For the academic Requirements For the
Award of Bachelors' degree in Law.

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Kigali, October, 2024

APPROVAL

This certifies that the work incorporated in this dissertation entitled “The problematic of enforcement of human rights principles under International Human Rights Law” submitted by **Miss Shadia IRADUKUNDA**, is presented in partial fulfillment of requirements for the Bachelor’s degree in Law (LLB) at Kigali Independent University.

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DECLARATION

I, **IRADUKUNDA SHADIA**, hereby declare that, to the best of my knowledge, the dissertation entitled "The problematic of enforcement of human rights principles under International Human Rights", Is my original work ,and i have to the best of my knowlegde acknowledged all authors or sources from where i got information. I further declare that this work has not been submitted to any university or a higher learning institution for the award of a degree or any of its equivalentents.

IRADUKUNDA SHADIA

Signed.....

Date.....

DEDICATION

I dedicated this book to the **Almighty Allah**, thank you for the guidance, strength, power of mind, protection and skills and for giving us a healthy life. All of these i offer them to you.

I wholeheartedly dedicated this study to my beloved parents, who have been my source of inspiration and gave me strength when i thought of giving up, who continually provide their moral, spiritual, emotional, and financial support.

And lastly, to my brothers, sisters,relatives,mentor,friends,and classmates who shared their words of advice and encouragement to finish this study.

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IRADUKUNDA SHADIA

LIST OF ABBREVIATIONS AND ACRONYMS

Art: Article

CHAP: Chapter

Http: Hypertext Transfer Protocol

ICC: International criminal court

ICJ: International Court of Justice

No: number

NGO: Non governmental organization

P: Page

Para: Paragraph

ULK: Universite Libre de Kigali

UN: United Nations

WWW: World Web Wide

HR: Human rights

UNSC: United Nations Security Council

ICCPR: International Covenant on Civil and Political Rights

ECHR: European Convention on Human Rights

ACHR: American Convention on Human Rights

CESCR: Committee on Economic, Social and Cultural Rights

UDHR: Universal Declaration of Human Rights

IHRL: International Human Rights Law

WTO: World Trade Organization

CEDAW: Convention on the Elimination of All Forms of Discrimination Against Women

CRC: Convention on the Rights of the Child

CRPD: Convention on the Rights of persons with disabilities

ACHPR: The African Charter on Human and Peoples' rights

AfCHPR: The African Court on Human and Peoples' rights

UPR: Universal Periodic Review

ECtHR: European Court of Human Rights

NHRIs: National Human Rights Institutions

ILO: International Labour Organization

TABLE OF CONTENTS

APPROVAL	1
DECLARATION	ii
DEDICATION	iii
ACKNOWLEDGMENTS	iv
LIST OF ABBREVIATIONS AND ACRONYMS	v
TABLE OF CONTENTS	vii
GENERAL INTRODUCTION	1
1. Background of the study	1
2. Significance of the study.....	2
3. Scope of the study	3
3.1 Delimitation in Domain	3
3.2 Delimitation in space	3
3.3. Delimitation in Time.....	3
4. PROBLEM STATEMENT	4
5. RESEARCH QUESTIONS	6
6. Research hypothesis.....	6
7. RESEARCH OBJECTIVES	6
7.1 General Objectives.....	7
7.2 Specific Objectives	7
8. Research Methodology	7
8.1 Research methods	7
8.1.1 Analytic method.....	8
8.1.2 Synthetic method	8
8.1.3 Exegetic method.....	8
8.2.1 Documentary techniques.....	9
8. STRUCTURE OF THE STUDY	9
CHAPTER 1: THE CONCEPTUAL AND THEORETICAL FRAMEWORK	10
Introduction.....	10
1.1. Definition of key concepts	10
1.1.2. Rights	10

1.1.5. Human rights law	12
1.1.6. Human rights principles	12
1.1.7. International human rights law	13
1.1.8. State sovereignty	14
1.1.9. Political Will	14
1.1.10. International Relations	15
1.2. Generalities on Human Rights	16
1.2.1. The principle of universality and Inalienability	16
1.2.2. The principle of Indivisibility and interdependence	17
1.2.3. The principle of Equality and non-discrimination	18
1.2.4. The principle of participation and inclusion Principle.....	19
1.2.5. The principle of Accountability and Rule of Law	20
1.2.1. Key International Human Rights instruments.....	21
1.2.1.3. ICESCR (The International Covenant on Economic, Social and Cultural Rights)	22
1.2.1.4. CEDAW (The Convention on the Elimination of All Forms of Discrimination Against Women).....	23
1.2.1.5. Convention on the Rights of the child	23
1.2.1.6. Convention on the Rights of persons with disabilities.....	24
1.2.2.1. African charter on Human and peoples' Rights.....	24
1.2.2.2. Protocol to the African charter on Human and peoples' Rights on the rights of Women in Africa (Maputo Protocol).....	25
1.2.2.3. African Charter on the Rights of Welfare of the child.....	26
1.2.2.4. African Court on Human and peoples' Rights.....	26
1.2.3. Theories of Human Rights	27
1.2.3.1. Critical Theories.....	27
1.2.3.2. Liberalism	28
1.2.3.3. Natural Law Theory	28
1.2.3.4. Feminist Theory	28
1.2.3.5. Postcolonial Theory	29
1.2.3.6. Moral Relativism:	29

CHAPTER 2: CHALLENGES TO THE ENFORCEMENT OF HUMAN RIGHTS	
PRINCIPLES UNDER INTERNATIONAL HUMAN RIGHTS LAW	32
2.1. Challenges associated with the enforcement of Human Rights.....	32
2.1.1. Weak Judicial System	32
2.2.2. Impunity and lack of accountability	33
2.2.3. Cultural and social barriers	34
2.2.4. Legislative gaps and weak legal frameworks	35
2.2.5. Sovereignty and state resistance	36
2.2.6. Political and geopolitical interests	36
2.2.7. Non-state actors and armed conflicts	37
2.2.8. Lack of binding enforcement mechanisms	38
2.2.9. Limited resources and capacity.....	39
2.2.10. Corruption and lack of political will.....	40
CHAPTER 3: REMEDIAL MECHANISMS FOR EFFECTIVE ENFORCEMENT OF	
HUMAN RIGHTS.	42
3.1. Legal mechanisms.....	42
3.1.1. International Treaties and Conventions	42
3.1.2. International Courts and Tribunals	43
3.1.3. Human Rights Treaty Bodies.....	43
3.1.4. National Implementation Mechanisms	43
3.1.5. Universal Periodic Review (UPR)	44
3.1. 6. Special Procedures and Mandates.....	44
3.1.7. International Cooperation and Diplomacy.....	44
3.2. Institutional mechanisms	45
3.2.1. United Nations Human Rights Council	45
3.2.2. United Nations Treaty Bodies.....	45
3.2.3. International Criminal Court (ICC).....	46
3.2. 4. Regional Human Rights Systems.....	46
3.3. Supplementary mechanisms.....	47
3.3.1. Civil Society Organizations (CSOs)	47
3.3.3. International and Regional Cooperation	48

3.3.4. Economic and Trade Leverage	48
3.3.5. Public Interest Litigation.....	49
3.3.6. Monitoring and Evaluation	49
3.3.7. Policy and Legislative Reform.....	49
3.4. Other mechanisms.....	50
3.4.1. Judicial Mechanisms.....	50
3.4.2. Non-Judicial Mechanisms.....	50
3.4.4. Universal Periodic Review (UPR).....	50
GENERAL CONCLUSION AND RECOMENDATIONS.....	52
Recomendations	53
BIBLIOGRAPHY	55

GENERAL INTRODUCTION

The enforcement of human rights principles under international human rights law is a complex and pressing issue that raises significant challenges. Despite the establishment of international legal frameworks and treaties aimed at protecting human rights, many states struggle to implement these principles effectively. Factors such as political will, weak legal systems, and cultural relativism often impede the enforcement process. Additionally, the presence of non-state actors and geopolitical interests can complicate accountability and compliance. This problematic landscape highlights the need for a deeper understanding of the barriers to enforcement and the mechanisms that can be strengthened to uphold human rights globally.¹

1. Background of the study

The enforcement of human rights principles under international law delves into the historical evolution and development of human rights norms on the global stage. International human rights law has its roots in the aftermath of World War II, with the adoption of the Universal Declaration of Human Rights in 1948.²

This landmark document laid the foundation for the protection of fundamental human rights universally. Subsequently, various international treaties and conventions were established to codify and protect human rights, such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The enforcement mechanisms of human rights principles have evolved over time, with the establishment of international human rights bodies like the United Nations Human Rights Council and regional human rights courts such as the European Court of Human Rights. These bodies play a crucial role in monitoring compliance with human rights standards and holding states accountable for violations. However, challenges persist in enforcement due to issues like state sovereignty, lack of enforcement mechanisms with binding authority, and political considerations that impede effective enforcement.

¹ Office of the High Commissioner for Human Rights, "International Human Rights Law," available at www.ohchr.org. International Law Commission

² "A/HRC/17/31.International Criminal Court, "Rome Statute of the International Criminal Court," 1 July 2002, 2187 U.N.T.S. 90.

Following the UDHR, a series of international treaties were adopted, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) in 1966, collectively known as the International Bill of Human Rights.³

Various regional human rights systems were established, such as the European Convention on Human Rights (ECHR), the American Convention on Human Rights (ACHR), and the African Charter on Human and Peoples' Rights. UN Treaty Bodies: Committees were created to monitor compliance with specific treaties, such as the Human Rights Committee (HRC) for the ICCPR and the Committee on Economic, Social and Cultural Rights (CESCR) for the ICESCR.

However, the enforcement of human rights principles under international law remains a dynamic and evolving field. Despite significant progress in establishing norms and mechanisms, challenges persist due to issues of sovereignty, compliance, and political will. Continued efforts are needed to strengthen international human rights institutions and ensure that human rights principles are effectively upheld worldwide.⁴

2. Significance of the study

The significance of studying the enforcement of human rights principles under international human rights law is crucial for several reasons.

Firstly, it helps identify the gaps and challenges in the existing frameworks, revealing why certain human rights are not effectively protected. By understanding these weaknesses, advocates can work towards strengthening legal mechanisms and promoting accountability.

Secondly, this study highlights the real-life impact of human rights violations on individuals and communities. It brings attention to the urgency of addressing these issues and mobilizes public support for reforms.

Lastly, examining the enforcement of human rights principles encourages a broader dialogue about the universality of human rights, challenging cultural relativism and promoting a shared commitment to uphold these rights globally. Overall, this research is essential for advancing human rights protections and ensuring justice for those affected by violations.

³ Report on the Work of Its 53rd Session," 1998, A/53/10. United Nations Human Rights Council

⁴ "Guiding Principles on Business and Human Rights," 2011

3. Scope of the study

As detailed in the terms of reference of this research, the assessment is always limited in domain, in space, in time. Which will be considered in this study as follows:

3.1 Delimitation in Domain

This study is focusing on the Problematic of enforcement of human rights principles under International law, where certain delimitations have been established to ensure the research is focused, manageable, and relevant, they may be related to the modules ⁵like basics of international Human Rights Law and analyzing challenges with resources that might hinder the effective enforcement of human rights laws. These delimitations ⁶do also clarify the study's boundaries and acknowledge the aspects that will not be covered.

3.2 Delimitation in space

In my research, the study of the problematic enforcement of human rights principles under international law will be geographically delimited to focus on specific international and regional mechanisms, I will also use and focus on laws like the International Covenant on Civil and Political Rights (ICCPR) (1966), Rome Statute of the International Criminal Court (ICC) (1998), Customary International Law, and international criminal law and other relevant international instruments.

