

An Analysis of Concept of Human Rights in International Human Rights Law

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Abstract

Human rights are a collection of essential rights that individuals worldwide have acknowledged as being essential. Among them are the freedoms of expression, "religion, life, and a fair trial; the right to an adequate standard of living; health; and the right to be free from torture and other cruel and inhumane treatment." This study's objective is to examine how international law interprets the idea of human rights. The signing of several conventions and other agreements that provide inherent human rights with a legal foundation has expanded the corpus of "international human rights". Articles about human rights and related materials are available on academic websites such as Science Direct and Google Scholar. Science Direct provides documents and other materials on the subject of applying data protection rules within the framework of international agreements. There is a wealth of information relevant to the topic available on every website that was used to

gather data for this investigation. This study shows that the idea that each and every individual possesses a set of interconnected and inalienable rights and freedoms forms the basis of international human rights law (IHRL). International human rights agreements have gotten increasingly detailed and particular with regard to of the problems they address and the socioeconomic groupings they recognize as requiring security.

Keywords: Human rights, Human rights law, International Human rights Law, Importance of Human rights law

Introduction

The aim of this study is to analyze the concept of “human rights in international law.” Human rights are a set of principles related to equity and fairness. They recognize that everyone of us has the freedom to live the lives we want and to develop to the fullest extent possible. They focus on living a life free from discrimination, harassment, and intimidation (United Nations, 2015). Human rights, broadly speaking, relate to a collection of essential rights that people everywhere have acknowledged as being essential. The freedoms against "torture and other cruel and inhumane treatment, of speech, of religion, of life, of a fair trial, of health, of education," and of a decent standard of living are among them. Regardless of their background, place of residence, views, or ideas, any person, wealthy or poor, has the same legal rights (Kokott, 2023). The newly formed "United Nations formed a committee in 1945 to begin drafting the Universal Declaration of Human Rights. This developed the notion of universal human rights" and the obligation of states to protect and defend them (Hannum et al, 2023).

A human-rights viewpoint suggests that a deliberate attempt must be made to strike a balance between the legitimate interests of receiving nations and the continuous needs of residents for access to protection and a decent living, the moral need to show how this goal can be achieved without sacrificing the international responsibility and fairness that come from managing national security cases in accordance with international law. It is necessary to apply the current criteria with adaptability and ingenuity. By taking on this challenge, we can move past the canned rhetoric regarding our dedication to human rights and create a practical framework that will offer protection on a regular and comprehensive basis (Steven Michael Wheatley, 2019). It delineates the fundamental rights of every person in society for the first time in human history. It is today acknowledged as one of the essential human rights, and each person has an obligation to uphold and defend it.

Research Problem

Leaders and legislators have invoked the Declaration and acknowledged its goals for decades, even the widespread violations of human rights standards that are currently occurring around the world. Similar in text to the Declaration, many of the rights it contains are enshrined in the articles of country constitutions all across the world. As a result, the Declaration had a significant impact on modern states and society, and it continues to do so. International law and relations are fundamentally based on human rights. They stand for fundamental principles shared by all cultures, and all nations must honor them. Human rights are unalienable basic rights to which every individual has the right by nature just by virtue of being a human. Every human rights instrument enshrines the “principle of equality and non-discrimination, as stated in Article 2 of the Declaration” (Kokott, 2023). This principle is the cornerstone of the system that protects human rights:

“All people have equal rights to the freedoms and liberties outlined in this Declaration, regardless of their race, colour, sex, language, religion, political viewpoint, national or social origin, property, birthplace, or any other distinction. Furthermore, regardless of whether a country or territory is independent, a trust, non-self-governing, or subject to any other kind of sovereignty limitation, no differentiation shall be made based on the political, jurisdictional, or international status of that nation or territory.”

The body of global human rights conventions has grown as a result of the ratification of several conventions and other accords that give natural human rights an official foundation. Special protective measures and human rights challenges specific to the region are reflected in additional laws that have been adopted. Furthermore, most States have passed legislation or included specific protections for basic human rights in their constitutions. Even while many international agreements allow for the revocation of certain rights when a country's residents are in danger, human rights are immutable and should be given equal weight and treatment as such. Because of this, it is crucial that you have a thorough understanding of "human rights laws" while making decisions regarding security or other matters. The main sources of IHRL are international treaties and legal traditions; global publications of legal ideas also aid in the development of this corpus of law. Respect for human rights is contingent upon the expansion of the rule of law both domestically and globally (Kokott, 2023).

Aims and objectives

- To analyze the idea of human rights as it is expressed in international human rights law.
- To clarify the function of international human rights law in the defense of human rights.

