



MODERN APPROACH TO HUMAN RIGHTS IN INTERNATIONAL LAW

Dr Ramesh Kumar Singh

Assistant professor
Veer Kunwar Singh University, Ara Bihar
Posted at Maharaja Law College, Ara

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Abstract

The development of human rights in international law has evolved from a state-oriented focus to one that emphasizes individuals, placing greater importance on the universal nature and enforceability of basic rights beyond borders. This research examines the historical evolution of human rights, following their origins from philosophical, religious, and cultural beliefs to their formal codification within international legal frameworks. It discusses landmark milestones, such as initial declarations, conventions, and treaties that established the foundation for contemporary legal protection. The research also looks at regional and international institutions playing a role in monitoring compliance and responding to violations. It also points to current challenges like digital privacy, environmental justice, forced displacement, gender equality, and the rights of marginalized groups, emphasizing the need for legal frameworks that keep pace with emerging global trends. With continued advances in technology, political change, and socio-economic development influencing the human rights environment, the imperative for effective, adaptable, and enforceable legal frameworks is increasingly important. This study highlights the ongoing growth of international human rights law and its imperative role in upholding human dignity, equality, and justice in an increasingly globalized and multidimensional world.

Keywords: Human Rights, Civil and Political Rights, International Law, Universal Declaration of Human Rights (UDHR).



1. INTRODUCTION

The concept of human rights has undergone significant transformation in international law, evolving from a primarily state-centered framework to a more individual-centric approach. Traditionally, human rights protections were limited to domestic legal systems, with little international intervention. However, historical events, particularly the atrocities of the world wars, led to the establishment of international legal instruments that recognize and protect fundamental rights globally. The adoption of various conventions and treaties has reinforced the notion that human dignity transcends national boundaries, necessitating a collective commitment to upholding these rights. Today, human rights are no longer seen as mere moral aspirations but as legally binding principles enforced through global and regional judicial mechanisms.

The modern approach to human rights in international law reflects a dynamic and evolving legal landscape that responds to contemporary challenges such as digital privacy, climate justice, and migration crises. The emergence of international courts and human rights bodies has strengthened accountability, ensuring that states and non-state actors adhere to established legal norms. Additionally, globalization and technological advancements have necessitated a redefinition of rights, addressing issues like cyber freedoms and artificial intelligence ethics. As human rights continue to expand beyond traditional civil and political domains into economic, social, and environmental spheres, international law must adapt to safeguard these evolving rights effectively. The growing interplay between domestic and international legal systems further highlights the need for a harmonized approach to human rights protection, ensuring justice and equality in an increasingly interconnected world.

1.1. Objectives of the Study

- To look into how treaties and international organizations support the defense and progress of human rights.
- To analyze the evolution of human rights under international law, including key turning points and historical development.



2. LITERATURE REVIEW

Orakhelashvili, A. (2022) provided a full overview of the development, structure and guiding principles of international law. The origin of international law and the responsibility and the rights of the nations in the community. bridge. Orakhelashvili has prioritized the relationship between global management and international law, investigating the development of the role of non -subject subjects and the driving force of state sovereignty. Topics covered in the 2022 revision include recent advances in human rights legislation, the expanding function of international courts, and the knock-on effects of global warming and terrorism. Offering critical comments on both traditional and contemporary issues in international law, the book's accessible manner makes it an ideal resource for both students and practitioners.

Smith, R. K. (2022) provided an inspection in the growth and evolution of the Global Human Rights Law. This book has checked protection measures provided by international organizations, treaties and conventions and determines the activities of human rights in the region and the United Nations. Smith emphasizes the importance of the main legal tools. In addition, research has surveyed the scope of international law in protecting human rights and challenges in applying human rights regulations. Smith also discussed the argument between national sovereignty and the application of human rights, due to its influence on global justice, oppressed people and humanitarian interventions. His work has allowed scholars and students to understand how international law and human rights are connected to each other.

Shelton (2015) checked legal appeals that individuals and groups may search for justice for human rights violations according to international law. Research has included different types of appeals, such as compensation, rehabilitation and non -repetitive insurance, with a specific reference to international courts. Shelton's research has illuminated political, ethical and legal aspects of confrontation with human rights violations by checking traditional standards and contemporary practices of international law. Case studies and specific examples have shown how these legal reactions are applied in realistic situations. Shelton's work has added depth to the knowledge of international human rights obligations and the effectiveness of global legal organizations to implement justice.



Donnelly and Whelan (2020) provided a thorough scholarly examination of human rights law on a global scale, including its foundations, practical applications, and ongoing challenges. From its conceptual beginnings in philosophy to their formal definition in international legal systems, their work traces the past growth of human rights. Human rights within cultural relativism and the duties of governments to protect and advance these rights were important points of contention. In addition, the study looked at hot-button issues such as refugees' rights, human rights in international development and commerce, and the impact of globalization. The writers also looked at how regional and global organizations like the UN work to promote human rights. An insightful examination of the complexities of international human rights law and the ongoing fight for human dignity was provided by Donnelly and Whelan, who brought theory to life via real-world case studies.