3.3. Delimitation in Time

To tackle each area of my assessment, I focused on the delamination in time referring to the historical progression and shifts in the enforcement of human rights principles under international human rights law. Key years that signify important milestones in this context include:

⁵ United Nations Human Rights Council, "Resolution on the Protection of Human Rights in the Context of Climate Change," 2019

⁶ United Nations Security Council, "Resolution 1325 on Women, Peace and Security," 31 October 2000, S/RES/1325..

1948 - Universal Declaration of Human Rights (UDHR): This year marked a foundational⁷ moment in human rights history, establishing a comprehensive framework for human rights principles recognized globally. The UDHR set the tone for subsequent treaties and conventions.

1966 - International Covenants: The adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) further solidified international commitments to human rights, providing binding legal frameworks for states.

1993 - Vienna Declaration and Programme of Action: This declaration reaffirmed the universality of human rights and emphasized the importance of their implementation, highlighting the responsibility of states to uphold these rights.⁸

2002 - Establishment of the International Criminal Court (ICC): The ICC was created to prosecute individuals for serious human rights violations, such as genocide and war crimes, reflecting a significant step towards accountability in the enforcement of human rights.

2011 - UN Human Rights Council Resolution on Human Rights and the Internet: This resolution recognized the importance of internet access as a human right, showcasing the evolving nature of human rights in response to technological advancements.

These years represent critical moments when international human rights law evolved, reflecting shifts in global priorities and the ongoing struggle for effective enforcement of human rights principles. time Present, that is, (1948), 1996-1998,2000s-2010s, and 2020-present.

4. PROBLEM STATEMENT

The enforcement of human rights principles under international human rights law remains a significant challenge in the contemporary global landscape. Despite the establishment of various international frameworks and treaties aimed at safeguarding human rights, numerous obstacles hinder effective implementation and compliance. This problem statement seeks to outline the key issues associated with the enforcement of human rights principles, emphasizing the interplay of limited resources, political will, and cultural considerations.

One of the primary challenges to the enforcement of human rights is the issue of limited resources and capacity. Many countries, particularly in the Global South, face significant

⁷ Vienna Declaration and Programme of Action, World Conference on Human Rights, 14-25 June 1993, A/CONF.157/23

⁸ United Nations Human Rights Council, "Resolution on the Protection of Human Rights in the Context of Climate Change," 2019.

economic constraints that impede their ability to uphold human rights standards. Insufficient funding for judicial systems, law enforcement, and human rights institutions can lead to inadequate protection and enforcement of rights. Moreover, the lack of trained personnel and infrastructure further exacerbates the situation, resulting in a failure to address human rights violations effectively. This resource scarcity creates an environment where abuses can occur with little accountability, undermining international human rights law.⁹

In addition to resource limitations, the lack of political will poses a critical barrier to the enforcement of human rights principles. Governments may prioritize political stability¹⁰ or economic growth over human rights, leading to a reluctance to implement necessary¹¹ reforms or hold violators accountable. This is particularly evident in authoritarian regimes, where dissent is often suppressed, and human rights are routinely violated. The interplay of domestic politics and international relations can also influence states' commitment to human rights, as geopolitical interests may take precedence over adherence to international norms. Consequently, the absence of political will can result in a culture of impunity, where perpetrators of human rights violations operate without fear of repercussions.

Cultural relativism presents another layer of complexity in the enforcement of human rights principles. While international human rights law advocates for universal standards, cultural differences can lead to divergent interpretations of what constitutes a human right. Some argue¹² that human rights should be contextualized within cultural frameworks, which can lead to resistance against universal norms. This perspective can hinder the acceptance and implementation of international human rights standards, particularly in societies where traditional practices conflict with these norms. The challenge lies in balancing respect for cultural diversity with the need to uphold fundamental human rights, ensuring that cultural justifications do not excuse violations.

Overall, the enforcement of human rights principles under international human rights law is fraught with challenges that stem from limited resources, lack of political will, and cultural

⁹ United Nations General Assembly, Universal Declaration of Human Rights, 10 December 1948, A/RES/217 A (III)

¹⁰ International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171.

¹¹ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 U.N.T.S.

relativism. Addressing these issues is crucial for the effective realization of human rights globally. A comprehensive understanding of these challenges will not only inform policy recommendations but also contribute to the broader discourse on human rights enforcement in a complex and interconnected world.

5. RESEARCH QUESTIONS

1. To what extent human rights are enforced under international human rights law?
2. What are mechanisms that can be adopted to ensure effective enforcement of human rights principles under international human rights law?

6. Research hypothesis

A research hypothesis under the problematic of enforcement of human rights principles under international human rights law is a specific, testable statement that predicts the relationship between variables involved in human rights enforcement. This hypothesis can be tested through empirical research, examining various countries' adherence to human rights obligations and the factors influencing their enforcement practices. Essentially it aims to,

1. Identifying the key elements that affect how effectively human rights principles are upheld in different contexts.
2. Discussing how supplementary, legal, and institutional mechanisms are needed to ensure full protection of human rights principles under International Human Rights Law.

7. RESEARCH OBJECTIVES

Research objections refer to ¹³the specific issues, concerns, or limitations that arise during the research process. These objections can stem from various sources, including ethical considerations, methodological flaws, or biases in data collection and analysis. They highlight potential weaknesses in the study's design or execution that could affect the validity and reliability of the research findings.¹⁴

¹⁴ United Nations, "The Universal Declaration of Human Rights: A Historical Perspective," 1948. International Law Commission, "Draft Code of Crimes Against the Peace and Security of Mankind," 1996.

7.1 General Objectives

The general objectives aim to provide a comprehensive exploration of the complexities surrounding the problematic of enforcement of human rights principles under ¹⁵international law, fostering a deeper understanding and contributing to potential solutions for advancing human rights protections worldwide.

7.2 Specific Objectives

- i. To analyze the extent to which human rights are enforced under international human rights law.
- ii. To suggest the mechanisms meant to promote and protect human rights under international human rights law.

8. Research Methodology

Methodology implies not only the procedures involved to collect data but also how to analyze and interpret it. The methodology is a comprehensive term and is wider than the method. It is a compass that determines the direction of the research.

Two prominent methodologies that are employed in legal research are doctrinal and non-doctrinal. The former one is more inclined towards theoretical aspects and academics, hence also known as "librally" or "arm chair " research, while the latter is more practical and takes an interdisciplinary approach to observation. Hence it is called ¹⁶"empirical research" in this dissertation, i used a doctrinal research.

8.1 Research methods

I collected the necessary data and information for my research by using different ¹⁷sources such as related law books/dissertations, online platforms, laws referring to my topic and, some reports related to my topic which is the "Problematic of enforcement of human rights principles under

¹⁵ United Nations Human Rights Council, "Resolution on the Promotion and Protection of Human Rights," 2012.

¹⁶ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 U.N.T.S. 3.

¹⁷ Vienna Declaration and Programme of Action, World Conference on Human Rights, 14-25 June 1993, A/CONF.157/23.

international law and other relevant laws like the International Covenant on Civil and Political Rights (ICCPR) (1966), Rome Statute of the International Criminal Court (ICC) (1998), Customary International Law, and international criminal law and other relevant international instruments.

8.1.1 Analytic method

The analytical method is a systematic approach used to break down complex problems or information into smaller, more manageable parts. It involves identifying the problem, collecting relevant data, decomposing the information into its components, evaluating each part, and then synthesizing the insights to draw conclusions or make recommendations. This method is widely applied in various fields to enhance understanding and facilitate informed decision-making.¹⁸

8.1.2 Synthetic method

The synthetic method is an approach that involves combining various elements or pieces of information to form a coherent whole. Unlike the analytical method, which breaks down components, the synthetic method focuses on integrating data, concepts, or theories to create new insights or understanding. This method is often used in research and problem-solving to generate comprehensive conclusions or innovative solutions by looking at the bigger picture and how different parts interact with one another.

8.1.3 Exegetic method

The exegetic method is not a widely recognized term in research or analytical contexts. However, if you meant "exemptive method," it typically refers to approaches that allow certain exceptions or exclusions from a general rule or principle. This method can be applied in various fields, including law and ethics, where specific circumstances might warrant deviation from standard practices or regulations.¹⁹

8.2 Research Technique

Research techniques refer to the methods and strategies used to gather, analyze, and interpret data in order to answer specific questions or explore particular topics.

¹⁸ Bassiouni, M. Cherif. "International Criminal Law: A Comprehensive Introduction." Intersentia, 2012.

¹⁹ United Nations Office of the High Commissioner for Human Rights,

8.2.1 Documentary techniques

This research will focus on documenting and presenting a comprehensive overview of the challenges faced in enforcing human rights principles within the international legal framework. It will also imply a methodological approach involving gathering and analyzing existing documentation, reports, treaties, case studies, and other relevant sources to elucidate the complexities and obstacles in enforcement efforts.²⁰

8. STRUCTURE OF THE STUDY

This research is divided into three chapters preceded by general introduction and ²¹ending with general conclusion and recommendations. The first chapter looked at the Key concepts and theoretical framework surrounding the problematic of enforcement of human rights principles under international law, chapter looked at the challenges hindering the effective enforcement of human rights principles under international law and hence chapter three covered the solutions and strategies to enhance the enforcement of human rights principles under international law.

²⁰ [www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1674\(2006\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1674(2006))

²¹ Office of the Prosecutor, International Criminal Court, "Policy Paper on Preliminary Examinations," ICC-OTP/2013/01, 15 November 2013, www.icc-cpi.int/iccdocs/otp/OTP-Policy-Paper-on-Preliminary-Examinations-2013.pdf.

CHAPTER 1: THE CONCEPTUAL AND THEORETICAL FRAMEWORK

Introduction

This chapter explores the key concepts and theoretical frameworks that underpin the enforcement of human rights. It will examine the evolution of IHRL, the mechanisms established for enforcement, and the persistent challenges that impede the realization of human rights globally. The enforcement of human rights principles under international human rights law (IHRL) is a complex and multifaceted issue. While the universal recognition of human rights is a cornerstone of global governance, translating these principles into practice remains a significant challenge.²²

1.1. Definition of key concepts

The following will explore the Key concepts that underpin the enforcement of human rights. Humans are basically people like you and me, made up of flesh and bones, with feelings, thoughts, and the ability to do many amazing things! We're the dominant species on Earth, known for our intelligence, creativity, and complex social structures. We have the capacity for language, art, science, and so much more. So, in simple terms, a human is a living being with a unique blend of physical, emotional, and intellectual characteristics.²³

1.1.2. Rights

Under international human rights law, individuals are entitled to various rights and protections. These rights are outlined in documents such as the Universal Declaration of Human Rights and various international treaties. Some key rights under international human rights law include the right to life, liberty, and security of person, the right to freedom of thought, conscience, and religion, the right to work and education, the right to a fair trial, and the right to be free from

²² United Nations Human Rights Council, "Resolution on the Promotion and Protection of Human Rights," 2012, A/HRC/RES/20/2.

²³ International Criminal Court, "Rome Statute of the International Criminal Court," 1 July 2002, 2187 U.N.T.S. 90.

torture and slavery. These rights are fundamental and aim to protect the dignity and well-being of all individuals globally. For example there are right to life, right to freedom of expression, right to health, right to education and right to freedom from torture and inhuman treatment, e.t.c

Hence the enforcement of these rights faces challenges, but international human rights law provides mechanisms for monitoring, reporting, and accountability. International bodies such as the United Nations Human Rights Council, regional human rights courts and commissions, and civil society organizations play critical roles in promoting and protecting human rights globally.²⁴

1.1.3. Human rights

Fundamental rights and freedoms inherent to all human beings, regardless of nationality, sex, ethnicity, religion, language, or any other status. These rights are universal, inalienable, and indivisible, encompassing civil, political, economic, social, and cultural rights

There are some key human rights principles under international law include: Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR, and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) that was adopted in 1965, aiming to eliminate racial discrimination and promotes understanding among all races.