Chapter 2: Literature Review

Benedek (2022) examined the conceptual commonalities and distinctions between human rights and human security before examining how they interact and identifying multiple mechanisms for mutual support. Additionally, it explores the causes behind the concept of human security's partial fall and demonstrates the various ways in which the two ideas have been institutionalized. It also highlights the benefits of the human security approach by using the right to health as a case study where the perspectives of human rights and human security are applicable (Benedek, 2022).

The research by Matviichuk et al. (2023) revealed universal human principles of law as a global normative framework. The term "principle" has been shown to have multiple meanings. The essential elements of theory as well as the basic structure of the fundamental concepts—which stand out for their generality, breadth of significance, and higher imperative—are included in these definitions. The comparative-legal and systematic analysis, the interpretation technique, and the analysis and synthesis methods are offered as the methodological foundation of the study. In conclusion, research has shown that universal human rights principles of law are founded on a variety of rights (principles of their concentrated growth) such as humanism, all of which are based on the idea that every individual is entitled to dignity and essential freedoms (Matviichuk et al. 2023).

The sexual orientation was examined by Heinze (2023) from the perspective of “international human rights legislation.” It does more than just 'provide' a framework for rights and promote their 'introduction' into human rights legislation. Rather, it investigates how rights against sexual orientation discrimination, such as those to privacy, equality, speech, expression, and association, should be interpreted in light of current international norms. It calls into doubt legal theory, social science, religious belief, and cultural relativism. International jurists, human rights groups, LGBT rights organizations, constitutional experts, and everyone else hoping to strengthen the position of international human rights legislation as a stronghold against discrimination and persecution globally would find it interesting (Heinze, 2023).

Chapter 3: Methodology

Human rights articles and associated resources can be found on Science Direct, Google Scholar, and other academic websites. The essay demonstrates the role of international law for human rights. An additional method of data collection was employed in this study in order to comprehend "human rights and refugee legislation" in relation to "international human rights law." For this investigation, a number of pertinent papers were chosen as secondary data. The complete paper describes contemporary legal problems with human rights. The benefits and drawbacks of international human right law are examined in this comprehensive collection of scholarly studies.

Documents and additional resources on the topic of implementing data protection laws within the scope of international agreements are available through Science Direct. Between 2019 and 2024, PubMed, Google Scholar, and Science Direct will be utilized to search the literature. Every website that was utilized to collect data for this study has a plethora of information pertinent to the subject matter. For that reason, information for this investigation was the reason for selecting each of these web sources. Selected secondary data make clear that refugee protection must drastically change to focus more on problem-solving. The majority of "human rights instruments," support the development and implementation of worldwide human rights laws even though they are not enforceable by law (Kokott, 2023).

Chapter 4: Results and Discussion

Human Rights in Law

An alternate legal strategy for attaining justice for people who have impairments is provided by human rights law. The rights-centered strategy is applied in worldwide law and occasionally seen in statutes or constitutions. For example, the "Section 15 of the Constitution Act of 1982 stated that, *Canadian Constitution clearly guarantees the equality rights of people with impairments. Every person is equal before the law, has the right to equal protection under the law, and is entitled to these benefits without distinction, including on the basis of a physical or mental disability,*" (Kokott, 2023).

Using a human rights approach has the benefit of addressing any disadvantage, regardless of whether it manifests as discrimination. Although all of these international legal instruments are claimed to have universal applicability, only the most recent convention expressly mentions how it relates to individuals with disabilities. However, there is a nondiscrimination clause in every treaty that mandates the application of the human rights instruments regardless of the "status" of the individual in question. Additionally, there is law that suggests "disability" falls under the category of "other status."

Compared to other international legal instruments, international covenants have a stronger legal effect. However, documents like resolutions from the General Assembly, proclamations, and statements from human rights organizations are crucial because they uphold the rights of those with disabilities and are useful in interpreting the treaties themselves. The "Declaration on the Rights of Disabled Persons, Declaration on the Rights of Mentally Retarded Persons, and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities" are only a few of the "soft" international treaties that exist. The most important and comprehensive international document pertaining to the rights of individuals with disabilities is the

resolution of the United Nations General Assembly that was just quoted (Kokott, 2023).

The Standard Rules require authorities to guarantee that people who have impairments have equitable access to possibilities in all areas of their lives and accept a social constructionist concept of impairment. However, a rights approach is not fully included in the Standard Rules because they are not meant to alleviate structural inequality. Whether holding a global meeting on the liberties of those with disabilities is a smart strategic move is a matter of debate. It's been suggested that by isolating those with disabilities from the general population, one gets into the trap of treating them differently while, in reality, a rights perspective's major goal is to integrate outsiders rather than to consider their needs as separate from those of the community (International Human Rights Law, 2015).

