

Guardians of Global Justice

Unveiling the True Impact of International Human Rights Treaties

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Abstract

This paper, titled "*Guardians of Global Justice: Unveiling the True Impact of International Human Rights Treaties*," delves into the transformative power of international human rights treaties in shaping state behavior, advancing individual rights, and strengthening global human rights norms. By tracing the historical evolution of these treaties and analyzing their enforcement mechanisms, the paper demonstrates their pivotal role in fostering legal and social reforms worldwide. Case studies, including Tunisia's advancements in women's rights and South Africa's implementation of the Convention on the Rights of Persons with Disabilities, illustrate the significant progress these treaties have spurred. However, the research also critically examines the challenges faced in treaty implementation, such as political reluctance, cultural differences, and ongoing conflicts like those in Ukraine and Israel-Palestine, which highlight the inconsistencies in the application of international human rights law. The paper concludes by emphasizing the necessity for an unwavering global commitment to human rights principles, advocating for consistent enforcement and universal application to build a more just and equitable world.

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Introduction:

“Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world.”³

These profound words from Eleanor Roosevelt underscore a fundamental truth about human rights: their significance is rooted in the day-to-day lives of individuals. While international human rights treaties are often discussed in the grand arenas of global diplomacy and law, their true impact is felt in the small, often unnoticed, corners of our daily existence. This article "Guardians of Global Justice: Unveiling the True Impact of International Human Rights Treaties." is to give a thorough analysis of the ways in which these accords affect state conduct, improve the defense of individual rights, and promote global human rights norms. The purpose of this article is to demonstrate the transformative impact of these treaties in supporting legal and social reforms, strengthening the global human rights regime, and promoting accountability through a thorough examination and critical evaluation. It also aims to tackle the obstacles and constraints related to the execution and adherence to these agreements, providing information about the continuing initiatives to reach their full potential in defending justice and human dignity across the globe.

This article delivers the comprehensive analysis of how international human rights treaties influence global justice and individual rights. The article explores brief overview of the historical background, core international human rights treaties, their enforcement mechanisms, impact assessments, regional perspectives, and future reforms and recommendations.

Contextual Evolution: Developmental Background.

For many centuries, there was no international human rights law regime in place. In fact, international law supported and colluded in many of the worst human rights atrocities, including

³ Eleanor Roosevelt, Remarks at the United Nations, Eleanor Roosevelt Papers Proj. Colum. Clg. of Arts & Sci., (Mar. 27, 1958) <https://erpapers.columbian.gwu.edu/quotations-eleanor-roosevelt>.

the Atlantic Slave Trade and colonialism. It was only in the nineteenth century that the international community adopted a treaty abolishing slavery. The first international legal standards were adopted under the auspices of the International Labour Organization (ILO), which was founded in 1919 as part of the Peace Treaty of Versailles. ILO is meant to protect the rights of workers in an ever-industrializing world.

After the First World War, tentative attempts were made to establish a human rights system under the League of Nations. For example, a Minority Committee was established to hear complaints from minorities, and a Mandates Commission was put in place to deal with individual petitions of persons living in mandate territories. However, these attempts had not been very successful and came to an abrupt end when the Second World War erupted. It took the trauma of that war, and in particular Hitler's crude racially-motivated atrocities in the name of national socialism, to cement international consensus in the form of the United Nations as a bulwark against war and for the preservation of peace.

The core system of human rights promotion and protection under the United Nations has a dual basis: the UN Charter, adopted in 1945, and a network of treaties subsequently adopted by UN members. The Charter-based system applies to all 192 UN Member States, while only those States that have ratified or acceded to particular treaties are bound to observe that part of the treaty-based (or conventional) system to which they have explicitly agreed.

➤ **Charter-based system:**

This system evolved under the UN Economic and Social Council, which set up the Commission on Human Rights, as mandated by article 68 of the UN Charter. The Commission did not consist of independent experts, but was made up of 54 governmental representatives elected by the Council, irrespective of the human rights record of the States concerned. As a consequence, States earmarked as some of the worst human rights violators served as members of the Commission. The main accomplishment of the

Commission was the elaboration and near-universal acceptance of the three major international human rights instruments: the Universal Declaration of Human Rights, adopted in 1948, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), the latter two adopted in 1966. As the adoption of those two separate documents indicates, the initial idea of transforming the Universal Declaration into a single binding instrument was not accomplished, mainly due to a lack of agreement about the justiciability of socioeconomic rights. As a result, individual complaints could be lodged, alleging violations by certain States of ICCPR, but not so with ICESCR.

