
INTERNATIONAL HUMAN RIGHTS INSTRUMENT AND THEIR ROLE IN PROMOTING JUSTICE AND EQUALITY

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ABSTRACT

The idea of human rights is the backbone of our moral and legal systems, essential for achieving justice and equality in today's world. Key documents established by the United Nations have become fundamental in promoting dignity, freedom, and equality, transcending national boundaries. Among these are 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)—all of which create a framework that compels nations to uphold human welfare and justice. By adopting these treaties and implementing them domestically, countries like India effectively weave their core principles into their legal systems through constitutional guarantees and active judicial interpretation. Yet, even with these universal goals in mind, achieving true justice and equality is often hindered by obstacles like state sovereignty, varying cultural perspectives, and inconsistent enforcement. This paper delves into the history, function, and significance of international human rights instruments, particularly focusing on how India engages with and interprets these global standards.

Keywords: Human Rights, International Instruments, Justice, Equality, United Nations, India, ICCPR, ICESCR, UDHR

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INTRODUCTION

The journey of human rights reflects our shared goal as a society to achieve justice, equality, and dignity for everyone, no matter their background, nationality, or beliefs. After World War II, the creation of the United Nations (UN) in 1945 marked a significant global pledge to prevent the horrors of the past from happening again and to protect the intrinsic value of every human life. The Preamble of the United Nations Charter boldly states the commitment “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” This powerful declaration set the stage for a robust international human rights framework, established through treaties, conventions, and declarations that work together to promote social justice and equality.

The adoption of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly in 1948 was a groundbreaking moment. It laid out, for the first time, a universal set of moral and legal standards that countries were expected to uphold. While the UDHR itself isn't legally binding, it has paved the way for a series of binding treaties like the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966 and collectively known as the International Bill of Human Rights. These documents firmly establish the principles of liberty, equality, and justice as fundamental elements of international law.

The concepts of justice and equality, as outlined in these documents, are not just lofty ideals; they are practical principles designed to ensure fairness in social, political, and economic interactions. Justice means treating everyone fairly and impartially under the law, while equality guarantees that all individuals have the same rights and opportunities without facing discrimination. By ratifying international agreements, countries take on the responsibility to align their domestic laws and practices with these essential principles.

Research Questions

1. Which are the most significant international human rights instruments that together constitute the basis of the world human rights regime?

2. To what extent have these global standards affected the legal and constitutional structure of India?
3. What are the difficulties and constraints in the process of making human rights obligations a reality and enforcing them, especially in poor countries such as India?

Research Hypothesis

The main hypothesis of this research is that international human rights instruments play an important role in promoting justice and equality. They act as both moral and legal guides that encourage states to adopt policies and judicial interpretations focused on human rights.

It is also suggested that the effectiveness of these instruments depends largely on:

- a. how well international obligations are incorporated into national law,
- b. the independence and activism of domestic courts, and
- c. the commitment of states to uphold global human rights standards.

In the Indian context, it is proposed that the Constitution of India, through its Fundamental Rights and Directive Principles of State Policy, reflects the key principles of international human rights. Additionally, the Supreme Court of India has often referenced international human rights instruments to interpret and expand constitutional rights, showing their significant role in advancing justice and equality.

However, the research also acknowledges that despite their strong moral basis, international human rights instruments face major challenges in implementation. These challenges include political resistance, limited resources, and cultural differences. The success of these instruments relies not only on their legal authority but also on the political will and societal understanding within member states.

INTERNATIONAL HUMAN RIGHTS INSTRUMENTS: HISTORICAL BACKGROUND AND FRAMEWORK

The codification of human rights in international law is one of the most important achievements of modern civilization. The devastation from two World Wars forced the global community to create a shared moral and legal vision to protect human dignity. The United Nations Charter from

1945 was the first multilateral document to recognize the promotion of human rights as a main goal of the organization.²

1. Evolution of the International Human Rights Regime

The modern human rights movement started with the adoption of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly on December 10, 1948.³ Drafted under Eleanor Roosevelt's leadership, the UDHR set a common standard for all people and nations. It emphasized the basic principles of liberty, equality, and justice. It stated that "all human beings are born free and equal in dignity and rights."⁴

Even though the UDHR was not legally binding, it laid the groundwork for later binding treaties. The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were both adopted in 1966 and took effect in 1976. These agreements turned moral aims into legal obligations.⁵ Together, the UDHR, ICCPR, and ICESCR make up the International Bill of Human Rights, which establishes universal standards that countries must respect, protect, and fulfil.