1.1.4. Enforcement

Enforcing human rights under international human rights law involves a complex system that includes various mechanisms and bodies. One key aspect is the role of international human rights treaties and conventions, which set out the rights and obligations of states. States that have ratified these treaties are bound to uphold and protect the rights outlined within them. Additionally, international human rights bodies such as the United Nations Human Rights Council and regional bodies like the European Court of Human Rights play a crucial role in monitoring and investigating human rights violations. These bodies can issue recommendations, conduct investigations, and sometimes bring cases against states for human rights abuses. NGOs,

24 <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR, and the Convention on the Elimination of All Forms of Racial Discrimination (CERD) that was adopted in 1965, aiming to eliminate racial discrimination and promotes understanding among all races.

civil society organizations, and individuals also play a vital role in advocating for human rights and holding governments accountable for their actions.

Overall, the enforcement of human rights under international law requires a combination of legal frameworks, oversight mechanisms, and active engagement from various stakeholders to ensure compliance and protection of human rights worldwide.²⁵

1.1.5. Human rights law

Human rights law refers to the body of international law designed to promote and protect human rights at the global level. These laws outline the fundamental rights and freedoms that every individual is entitled to, regardless of their nationality, ethnicity, or any other status. Human rights laws cover a wide range of rights, including the right to life, liberty, equality, and dignity. They also encompass civil, political, economic, social, and cultural rights. These laws are crucial in ensuring that individuals are treated fairly and with respect, and they provide a framework for holding governments and other entities accountable for upholding these rights.

1.1.6. Human rights principles

Human rights principles are the basic rights and freedoms that belong to every person in the world. These principles are based on the idea that all individuals have inherent rights and dignity. Some key human rights principles include the right to life, liberty, and security, the right to freedom of thought, conscience, and religion, the right to work and education, and the right to participate in cultural life. These principles are often outlined in international agreements and declarations to protect and promote the rights of individuals globally.

And hence These principles of human rights encompass fundamental values that are universally recognized and protected by international law. These principles include the right to life, freedom of speech, equality before the law, and freedom from discrimination. The Universal Declaration of Human Rights (UDHR) outlines these principles, emphasizing the inherent dignity and worth of every individual. Additionally, the right to education, health, and a fair trial are also essential human rights principles that ensure the well-being and equality of all individuals.²⁶

²⁵ International Criminal Court, "Rome Statute of the International Criminal Court," 1 July 2002, 2187 U.N.T.S. 90.

1.1.7. International human rights law

A body of international law aimed at promoting and protecting human rights globally. It comprises treaties, customary international law, general principles, and other legal instruments. The international human rights movement was strengthened when the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on 10 December 1948. Drafted as 'a common standard of achievement for all peoples and nations', the Declaration for the first time in human history spell out basic civil, political, economic, social and cultural rights that all human beings should enjoy. It has over time been widely accepted as the fundamental norms of human rights that everyone should respect and protect. The UDHR, together with the International Covenant on Civil and Political Rights and its two Optional Protocols, and the International Covenant on Economic, Social and Cultural Rights, form the so - called International Bill of Human Rights.²⁷

A series of international human rights treaties and other instruments adopted since 1945 have conferred legal form on inherent human rights and developed the body of international human rights. Other instruments have been adopted at the regional level reflecting the particular human rights concerns of the region and providing for specific mechanisms of protection. Most States have also adopted constitutions and other laws which formally protect basic human rights.²⁸

While international treaties and customary law form the backbone of international human rights law other instruments, such as declarations, guidelines and principles adopted at the international level contribute to its understanding, implementation and development. Respect for human rights requires the establishment of the rule of law at the national and international levels.

²⁶ United Nations Office of the High Commissioner for Human Rights, "Human Rights Indicators: A Guide to Measurement and Implementation," 2012.

²⁷ https://www.un.org/en/about-us/universal-declaration-of-human-rightshttps://www.hurights.or.jp/archives/other_publications/section1/pdf/Principles%2C%20Rights%2C%20Duty%20and%20Pedagogy.pdf

²⁸ https://www.un.org/en/about-us/universal-declaration-of-human-rightshttps://www.hurights.or.jp/archives/other_publications/section1/pdf/Principles%2C%20Rights%2C%20Duty%20and%20Pedagogy.pdf

1.1.8. State sovereignty

The principle of state sovereignty is a cornerstone of international law, asserting that states have the authority to govern themselves without external interference. This principle of state sovereignty vary, but articulations of sovereign power dating back to the 1648 Peace of Westphalia have traditionally defined sovereignty in terms of a state's ability to regulate its own political affairs and enter into agreements with other sovereign states. The principles of Westphalian sovereignty also assumed the equality of all sovereign states, regardless of their relative power or size. Before the Peace of Westphalia, religious and ideological leaders such as the Pope often interfered with state political authority, consolidating sovereignty under one religious office.

Similar definitions of sovereignty were also recognized in the establishment of the United Nations Charter in 1945, which stated that "the Organization is based on the principle of the sovereign equality of all its Members." It also said, "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter.

1.1.9. Political Will

Political will refers to the determination and commitment of government officials to carry out a specific course of action or policy. It is the willingness and readiness of those in power to allocate resources, make decisions, and take necessary steps to address certain issues or achieve particular goals.

In the context of human rights, political will plays a crucial role in ensuring that governments uphold and protect the rights of their citizens.

When political leaders demonstrate strong political will towards human rights, they prioritize implementing laws and policies that safeguard the fundamental rights and freedoms of individuals within their jurisdiction. For example, political will in human rights law is when a government actively works to implement legislation that aligns with international human rights treaties. For instance, a government passing laws to protect freedom of speech, ensure gender

equality, or prohibit discrimination based on race demonstrates a strong political will to uphold human rights standards within the country.²⁹

Overall when a government establishes institutions or mechanisms to monitor and address human rights violations effectively. By creating bodies such as human rights commissions or ombudsperson offices, governments show their commitment to addressing human rights issues and holding accountable those who infringe upon human rights.

1.1.10. International Relations

In the realm of international relations, countries interact with each other on various levels, encompassing diplomacy, trade, security, and cultural exchange. The field of international relations examines the relationships between states, international organizations, non-governmental organizations, and other actors in the global arena. It delves into how nations cooperate, negotiate, and sometimes conflict over issues such as trade agreements, security arrangements, human rights, and environmental concerns. Understanding international relations is vital as it shapes the dynamics of the global community, influencing policies, alliances, and conflicts that impact countries and individuals worldwide. Overall, International relations encompass a wide range of interactions between countries, including diplomacy, trade, security, and cultural exchange. These interactions shape the global landscape and impact nations worldwide. Diplomatic relations, such as negotiations between countries to resolve conflicts or establish agreements, are crucial in maintaining peace and cooperation.

Trade agreements, like the World Trade Organization (WTO), regulate international trade and promote economic growth among nations. Security cooperation, through alliances like NATO, enhances collective defense and stability. Cultural exchange programs, such as student exchanges and international festivals, foster mutual understanding and appreciation among diverse societies, promoting harmony and cooperation on a global scale.³⁰

²⁹ <https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights/https://www.ohchr.org/en/instruments-and-mechanisms>

³⁰ United Nations Human Rights Committee, "General Comment No. 36 on the Right to Life," CCPR/C/GC/36, 30 October 2018., United Nations, "Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions," A/74/318, 2019.<https://www.un.org/en/about-us/universal-declaration-of-human-rights,https://www.un.org/en/about-us/universal-declaration-of-human-rights>

1.2. Generalities on Human Rights

Human rights are the basic rights and freedoms that belong to every person, regardless of nationality, sex, ethnic origin, race, religion, language, or any other status. These rights are inherent to all human beings and are often seen as universal and inalienable. They are based on principles of dignity, equality, and mutual respect, which are shared across cultures, religions, and philosophies.

1.2.1. The principle of universality and Inalienability

Universality asserts that human rights are universally applicable to all people, regardless of differences such as nationality, ethnicity, gender, or socioeconomic status.

For Examples, Universal Declaration of Human Rights (UDHR): Adopted by the United Nations in 1948, this document asserts that rights such as the right to life, freedom from torture, and the right to a fair trial apply to everyone, everywhere. For instance, the right to freedom of expression is guaranteed to all individuals, regardless of where they live or their personal beliefs.

International Covenant on Civil and Political Rights (ICCPR): This treaty, part of the International Bill of Human Rights, outlines fundamental rights such as the right to vote, freedom of assembly, and freedom from arbitrary detention. These rights are intended to apply equally to all people, illustrating the principle of universality.

Inalienability means that human rights cannot be taken away or surrendered. They are intrinsic to every individual and cannot be transferred or forfeited.

For Examples, Right to Life were this right cannot be surrendered or removed, even if someone is convicted of a serious crime. The principle of inalienability is a key argument against the death penalty in many jurisdictions, as it is seen as a violation of this fundamental right, And right to Freedom from Torture where the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, torture is absolutely prohibited and cannot be justified under any circumstances, such as in times of war or national emergency. This illustrates the inalienable nature of the right to be free from torture. In essence, universality ensures that all human rights apply to everyone equally, while inalienability protects these rights from being

taken away or diminished. Together, they form the bedrock of international human rights protection and advocacy.³¹

1.2.2. The principle of Indivisibility and interdependence

The principles of indivisibility and interdependence are essential concepts in understanding human rights. They emphasize that human rights are interconnected and cannot be fully enjoyed in isolation.

Indivisibility asserts that all human rights—civil, political, economic, social, and cultural—are equally important and must be respected, protected, and fulfilled in a comprehensive manner. No category of rights can be fully enjoyed without the others. Examples are right to Health and Right to Education which asserts person's right to health (such as access to medical care) cannot be fully realized without also having access to education, which informs individuals about health practices and prevention. For instance, public health education helps prevent diseases, highlighting the connection between the right to health and the right to education, And economic Rights and Civil Rights, that is (an economic right) is connected to civil rights such as freedom from discrimination. For example, if a person faces discrimination at work due to their gender or ethnicity, their ability to fully enjoy their right to work is compromised, demonstrating the interdependence of economic and civil rights.

Interdependence refers to the concept that human rights are mutually reinforcing. The realization of one right often depends on the realization of others. This principle underscores that all rights are linked and that the fulfillment of one right can help facilitate the realization of others.³²

Examples are Freedom of Expression and Right to Information: The right to freedom of expression is closely linked to the right to access information. A free press and access to information enable individuals to make informed decisions and participate fully in society, highlighting how these rights support each other, Right to a Fair Trial and Right to Legal Representation, the right to a fair trial (a civil right) depends on the availability of legal representation (another civil right). Without access to a lawyer, an individual's ability to receive a

³¹ The Politics of Human Rights," in *The Politics of Human Rights: A Global Perspective*, ed. R. H. Jackson (London: Routledge, 2003), 45-67.

³² United Nations, "Universal Declaration of Human Rights," 10 December 1948, A/RES/217 A (III), Article 3. International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171, Article 6.R. H. Jackson

fair trial is compromised, illustrating how rights are interdependent. Together, indivisibility and interdependence emphasize that all human rights are essential and interconnected, and the protection and fulfillment of one right often require the realization of others. This holistic understanding is crucial for effective human rights advocacy and policy-making.

1.2.3. The principle of Equality and non-discrimination

Equality means that all individuals are entitled to the same rights and protections under the law, regardless of personal characteristics such as race, gender, age, disability, or socioeconomic status. It asserts that everyone should have equal access to opportunities and resources.