The normative basis of the UN Charter system is the Universal Declaration of Human Rights, adopted on 10 December 1948, which has given authoritative content to the vague reference to human rights in the UN Charter.

➤ **Treaty-based system:**

The treaty-based system developed even more rapidly than the Charter-based system. The first treaty, adopted in 1948, was the Convention on the Prevention and Punishment of the Crime of Genocide, which addressed the most immediate past experience of the Nazi Holocaust. Since then, a huge number of treaties have been adopted, covering a wide array of subjects, eight of them on human rights -- each comprising a treaty monitoring body -- under the auspices of the United Nations.

The first, adopted in 1965, is the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), followed by ICCPR and ICESCR in 1966. The international human rights regime then started to move away from a generic focus, shifting its attention instead to particularly marginalized and oppressed groups or themes: the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); the Convention on the Rights of the Child (1989); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990); and the Convention on the Rights of

Persons with Disabilities (2006). The latest treaty is the International Convention for the Protection of All Persons from Enforced Disappearances (ICED), also adopted in 2006

but yet to enter into force. With the adoption of an Optional Protocol to ICESCR in 2008, allowing for individual complaints regarding alleged violations of socio-economic rights, the UN treaty system now also embodies the principle that all rights are justiciable³

Core International Human Rights Instruments:

According to OHCHR, there are 9 core international human rights instruments and several optional protocols.

- Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 21 December 1965)
- International Covenant on Civil and Political Rights (ICCPR, 16 December 1966)
- International Covenant on Economic, Social, and Cultural Rights (ICESCR, 16 December 1966)
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 18 December 1979)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 10 December 1984)
- Convention on the Rights of the Child (CRC, 20 November 1989)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW, 18 December 1990)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED, 20 December 2006)
- Convention on the Rights of Persons with Disabilities (CRPD, 13 December 2006)

³ Frans Viljoen, International Human Rights Law: A Short History, United Nations.

<https://www.un.org/en/chronicle/article/international-human-rights-law-short-history> (last visited July 14, 2024).

Each of these instruments has established a committee of experts to monitor implementation of the treaty provisions by its States parties.⁴

Mechanism of Enforcement:

The enforcement of human rights treaties is carried out by various treaty bodies and committees established under the auspices of the United Nations. These bodies are responsible for monitoring the implementation of treaties, reviewing compliance by state parties, and addressing violations.

The human rights treaty bodies are committees of independent experts that monitor implementation of the core international human rights treaties. Each State party to a treaty has an obligation to take steps to ensure that everyone in the State can enjoy the rights set out in the treaty. Several instances of treaty organizations and committees include:

➤ **Committee on the Elimination of Racial Discrimination:**

The Committee on the Elimination of Racial Discrimination (CERD) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Racial Discrimination by its State parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially one year after acceding to the Convention and then every two years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of “concluding observations”.

➤ **Human Rights Committee (CCPR):**

The Human Rights Committee is the body of 18 independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its State parties.

All States parties are obliged to submit regular reports to the Committee on how civil and political rights are being implemented. States must report initially one year after acceding to the Covenant and then whenever the Committee requests. In accordance with the

⁴ The Core International Human Rights Instruments and their monitoring bodies, OHCHR.

www.ohchr.org/en/coreinternational-human-rights-instruments-and-their-monitoring-bodies (last visited July 14, 2024).

Predictable Review Cycle, the Committee requests the submission of the report based on an eight-year calendar. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of 'concluding observations'.



The Committee on Economic, Social and Cultural Rights (CESCR):

The Committee on Economic, Social and Cultural Rights (CESCR) is the body of 18 independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its States parties.


The Committee was established under ECOSOC Resolution 1985/17 of 28 May 1985 to carry out the monitoring functions assigned to the United Nations Economic and Social Council (ECOSOC) in Part IV of the Covenant.

All States parties are obliged to submit regular reports to the Committee on how economic, social and cultural rights are being implemented. States must report initially within two years of accepting the Covenant and thereafter every five years. The Committee examines each report and addresses its concerns and recommendations to the State party in the form of "concluding observations".