In the 1970s and 1980s, many specialized conventions emerged to focus on specific groups and issues, like women, children, and racial discrimination. These agreements built on the universality of the UDHR by addressing areas of systemic inequality and injustice that earlier frameworks had overlooked of All Forms of Racial Discrimination (ICERD) | 1965 | Eliminates racial discrimination and promotes racial equality.

2. Regional Human Rights Systems

Besides the global framework, regional systems have played a key role in strengthening enforcement mechanisms. The European Convention on Human Rights (ECHR) from 1950, the American Convention on Human Rights (ACHR) from 1969, and the African Charter on Human and Peoples' Rights (ACHPR) from 1981 are examples of regional treaties. They provide judicial remedies through regional courts like the European Court of Human Rights and the Inter-American Court of Human Rights.⁶ These regional frameworks improve accountability and allow victims to seek remedies that might not be available in their own countries.

² U.N. Charter art. 1

³ G.A. Res. 217 A (III), Universal Declaration of Human Rights (Dec. 10, 1948).

⁴ 3. UDHR art. 1.

⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171; International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, 993 U.N.T.S. 3.

⁶ Dinah Shelton, *Regional Protection of Human Rights* 12–19 (Oxford Univ. Press 2008).

3. Thematic and Institutional Developments

In 2006, the UN Human Rights Council (UNHRC) took over from the previous Commission on Human Rights. This council plays a crucial role as both a political entity and a monitoring body, carrying out the Universal Periodic Review (UPR) to assess how well member states are upholding human rights. The Office of the High Commissioner for Human Rights (OHCHR) serves as the backbone of the UN's human rights efforts, providing administrative support and technical assistance to help build capacity and ensure compliance.

4. Justice and Equality as the Core Philosophy

At the heart of these instruments is the belief that justice and equality are fundamental and interconnected. You can't truly achieve civil and political rights without also addressing economic and social rights. This comprehensive perspective highlights that human dignity is best protected through a unified approach, where the fight against discrimination, access to justice, and socio-economic empowerment all work together to strengthen one another.

ROLE OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS IN PROMOTING JUSTICE AND EQUALITY

The role of international human rights instruments in fostering justice and equality is truly essential on global, regional, and national fronts. These instruments bring to life the principles of fairness, non-discrimination, and human dignity through binding agreements, interpretative guidelines, and legal enforcement. When we talk about justice in the realm of human rights, it's about more than just following procedures or seeking revenge; it's about ensuring real equality, having access to one's rights, and safeguarding the most vulnerable among us.

1. Justice and Equality as Foundational Principles

At the heart of human rights law lies the concept of justice, which is deeply intertwined with the principle of equality. This was powerfully established in Article 1 of the Universal Declaration of Human Rights (UDHR), which asserts that "all human beings are born free and equal in dignity and rights."⁷ Here, equality isn't just about treating everyone the same on paper; it means taking real actions to address historical and social imbalances.

⁷ Universal Declaration of Human Rights art. 1, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

This bond between justice and equality is further solidified in Article 2 of the UDHR, which assures that rights can be enjoyed “without distinction of any kind.” Together, these articles form the ethical and legal groundwork for all the international treaties that aim to eradicate discrimination and uplift marginalized communities.

2. Operational Role of the ICCPR and ICESCR

The International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) serve as two essential pillars of today’s human rights framework. The ICCPR focuses on justice by safeguarding procedural rights like life, liberty, fair trials, and free speech⁸ On the flipside, the ICESCR captures the essence of social justice by ensuring rights related to education, health, work, and a decent standard of living.⁹

By addressing both civil and economic rights through these covenants, it becomes clear that genuine equality cannot thrive without justice.