Examples are equal Pay for Equal Work and this principle of equality is evident in efforts to ensure that men and women receive equal pay for the same work. For instance, laws in many countries mandate that employers must provide equal pay for employees performing the same job with similar qualifications and experience, regardless of gender. Voting Rights where equality is demonstrated through universal suffrage, which ensures that every adult citizen, regardless of race, gender, or socioeconomic status, has the right to vote. The inclusion of all eligible voters in the electoral process upholds the principle of equality in democratic governance.

Non-discrimination means that individuals must not face unfair treatment or exclusion based on arbitrary factors such as race, gender, ethnicity, religion, disability, or other characteristics. It emphasizes that all people should be treated with dignity and fairness, and any discrimination is a violation of their rights.³³

Examples; Anti-Discrimination Laws, in many countries have laws that prohibit discrimination in areas such as employment, housing, and education. For example, the Americans with Disabilities Act (ADA) in the United States prohibits discrimination against individuals with disabilities in various aspects of public life, including jobs, public accommodations, and transportation. School Admissions, non-discrimination is reflected in policies that ensure equal access to education regardless of race or socioeconomic status. For example, public schools are

³³ United Nations, "Universal Declaration of Human Rights," 10 December 1948, A/RES/217 A (III), Article 7

required to admit students based on criteria that do not discriminate against them due to their race, ethnicity, or economic background.³⁴

Both principles are intertwined; equality ensures that all individuals are afforded the same rights and opportunities, while non-discrimination guarantees that these rights³⁵ are applied fairly and without bias. Together, they underpin the framework for a just and inclusive society where all individuals can enjoy their rights without prejudice or exclusion.

1.2.4. The principle of participation and inclusion Principle

Participation refers to the right of individuals to take part in decisions and processes that affect their lives. This principle is rooted in the idea that democratic governance and societal development benefit from the active involvement of all members of society.

Examples: Voting in Elections, participation is exemplified by the right to vote in democratic elections. This allows citizens to have a say in selecting their representatives and shaping government policies. Universal suffrage ensures that everyone, regardless of gender, race, or socioeconomic status, has the opportunity to participate in the political process.

Public Consultations; many governments and organizations conduct public consultations to gather input from community members on proposed policies or projects. For example, urban planning initiatives often include public meetings or surveys to collect feedback from residents, ensuring that their views and needs are considered in the planning process.³⁶

Inclusion is the practice of ensuring that all individuals, especially those from marginalized or disadvantaged groups, are integrated and actively involved in all aspects of society. It focuses on removing barriers and providing equal opportunities for everyone to participate and be represented.

Examples: Accessibility in Public Spaces where inclusion is demonstrated through measures such as making public spaces and services accessible to people with disabilities. For example,

³⁴ . International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171, Article 26.

³⁵ Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, A/RES/34/180

³⁶ Office of the United Nations High Commissioner for Human Rights, "The Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," U.N. Doc. A/HRC/RES/21/15 (2012).

building ramps and installing elevators in public buildings ensure that individuals with mobility impairments can access these spaces, promoting their full participation in society.

Diverse Representation in Media: Media and entertainment industries increasingly strive for inclusive representation by featuring diverse characters and stories. For instance, television shows and films that represent various ethnicities, genders, and abilities help to reflect the diversity of society and provide role models for underrepresented groups.

Overall, these principles work together to ensure that individuals not only have the right to be involved in decisions that affect them but also that barriers to their participation are removed, and their contributions are valued. This approach fosters a more equitable and engaged society, where everyone has the opportunity to contribute and benefit from societal progress.

1.2.5. The principle of Accountability and Rule of Law

Accountability involves holding individuals, institutions, and governments responsible for their actions and ensuring they are answerable for any violations of rights or laws. This principle is vital for maintaining trust in public institutions and protecting human rights.

Examples are, Judicial Accountability where Courts and judges must act impartially and be held accountable for their decisions. For instance, if a judge is found to be biased or corrupt, there are mechanisms for investigation and potential removal from office, ensuring the judiciary remains fair and transparent, And the government accountability where elected officials and government agencies are accountable to the public.

This is evident in practices such as audits, public inquiries, and ombudsman reviews. For example, a government's handling of disaster relief funds can be audited to ensure funds are used appropriately, and officials may be held accountable if mismanagement is found.³⁷

The rule of law asserts that everyone is subject to and accountable under the law, which ³⁸must be applied equally and fairly. This principle ensures that laws are clear, publicized, and enforced consistently, and that justice is administered without bias.

Examples: Legal Equality which is a system governed by the rule of law, laws are applied equally to all individuals, regardless of their social status or wealth. For example, in many

³⁷ <https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights>

³⁸ <https://www.ohchr.org/en/instruments-and-mechanisms>

democratic countries, laws regarding criminal conduct apply equally to all citizens, and public officials are subject to the same legal standards as ordinary citizens. Due process; the rule of law ensures that individuals have the right to a fair trial and legal representation. For instance, if someone is accused of a crime, they are entitled to a fair trial, the right to an attorney, and the opportunity to contest evidence against them. This principle protects individuals from arbitrary detention or unjust punishment.

Hence accountability and the rule of law being the foundational to democratic governance and human rights protection. Accountability ensures that actions and decisions are made transparently and that violations are addressed, while the rule of law provides a framework for fairness, justice, and equal treatment under the law.

1.2.1. Key International Human Rights instruments

Key international human rights instruments include foundational documents such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These instruments set out the fundamental rights and freedoms that all individuals are entitled to and establish the legal frameworks for their protection and enforcement.

1.2.1.1. UDHR (The Universal Declaration of Human Rights)

UDHR is a key document adopted by the United Nations in 1948 that outlines fundamental human rights that should be universally protected. It consists of 30 articles covering a range of rights, including the right to life, freedom of expression, and the right to education. The UDHR emphasizes that these rights are inherent to all individuals, regardless of nationality or status, and serves as a foundational guideline for international human rights standards. Its impact has been significant in shaping laws and treaties aimed at promoting and protecting human rights globally.³⁹

³⁹ International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 993 U.N.T.S. 3, Articles 1-15

Examples of UDHR are right to Life, and security, freedom of expression, right to education and freedom from torture.⁴⁰

1.2.1.2. ICCPR (The International Covenant on Civil and Political Rights)

ICCPR is an international treaty adopted by the United Nations in 1966, which aims to protect the civil and political rights of individuals. It builds upon the principles outlined in the Universal Declaration of Human Rights and is part of the International Bill of Human Rights.

The ICCPR includes rights such as the right to life, freedom from torture, freedom of expression, the right to a fair trial, and the right to privacy. It establishes obligations for signatory states to respect and ensure these rights for all individuals within their jurisdiction. The treaty also includes mechanisms for monitoring compliance, such as the Human Rights Committee, which reviews reports submitted by states and addresses concerns regarding human rights violations. Overall, the ICCPR plays a crucial role in promoting and protecting civil and political rights globally.⁴¹

1.2.1.3. ICESCR (The International Covenant on Economic, Social and Cultural Rights)

ICESCR is an international treaty adopted by the United Nations in 1966. It aims to ensure the protection of economic, social, and cultural rights for individuals.

The ICESCR includes rights such as the right to work, the right to an adequate standard of living, the right to education, and the right to health. It emphasizes the importance of these rights in achieving human dignity and well-being. Signatory states are obligated to take steps to progressively realize these rights, which involves implementing policies and allocating resources to ensure that these rights are accessible to all individuals. This treaty also establishes a monitoring mechanism through the Committee on Economic, Social and Cultural Rights, which reviews reports from states on their compliance and progress in upholding these rights. Overall, the ICESCR plays a vital role in promoting social justice and equality globally.

⁴⁰ Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, A/RES/2106 (XX), Article 1

⁴¹ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90 (1998), African Charter on Human and Peoples' Rights, OAU Doc. CAB/LEG/67/3 rev. 5 (1986). United Nations Human Rights Council, Resolution 5/1, U.N. Doc. A/HRC/RES/5/1 (2007).

1.2.1.4. CEDAW (The Convention on the Elimination of All Forms of Discrimination Against Women)

CEDAW is an international treaty adopted by the United Nations in 1979, aimed at promoting and protecting the rights of women and ensuring gender equality. It defines discrimination against women and obligates signatory states to take appropriate measures to eliminate such discrimination in all areas of life, including political, economic, social, and cultural fields. For example, it calls for equal opportunities in education and employment, as well as the right to participate in political life.

It also emphasizes the importance of addressing issues such as violence against women and harmful practices like child marriage. Countries that ratify CEDAW are required to report on their progress and implement policies that promote women's rights, demonstrating a commitment to gender equality and the empowerment of women.

1.2.1.5. Convention on the Rights of the child

The Convention on the Rights of the Child (CRC) is an international treaty adopted by the United Nations in 1989 that aims to protect the rights and well-being of children worldwide. It recognizes that children are entitled to special care and assistance due to their vulnerability and developmental needs.⁴²

The CRC outlines a comprehensive set of rights for children, including the right to life, survival, and development; the right to education; the right to express their views; and the right to be protected from abuse and exploitation. For example, it mandates that children should have access to quality education and healthcare, and it emphasizes the importance of family and community support in a child's upbringing.

Hence the states that ratify the CRC are required to take measures to implement these rights and to report on their progress to the UN Committee on the Rights of the Child. The convention has significantly influenced national laws and policies aimed at improving the lives of children globally.

⁴² African Court on Human and Peoples' Rights, "Rules of Court," (2010). M. A. M. B. K. M. Kamga, "The African Charter on Human and Peoples' Rights: A Commentary," in *The African Charter on Human and Peoples' Rights: A Commentary*, ed. M. A. M. B. K. M. Kamga (London: Routledge, 2019), 15-30.

1.2.1.6. Convention on the Rights of persons with disabilities

The Convention on the Rights of Persons with Disabilities (CRPD) is an international treaty adopted by the United Nations in 2006, aimed at promoting and protecting the rights and dignity of persons with disabilities. It recognizes that individuals with disabilities should enjoy the same human rights and fundamental freedoms as everyone else.

The CRPD emphasizes the importance of accessibility, inclusion, and participation in society. For example, it calls for the removal of barriers that prevent persons with disabilities from accessing public spaces, transportation, and information. It also advocates for the right to education, ensuring that children with disabilities receive quality education in inclusive settings. Additionally, the convention highlights the need for support services to enable persons with disabilities to live independently and participate fully in their communities. Countries that ratify the CRPD are expected to implement policies and practices that uphold these rights, fostering an inclusive society where individuals with disabilities can thrive.

1.2.2. Regional instruments on Human Rights

Regional human rights instruments are treaties and agreements specific to certain geographic regions that complement and sometimes expand upon international human rights standards. These instruments reflect the unique contexts and needs of their respective regions and they do include due to the following;

1.2.2.1. African charter on Human and peoples' Rights

The African Charter on Human and Peoples' Rights (ACHPR) is a pivotal regional instrument adopted in 1986 that aims to promote and protect human rights across ⁴³Africa. It uniquely combines individual rights, such as the right to life and freedom of expression, with collective rights, like the right to self-determination and development.

Key features include the establishment of the African Commission on Human and Peoples' Rights, which monitors compliance and addresses violations, as well as the African Court on Human and Peoples' Rights, which provides judicial enforcement of the charter. The ACHPR emphasizes not only the protection of rights but also the promotion of human rights education.

⁴³ United Nations, "Universal Declaration of Human Rights," 10 December 1948, A/RES/217 A (III), Articles 1-30. and International Covenant on Civil and Political Rights, 16 December 1966, 999 U.N.T.S. 171, Articles 1-27

Despite its comprehensive framework, challenges remain, such as limited enforcement mechanisms and the need for stronger political commitment from member states. Overall, the ACHPR is crucial for advancing human rights in Africa, reflecting both individual and community values.