International Human right law

“International human rights law” and other bodies of international law complement one other and have certain common goals. Human rights legislation seeks to safeguard people's lives, health, and dignity, even though it approaches the subject from many perspectives. For this reason, even though some of the laws are formulated very differently, their general principles are the same. Human rights law, for instance, forbids discrimination, forbids torture and cruel treatment, establishes fundamental rights for those facing legal action, includes measures to protect women and children. But there are important differences between them in regards to where they came from, what they can be used for, who uses them, and other factors (Cambridge University Press, 2015).

The obligations specified in "international human rights law" must be followed by states. Human rights breaches continue to be a threat to the safe exchange of refugees, having historically played a significant role in their flight. This study demonstrates that, in contrast to "international human law," which is relevant only in instances of international conflict, "human rights law" is always required, regardless of the condition of affairs. When countries adopt global human rights agreements, they undertake to implement national laws and regulations that are compliant with those agreements' responsibilities and responsibilities. When "domestic legal proceedings fail to address human rights abuses, there are mechanisms and procedures available at both the global and regional levels for individual feedback or interaction to help ensure that international human rights standards are actually respected, implemented, and enforced at the local level” (Hussain, 2023).

This study demonstrates that the foundation of “international human rights law (IHRL) is the notion that every person has a set of rights and freedoms” that are interconnected and inalienable. Because these rights are inalienable to all persons,

regardless of their gender, cultural background, or country or ethnic background, states are permitted to restrict them. IHRL is a body of international norms included in many agreements, broad principles, and soft laws. Acknowledging that states play a crucial role in upholding and advancing human rights, IHRL protects the fundamental rights of their citizens as well as those of other individuals under their jurisdiction (Askin & Koenig, 2023).

States bear the dual responsibility of actively promoting the fulfilment of essential human rights and protecting individuals and groups against violations of those rights. Governments must ensure that they have national regulations and agencies in place to facilitate both the execution of an agreement and guarantee the protection of the human rights it concerns when it is adopted. While certain IHRL parts focus on defending everyone, some prioritize protecting those who are thought to be vulnerable, such as people who have been displaced, children, and refugees (International Committee of the Red Cross, 2015).

International human rights accords have gotten more specialist and focused in terms of the issues they cover and the social groups they deem to be in need of defense. Unlike international humanitarian law (IHL), which is exclusively applicable during times of conflict, human rights legislation is applicable everywhere. As per HR accords, states are permitted to diverge from certain rights during an emergency. It is impossible to delay the fulfilment of two fundamental rights: the right to life and the prohibition against murder and cruel treatment.

In the larger framework of safeguarding human rights, consideration of human right protection is vital. It does not follow that both concerns are unrelated only because two distinct organizations were established by States to address "human rights and refugees, accordingly, in the years following World War II." The UN's human rights program addresses people's rights inside state borders. The human rights organization was established with the intention of regaining people's fundamental rights when they leave their countries of origin (Askin & Koenig, 2023).

Conclusion

This research project's objective is to examine the idea of "human rights in international law." Treaty law makes up the majority of worldwide laws concerning human rights, which is a characteristic of modern international law. A few human rights ideas have also been incorporated into basic legal principles and conventional international legislation. Before the establishment of IHR agreements, fewer states had effective legal systems of remedies or safeguarded human rights through specific state legislation or their founding documents. There is a great deal of overlap between the local and IHR promotion and protection tools that have grown at the same time. The contribution of IHRL to the defense of human rights is the main topic of this study.

In fact, a tenet shared by all human rights treaties is that persons may only rely on them for recourse in cases where local legal frameworks have failed to address violations of their rights (Heinze, 2023). Nonetheless, over time, certain of its principles have come to be recognized as widely accepted normative international law. Many of its components have been included in legally binding statutes, rules, and "national and international human rights treaties." IHR is a helpful addition to international protection, especially when it comes to the rights of displaced people. These texts provide down specific rules for how men, women, girls, and boys should be treated. These guidelines provide valuable direction on using human rights standards to benefit persons affected by the UNHCR.

This study shows that the idea that each and every individual possesses a set of interconnected and inalienable rights and freedoms forms the basis of IHRL. These rights are inalienable to every person and cannot be taken away by anybody, not even states. This is true regardless of a person's gender, language, religion, national origin, or other personal characteristics. To protect and promote these human rights, the IHRL is a body of international norms included in many treaties, conventions, general principles, and soft laws." This is especially significant when it comes to the provisions about fair trials because all that exists in international humanitarian law are general principles like the right to "judicial guarantees recognized as indispensable by civilized peoples." When there are few "international humanitarian law" treaty standards, human rights law is a crucial source of protection and advice in situations other than international conflict between nations. Many countries have integrated human rights and international protection principles, such as the ban on arbitrary imprisonment, the freedom from torture, and the right to life and liberty, into their national laws (Benedek, 2022).

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