3. Role of Specialized Human Rights Conventions

Specialized agreements like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child“(CRC) have a direct hand in pushing for real equality. Take CEDAW, for example-it compels countries to dismantle both official and unofficial hurdles that keep women from achieving fairness in both public and private spheres. Similarly, the CRC focuses on justice for children, safeguarding them from exploitation, ensuring they can access education, and asserting their right to be heard in court proceedings.

5. Contribution of International Courts and Tribunals

Judicial entities like the International Court of Justice (ICJ), the International Criminal Court (ICC), and regional courts (such as the European and Inter-American Courts of Human Rights) have turned abstract concepts into binding rules. For instance, they have transformed discussions

⁸ International Covenant on Civil and Political Rights arts. 6–14, Dec. 16, 1966, 999 U.N.T.S. 171.

⁹ International Covenant on Economic, Social and Cultural Rights arts. 6–15, Dec. 16, 1966, 993 U.N.T.S. 3.

around justice into enforceable actions that hold states and individuals accountable for violations, driving home the importance of upholding human rights across the world

6. Education, Awareness, and Capacity Building

Education and awareness play a crucial role in promoting justice and equality, beyond just legal frameworks. The UN Declaration on Human Rights Education and Training (2011) emphasizes that knowing your rights is vital for empowerment and active participation in society. By urging member states to weave human rights education into their national curriculums, the UN aims to foster a culture where equality and non-discrimination thrive.

CONTEMPORARY CHALLENGES AND LIMITATIONS IN ENFORCEMENT OF HUMAN RIGHTS INSTRUMENTS

Despite their widespread appeal and moral authority, international human rights instruments grapple with meaningful enforcement and realization. The disconnect between what countries commit to on paper and what actually happens in practice continues to erode the universality of human rights. Although global treaties and organizations have set up strong frameworks, challenges like state sovereignty, political bias, lack of resources, and cultural differences still hinder their effectiveness.

1. State Sovereignty and Non-Intervention

One of the long-standing hurdles in the realm of international human rights law is the concept of state sovereignty. The UN Charter upholds the principle of non-intervention in matters that fall within a country's domestic concerns. Because of this, international organizations often lack the authority to enforce compliance with human rights standards.¹⁰

Countries might sign human rights treaties yet resist outside scrutiny by arguing that such actions infringe on their sovereignty. For instance, some nations have pointed to domestic jurisdiction to sidestep investigations regarding claims of torture or political oppression. The ongoing conflict

¹⁰ *United Nations Charter*, art. 2(7); see also “State Sovereignty vs. Human Rights Enforcement,” Council on Foreign Relations (Feb. 10, 2024), <https://www.cfr.org/backgrounder/state-sovereignty-vs-human-rights-enforcement>.

between maintaining sovereignty and ensuring universal human rights remains a fundamental challenge — particularly when governments themselves become the perpetrators instead of the protectors of rights.¹¹

2. Political Selectivity and Double Standards

The enforcement of human rights frequently reflects political agendas instead of unbiased legal principles. A prime example is how the UN Security Council has been scrutinized for its selective application of human rights standards,¹² swayed by the political and strategic interests of its permanent members. The International community's varied reactions to crises — like those in Myanmar, Syria, or Palestine — highlight how political allegiances and veto powers can compromise impartiality. This inconsistency often allows severe violations, such as ethnic cleansing and the repression of dissent, to go unaddressed, thereby eroding public trust in global human rights efforts.

3. Cultural Relativism vs. Universalism

One of the major hurdles we face is the ongoing debate between cultural relativism and universalism. Critics of universal human rights norms often argue that these principles are rooted in Western liberal values, which might not resonate with the cultural, religious, or social traditions of other societies.¹³

For example, some countries defend their restrictions on women's rights or freedom of expression by citing tradition or religious law. This creates a tricky balance between honoring cultural diversity and upholding the universality of human dignity. The Bangkok Declaration from 1993 brought this issue to the forefront, stating that human rights should be understood in the context of national and regional specifics. While the international community acknowledges cultural pluralism, these justifications are frequently misused to support discrimination and inequality.

