

THE ROLE OF INTERNATIONAL LAW IN PROTECTING HUMAN RIGHTS

Samandar Ismoilov

Head researcher at the parliamentary research institute under the
Legislative chamber of the Oliy Majlis of the Republic of Uzbekistan

Abstract

This thesis examines the role of international law in protecting human rights in a world marked by complexity and diversity. It traces the foundation of modern human rights law to documents such as the Universal Declaration of Human Rights (UDHR) and explores subsequent treaties and conventions, emphasizing the comprehensive protection they offer across civil, political, economic, social, and cultural dimensions. The thesis highlights the challenges faced in contemporary human rights law, including authoritarian regimes, armed conflicts, and emerging issues like climate change. It discusses a case study of climate refugees to illustrate the gaps in current legal frameworks. Additionally, the thesis proposes avenues for enhancing the role of international law in protecting human rights, such as strengthening compliance mechanisms, promoting accountability, addressing structural injustices, and fostering international cooperation. In conclusion, it underscores the importance of reaffirming commitment to human rights principles and collective action to build a more just and equitable world for all individuals.

Keywords: International law, Human rights, Climate change, Climate refugees, Accountability, Rule of law

Main part

In a world fraught with complexities and diverse challenges, the principles of international law stand as pillars of hope, guiding nations toward a shared commitment to safeguarding human rights. At the heart of this legal framework lies a profound recognition of the inherent dignity and worth of every individual, regardless of race, religion, gender, or nationality. International law serves as a crucial tool in upholding these rights, offering a platform for justice, accountability,



and the promotion of fundamental freedoms worldwide. Below, milestones of Human rights in international law have been stated.

The Foundation of Human Rights in International Law

The roots of modern human rights law can be traced back to seminal documents such as the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly in 1948.¹ Serving as a cornerstone of international law, the UDHR proclaims the inalienable rights to which all human beings are entitled, including the right to life, liberty, and security of person, freedom of expression, and the right to education and healthcare.

Building upon this foundation, subsequent treaties and conventions have further elaborated upon specific rights and established mechanisms for their enforcement. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966, exemplify this commitment to comprehensive protection, enshrining civil, political, economic, social, and cultural rights as essential components of human dignity.

Human rights encompass a broad spectrum of fundamental freedoms and entitlements inherent to all individuals, regardless of nationality, ethnicity, religion, or any other status. These rights, enshrined in various international treaties, declarations, and customary law, encompass civil, political, economic, social, and cultural dimensions. International law, on the other hand, comprises legal norms, principles, and agreements that govern relations between states and other international actors. It encompasses treaties, customary law, general principles of law, and judicial decisions, forming a complex web of regulations that guide interactions in the global arena. Furthermore, international bodies such as the United Nations Human Rights Council (UNHRC) and special rapporteurs monitor compliance with human rights standards, conduct investigations, and issue recommendations to states, fostering a culture of transparency and accountability on the global stage. Through these mechanisms, perpetrators of human rights abuses can be held accountable for their actions, and victims can seek justice and reparations.

¹ UDHR is available at <https://www.amnesty.org/en/what-we-do/universal-declaration-of-human-rights/#:~:text=The%20UDHR%20was%20adopted%20by,for%20freedom%2C%20justice%20and%20peace> accessed 24 March 2024



Of course, challenges and Opportunities in Contemporary Human Rights Law are always found. Despite significant progress, the realization of human rights remains an ongoing challenge in many parts of the world. Authoritarian regimes, armed conflicts, systemic discrimination, and socio-economic disparities continue to undermine the rights and dignity of millions of individuals worldwide. In such contexts, the role of international law becomes even more critical, providing a framework for intervention, conflict resolution, and the protection of vulnerable populations.

Moreover, emerging issues such as climate change, digital rights, and the ethical implications of technological advancements pose new challenges to the traditional understanding of human rights law. As societies evolve and new threats emerge, the adaptability and resilience of international legal frameworks will be essential in addressing these complex issues and ensuring the continued relevance and effectiveness of human rights protection in the 21st century. For example, as the world has been experiencing rise in sea-levels, term of “**climate refugees**” is being widely recognized. The number of potential climate migrants has been predicted to be in the hundreds of millions by 2050². Between 2008 and 2014, 184.8 million people endured relocation due to natural catastrophes, weather, and climate change issues³. Climate change has a substantial influence on human rights. Extreme heat waves may result in severe drought, thereby limiting access to farming and fishing, which has a negative influence on total resource availability⁴. As a result, poverty and the lack of a source of income might push people into dangerous problems of homelessness, scarcity of land, food and water⁵. However, current climate politics and laws keep silence about meeting rights to home, life and clean water of current and future generation. Case of Mr. Teitiota can be one of the facts which shows weakness of climate related politics. The case is as follows, Mr. Teitiota was compelled to relocate from the Kiribati island of Tarawa to New Zealand because

² M. Mobjörk & L. Simonsson, ‘Klimatförändringar, migration och konflikter: samband och förutsägelser’ FOI, (2011), 9-11

³ The Nansen Initiative, Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change, (2015), 1(1), 14.