➤ **The Committee on the Elimination of Discrimination against Women (CEDAW):** The Committee on the Elimination of Discrimination against Women (CEDAW) is the body of independent experts that monitors implementation of the Convention on the Elimination of All Forms of Discrimination against Women. Adopted by the United Nations in 1979, CEDAW is the most important human rights treaty for women. The CEDAW Committee consists of 23 independent experts on women’s rights from around the world.

States that ratify the Convention are legally obliged to:

1. Eliminate all forms of discrimination against women in all areas of life;
2. Ensure women’s full development and advancement in order that they can exercise and enjoy their human rights and fundamental freedoms in the same way as men; and
3. Allow the CEDAW Committee to scrutinize their efforts to implement the treaty by reporting to the body at regular intervals.

Countries that have become party to the treaty (States parties) must submit regular reports to the Committee on how the rights of the Convention are being implemented. During its public sessions, the Committee reviews each State party report and addresses its concerns and recommendations to the State party in the form of concluding observations.⁵  **Impact**

Assessment: Effect Prediction Analysis.

Let's now discuss the effect assessment of the accomplishments of the Human Rights Treaties and their dissolution.

Tunisia is a country in the midst of its post-revolutionary transition, and the status and legal position of women since the 2011 “Jasmine Revolution” is central to this transition. This report addresses the prospects for women-friendly family law reform in Tunisia in the

⁵ Treaty Bodies, OHCHR, www.ohchr.org/en/treaty-bodies (last visited July 14, 2024).

aftermath of the 2011 evolution, with a particular focus on the potential impact of the 2014 Tunisian constitution.

Tunisia's 2014 constitution guarantees gender equality, but implementation is slow and discriminatory laws continue to exist at lower levels of government. The constitution does not set forth ground-breaking new rights for Tunisian women, but it does guarantee (at least in word) their already celebrated status. Importantly, the constitution also gives international treaties priority over domestic law. This means that if Tunisia were to lift its remaining reservations to CEDAW, this could help the country further address sensitive women's issues (such as inheritance and citizenship rights) through court rulings.⁶

Tunisia made historic strides by passing its first national law to combat violence against women on 26 July, 2017. The passing of the law follows several years of advocacy efforts led by Tunisian civil society and national institutions, in collaboration with international organizations, including UN Women. Since 2014, UN Women has contributed to the review and finalization of the law on ending violence against women and provided recommendations, together with other international and UN partners, such as the Council of Europe and the European Union, UNDP, OHCHR, UNFPA and

⁶ Mari Norbakk, The women's rights champion. Tunisia's potential for furthering women's rights, CMI Report, Bergen: Chr. Michelsen Institute (2016) www.cmi.no/publications/5973.

UNODC. UN Women also supported the development of advocacy tools, including a guidance for parliamentarians on the international standards to combat violence against women and an article-by-article analysis of the draft law which was then submitted by the UN System to the Assembly of People's Representatives (Tunisian parliament).⁷The new law recognises violence against women in the family as well as in public spaces and adopts a comprehensive approach to fighting the problem, including preventative measures, specialised police and prosecution units as well as judicial services for victims of violence.⁸

GENEVA (29 August 2018) - The Committee on the Rights of Persons with Disabilities concluded its consideration of the initial report of South Africa on measures taken to implement the provisions of the Convention on the Rights of Persons with Disabilities. Introducing the report, Susan Shabangu, Minister of Social Development of South Africa, said that since the ratification of the Convention in 2007, and within the confines of a challenging economic climate and competition for resources, South Africa had made steady progress towards the realization of the rights of persons with disabilities, including through the updating of the national disability policy with the white paper on the rights of persons with disability, which put an emphasis on embedding disability inclusion within government-wide regulatory, planning, resourcing, programming, and reporting systems. Committee Experts recognized the tremendous improvement in the situation of human rights in South Africa, the entrenchment of disability in chapter 2 of the Constitution, and the adoption of the comprehensive white paper on the rights of persons with disabilities.⁸⁹

We may conclude that these developments for human rights treaties are significantly influenced by progressive reforms in various regions. For instance, Tunisia's woman development reform showcases a robust commitment to gender equality and women's rights, setting a benchmark for other nations. Similarly, South Africa's proactive steps to

⁷ Tunisia passes historic law to end violence against women and girls, UN Women (Aug. 10, 2017) www.unwomen.org/en/news/stories/2017/8/news-tunisia-law-on-ending-violence-against-women.