¹¹ Amal de Chickera, "The Sovereignty Trap: Why Non-Intervention Hampers Human Rights," *OpenDemocracy* (Oct. 14, 2023), <https://www.opendemocracy.net/en/sovereignty-trap-nonintervention-human-rights>

¹² Edward Luck, "The UN Security Council and Human Rights: A Selective Approach," *Human Rights Watch* (Apr. 18, 2024), <https://www.hrw.org/news/2024/04/18/un-security-council-and-human-rights-selective-approach>

¹³ Ananya Singh, "Universal Human Rights and Cultural Relativism: Finding the Middle Ground," *Oxford Human Rights Hub* (Dec. 6, 2023), <https://ohrh.law.ox.ac.uk/universal-human-rights-and-cultural-relativism>

4. Lack of Binding Enforcement Mechanisms

Most international human rights treaties depend on reporting and monitoring systems rather than strict enforcement. The treaty bodies can provide concluding observations or general comments, but these don't carry any legal weight. The lack of mandatory jurisdiction and enforcement authority often means that compliance hinges more on political will than on legal obligation.

Even when there are quasi-judicial mechanisms in place—like individual complaint procedures under the Optional Protocols to the ICCPR or CEDAW—their effectiveness is contingent on state consent. Many countries, including some major powers, have chosen not to recognize the authority of these committees, which limits victims' access to justice.¹⁴

5. Resource Inequality and Developmental Constraints

Developing countries frequently grapple with resource limitations that obstruct the fulfillment of economic, social, and cultural rights. The ICESCR acknowledges that states must take steps “to the maximum of their available resources” to progressively achieve these rights. However, issues like poverty, inequality, and weak institutional capacities often stand in the way of making real progress.¹⁵

6. Fragmentation and Overlap of Human Rights Mechanisms

The rise of international and regional human rights mechanisms—like treaty bodies, special rapporteurs, and courts—has led to a bit of a jumble in the system. While having a variety of mechanisms can boost specialization, it also brings about overlaps, conflicting interpretations, and a fair amount of bureaucratic red tape.

The lack of coordination among these institutions often results in inconsistent rulings, which can undermine the overall coherence of the human rights framework. This issue becomes especially

¹⁴ Optional Protocols and State Consent in Human Rights Treaties,” Human Rights Law Review (Sept. 2023), <https://academic.oup.com/hrlr/article/23/3/598/7329449>

¹⁵ Priya Menon, “Economic Constraints to Human Rights Realization in the Global South,” *The Conversation* (May 22, 2024), <https://theconversation.com/economic-constraints-to-human-rights-realization-in-the-global-south-234501>

apparent when regional and global bodies come to different conclusions on similar human rights matters.¹⁶

7. Emerging Challenges in the Digital Age

The digital age has brought a whole new set of challenges for human rights protection. Issues like data privacy, surveillance, cyber-harassment, and algorithmic discrimination present complex hurdles that traditional treaties never saw coming.

For example, mass surveillance initiatives and the misuse of artificial intelligence (AI) for predictive policing pose serious threats to our fundamental rights, including privacy, freedom of expression, and equality under the law. International law is still catching up to these new challenges, with ongoing efforts like the U.N. Guiding Principles on Business and Human Rights and discussions about a potential Digital Bill of Rights.¹⁷

8. Weak Domestic Incorporation and Political Resistance

The success of human rights treaties really hinges on how well they are implemented at the national level. Unfortunately, many countries struggle to integrate treaty provisions into their laws or resist reforms that might disrupt established power dynamics.¹⁸

In many cases, human rights commissions and courts lack the independence needed to enforce rights effectively. Additionally, populist and authoritarian regimes have increasingly framed human rights discussions as foreign meddling, which weakens civil society involvement and narrows democratic spaces.

The Role of International Human Rights Instruments in the Indian Legal Framework

India's relationship with international human rights law is deeply rooted in both history and its constitutional promise. As one of the founding members of the United Nations and a pivotal

¹⁶ "Coordination Challenges Among UN Human Rights Mechanisms," International Justice Resource Center (2024), <https://ijrcenter.org/2024/03/05/coordination-challenges-among-un-human-rights-mechanisms>

¹⁷ "AI and Human Rights: Risks and Opportunities," UN Human Rights Office (Apr. 2025), <https://www.ohchr.org/en/ai-and-human-rights>

¹⁸ "Domestic Implementation of Human Rights Treaties," International Commission of Jurists (Oct. 2024), <https://www.icj.org/domestic-implementation-of-human-rights-treaties>

contributor to the creation of the Universal Declaration of Human Rights (UDHR), India has consistently championed the cause of human rights on a global scale. Over time, the Indian legal system has woven essential principles from various international human rights agreements into its constitutional setup, legislation, and judicial processes.