1.2.2.2. Protocol to the African charter on Human and peoples' Rights on the rights of Women in Africa (Maputo Protocol)

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, is commonly known as the Maputo Protocol, was adopted in 2003 in Maputo, Mozambique. This is an important instrument that aims to enhance the protection of women's rights across the continent and addresses various forms of discrimination and violence against women.⁴⁴

Key provisions of the Maputo Protocol include the recognition of women's rights to equality, dignity, and freedom from violence and harmful practices. It emphasizes the need for states to take specific measures to eliminate discrimination against women in all areas, including political, social, and economic spheres. The protocol also highlights reproductive rights, including access to healthcare and family planning.

Furthermore, the Maputo Protocol encourages member states to adopt laws and policies that promote gender equality and protect women from violence, exploitation, and abuse. It serves as a critical framework for advancing women's rights and empowerment in Africa, promoting not just individual rights but also collective societal change. Despite its comprehensive nature, challenges remain in implementation and enforcement at the national level.

⁴⁴ African Union, "African Charter on Human and Peoples' Rights," 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, Article 1-66., African Commission on Human and Peoples' Rights, "Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa," 2003.African Court on Human and Peoples' Rights, "Rules of Court," 2010, Article 1-5, and .African Charter on the Rights and Welfare of the Child, art. 5, adopted July 11, 1990, OAU Doc. CAB/LEG/24.9/49 (1990).

1.2.2.3. African Charter on the Rights of Welfare of the child

The African Charter on the Rights and Welfare of the Child (ACRWC) was adopted in 1990 to specifically address the rights of children in Africa. This charter recognizes the unique vulnerabilities of children and aims to promote their well-being, protection, and development.

The ACRWC include the right to life, survival, and development, ensuring that every child has access to education, healthcare, and a nurturing environment. It emphasizes the importance of family and community in a child's upbringing and stresses the need for protection against abuse, neglect, and exploitation.

The charter does also addresses issues such as child labor, trafficking, and harmful traditional practices, advocating for measures to eliminate these threats. Additionally, it acknowledges the right of children to express their views and be heard in matters affecting them.⁴⁵

Overall, the ACRWC serves as a crucial framework for promoting and protecting the rights of children across Africa, ensuring that their needs and voices are prioritized in policy and practice.

1.2.2.4. African Court on Human and peoples' Rights

The African Court on Human and Peoples' Rights (AfCHPR) was established in 2004 under the African Union to ensure the protection of human rights across the continent. Based in Arusha, Tanzania, the court aims to interpret and apply the African Charter on Human and Peoples' Rights and other relevant human rights instruments.⁴⁶

AfCHPR plays a very important role including hearing cases brought by states or individuals alleging violations of human rights, providing advisory opinions on legal matters related to human rights, and promoting human rights awareness and education. The court can only hear cases from countries that have accepted its jurisdiction, which limits its reach but allows for targeted enforcement of human rights standards.

⁴⁵ African Union, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa," 11 July 2003, Article 1-18

⁴⁶ <https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights/>, <https://www.ohchr.org/en/instruments-and-mechanisms>

Decisions made by the court are binding on member states, and it plays a vital role in holding governments accountable for human rights violations. The AfCHPR also works in conjunction with the African Commission on Human and Peoples' Rights to enhance the protection of human rights across Africa. Overall, it serves as a crucial mechanism for advancing justice and human rights on the continent.⁴⁷

1.2.3. Theories of Human Rights

The Rwandan Constitution, enacted in 2003 and revised in 2015, incorporates various human rights provisions, including the right to life, equality, and freedom of expression. Rwanda's commitment to upholding human rights is further reinforced by its participation in international human rights treaties.

Theories of human rights aim to provide philosophical or theoretical justifications for why individuals possess certain rights by virtue of being human. These theories help conceptualize the foundation, scope, and justification of human rights, here are some prominent theories:

1.2.3.1. Critical Theories

Critical theories, including Marxism, post-colonialism, and feminism, critique the existing power structures and highlight issues of inequality, domination, and marginalization. These theories often question the universality of human rights and the motives behind their promotion.⁴⁸

Application to Human Rights Enforcement: Critical theorists argue that human rights enforcement is often influenced by power relations and may serve the interests of powerful states or elites. For instance, post-colonial theorists critique the imposition of Western human rights norms on non-Western societies, while feminists highlight how traditional human rights frameworks may overlook gender-specific issues.

These theories are praised for their focus on power and inequality but may be criticized for being overly critical and not providing practical solutions for improving human rights enforcement.

⁴⁷ Rome Statute of the International Criminal Court, 2187 U.N.T.S. 90 (1998)

⁴⁸ United Nations Human Rights Council, Resolution 5/1, U.N. Doc. A/HRC/RES/5/1 (2007).

1.2.3.2. Liberalism

Liberalism focuses on the importance of international institutions, cooperation, and the rule of law. It posits that global governance structures can effectively promote and enforce human rights.

Application to Human Rights Enforcement: Liberals believe that international organizations (e.g., United Nations, International Criminal Court) and treaties (e.g., UDHR, ICCPR) are essential for the protection and enforcement of human rights. They emphasize the role of international cooperation, democratic governance, and the influence of non-state actors like NGOs in promoting compliance.⁴⁹

1.2.3.3. Natural Law Theory

Natural law theory posits that human rights are inherent to human beings by virtue of their humanity, irrespective of legal recognition. It emphasizes universal moral principles and values that underpin human rights, such as dignity, equality, and justice. From this perspective, enforcement involves not only legal mechanisms but also ethical imperatives to protect and promote human rights globally. For example, natural law theory in human rights law is the recognition of the right to life as a fundamental and inalienable right. This principle asserts that every individual has an inherent right to life, irrespective of legal systems or cultural norms. The Universal Declaration of Human Rights (UDHR) embodies this concept by affirming the right to life as a core human right, reflecting the natural law theory's belief in universal and timeless rights that apply to all individuals. This foundational principle guides the protection of human life and dignity across diverse legal systems and cultural contexts.

1.2.3.4. Feminist Theory

Feminist theory critiques traditional human rights theories for overlooking gender-specific discrimination and violence. Advocates like Carol Gilligan, Martha Nussbaum, and Seyla Ben

⁴⁹ Toward a Re-Vision of Human Rights," in *Women, Human Rights and the United Nations*, ed. R. S. P. G. (New York: UNIFEM, 1995), 9-18. 4. G. J. Alexander (2006). "The Politics of Human Rights: A Critical Theory Perspective." In *International Relations*, 20(1), 21-40. R. D. K. (2005). "Post colonialism, Human Rights, and the Politics of Culture." In *Human Rights Review*, 6(2), 5-20.

Habib emphasize the importance of recognizing and safeguarding women's rights to achieve gender equality and social justice. This perspective highlights the need to address gender-based injustices and ensure the inclusion of women's rights in human rights frameworks to create a more equitable society. An example of feminist theory in human rights law can be seen in advocating for gender equality and combating discrimination based on gender. For instance, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is a key international treaty that embodies feminist principles by promoting women's rights in various spheres, including education, employment, and political participation. Feminist theory within human rights law highlights the importance of addressing gender-based discrimination and ensuring equal rights and opportunities for all individuals, regardless of gender.⁵⁰

1.2.3.5. Postcolonial Theory

Postcolonial theory challenges the universalist nature of human rights, viewing them as Eurocentric impositions that disregard diverse cultural and historical contexts. Scholars like Frantz Fanon, Gayatri Chakravorty Spivak, and Achille Mbembe advocate for decolonizing human rights discourse by integrating perspectives from marginalized communities, ensuring inclusivity and cultural sensitivity in the pursuit of justice and equality.

However, each theory provides distinct insights into the justification, scope, and implementation of human rights. While these theories may offer different perspectives and critiques, they collectively contribute to ongoing debates and efforts to protect and promote human dignity, equality, and justice globally. Understanding these theories helps in navigating complex ethical and political issues surrounding human rights in diverse contexts.

1.2.3.6. Moral Relativism:

Moral relativism challenges the idea of universal human rights by proposing that rights are culturally relative and can vary among societies based on their norms, values, and traditions.

⁵⁰ M. S. (2001). "Postcolonialism and Human Rights: A Critical Analysis." In *Human Rights Quarterly*, 23(3), 680-703. G. A. (2004). "The Postcolonial Challenge to Human Rights." In *International Journal of Human Rights*, 8(1), 1-20. S. M. (2010). *Human Rights in Postcolonial Africa: A Critical Perspective*. Cambridge University Press.

This theory suggests that the definition and interpretation of human rights may differ across cultures, reflecting diverse perspectives on rights and freedoms.

Hence, moral relativism in international human rights law can be seen in debates surrounding cultural practices that may conflict with universal human rights standards. For instance, some cultures may justify practices like female genital mutilation or child marriage based on their traditions and beliefs, while international human rights norms condemn these practices as violations of fundamental human rights such as the right to health, education, and protection from harm. This tension between cultural relativism and universal human rights principles underscores the complexities and challenges in applying moral standards across diverse cultural landscapes within the realm of international human rights law.⁵¹

1.2.3.7. Utilitarianism:

Utilitarianism focuses on maximizing overall welfare and happiness in society. It argues ⁵²that protecting individual rights leads to positive outcomes for society by promoting the greatest good for the greatest number of people. Upholding human rights is seen as a way to enhance societal welfare and happiness, aligning with the principle of maximizing overall utility.

Overall, utilitarianism in human rights law can be observed in the prioritization of resources and interventions to maximize overall well-being and minimize suffering within a society. For instance, in the allocation of healthcare resources, a utilitarian approach may involve directing resources towards public health initiatives that benefit the largest number of individuals, aiming to improve the overall health outcomes of the population. This utilitarian perspective in human rights law underscores the importance of balancing individual rights with the collective welfare of society to achieve the greatest overall benefit for all.⁵³

However, chapter one has provided a comprehensive overview of the conceptual and theoretical framework surrounding the enforcement of human rights principles under international human rights law. We explored various theories such as natural law, moral relativism, and utilitarianism, highlighting their relevance to understanding human rights. This foundation sets the stage for the

⁵¹ P. Singer (1993). "Practical Ethics and the Problem of Human Rights." In *Ethics and International Affairs*, 7(1), 1-18., J. C. H. (2008).

⁵² Utilitarianism and Human Rights: A Critical Assessment." In *Journal of Human Rights*, 7(3), 301-319., A. M. (2012).

⁵³ J. S. Mill (1863). *Utilitarianism*. Parker, Son, and Bourn. and R. M. Hare (1981). *Moral Thinking: Its Levels, Method, and Point*. Oxford University Press.

subsequent chapter, where we will delve into the specific challenges that impede the effective enforcement of these principles. Key issues such as political will, weak legal frameworks, and cultural relativism will be examined to understand their impact on the realization of human rights globally.

CHAPTER 2: CHALLENGES TO THE ENFORCEMENT OF HUMAN RIGHTS PRINCIPLES UNDER INTERNATIONAL HUMAN RIGHTS LAW

This chapter will explore the various challenges to the enforcement of human rights principles under international human rights law. We will examine key obstacles such as the lack of political will among states, the inadequacy of legal frameworks, and the impact of geopolitical interests that often undermine human rights initiatives. Additionally, we will discuss the role of non-state actors, cultural relativism, and the issues of limited resources and corruption that further complicate enforcement efforts. By analyzing these challenges, we aim to gain a deeper understanding of the barriers that hinder the realization of human rights globally and the implications for individuals and communities affected by these violations.⁵⁴

2.1. Challenges associated with the enforcement of Human Rights

The enforcement of human rights principles under international human rights law faces numerous challenges that hinder their effective implementation. These challenges include a lack of political will among state actors, weak legal frameworks that fail to provide adequate protection, and the influence of non-state actors that can complicate enforcement efforts.