3. EVOLUTION OF HUMAN RIGHTS IN INTERNATIONAL LAW

The growth of human rights in international law has been a slow process that has been shaped by history, philosophical thought, and advances in the law. Although concepts of human rights have been around for centuries, their official adoption in international law evolved during the modern period. Human rights are now regarded as central to world peace, justice, and human dignity.

1. Early Religious and Philosophical Influences

The roots of human rights trace back to the ancient world and religious traditions. Ancient civilizations in Mesopotamia, Egypt, Greece, and India formulated early legal codes that established some rights and obligations. Religious scripture in Hinduism, Buddhism, Christianity, and Islam stressed justice, compassion, and equality. Aristotle and Plato, Greek philosophers, spoke about the natural law of justice, whereas Roman law brought in universal legal principles to be applied by all citizens.

2. The Magna Carta and Enlightenment Era

The dramatic turning point of legal history occurred when the Magna Carta (1215) was signed in England. It put brakes on the autocratic powers of the monarchy and provided certain guarantees



of protection at law for certain individuals. The document became a foundation for constitutional law and established the concept of rulers having to abide by natural rights.

It was during the Enlightenment era (17th–18th centuries) that European thinkers such as John Locke, Montesquieu, and Rousseau developed ideas about natural rights that focused on liberty, equality, and the social contract between states and citizens.

3. The Abolition of Slavery and Humanitarian Efforts

Forced labor and slavery movements picked up momentum during the 19th century. By international agreements that condemned forced labor and the British Slavery Abolition Act (1833), the transatlantic slave trade was prohibited. At the same time, humanitarian efforts led to the establishment of the Red Cross in 1863 and the initial Geneva Convention in 1864, which specified legal standards for the treatment of wounded soldiers and POWs. These events were the first to utilize international law to promote human rights.

4. The League of Nations and Early International Cooperation

After World War I, the alliance of nations (1920) was created to promote peace and avoid war. Although he had a limited success in the usage of human rights, he established the first international legal frameworks to protect ethnic minorities and refugees. Organizations such as the ILO have also been created to deal with labor rights. Human rights violations always exist due to the appearance of authoritarian and colonial exploitation governments.

5. World War II and the birth of the United Nations

the brutality of World War II, such as the crime of Holocaust and the war, revealed the inadequacies of international legal order on Bao. Human rights. To overcome this, the UN was created in 1945 with a solid commitment of human rights, peace and security. The UDHR (1948) is an important document that has established basic human rights for everyone, for instance, the right to life, freedom of speech and equality. Although it is not legally implemented, UDHR has affected many national constitutions and subsequent international agreements.

6. The Growth of Binding Human Rights Treaties

After the UDHR, legally binding human rights treaties were concluded to implement protections worldwide. Among the most notable are:

- **International Covenant on Civil and Political Rights (ICCPR, 1966)** – Treated rights like freedom of expression, impartial trials, and protection against torture.



Figure 1: ICCPR

- **International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966)** – Identified the right to education, healthcare, and equal working conditions.
- **Convention on the Elimination of Racial Discrimination (CERD, 1965)** – Intended to end racial disparity.
- **Convention on the Rights of the Child (CRC, 1989)** – Provided special safeguards for children.

These treaties instilled legal obligations upon states, rendering human rights safeguards more enforceable by international law.

7. Human Rights in the Post-Cold War Era and Globalization

With the disappearance of the Cold War (1991), human rights even became more important in international management. The establishment of courts of war crimes against Rwanda and Yugoslavia's ancient has created a precedent to punish crimes against humans. The establishment



of the International Criminal Court (ICC) in 2002 was established a short time to pursue individuals on genocide, war crimes and crimes against humanity.

- Globalization also introduced new human rights issues, including:
- Corporate accountability for human rights violation.
- Refugee and migration rights, particularly in times of war.
- Privacy and cybersecurity in the age of the internet.
- Climate justice, connecting environmental protection with human rights.

4. CONTEMPORARY CHALLENGES IN HUMAN RIGHTS LAW

As emerging issues such as digital rights, climate justice, migration, and gender and LGBTQ+ equality keep transforming the world, human rights law is confronted with evolving challenges. In order to ensure the security and dignity of individuals across the globe, legal frameworks must evolve to manage these emerging complexities.

a) Digital and Technological Human Rights

The emergence of digital technology has made it increasingly complex to achieve human rights, particularly data privacy, surveillance, and free expression. While the internet and digital platforms have become essential components of everyday existence, concerns arose regarding the collection, storage, and utilization of huge volumes of personal information, and issues pertaining to consent, security, and privacy have also emerged.