1. Constitutional Foundations

The Preamble of India's Constitution promises justice—social, economic, and political—as well as equality of status and opportunity. These principles embody the spirit of the UDHR and the two Covenants (ICCPR and ICESCR). Part III of the Constitution, which outlines Fundamental Rights, captures many of the civil and political rights laid out in the ICCPR, while Part IV, known as the Directive Principles of State Policy (DPSPs), relates to the socio-economic rights enshrined in the ICESCR.

For example: The UDHR.

Article 19 ensures freedom of speech and expression, in line with Article 19 of the ICCPR.

Article 21, which safeguards life and personal liberty, has been broadly interpreted to encompass dignity, health, and livelihood—principles that are foundational to international human rights law.

Moreover, Article 51 of the Constitution clearly mandates the State to “foster respect for international Article 14 guarantees equality before the law and equal protection of laws, reflecting Article 7 of law and treaty obligations,” promoting the alignment of domestic laws with international legal standard

2. Legislative Incorporation of International Human Rights Norms

India has introduced several laws that reflect its international human rights commitments. Some key examples include:

The Protection of Human Rights Act, 1993, which set up the National Human Rights Commission (NHRC) in alignment with the Paris Principles adopted by the UN General Assembly in 1993.

The Protection of Women from Domestic Violence Act, 2005, and the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, both inspired by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Right of Children to Free and Compulsory Education Act, 2009, which supports the aims of the Convention on the Rights of the Child (CRC).

The Rights of Persons with Disabilities Act, 2016, which embodies India's responsibilities under the Convention on the Rights of Persons with Disabilities (CRPD).

These legislative measures showcase India's dedication to turning international commitments into enforceable domestic laws.

3. **Judicial Interpretation and the Use of International Law**

Indian courts have significantly influenced the incorporation of international human rights standards into the domestic legal framework. The Supreme Court of India has regularly referenced international treaties and declarations when interpreting constitutional rights, especially where there isn't conflicting national legislation.

Some notable cases include:

(a) Vishaka v. State of Rajasthan (1997)

In this groundbreaking ruling, the Court used CEDAW to establish guidelines to combat workplace sexual harassment.¹ They highlighted that international conventions, when aligned with fundamental rights, should be integrated to foster gender equality.

(b) People's Union for Civil Liberties (PUCL) v. Union of India (1997)

In this case, the Court invoked the International Covenant on Civil and Political Rights (ICCPR) to interpret the right to privacy and safeguard against arbitrary telephone tapping as per Article 21.

(c) Apparel Export Promotion Council v. A.K. Chopra (1999)

Reaffirming the principles laid out in Vishaka, the Court emphasized that gender equality and the right to a safe workplace are essential to human dignity, referencing both CEDAW and the UDHR.

(d) Francis Coralie Mullin v. Union Territory of Delhi (1981)

In this case, the Court broadened the interpretation of “life” under Article 21 to encompass the right to live with dignity, drawing from the UDHR and ICCPR.

(e) National Legal Services Authority (NALSA) v. Union of India (2014)

By acknowledging the rights of transgender individuals, the Court invoked the principles of equality and dignity found in the UDHR, ICCPR, and ICESCR.

4. Role of the National Human Rights Institutions

The National Human Rights Commission (NHRC) and State Human Rights Commissions (SHRCs) play crucial roles in monitoring, investigating, and promoting adherence to human rights standards. The NHRC, in particular, aligns its work with the Paris Principles and collaborates with the UN Human Rights Council and OHCHR to tackle domestic violations. While these institutions may have limited enforcement powers, their recommendations hold considerable persuasive weight and often lead to meaningful administrative or policy changes.

5. India's Engagement with the United Nations System

India is a signatory to most of the key human rights treaties, including the ICCPR, ICESCR, CEDAW, CRC, and CRPD. It actively engages in the Universal Periodic Review (UPR) and consistently submits reports to UN treaty bodies.