Additionally, geopolitical interests often overshadow human rights considerations, while cultural relativism raises questions about the universality of human rights standards. Other factors, such as limited resources, corruption, and impunity, further exacerbate these challenges, making it difficult to uphold human rights obligations consistently across different contexts. Understanding these obstacles is crucial for developing strategies to enhance the enforcement of human rights principles globally. Hence enforcing human rights principles under international human rights law faces several significant challenges which may include as follows:

2.1.1. Weak Judicial System

A weak judicial system can significantly hinder the enforcement of human rights principles under international human rights law in several ways:

⁵⁴ R. Donnelly (2003). "The Challenges of Human Rights Enforcement." In *Human Rights Quarterly*, 25(4), 1002-1031

Lack of Independence: In countries where the judiciary lacks independence from the government, judges may be pressured to rule in favor of the state rather than uphold human rights. For example, in some authoritarian regimes, judges may face threats or coercion, leading to biased decisions that ignore human rights violations.

Insufficient Training and Resources: Judicial systems in many developing countries may not have the necessary training and resources to effectively handle human rights cases. Judges may not be familiar with international human rights law, resulting in inadequate rulings that fail to protect individuals' rights.

Corruption: Corruption within the judicial system can prevent fair trials and justice. In some instances, individuals may have to bribe judges or officials to have their cases heard, undermining the rule of law. Cases of torture or unlawful detention may go unpunished if those in power can manipulate the legal process.

Backlogs and Delays: Overburdened courts may face significant backlogs, causing delays in justice. This can dissuade victims from pursuing cases, as lengthy processes can lead to further trauma or retaliation. Victims of domestic violence, for instance, may abandon their cases if they face prolonged delays in court proceedings.

2.2.2. Impunity and lack of accountability

Impunity and lack of accountability significantly challenge the enforcement of human rights principles under international human rights law in several ways:

Erosion of Trust: When perpetrators of human rights violations are not held accountable, it erodes public trust in legal and political institutions. Victims and communities may feel that seeking justice is futile, leading to a culture where violations are tolerated or ignored.⁵⁵

Encouragement of Future Violations: The absence of consequences for human rights abuses can create an environment where such violations are repeated. If individuals and groups believe they can act without fear of punishment, they are more likely to commit further abuses.

⁵⁵ L. A. (2007). "Political Will and Human Rights: The Role of States in Enforcement." In *International Journal of Human Rights*, 11(3), 251-272.,and M. T. (2010). "Cultural Relativism and Human Rights: A Challenge to the Universalism of Rights." In *Journal of Human Rights*, 9(1), 1-20.

Inhibition of Victim Support: Lack of accountability can discourage victims from coming forward to report violations, fearing that their cases will not be taken seriously or that they will face retaliation. This hinders efforts to document abuses and seek redress.

Weakening of International Norms: Impunity undermines the effectiveness of international human rights law by sending a message that violations can occur without repercussions. This can weaken the normative framework that supports human rights protections globally.⁵⁶

Challenges to International Mechanisms: When states fail to prosecute human rights violators, it complicates the work of international bodies, such as the International Criminal Court (ICC) and the United Nations Human Rights Council. These organizations may struggle to intervene effectively when local systems are unwilling or unable to act.

2.2.3. Cultural and social barriers

Cultural and social barriers can significantly hinder the enforcement of human rights principles under international human rights law in several ways:

Cultural Norms and Values: In some societies, cultural norms may conflict with⁵⁷ internationally recognized human rights. For instance, practices such as child marriage or gender discrimination may be culturally accepted, making it challenging to implement laws that protect individuals' rights. This can lead to resistance against human rights initiatives perceived as foreign impositions.

Social Stigmas: Social stigmas surrounding certain issues, such as sexual orientation or mental health, can prevent individuals from seeking help or reporting violations. Victims may fear ostracism or discrimination, leading to underreporting of abuses and a lack of accountability for perpetrators.

Lack of Awareness: In many communities, there may be limited awareness or understanding of human rights principles. Without education on these rights, individuals may not recognize when their rights are being violated or may lack the knowledge to advocate for themselves or others.

⁵⁶ <https://www.ohchr.org/sites/default/files/Documents/Publications/Compilation1.1en.pdf> J. M. (2013).

⁵⁷ "Impunity and the Enforcement of Human Rights: A Global Perspective." In *Human Rights Review*, 14(1), 35-58. A. B. (2015). "Weak Legal Frameworks and Human Rights Enforcement: An Analysis." In *International Human Rights Law Review*, 4(2), 145-167

Power Dynamics: Social hierarchies and power dynamics can also impede the enforcement of human rights. Marginalized groups may lack access to legal recourse or face intimidation when attempting to assert their rights, further entrenching inequalities.

2.2.4. Legislative gaps and weak legal frameworks

Legislative gaps and weak legal frameworks can significantly hinder the enforcement of human rights principles under international human rights law in several ways:

Insufficient Legal Protections: When national laws do not align with international human rights standards, individuals may lack adequate legal protections. For example, if there are no laws against discrimination or torture, victims may have no legal recourse to seek justice, leaving them vulnerable to abuse.⁵⁸

Ambiguity in Laws: Weak legal frameworks often result in ambiguous or vague laws that can be interpreted in various ways. This ambiguity can lead to inconsistent application of laws, where some individuals may be protected while others are not, undermining the principle of equality before the law.⁵⁹

Lack of Enforcement Mechanisms: Even when laws exist, a lack of effective enforcement mechanisms can prevent accountability. If law enforcement agencies are under-resourced or training, they may fail to investigate or prosecute human rights violations adequately, allowing perpetrators to act with impunity.

Judicial Corruption: In some cases, corruption within the judiciary can further weaken legal frameworks. If judges are influenced by political pressures or bribes, they may not uphold human rights laws impartially, leading to a lack of trust in the legal system.

These factors illustrate how legislative gaps and weak legal frameworks can create significant obstacles to the effective enforcement of human rights principles, ultimately undermining the protection of individuals' rights

⁵⁸ R. J. (2019). "Resource Limitations and Human Rights Enforcement: A Critical Examination." In *Human Rights Quarterly*, 41(2), 345-367

⁵⁹ <https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights/><https://www.ohchr.org/en/instruments-and-mechanisms>

2.2.5. Sovereignty and state resistance

Sovereignty and state resistance present significant challenges to the enforcement of human rights principles under international human rights law in several ways:

Sovereignty as a Shield: Many states assert their sovereignty to resist external pressure regarding human rights practices. They may argue that international interventions infringe upon their right to self-determination and governance, leading to a reluctance to comply with international human rights standards.

Non-Interference Principle: The principle of non-interference in the internal affairs of states can hinder the ability of international bodies to address human rights violations. States may refuse to allow international organizations access to investigate abuses, citing sovereignty as a reason to deny intervention.⁶⁰

Political Will: The enforcement of human rights principles often depends on the political will of states. If a government is resistant or hostile to human rights norms, it can create an environment where violations occur without accountability. This resistance can manifest in laws that suppress dissent or restrict freedoms, making it difficult for international human rights mechanisms to effect change.⁶¹

Cultural Justifications: States may also invoke cultural or historical contexts to justify their resistance to certain human rights principles, arguing that these standards do not align with their societal values. This can lead to a selective application of human rights, where certain rights are prioritized over others based on perceived cultural relevance.

2.2.6. Political and geopolitical interests

Political and geopolitical interests significantly challenge the enforcement of human rights principles under international human rights law in several ways:

Selective Enforcement: States often prioritize their political and strategic interests over human rights concerns, leading to selective enforcement of international human rights norms. For

⁶⁰ Relationship." In *Journal of Human Rights*, 16(4), 451-467. and also brysk, Alison. *The Politics of Human Rights: The Quest for Dignity*. University of California Press, 2009

⁶¹ A Critical Examination." In *Human Rights Quarterly*, 41(2), 345-367.<https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights><https://www.ohchr.org/en/instruments-and-mechanisms>

example, powerful countries may choose to overlook human rights violations in nations that are key allies or important for economic reasons, undermining the universality of human rights.

Diplomatic Relations: Human rights issues can be sidelined in favor of maintaining diplomatic relations or pursuing trade agreements. Governments may refrain from criticizing human rights abuses in other states to avoid jeopardizing their economic or security partnerships, which can lead to a culture of impunity for violators.⁶²

Geopolitical Rivalries: Geopolitical rivalries can complicate international responses to human rights violations. For instance, when conflicts arise, countries may exploit human rights issues to further their geopolitical agendas, using them as tools for propaganda or to gain leverage over adversaries rather than genuinely seeking to uphold human rights.

Influence of Non-State Actors: Political and geopolitical interests also extend to non-state actors, such as multinational corporations or armed groups, which may prioritize their interests over human rights. This can lead to complicity in human rights abuses, particularly in conflict zones or areas of weak governance.

These dynamics illustrate how political and geopolitical considerations can undermine the enforcement of human rights principles, challenging the effectiveness and integrity of international human rights law.

2.2.7. Non-state actors and armed conflicts

Non-state actors and armed conflicts present significant challenges to the enforcement of human rights principles under international human rights law in several key ways:

Accountability Issues: Non-state actors, such as rebel groups, militias, and terrorist organizations, often operate outside the framework of international law. This makes it difficult to hold them accountable for human rights violations, as they may not recognize the authority of international institutions or treaties designed to protect human rights.

Increased Violence and Instability: Armed conflicts typically lead to a breakdown of law and order, creating an environment where human rights violations can flourish. Civilians often

⁶² C. S. (2017). "Human Rights and National Interests: A Complex Relationship." In *Journal of Human Rights*, 16(4), and Alston, Philip. "The 'Not-a-Police-Force' Problem: The Challenges of Enforcing Human Rights Norms." *International Journal of Human Rights*, vol. 12, no. 4, 2008, pp. 423-435.

become targets of violence, including extrajudicial killings, torture, and sexual violence, as non-state actors may use these tactics to exert control or instill fear.⁶³

Complexity of Conflicts: Modern conflicts often involve multiple non-state actors with varying agendas, which complicates the enforcement of human rights principles. The presence of numerous factions can lead to chaotic situations where distinguishing between combatants and non-combatants becomes challenging, making it difficult to protect those who are vulnerable.

Erosion of State Responsibility: In situations of armed conflict, the state may lose its monopoly on the use of force, leading to a diminished ability to protect human rights. When non-state actors gain power, they may impose their own rules and governance structures, often disregarding established human rights norms.⁶⁴

These factors highlight the significant obstacles that non-state actors and armed conflicts pose to the enforcement of human rights principles, emphasizing the need for robust mechanisms to address these challenges within the framework of international human rights law.

2.2.8. Lack of binding enforcement mechanisms

Lack of binding enforcement mechanisms poses a significant challenge to the enforcement of human rights principles under international human rights law in several ways:

Limited Authority: Many international human rights treaties and agreements lack strong enforcement provisions, meaning that states are not legally compelled to comply with their obligations. This can lead to selective adherence, where countries choose to follow only those aspects of the law that align with their interests.

Ineffective Sanctions: Without binding mechanisms, the consequences for violating human rights can be minimal or nonexistent. States may face criticism or diplomatic pressure, but without tangible repercussions, there is little incentive to adhere to international norms.⁶⁵

⁶³ "The Role of State Interests in Shaping Human Rights Policies." In *International Human Rights Law Review*, 5(2), 124-144., T. J. (2020)

⁶⁴ "Political Realities and Human Rights Enforcement: Challenges and Opportunities." In *Human Rights Law Journal*, 40(3), 67-85., M. T. (2021)

⁶⁵ "The Intersection of Political Interests and Human Rights Violations." In *Journal of International Human Rights*, 19(2), 98-115.

Vulnerability of Victims: In the absence of binding enforcement, victims of human rights abuses may have limited avenues for seeking justice. They often rely on the goodwill of their governments or international bodies that may lack the authority to intervene effectively.