Cyber spying by government and corporations is also causing civil liberties issues. One of the most detailed legislations in the world, the 2018 General Data Protection Regulation (GDPR), increases individual control over their personal information and imposes transparency and data protection. The UNGPs also mandate companies to uphold human rights, particularly digital rights. Article 19 of the ICCPR guarantees freedom of expression, which is essential in online media, but it has to be weighed against hate speech on the internet and cybercrime. Article 17 of the ICCPR also



safeguards people against arbitrary interference with their privacy, a significant concern in the digital age.

b) Environmental and Climate Justice

Since climate change and environmental degradation represent serious challenges to fundamental rights, environmental issues have come to be seen as essential to the protection of human rights. Environmental degradation poses a disproportionate danger to vulnerable groups, compromising their basic rights to life, housing, food, water, and health. A healthy surrounding is a fundamental human right, and its value is becoming more recognized as migration trends change, climate-related disasters escalate, and sea levels rise. The United Nations Human Rights Council's resolution on the right to a healthy surrounding acknowledges that low-income and Indigenous communities bear a disproportionate share of the burden of environmental deterioration. Reiterating the connection between climate variation and human rights, the Paris Agreement urged countries to reduce emissions of greenhouse gases and limit environmental harm. Food and water security are impacted by the degradation of natural resources, particularly for disadvantaged groups. In order to counteract environmental racism, whereby some communities are not provided with sufficient protection against environmental degradation, international legal regimes focus on the right of all individuals to enjoy a secure and sustainable environment.

c) Migration and Refugee Rights

Human rights processes are weakened by the worldwide migration issue, which is caused by conflicts, economic inequality, and environmental deterioration. People fleeing persecution, whether as refugees, migrants, or internally displaced persons (IDPs), are often subject to human rights violations, abuse, and exploitation in the nations that take them in. Migration that is safe, organized, and occurs on a regular basis is encouraged by international organizations and human rights groups. The refugee convention in 1951 and the 1967 Protocol, which laid the foundation for the international refugee law by describing the rights of refugees, especially the right to not include. The protection of migrants and reducing international migration issues is the goal of non-cohesive global migration in 2018 for a safe, orderly and regular migration. Regardless of where they go, migrants always have the same labor, social security, health care and education guaranteed



by ICESCR. As the demand for migration increases, international law develops to protect refugees and migrants while balancing sovereignty, human rights and security.

d) Gender and LGBTQ+ Rights

Global progress for LGBTQ + rights and gender equality did not eliminate all obstacles. There is no equality in many fields, including health care, employment, law and education, and also violence for women and people LGBTQ +. A central principle of international law is to promote non -discrimination and universal fairness. The main tool to protect women's rights is CEDAW of the United Nations in 1979. According to Yogyakarta principles, people are banned from distinguishing someone because of their sexual trends or sexual identities, and homosexuality must be underestimated (2007). By describing the legal protection measures for LGBTQ +, Article 26 of ICCPR - including equality and regardless of treatment - contributed to the legalization of homosexuality in most countries. family. Even with these progresses, a large part of the world still has great obstacles and the legislative systems must change to protect the security, dignity and equality of all citizens, regardless of gender. Or their sexual trends.

5. ROLE OF INTERNATIONAL ORGANIZATIONS AND LEGAL INSTRUMENTS

International organizations are the basis for global human rights promotion, protection, and implementation. They ensure the dignity, equality, and rights of people through conventions, treaties, and specialized agencies. Major international organizations and legal instruments promote human rights and influence international politics.

🚩 The UN

For human rights, the UNs is the first international agency. Human rights, international cooperation and peace and international security are its basic goals.

Main legal tools:

Basic Human Rights University was determined in the UDHR of the United Nations General Assembly in 1948. It has affected many treaties and the Constitution, but it is not bound in terms

of law reason. Among many civil rights, politics, economy, society and culture recorded in UDHR are the rights of life, freedom of speech and non -discrimination.

- Rights for life, freedom and press, as well as anti -torture measures and unfair testing, guaranteed ICCPR, created in 1966. They must be guaranteed at in the states have signed ICCPR.
- ICECR: Such as health, education and career of employment, settled in the Union, the same as ICCPR. It is referred to by many as a declaration of international rights, sometimes substituted for ICCPR.
- United Nations and other United Nations Human Rights Councils, including the Commission on Rights Economy, Social and Culture and the Commission for racist elimination, monitor state compliance.

International Labor Organization

ILO, an agency of the UN, defends labor rights and social justice by guaranteeing reasonable wages, conditions of work worthy of human dignity, and prohibition of forced labor and child labor. International labour standards established by the ILO influence workers' rights globally.



