

INTERNATIONAL LAW AND HUMAN RIGHTS

Malomo F. Toluwalase*
Oridamilola A. Ijiwoye**
Oluwatoyin Omoni***

Abstract

Human rights is a well-known concept whose foundation has been laid from the very beginning. Ever since the dawn of time, the rights of man have evolved alongside man and only become more significant. The formulation of treaties and frameworks to protect and enforce these rights has also become a necessity. Law plays a huge role in the protection and enforcement of these rights within the domestic setting. International law allows for these rights to be safeguarded on a larger scale that is between nation states. This paper redefines the concept of human rights and considers through an in-depth analysis what this concept is, how it should be seen and why it should be protected. It enlightens our minds on the role of international law within the realm of human rights, its enforcement and protection. It delves into the history of human rights and makes us see how it arrived at where it is today. It will also shed light on how human rights are seen and treated in regional and municipal localities. This paper will majorly lay emphasis on the impact of international law on human rights and how much it has affected human rights positively in our world today. Human rights is a major subject of international discuss and its enforcement, an issue of major concern internationally. This paper treats in detail every aspect of international law's concern with human rights and makes it fully known how much it is concerned with the international subject.

Keywords: Human rights, Treaties, International Law, Nation states

1.0 Introduction

Since the dawn of time, law has always existed, either in its crude form or in the refined form. It has always been used to ensure that there is peace, order and compliance to rules and regulations. Law constitutes a set of rules prescribing acceptable behavior and mirroring the culture and ideologies of the society in which it is found. Law, whether municipal or international law is meant to regulate conduct, among others.¹ International law is classified into public and private international law, also known as conflict of laws. Public international law is concerned with the interaction between states and other international actors while private international law is concerned with handling disputes between people or organizations across national borders.² Public international law lays emphasis on subjects such as states sovereignty, human rights and international trade agreements whereas private international law deals majorly with subject such

*** The authors are of the Faculty of Law, Redeemer's University, Ede, Nigeria

¹ Malcolm N. Shaw, *International Law* (Sixth Edition, Cambridge University Press 2008).

² Cornell Law School, 'International law' https://www.law.cornell.edu/wex/international_law# accessed 22 July 2025 Legal Information Institute.

as contract disputes, family law and property rights involving several jurisdictions.³ International law is seen in various sources such as international treaties, customs and universal legal principles. International law plays an important role in the protection and promotion of human rights. Treaties and frameworks have been adopted and ratified by different countries to ensure that the rights of people all over the world are safeguarded.

Human rights refer to the rights inherent to human beings, regardless of their color, sex, nationality, ethnicity, language, religion or any other status are entitled to. These rights are inherently invested in human beings simply because they exist. The only condition needed to inherit these rights is to be human. Everyone, so long as they are human should not be denied these rights. These rights are not discriminatory in that only a select few are allowed to enjoy them. They are universal, that is they apply to every human that exists in the world. This includes the right to freedom from slavery and torture, the right to life and liberty, the freedom of speech and opinion and the right to employment and education. Everyone is entitled to these rights, without discrimination.⁴

The development of international human rights law has been influenced by many factors, including the evils that took place during the World War II and the need to create a system of accountability for states that violates the tenets of the rights of their citizens. The United Nations has been instrumental in the creation and enforcement of international human rights standards, which states parties are expected to abide by. Human Rights Law refers to the legal framework that safeguards the fundamental freedoms and rights that every person, regardless of background or status is entitled to. It is what ensures that people enjoy their rights without hindrances. It is also what enforces sanctions and punishments against people who abuse and violate the rights of others. This law also governs the conduct of nations in the treatment of both citizens and foreigners, even criminals who are either extradited to their or are in their country as immigrants. Human Rights Law imposes a duty on governments to uphold, defend and implement these rights while still acknowledging that people have a responsibility to exercise their own rights. These rights, which include civil, cultural, economic, political and social rights, are governed by international human rights law. This law was created by the United Nations and other international bodies.⁵

³ Ibid.

⁴ United Nations, 'Human Rights' <https://www.un.org/en/global-issues/human-rights> accessed 24 July 2025.

⁵ United Nations, 'The Foundation of International Human Rights Law' <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> accessed 29 July 2025

1.1 Historical Background on the Evolution of Human Rights in International Law

Human Rights in international law has evolved significantly over the years, transitioning from early influences such as philosophical and theological ideas and the institution of certain frameworks such as the Magna Carta and the English Bill of Rights which laid the foundation for the frameworks, treaties and institutions we have today⁶. Some of the key developments within this evolution include:

- a. The Universal Declaration of Human Rights (UDHR): This is deemed to have been the foundation of human rights internationally. It was ratified in 1948 and has served as the model for numerous legally enforceable international human rights agreements. It still serves as an inspiration within the areas of addressing injustices, resolving conflicts and supporting oppressed societies. It stands for the global understanding that everyone is born free and equal in dignity and rights, and that fundamental freedoms and rights are inalienable and equally applicable to all people. On December 10, 1948, the international community pledged to protect justice and dignity for all of us, regardless of our nationality, place of residence, gender, national or ethnic origin, race, religion, language or any other status.⁷
- b. International Human Rights Treaties: Succeeding the UDHR, various treaties such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1951 Refugee Convention, and the 1979 Convention on the Elimination of all forms of Discrimination against Women were ratified to cater for certain rights and vulnerable groups of people.⁸
- c. International and Regional Bodies: International organizations such as the International Criminal Court and the Human Rights Council have very essential roles to play within the promotion of accountability and protection of human rights.⁹ Regional Organizations such as the African Commission on Human and Peoples' Rights also play a very essential role in the enforcement of human rights in Africa.¹⁰