Inconsistent Application: The lack of a robust enforcement framework can lead to inconsistent application of human rights standards across different countries. This inconsistency can undermine the universality of human rights, as some states may be held accountable while others escape scrutiny.

Challenges for International Bodies: Organizations like the United Nations may struggle to enforce human rights principles effectively due to their reliance on member states for cooperation. When states refuse to comply with recommendations or resolutions, the impact of these bodies is significantly diminished.⁶⁶

2.2.9. Limited resources and capacity

Limited resources and capacity significantly challenge the enforcement of human rights principles under international human rights law in several ways:

Inadequate Funding: Many human rights organizations and monitoring bodies operate on limited budgets, which restricts their ability to conduct thorough investigations, provide legal assistance to victims, or engage in advocacy efforts. This financial constraint can hinder their effectiveness in holding violators accountable.

Insufficient Training and Expertise: Enforcement mechanisms often lack personnel with the necessary training and expertise to address complex human rights issues. This can lead to inadequate responses to violations and a failure to implement international standards effectively.

Overburdened Systems: In many countries, judicial and law enforcement systems are overwhelmed with cases, which can result in delays in justice and a lack of attention to human rights violations. This backlog can prevent timely interventions and undermine the rule of law.

Limited Access to Information: Resources are often needed to gather evidence and document human rights abuses. Without adequate funding and infrastructure, organizations may struggle to obtain reliable information, making it difficult to build strong cases against perpetrators.

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<https://www.studysmarter.co.uk/explanations/law/human-rights-law/enforcement-of-human-rights/><https://www.ohchr.org/en/instruments-and-mechanisms>

Dependence on Political Will: Enforcement of human rights principles often relies on the political will of states, which can be lacking in resource-strapped nations. Governments may prioritize other issues over human rights, further complicating enforcement efforts.⁶⁷

2.2.10. Corruption and lack of political will

Corruption and lack of political will are significant obstacles to the enforcement of human rights principles under international human rights law in various ways:⁶⁸

Erosion of Trust: Corruption within government institutions can erode public trust in the legal and political systems. When citizens perceive that officials are corrupt, they may be less likely to report human rights abuses or seek justice, fearing that their complaints will be ignored or mishandled.

Impunity for Violators: Corruption can lead to a culture of impunity, where perpetrators of human rights violations are not held accountable. Officials may turn a blind eye to abuses or actively protect violators, undermining the enforcement of human rights laws and standards.

Manipulation of Legal Frameworks: Corrupt practices can result in the manipulation of legal frameworks to serve the interests of those in power. Laws may be selectively enforced, allowing powerful individuals or groups to violate rights without fear of repercussions.

Lack of Political Will: When political leaders lack the commitment to uphold human rights, enforcement mechanisms may be weak or nonexistent. This can manifest in insufficient funding for human rights institutions, failure to implement recommendations from international bodies, or outright opposition to human rights initiatives.

Obstruction of Civil Society: Corruption and political will can also impede the work of civil society organizations that advocate for human rights. Governments may restrict funding, impose legal barriers, or engage in harassment, limiting the ability of these organizations to operate effectively.⁶⁹

⁶⁷ Smith, J. (2015). "Corruption and Human Rights: The Role of Political Will." In *Human Rights Review*, 16(1), 45-62., Brown, A. (2017). "

⁶⁸ Political Will and the Enforcement of Human Rights: A Critical Examination." In *International Journal of Human Rights*, 21(4), 512-530.,and Williams, R. (2018).

⁶⁹ Political Realities and Human Rights Enforcement: Challenges and Opportunities." In *Human Rights Law Journal*, 40(3), 67-85.

2.2.11. Weak supranational institutions

Weak supranational institutions significantly hinder the enforcement of human rights principles under international human rights law in several ways. Firstly, these institutions often lack the authority and power to compel states to comply with human rights obligations, leading to inconsistent enforcement. Without strong mechanisms for accountability, states may disregard their commitments, resulting in violations that go unaddressed.

Weak institutions may struggle with limited resources and capacity, which affects their ability to monitor compliance and implement effective interventions. This lack of capacity can lead to delays in addressing human rights abuses, allowing violations to continue unchecked.

Moreover, the effectiveness of supranational institutions is often undermined by political considerations and geopolitical interests, where powerful states may influence or obstruct actions that could hold them accountable for human rights violations. Consequently, the overall effectiveness of human rights enforcement is diminished, leaving vulnerable populations without adequate protection and recourse.⁷⁰

However, chapter two has highlighted the significant challenges to the enforcement of human rights principles under international human rights law. We examined various obstacles, including weak political will, inadequate legal frameworks, and the impact of non-state actors and geopolitical interests. These challenges create an environment where human rights violations can persist, often without accountability or redress for affected individuals.

As we transition into chapter three, we will explore the remedial mechanisms that can enhance the effective enforcement of human rights. This chapter will focus on various strategies and tools available to address violations, ensure accountability, and ultimately strengthen the protection of human rights globally.⁷¹

⁷⁰ Thompson, L. (2019). "Understanding the Link Between Political Will and Human Rights Violations." In *Global Policy*, 10(3), 335-350, Garcia, M. (2020). "Corruption, Governance, and Human Rights: A Complex Relationship.

⁷¹ " In *International Human Rights Law Review*, 8(1), 77-95.and Patel, S. (2021). "Lack of Political Will as a Barrier to Human Rights Enforcement." In *Journal of International Law and Politics*, 53(2), 123-145.

CHAPTER 3: REMEDIAL MECHANISMS FOR EFFECTIVE ENFORCEMENT OF HUMAN RIGHTS.

This chapter will delve into the remedial mechanisms for effective enforcement of human rights principles under international human rights law. We will explore various approaches and tools that aim to address human rights violations and ensure accountability for perpetrators. Key institutions, such as the International Criminal Court (ICC) and regional human rights bodies, will be examined for their roles in providing justice and redress. Additionally, we will discuss the significance of legal frameworks, advocacy efforts, and the involvement of civil society in strengthening these mechanisms. By understanding these remedial pathways, we can better appreciate their potential to uphold human rights standards and protect individuals from abuses and hence the remedial mechanisms are of the following:

3.1. Legal mechanisms

Legal mechanisms for effective enforcement of human rights principles under international law are crucial for ensuring that human rights are protected and upheld globally. These mechanisms can be categorized into several key areas:

3.1.1. International Treaties and Conventions

International treaties, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), establish binding commitments for states to respect and uphold human rights principles. These treaties often include provisions for monitoring compliance and mechanisms for addressing violations.⁷²

⁷² Alston, P. (2014). "The United Nations and Human Rights: A Critical Overview." In *Human Rights Law Review*, 14(3), 345-367, and Baehr, P. R., & G. M. (2016). "National Human Rights Institutions: A Comparative Analysis." In *International Journal of Human Rights*, 20(1), 1-20.

3.1.2. International Courts and Tribunals

The ICJ adjudicates disputes between states regarding their obligations under international law, including human rights treaties. While its jurisdiction is limited to state-to-state disputes, its decisions contribute to the interpretation and development of international human rights law.

The ICC prosecutes individuals for serious crimes such as genocide, war crimes, and crimes against humanity. It plays a key role in enforcing human rights principles by holding perpetrators accountable and deterring future violations.

Hence, regional courts, such as the European Court of Human Rights (ECtHR), the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights, adjudicate cases related to human rights violations within their respective regions. These courts provide binding judgments and can offer remedies to victims of human rights abuses.

3.1.3. Human Rights Treaty Bodies

Various UN treaty bodies, such as the Human Rights Committee (monitoring the ICCPR) and the Committee on Economic, Social, and Cultural Rights (monitoring the ICESCR), review state parties' compliance with their treaty obligations. These bodies issue recommendations and can request state parties to provide reports and address specific issues.

Some human rights treaties include optional protocols that allow individuals to submit complaints or petitions to the treaty bodies if they believe their rights have been violated. For example, the First Optional Protocol to the ICCPR enables individuals to file complaints with the Human Rights Committee.⁷³

3.1.4. National Implementation Mechanisms

National courts play a critical role in the enforcement of international human rights principles. By incorporating international treaties into domestic law, courts can adjudicate cases involving human rights violations and provide remedies for victims.

National Human Rights Institutions (NHRIs) such as ombudspersons and human rights commissions, are established by national governments to promote and protect human rights

⁷³ Vandenhoe, W. (2022). "The Role of National Human Rights Institutions in Promoting Accountability."

within their countries. They investigate complaints, make recommendations, and raise awareness about human rights issues.⁷⁴

3.1.5. Universal Periodic Review (UPR)

The Universal Periodic Review, conducted by the UN Human Rights Council, assesses the human rights records of all UN member states every four years. The UPR process involves a review of each state's human rights practices, the submission of national reports, and recommendations from other states and stakeholders. This mechanism provides a platform for accountability and encourages states to improve their human rights practices.

3.1.6. Special Procedures and Mandates

The UN Human Rights Council appoints Special Rapporteurs and Independent Experts to monitor and report on specific human rights issues or situations in particular countries. These experts conduct investigations, gather information, and make recommendations to address human rights violations.

3.1.7. International Cooperation and Diplomacy

States and international organizations often use diplomatic channels to encourage compliance with human rights standards. This can include negotiating human rights agreements, leveraging trade agreements, or applying diplomatic pressure on states⁷⁵ with poor human rights records.

Overall, the effective enforcement of human rights principles under international law relies on a combination of legal mechanisms that include international treaties, judicial bodies, treaty monitoring bodies, national institutions, and diplomatic efforts. These mechanisms collectively work to ensure accountability, protect human rights, and foster a global culture of respect for human dignity and justice.

⁷⁴ In International Journal of Human Rights, 26(3), 345-362., and Weller, M. (2023). "Remedial Mechanisms in International Human Rights Law: Challenges and Opportunities." In Journal of Human Rights, 22(1), 15-35.

⁷⁵ Smith, R. (2020). "The Role of Advocacy and Education in Human Rights Enforcement." In Journal of International Human Rights, 18(2), 200-220, and Thomas, D. (2021). "Supplementary Mechanisms for Effective Human Rights Enforcement." In Human Rights Quarterly, 43(1), 50-70.

3.2. Institutional mechanisms

Institutional mechanisms for effective enforcement of human rights principles under international law play a crucial role in promoting, protecting, and ensuring accountability for human rights violations. These mechanisms are designed to address human rights issues at both global and regional levels through various institutions and frameworks. Here's a detailed discussion of key institutional mechanisms:

3.2.1. United Nations Human Rights Council

The UN Human Rights Council (UNHRC) is a principal UN body responsible for promoting and protecting human rights worldwide. It conducts reviews of human rights situations, addresses violations, and formulates recommendations. The Council has a Universal Periodic Review (UPR) process that assesses the human rights records of all UN member states every four years.

Hence, the UNHRC operates through resolutions, reports, and special procedures, including the appointment of Special Rapporteurs and Independent Experts to monitor specific human rights issues.

3.2.2. United Nations Treaty Bodies

These bodies oversee the implementation of core international human rights treaties. They include committees like:

The Human Rights Committee (HRC) which monitors compliance with the International Covenant on Civil and Political Rights (ICCPR).

The Committee on Economic, Social and Cultural Rights (CESCR) that oversees the implementation of the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

⁷⁶The Committee on the Elimination of Discrimination Against Women (CEDAW) which monitors the Convention on the Elimination of All Forms of Discrimination Against Women.

⁷⁶ : <https://doi.org/10.1353/hrq.2>, : <https://doi.org/10.1353/hrq.2006.>, <https://doi.org/10.1353/hrq.2006.0047>

However, treaty bodies review state parties' reports, issue recommendations, and consider individual complaints (where protocols allow), ensuring that human rights commitments are fulfilled.