However, India has kept certain reservations—like those concerning the right to self-determination in Article 1 of both the ICCPR and ICESCR—citing concerns about national sovereignty and unity. Still, India's track record generally reflects its commitment to global standards, even if the implementation varies.

6. Domestic Implementation: Challenges Ahead

The robust legal framework notwithstanding, several challenges impede the full realization of international human rights standards in India:

- The judicial backlog and procedural delays reduce access to justice.
- Socio-economic inequalities restrict the effective enjoyment of economic and social rights.
- Political reluctance and bureaucratic inertia often delay their enactment of international recommendations.
- Non-binding nature of NHRC recommendations restricts enforcement capacity. But both the judiciary and civil society continue to play critical roles in international norms remaining central to India's constitutional culture.

Contemporary Global Trends and the Future of International Human Rights Protection

The protection and promotion of human rights move into a new era characterized by rapid globalization, technological innovation, and environmental transformation. Whereas the traditional human rights framework—grounded in the post-World War II period—revolved around civil, political, economic, and social rights, digital, environmental, gender, and cultural rights have emerged as prominent features of the 21st-century landscape of rights. These emergent dimensions point to international human rights law as protean and with continuing relevance for addressing global challenges.

1. Evolution of Human Rights in the Digital Age

The digital revolution has transformed the way in which individuals exercise rights associated with freedom of expression, privacy, and access to information. The internet has become instrumental for participation in democratic discourse and social activism. It has also created new challenges, such as:

- Data surveillance and privacy violations by both State and private entities.
- Hate speech, online harassment, misinformation undermining social harmony.
- Digital exclusion, in particular, continually sustains inequality in developing countries.

UN Human Rights Council Resolution 20/8, 2012, stated very categorically that “the same rights people have offline must also be protected online”. The EU’s General Data Protection Regulation and the Digital Personal Data Protection Act of India, 2023, are massive strides in the direction of digital privacy protection.

Apart from this, the right to internet access has gained judicial recognition in several countries. The Supreme Court of India, in the landmark judgment of *Anuradha Bhasin v. Union of India* (2020), has held that access to the internet forms a part and parcel of freedom of speech and trade under Article 19. This decision is in sync with global trends that consider digital access part of human dignity and equality.

2. Climate Change and Environmental Human Rights

Today, environmental degradation and climate change rank among the most significant human rights issues around the world. The UN General Assembly’s recognition of a “right to a clean, healthy, and sustainable environment” in 2022 marks an historic milestone.

Climate change impinges on basic rights, such as the right to life, health, water, and housing, and is particularly harmful to vulnerable groups, including indigenous peoples, women, and children. Climate justice, in this sense, has become a legal development at the crossroads of human rights and environmental protection.

Environmental concerns have been brought within the purview of human rights by courts worldwide, including in India. In *Subhash Kumar v. State of Bihar* (1991), the Supreme Court held that the right to live includes the right to enjoy pollution-free water and air under Article 21. More recently, the Court has recognized the intergenerational dimension of environmental rights, referencing an obligation to preserve the planet for future generations.

Overview Many people in the Thar Desert area have a negative perception towards school education, which creates disinterest and discourages the children from attending school.

3. Gender Equality and the Expanding Scope of Women’s Rights

The international women’s rights movement, galvanized through the CEDAW in 1979 and the Beijing Declaration of 1995, influences national and regional frameworks. However, persisting

gender-based violence, wage gaps, and a lack of political representation highlight how formal equality is yet to translate into substantive equality.

The global push for gender mainstreaming and intersectional feminism seeks to curb the linked forms of discrimination-especially faced by women from marginalized communities. International institutions now emphasize a holistic approach linking gender equality with education, reproductive rights, and access to justice.

Indian jurisprudence mirrors this evolution. Landmark judgments such as *Joseph Shine v. Union of India* (2018), in which the adultery law was scrapped, and *Navtej Singh Johar v. Union of India* (2018), in which same-sex relationships were decriminalized, reflect an expanding understanding of equality, liberty, and dignity. These decisions are in tune with global practices of inclusivity and nondiscrimination.