⁸ Tunisia passes landmark law to end all violence against women, france24 (July 27, 2017, 17:49) www.france24.com/en/20170727-tunisia-violence-against-women-landmark-law

⁸ Committee on the Rights of Persons with Disabilities examines the report of South Africa, OHCHR (Aug. 29, 2018) www.ohchr.org/en/press-releases/2018/08/committee-rights-persons-disabilities-examines-report-south-africa.

implement the Convention on the Rights of Persons with Disabilities demonstrate a dedication to inclusivity and protection of vulnerable groups. These efforts highlight the transformative impact of targeted reforms and the importance of international treaties in driving social change and promoting universal human rights standards.

There are several critiques and difficulties that the human rights treaties have faced. Human rights treaties are subject to a number of objections and issues that call for debate.

The human rights impacts of Russia's war on Ukraine continued to eclipse all other rights issues in Ukraine. As of September, at least 9,614 civilians had been killed and more than 17,535 injured since Russia's full-scale invasion began in February 2022. Millions more had to flee abroad or were internally displaced.

Throughout the year, Russian forces committed war crimes and other atrocities in Ukraine. They carried out indiscriminate and disproportionate attacks that killed and severely injured civilians and destroyed vital infrastructure and objects of cultural and historical significance. Russian forces' widespread use of torture and their continued attacks on energy-related infrastructure may amount to crimes against humanity, according to a United Nations investigative body. The June destruction of the Kakhovka hydroelectric power station in Khersonska region, reportedly by Russian forces, devastated livelihoods and caused lasting environmental damage. Russian forces repeatedly shelled vital ports and grain facilities in Ukraine, with serious implications for Ukrainians and millions facing hunger worldwide.¹⁰

The Israel-Palestine conflict exemplifies a significant and ongoing breach of International Humanitarian Law (IHL). The death toll of 9,614 civilians starkly indicates widespread violations of multiple human rights treaties. These violations are not isolated incidents but systematic breaches that encompass various aspects of international law designed to protect individuals, especially vulnerable populations, during times of conflict.

¹⁰ Ukraine Events of 2023, Human Rights Watch, (2023) www.hrw.org/world-report/2024/countrychapters/ukraine.

In the aftermath of Hamas's attack on Israel, and Israel's ensuing bombardment campaign of the Gaza Strip, there is much discussion, by both experts and non-experts, about international humanitarian law (IHL), the law governing armed conflict and military occupation, and its application in the current hostilities involving Israel and Palestinian armed groups.

As accusations mount, it is important to understand the legal definition of terms such as 'war crimes' and what they mean in law.

IHL, or the laws of war, has existed in some form for thousands of years, but the modern version is set out in the Geneva Conventions of 1949, alongside other treaties, and customary international law. Under IHL, anyone taken into custody, such as prisoners of war, must be treated humanely. Taking hostages and using people as "human shields" are prohibited.

The fundamental rule of international humanitarian law in conflict is that all parties must distinguish, at all times, between combatants and civilians. Civilians and civilian objects must never be the target of attack; parties may only target combatants and military objectives.¹¹

But as things stand, there isn't a single humanitarian law that applies during a conflict. The Geneva Convention is broken when a lot of people are killed, which violates the Convention Against Torture (CAT), and when children are killed brutally, it violates the Convention on the Rights of the Child (CAC). Hostages are being seized, bombardments are taking place in the civilian refugee camps, and the government is saying that's an accident. The International Covenant on Civil and Political Rights (ICCPR) is being violated because there is no longer a right to human safety.

current circumstances and worldwide shifts:

Current state-to-state wars and conflicts pose a serious danger to the Human Rights system. Renewed hostilities between Israel and Hamas and in Sudan caused tremendous suffering, as did ongoing conflicts in Ukraine, Myanmar, Ethiopia, and the Sahel. Governments

¹¹ Clive Baldwin, How does international humanitarian law apply in Israel and Gaza? , The New Arab (Oct. 27, 2023) www.newarab.com/analysis/how-do-rules-war-apply-israel-and-gaza.

struggled to deal with the hottest year on record and the onslaught of wildfires, drought, and storms that wreaked havoc on millions of people in Bangladesh, Libya, and Canada. Economic inequality rose around the world, as did anger about the policy decisions that have left many people struggling to survive.