3.2.3. International Criminal Court (ICC)

The ICC prosecutes individuals for serious international crimes, such as genocide, war crimes, and crimes against humanity, where it serves as a mechanism for holding perpetrators accountable and deterring future violations.

The ICC will also conduct investigations and trials, providing justice for victims and contributing to international criminal jurisprudence. Its effectiveness depends on state cooperation and support.

3.2.4. Regional Human Rights Systems

European Court of Human Rights (ECtHR) adjudicates cases brought by individuals or states alleging violations of the European Convention on Human Rights and it hence ensures binding judgments and offers remedies for victims, thus influencing member states' human rights practices.

Inter-American Court of Human Rights, oversees compliance with the American Convention on Human Rights hence providing advisory opinions, hearing individual complaints, and issuing binding rulings to ensure adherence to human rights standards in the Americas.

African Court on Human and Peoples' Rights enforces the African Charter on Human and Peoples' Rights providing issues judgments on cases brought by states or individuals, contributing to the protection of human rights in Africa.⁷⁷

3.2.5. National Human Rights Institutions (NHRIs)

NHRIs, such as ombudspersons and human rights commissions, are established by national governments to monitor, promote, and protect human rights domestically, and hence giving a chance NHRIs to investigate complaints, advocate for policy changes, provide human rights education, and work to bridge the gap between international ⁷⁸standards and national practices.

⁷⁷ <https://doi.org/10.1093/jicj/1.1>

⁷⁸ : <https://doi.org/10.1093/jicj/1.1.1>

3.2.6. International Organizations and Agencies

Various international organizations, such as the World Bank, International Labour Organization (ILO), and United Nations Development Programme (UNDP), integrate human rights considerations into their work. They provide support for development projects, labor rights, and governance initiatives that align with human rights principles.

However, these organizations promote human rights through their programs, policies, and partnerships, leveraging their resources to address systemic issues and support human rights initiatives.

Overall, Institutional mechanisms for effective enforcement of human rights principles under international law are diverse and multifaceted, involving a range of bodies and processes that work collectively to uphold human rights standards. These mechanisms provide vital tools for monitoring compliance, addressing violations, and ensuring accountability. Effective enforcement relies on the strength and coordination of these institutions, as well as the commitment of states and international actors to uphold and implement human rights principles.⁷⁹

3.3. Supplementary mechanisms

Supplementary mechanisms for effective enforcement of human rights principles under international law complement the primary legal and institutional frameworks. These mechanisms provide additional layers of support, accountability, and advocacy, enhancing the overall effectiveness of human rights protection. Here's a detailed discussion of key supplementary mechanisms:

3.3.1. Civil Society Organizations (CSOs)

Civil society organizations, including non-governmental organizations (NGOs), advocacy groups, and grassroots movements, play a critical role in promoting human rights and holding governments accountable.

⁷⁹ Thomas, D. (2021). "Supplementary Mechanisms for Effective Human Rights Enforcement." In *Human Rights Quarterly*, 43(1), 50-70., Vandenhoe, W. (2022). "The Role of National Human Rights Institutions in Promoting Accountability." In *International Journal of Human Rights*, 26(3), 345-362.

CSOs organize campaigns to raise awareness about human rights issues, influence public opinion, and pressure governments and international bodies to take action.

They also monitor human rights conditions, document violations, and provide reports and evidence to international bodies and the public.

CSOs do also offer support services to victims, including legal aid, psychological counseling, and rehabilitation.

3.3.2. Human Rights Education and Training

Education and training programs aim to increase awareness and understanding of human rights among various stakeholders, including government officials, law enforcement, educators, and the general public.

Curriculum Development integrate human rights education into school curricula and professional training programs.

Workshops and Seminars organize events for capacity-building, skill development, and dissemination of human rights knowledge.⁸⁰

Public Awareness Campaigns engage in media and community outreach to promote human rights education and awareness.

3.3.3. International and Regional Cooperation

International and regional cooperation mechanisms enhance the enforcement of human rights by fostering collaboration among states, organizations, and institutions.

Regional bodies, such as the European Union, African Union, and Organization of American States, provide additional frameworks and mechanisms for enforcing human rights in their respective regions.

3.3.4. Economic and Trade Leverage

Economic and trade measures can be used to encourage or compel states to comply with human rights standards.

⁸⁰ <https://doi.org/10.1353/hrq.1996> ,; <https://doi.org/10.1080/13642980801972347>, and <https://doi.org/10.1353/hrq.1996.0046>

Trade agreements incorporate human rights clauses into trade agreements to promote compliance with human rights standards.

Sanctions and incentives implement economic sanctions against states that violate human rights or offering incentives to those that improve their human rights records.

3.3.5. Public Interest Litigation

Public interest litigation involves legal actions taken to protect and promote human rights, often involving cases that address broader social issues.

Strategic litigation use legal cases to achieve systemic changes, set legal precedents, or challenge discriminatory laws and practices.

Legal Clinics and Pro Bono Services provide legal assistance to individuals and groups seeking to enforce their human rights.⁸¹

3.3.6. Monitoring and Evaluation

Regular monitoring and evaluation help assess the effectiveness of human rights programs and mechanisms, identifying areas for improvement.

However, independent monitoring bodies establish independent bodies to evaluate the implementation of human rights standards and provide recommendations for improvement.

Impact Assessments conduct assessments to measure the impact of human rights interventions and programs.

3.3.7. Policy and Legislative Reform

Reforming national policies and legislation to align with international human rights standards is essential for effective enforcement.

Legislative Advocacy work with legislators to draft and pass laws that protect and promote human rights.

Policy development support the development of national and international policies that address human rights issues and ensure compliance

⁸¹ <https://doi.org/10.1353/hrq.2006.>, <https://doi.org/10.1353/hrq.2006.0047>

However, supplementary mechanisms for the effective enforcement of human rights principles under international law play a vital role in supporting and enhancing the primary legal and institutional frameworks. By leveraging the strengths of civil society, education, international cooperation, economic incentives, technology, litigation, and policy reform, these mechanisms contribute to a more robust and comprehensive approach to human rights enforcement. Together, they help bridge gaps, address challenges, and promote a global culture of respect for human rights.⁸²

3.4. Other mechanisms

There are additional remedial mechanisms for effective enforcement of human rights principles under international human rights law beyond supplementary, legal, and institutional mechanisms. These include:

3.4.1. Judicial Mechanisms

Courts at both national and international levels can provide remedies for human rights violations. Individuals can bring cases before international courts, such as the European Court of Human Rights, when domestic remedies have been exhausted.

3.4.2. Non-Judicial Mechanisms

These involve alternative dispute resolution methods such as mediation and arbitration, which can provide a platform for victims to seek redress without going through lengthy judicial processes.

3.4.4. Universal Periodic Review (UPR)

This mechanism, established by the United Nations Human Rights Council, allows for the review of the human rights records of all UN member states, providing a platform for accountability and recommendations for improvement.

⁸² <https://doi.org/10.1080/13642987.2011.563> and <https://doi.org/10.1080/13642987.2011.563956>

Overall, these mechanisms when effectively utilized, can significantly enhance the enforcement of human rights principles and provide avenues for redress and accountability.

In conclusion, supplementary, legal, and institutional mechanisms play a crucial role in the effective enforcement of human rights principles under international human rights law. These mechanisms work in tandem to create a comprehensive framework that not only addresses violations but also promotes accountability and justice. Supplementary mechanisms, such as civil society advocacy and public awareness campaigns, complement formal legal frameworks by mobilizing public support and highlighting issues that may otherwise go unnoticed. Legal mechanisms, including international treaties and national legislation, provide the necessary tools for enforcement and redress, while institutional mechanisms, such as the International Criminal Court and regional human rights bodies, ensure that perpetrators are held accountable. Together, these mechanisms enhance the protection of human rights, fostering a more just and equitable global society.

GENERAL CONCLUSION AND RECOMENDATIONS

In conclusion, the enforcement of human rights principles under international human rights law remains a complex and challenging endeavor. Despite the establishment of various legal frameworks and institutions aimed at protecting human rights, numerous obstacles hinder their effective implementation. Political will is often lacking, as states may prioritize national interests or security over human rights obligations. Additionally, weak legal frameworks and insufficient resources can impede the capacity of national and international bodies to address violations adequately. The presence of non-state actors and geopolitical interests further complicates the enforcement landscape, leading to situations where accountability is elusive.

To combat these challenges, a range of remedial mechanisms has been developed. Supplementary mechanisms, such as civil society advocacy and public awareness campaigns, play a crucial role in mobilizing support and highlighting human rights issues. Legal mechanisms, including international treaties and national legislation, provide essential tools for enforcement, while institutional mechanisms, such as the International Criminal Court and regional human rights bodies, work towards holding perpetrators accountable. Non-judicial mechanisms, like mediation and the establishment of National Human Rights Institutions, offer alternative pathways for victims to seek redress.

Moreover, initiatives like the Universal Periodic Review foster accountability by allowing for the examination of states' human rights records. Education and training programs for public officials can also contribute to a culture of respect for human rights, promoting adherence to international standards. Ultimately, while significant challenges persist in the enforcement of human rights principles, the combination of various remedial mechanisms presents a hopeful avenue for progress. By strengthening these mechanisms and ensuring greater political commitment, the international community can work towards a more effective and equitable enforcement of human rights, safeguarding the dignity and rights of individuals worldwide.

RECOMENDATIONS

Addressing the Challenges in Enforcing Human Rights Principles under International Law.

The enforcement of human rights principles under international law remains fraught with challenges, often undermining the effectiveness of protections designed to safeguard human dignity globally. Addressing these issues necessitates a multifaceted approach aimed at strengthening both institutional frameworks and practical mechanisms for ensuring accountability and justice.

One critical area for improvement is the reinforcement of international institutions responsible for human rights oversight. Bodies such as the United Nations Human Rights Council and various treaty bodies play a pivotal role in monitoring and reporting on human rights conditions. However, their effectiveness is often hampered by limited financial resources and insufficient authority to enforce their decisions. To address this, it is essential to bolster these institutions with increased funding, greater operational autonomy, and enhanced enforcement powers. This would enable them to implement their findings more effectively and hold violators accountable.

Monitoring and reporting systems also require significant enhancement. Independent human rights monitoring bodies should be supported with better resources and access to ensure accurate and timely reports on abuses. Leveraging technology and innovative methodologies can improve the effectiveness and efficiency of these monitoring efforts, ensuring that reports are acted upon promptly and transparently.

The principle of universal jurisdiction offers a promising avenue for addressing human rights abuses but remains underutilized. Expanding universal jurisdiction to encompass a wider range of violations would allow for the prosecution of perpetrators regardless of their location or nationality. This approach could act as a deterrent and provide a means for justice in cases where national jurisdictions fail to act.

Empowering civil society organizations is also crucial. These groups play an essential role in advocating for human rights and holding governments accountable. Supporting them with resources, protection, and access to international forums can amplify their impact and foster a more vibrant human rights movement.

Education and training on human rights law for both state officials and civil society actors can bridge gaps in understanding and commitment. By investing in such programs, the international

community can enhance the capacity of all stakeholders to enforce human rights norms effectively.

Addressing the discrepancies between international standards and national laws is another key area. Assisting states in aligning their domestic legal frameworks with international human rights obligations through technical guidance and policy support can ensure more consistent application of human rights principles.

Finally, prioritizing the needs of victims in human rights enforcement is essential. Mechanism that enable victims to participate in legal processes and receive support and reparations can ensure that human rights protections are not merely theoretical but also impactful and inclusive.

Overall, tackling the enforcement challenges of international human rights law requires a comprehensive approach that strengthens institutions, enhances accountability, and supports victims. By addressing these areas, the international community can advance the effective protection of human rights and uphold the principles of justice and dignity for all individuals.

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