4. Migration, Refugees, and Statelessness

Mass migration due to conflict, persecution, and climate change is one of the major humanitarian challenges. While the 1951 Refugee Convention and its 1967 Protocol remain foundational, many States-including India-are not signatories. Yet, India has given asylum to millions of refugees from neighboring countries, guided by humanitarian considerations and constitutional principles.

Judicial recognition of refugee rights in cases such as *Ktaer Abbas Habib Al Qutaifi v. Union of India*, 1999, reflects the adherence to customary international law by India, especially the principle of non-refoulement. However, this lack of comprehensive domestic refugee legislation is an omission that needs urgent attention.

5. Reinforcing International Mechanisms and Accountability

While the United Nations remains the central institution for human rights governance, it faces limitations in enforcement due to State sovereignty and political polarization. The future of global human rights protection thus depends on:

- Empowered regional human rights courts, for example, European and Inter-American systems.
- Increased cooperation among States and international organizations.

- Increased role of civil society organizations and grassroots movements.
- Integration of human rights in global trade, investment, and technology governance.

Moreover, the increased impact of transnational companies requires corporate accountability. The United Nations Guiding Principles on Business and Human Rights (2011) set an international standard for States' regulation of business practices in regard to human rights issues in general operations and throughout their supply chains.

6. Future Directions

The future of international human rights protection will require qualities of adaptability and inclusivity. Human rights need to be reassessed against the emerging global realities of artificial intelligence, biotechnology, pandemics, and digital inequality. Protection of human dignity in the 21st century requires an interdisciplinary collaboration between law, ethics, and technology. Second, localization of human rights-that is to say, a process of adapting global norms to fit domestic socio-cultural contexts-will be integral to their effectiveness and legitimacy. This salience of global commitments to national implementation is the next step in the development of international human rights law.¹⁹

CONCLUSION

The drafting of international human rights instruments is one of the most ambitious collective endeavors by humankind to institutionalize justice and equality. The progression from the moral declarations of the UDHR in 1948 to the legally binding commitments of the ICCPR and ICESCR in 1966 has turned the human rights framework into a universal language of dignity. These instruments have not merely codified ideals but have progressively transformed world governance, domestic legislation, and social consciousness.

International human rights law has, as its core three interrelated philosophical bases: universality, indivisibility, and interdependence. Justice and equality are not abstract ideals but are manifested in enforceable rights that demand accountability from states and public participation. International

¹⁹ Amir Tariq, "Surveillance and Digital Rights in the Age of AI," Brookings Institution (Feb. 19, 2025), <https://www.brookings.edu/articles/surveillance-and-digital-rights-in-the-age-of-ai>.

human rights law succeeds because it has a dynamic ability to catch up with the changing realities of the globe in addressing gender inequality, degradation of the environment, surveillance through technology, and displacement-all equally urgent.