Figure 2: International Labour Organization (ILO)



Key Legal Instruments:

- By signing this statement, each country is part of the ILO promising to respect and promote basic labor rights as the right to organize, the right to negotiate, to end children's labor and division. Particularly absent in the workplace.
- Freedom of workers to train and participate in trade unions, as well as collective negotiations without government intervention, protected by the ILO 87 Convention (1948).
- ILO 138 Convention in 1973 repaired at least 15 years of operation to prevent children's exploitation in the population.

Thank you to these agreements and others, ILO promotes human dignity and social justice by ensuring that countries meet the basic requirements of the rights of workers.

THE W.H.O.

The World Health Organization (WHO) is a UN's specialized organization that promotes optimal health, illness prevention, and public health on a global scale.

Important Legal Documents:

In the case of global public health threats and risks, the International Health Regulations (IHR) (2005) offer a legally binding tool for prevention as well as response. In the case of pandemics, the IHR ensures that human rights are upheld. Healthcare access, protection of the public's health, and respect for human dignity are the guiding principles of the IHR response to global health crises. In an effort to strengthen and protect the rights of people with disabilities, the 2006 United Nations Rule on the Rights of Persons with Disabilities was approved. It placed priority on equal access to health services, education, employment, and healthcare as global commitments. The convention underlined the need for health systems to be accessible and inclusive to persons with disabilities. Likewise, the World Health Organization's Constitution, which came into being in 1948, acknowledged that health is an integral human right. Through the application of diverse human rights-oriented approaches, the organization has pursued universal access to healthcare and equal health policies.



6. CASE LAW AND LEGAL PRECEDENTS

Through the establishment of significant legal precedents and principles, a series of groundbreaking cases have contributed significantly to shaping modern human rights legislation. The decisions touch upon human rights violations, set world standards, and reinforce the protection of basic rights worldwide.

➤ **Filártiga v. Peña-Irala (1980) Court: Second Circuit U.S. Court of Appeals**

The crux of the matter is that torture goes against human rights laws on a global scale.

Case Overview: In this historic American case, the Filártiga family was the intended victims of the murder and torture of their daughter by Peña-Irala, a Paraguayan police officer on vacation in the US. According to the U.S. court's ruling, torture can be prosecuted under the Alien Tort Statute (ATS), which gives U.S. courts the authority to hear cases involving international law violations that happen overseas. The decision in this case concluded a significant standard for the prosecution of human rights crimes, including torture, which does not depend on the location of the incident.

Importance: It opened the door for U.S. courts to examine claims of human rights abuses that took place outside of the country, which was a significant expansion of human rights protection under the banner of universal jurisdiction.

➤ **Soering v. United Kingdom was heard by the ECHR in 1989.**

The danger of brutal treatment or the death sentence upon extradition is the key concern.

Case Overview: The extradition of German citizen Soering to the US, where he would be subjected to the death penalty and other severe punishments, was a real possibility. Extradition to a nation where a person is actually subject to cruel treatment, including torture, violates the ECHR, specifically Article 3 (prohibited torture).

Significance: This ruling bolstered the non-refoulement principle by prohibiting states from sending people to countries where they could be held inhumanely. Since then, the case's impact on extradition law has been substantial.



➤ **Human Rights Court of the Americas v. Suriname & Saramaka People (2007)**

Protecting the environment and the rights of indigenous peoples to their territory are the main concerns.

Case Overview: Indigenous people of Saramaka de Suriname violated their land rights by the government, allowing forest exploitation and other activities without their consent. The Inter - American Court decided that Suriname violated the American Convention on Human Rights (ACHR), especially ownership (Article 21), Cultural identity (Article 24) and a healthy environment (Article 24). Among the land rights of the indigenous people is confirmed by the Court, the right to be advised before starting any activity may have an impact on their territory.

Significance:The necessity of this decision lies in the fact that it upheld indigenous peoples' collective land rights and their autonomy in matters pertaining to their environment, culture, and territory. For indigenous and environmental rights in the Americas, it set a crucial precedent.

7. CONCLUSION

As human rights have evolved within international law, they have shown a dramatic shift away from the primacy of states and toward the primacy of individuals as subjects of legal protection. Human rights have been defined and sought to be enforced in a variety of cultural and geopolitical contexts through a series of international treaties, conventions, and legal organizations. Yet, modern challenges like technological monitoring, global warming, displacement, and structural inequalities still challenge the strength of these legal frameworks. The ever-changing nature of human rights requires ongoing adaptation, more effective enforcement mechanisms, and greater international cooperation to counter new threats. Going forward, the efficacy of international human rights law will be a function of states and institutions' readiness to maintain fundamental values of dignity, justice, and equality in checking that human rights are the bedrock of international governance in a continuously changing world.



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