⁴ McInerney-Lankford, et al., ‘Human rights and Climate Change: A Review of the International Legal Dimensions’, Washington D.C: World Bank, (2011), e-book, p. 29 < <https://digitallibrary.un.org/record/707904?ln=en> > Accessed 22 March 2024

⁵ Lester E., ‘Work, the Right to Work, and Durable Solutions: A Study on Sierra Leonean Refugees in the Gambia’, IJRL, (2005), 17, p. 387



sea levels were increasing persistently and causing many other climate related issues. Tarawa's status has grown more unstable and perilous as a result of global warming-induced sea level rise. Soils were unproductive and unemployment reached its high rate. On Tarawa, overpopulation and salt water contamination caused scarcity of fresh water. As a result, Kiribati has devolved into an uncomfortable and violent atmosphere for the Mr. Teitiota and his family. Consequently, Mr. Teitiota applied for asylum in New Zealand, but his application was denied by the Immigration and Protection Tribunal. Nonetheless, the Tribunal could not rule out the prospect of environmental deterioration "creating avenues into Refugee Convention or protected person jurisdiction." The author's further appeals involving the same topic were both rejected by the Court of Appeal and the Supreme Court⁶. If a climate refugee is in fact a refugee under the 1951 Refugee Convention's interpretation, they can get asylum under the same rules as a normal refugee. This is because the court used the same definitions and interpretations as a normal refugee case. Additionally, it is argued that politics influenced the importance of his statements. There is reluctance among richer, primarily white countries to welcome climate refugees, a population that is disproportionately composed of members of vulnerable non-white groups, as Teitiota's lawyer emphasized. This attitude jeopardizes asylum application judges' ability to use a broader interpretation of the Refugee Convention. Even in the best-case situation, process may be delayed or cancelled. It should be noted that since the consequences of climate change are appearing frequently and in many new forms, current laws and politics should also be updated in order to lessen the effects on current and unborn people.

Enhancing the Role of International Law

To overcome these challenges and strengthen the protection of human rights through international law, several avenues for enhancement merit consideration.

a) Strengthening Compliance Mechanisms. Efforts should be made to bolster the monitoring and enforcement mechanisms within international human rights treaties. This could involve granting greater authority to treaty bodies, enhancing reporting

⁶ New Zealand v Teitiota Case is available at UN website <<https://www.ohchr.org/en/press-releases/2020/01/historic-un-human-rights-case-opens-door-climate-change-asylum-claims?LangID=E&NewsID=25482>> accessed 28 March 2024



requirements for states, and establishing clearer procedures for addressing non-compliance.

b) Promoting Accountability: States must be held accountable for their actions concerning human rights violations. This entails fostering a culture of accountability at both the domestic and international levels, where perpetrators are brought to justice and victims receive adequate redress.

c) Addressing Structural Injustices: International law should not only focus on addressing individual human rights violations but also tackle the underlying structural injustices that perpetuate systemic discrimination and inequality. This requires a holistic approach that addresses socio-economic disparities, gender inequality, racial discrimination, and other forms of oppression.

d) Strengthening International Cooperation: Collaboration among states, international organizations, civil society, and other stakeholders is essential for advancing human rights globally. By pooling resources, sharing best practices, and coordinating efforts, the international community can better address complex human rights challenges that transcend national borders.

Conclusion: Toward a More Just and Equitable World

In a world marked by diversity and interconnectedness, the protection of human rights demands an intensive effort grounded in the principles of international law. While challenges abound, the potential of international legal frameworks to safeguard human dignity remains unparalleled. The indomitable spirit of human rights serves as our guiding light, reminding us of our shared humanity and collective responsibility to uphold the inherent dignity of every individual.

As we navigate the complexities of the 21st century, it is imperative that we reaffirm our commitment to the principles enshrined in international human rights law. These principles transcend borders and ideologies, serving as a beacon of hope for those whose rights are violated and a call to action for those committed to justice and equality.

By upholding the rule of law, promoting accountability, and fostering international cooperation, the global community can strive towards a more just and rights-respecting world for all. It is through our collective efforts, grounded in a steadfast



belief in the universality of human rights, that we can build a future where every individual enjoys the freedoms and opportunities they deserve.

In the face of adversity and uncertainty, let us draw strength from the enduring legacy of those who have fought for human rights throughout history. Their courage, resilience, and unwavering commitment to justice serve as a reminder that change is possible, even in the most challenging of times.

As we look to the future, let us recommit ourselves to the noble pursuit of human rights, knowing that our efforts today will shape the world we leave for generations to come. Together, let us uphold the dignity and worth of every individual, for in doing so, we honor the very essence of our shared humanity.

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