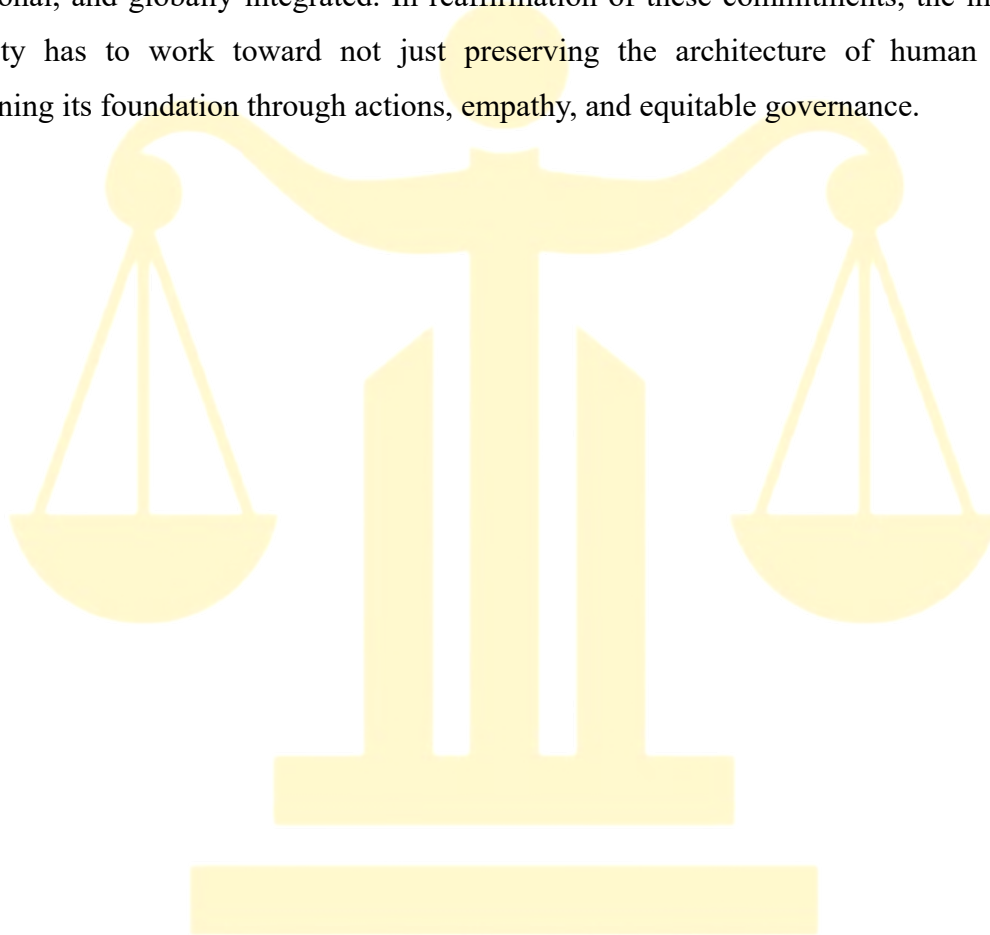
The development of international human rights mechanisms, like the UN Human Rights Council, treaty bodies, and regional courts, is proof of the growth of international collective responsibility. In practice, however, political will, combined with concerns over sovereignty and economic disparities, often undermines these mechanisms. The problem is not with the recognition of rights, but the implementation of those rights through effective legislation at the domestic level, an independent judiciary, and civic empowerment.

In the modern day, the prism through which justice is held must be seen in terms of substantive equality-that which goes beyond the formal guarantees to address systemic social hierarchies and discrimination. The expansion of rights recognition for the marginalized groups, such as women, refugees, LGBTQ+ persons, and indigenous communities, has broadened the moral reach of the laws on human rights. Yet, persistent enforcement gaps, selective compliance, and the emergence of authoritarian governance have the potential to undermine decades of progress.

The Indian experience offers valuable lessons on how human rights principles can transform the fabric of a constitutional democracy. The supreme Court of India has innovatively used Articles 14, 19, and 21 of the Constitution to give effect at the domestic level to international human rights norms in landmark cases such as *Vishaka v. State of Rajasthan* (1997), *People's Union for Civil Liberties v. Union of India* (2003), and *Navtej Singh Johar v. Union of India* (2018). This type of judicial activism by the apex court shows how constitutional jurisprudence can align domestic law with global standards of justice and equality.

However, judicial recognition alone is not sufficient to recognize human rights; what are urgently needed are institutional integrity, political commitment, and social awareness. It is the continuous concern of civil society organizations, academia, and the media that the issue of human rights is kept alive. The incorporation of human rights into public policy especially in areas such as education, technology, and the environment ensures that equality is not a far-off ideal but a daily reality.

In a world faced with the twin crises of climate change and technological transformation, the future of international human rights law will depend on its capacity for innovation. Recognition of environmental rights, digital privacy, and data dignity marks the paradigm shift toward a more inclusive conception of justice. The most important next frontier is the reconceptualization of human rights beyond traditional state-centric models through embracing global solidarity and shared accountability in the age of interdependence. Ultimately, it is the moral universality and legal adaptability that make international human rights instruments perennially relevant. They are, at once, a promise and a process—a continuing journey toward justice that is participatory, intersectional, and globally integrated. In reaffirmation of these commitments, the international community has to work toward not just preserving the architecture of human rights but strengthening its foundation through actions, empathy, and equitable governance.



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