The drivers of these human rights crises and their consequences often transcend borders and cannot be solved by governments acting alone. Understanding and responding to these threats needs to be rooted in universal principles of international human rights and the rule of law. These ideas built on shared human histories agreed upon by nations across all regions 75 years ago in the Universal Declaration of Human Rights, the basis for all contemporary human rights conventions and treaties.

This foundation is needed now more than ever. But this very system we rely on to protect the human rights of people everywhere is under threat. Every time a government overlooks or rejects these universal and globally accepted principles, someone pays a price – in freedoms and liberties, in their health or livelihood, and at times their lives. Governments that could play a role in helping to improve human rights frequently adopt double standards in applying the human rights framework, which chips away at trust in the institutions responsible for enforcing and protecting rights. Governments that are vocal in condemning Israeli government war crimes against civilians in Gaza but silent about Chinese government crimes against humanity in Xinjiang, or demand international prosecution for Russian war crimes in Ukraine while undermining accountability for past US abuses in Afghanistan, weaken the belief in the universality of human rights and the legitimacy of the laws designed to protect them

Every government has a responsibility to apply human rights principles to address human rights crises. The people of Sudan have suffered because of the absence of international attention, commitment, and leadership to address the widespread abuses in the country's conflict.

In April 2023, an armed conflict broke out in Sudan when the two most powerful Sudanese generals began battling each other for power. The power struggle between the armed forces leader, Gen. Abdelfattah al-Burhan, and the leader of the Rapid Support Forces, Gen. Mohamed "Hemedti" Hamdan Dagalo, unleashed fighting that resulted in massive abuses against civilians, notably in the Darfur region. Their abuses have mirrored those committed

over the past two decades by forces loyal to both generals, for which accountability has remained elusive.¹²

The ongoing human rights crises underscore the urgent necessity for governments worldwide to consistently apply established international human rights principles. By making human rights the focal point of diplomatic efforts, governments can exert significant influence over oppressive regimes and positively impact individuals suffering from rights violations. Supporting institutions that reinforce human rights protections is crucial, as these bodies play a vital role in fostering the development of governments that respect and uphold human rights. Moreover, the consistent adherence to human rights standards, irrespective of the victims' identities or the locations of the violations, is fundamental to building a just and equitable world. Only through unwavering commitment to these principles can the international community hope to address and mitigate the pervasive and systemic breaches of human rights occurring globally. This approach not only helps in immediate relief but also contributes to the long-term goal of establishing a global culture of human rights respect and protection.

Conclusion

Human rights treaties are fundamental instruments for promoting justice, equality, and human dignity worldwide. They reflect the international community's collective commitment to uphold these universal values. Despite significant advancements, such as Tunisia's reforms in women's rights and South Africa's implementation of the Convention on the Rights of Persons with Disabilities, numerous challenges persist. Weak enforcement mechanisms, political reluctance, cultural differences, and sovereignty concerns continue to hinder consistent application and effectiveness.

The ongoing human rights crises, such as the conflict in Ukraine and the Israel-Palestine war, underscore the urgent need for governments to uphold established international human rights principles. By prioritizing human rights in diplomatic efforts, governments can influence oppressive actions and positively impact those facing rights violations.

¹² Tirana Hassan, The Human Rights System Is Under Threat: A Call to Action, Human Rights Watch, (2024) www.hrw.org/world-report/2024.

Supporting institutions that reinforce human rights protections is crucial for fostering rights-respecting governance.

The challenges and criticisms of human rights treaties include issues like inadequate enforcement, lack of political will, and inconsistent application across regions. Cultural differences and concerns about national sovereignty further complicate their universal implementation.

The international community needs to keep up its unwavering commitment to human rights ideals if it hopes to create a just and equitable society. It is essential that these standards be applied consistently and worldwide. We can improve human rights, lessen abuses, and get closer to a worldwide culture that values and upholds the rights of every person by working hard and being resolute.