⁶ S.V Veerichetty, 'The Evolution of Human Rights Protections in International Law: A Historical and Contemporary Analysis' International Journal of Creative Research Thoughts (IJCRT) <https://www.ijcrt.org/papers/IJCRT2407709.pdf> accessed 24 July 2025

⁷ United Nations, 'The Foundation of International Human Rights Law' <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> accessed 24 July 2025

⁸ Human Rights Commission, 'Human Rights Treaties' <https://www.humanrightscommission.ky/human-rights-treaties> accessed 24 July 2025

⁹ United Nations Human Rights Council, <https://www.ohchr.org/en/hrbodies/hrc/about-council> accessed 24 July 2025

¹⁰ International and Regional Organizations, <https://www.humanrights.dk/where-we-work/partners/international-regional-organisations> accessed 24 July 2025.

International human rights is continually evolving to confront emerging concerns such as economic injustice, climate change, and the rights of particular groups, including individuals with disabilities¹¹. At both the national and international levels, initiatives are also being made to enhance the application and enforcement of human rights legislation.¹² Discussions are also being made on the universality of human rights and how to adapt their application to cultural diversity.¹³

2.0 Conceptual and Theoretical Framework

2.1 Definition and Explanation of Key Concepts

a. Human Rights: refer to the rights naturally invested in human beings, regardless of their colour, sex, nationality, ethnicity, language, religion or any other status. This includes the right to freedom from slavery and torture, the right to life and liberty, the freedom of speech and opinion and the right to employment and education. Everyone is entitled to these rights and this should be without discrimination.¹⁴ These rights are classified into two groups; Civil and Political Rights which include the right to life, liberty and personal security; freedom of mind, conscience, and religion; the freedom of opinion and speech; the right to a fair trial; the freedom from slavery and torture and the right to take part in the political process and Economic, Social and Cultural Rights which include; the right to have education, the right to health, the right to an adequate standard of living and the right to work and favorable conditions of work.¹⁵

b. State Sovereignty: Within the realm of international law, state sovereignty often refers to a state's absolute power within its borders and its autonomy abroad. It signifies a state's right to rule itself without external intervention and to exert control over its own affairs. This entails possessing a government, a permanent population, a defined area, and the ability to communicate with other states.¹⁶ Several scholars have defined sovereignty in different ways. Jean Bodin defined

¹¹ Vusal Mehdiyev, 'The Intersection of International and Human Rights' https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5061879 accessed 24 July 2025.

¹² Muhammad Sadiq Kakar, 'Balancing Cultural Relativism and Universal Human Rights: The Case of Islamic Law' https://www.researchgate.net/publication/38445180_Balancing_Cultural_Relativism_and_Universal_Human-Rights_The_Case_of_Islamic_Law accessed 24 July 2025.

¹³ Muhammad Sadiq Kakar, 'Balancing Cultural Relativism and Universal Human Rights: The Case of Islamic Law' https://www.researchgate.net/publication/38445180_Balancing_Cultural_Relativism_and_Universal_Human-Rights_The_Case_of_Islamic_Law accessed 24 July 2025.

¹⁴ United Nations, 'Human Rights' <https://www.un.org/en/global-issues/human-rights> accessed 24 July 2025

¹⁵ Ibid.

¹⁶ M. Coleman, 'Sovereignty' International Encyclopedia of Human Geography, 2009 <https://www.science-direct.com/topics/social-sciences/state-sovereignty> accessed 25 July 2025

sovereignty as ‘the supreme power over citizens and subjects unrestrained by law.’¹⁷ Duguit saw sovereignty as the commanding power of the state, that is, the will of the nation organized in the state, the right to give unconditional orders to all individuals in the territory of the state.¹⁸ Grotius perspective of sovereignty leaned more towards the sovereign being the emphasis of sovereignty. He defined the term as the supreme political power vested in him whose acts are not subject to any other and whose will cannot be overridden.¹⁹

c. Jus Cogens: This is known as the peremptory norm, a fundamental and overriding rule of international law. It is a Latin phrase that means ‘compelling law’. Its nature is to be absolute and this means that there can be no defense for an act that is committed against jus cogens. These norms, however are obtained from constantly evolving social and political attitudes and major case laws and are not determined or controlled by any superior body.²⁰

d. Customary International Law: This refers to international duties stemming from the continuous and general practice of states which has become law, rather than from formal written agreements like treaties.²¹ The key elements of customary international law are; State Practice which is seen as the actual behavior of states, their actions, statements and omissions which must be common, reliable and indicative of a state-to-state practice and *Opinio Juris* which posits the fact that States view that their actions are required by law, not just as a matter of policy or civility. States need to feel that their actions are compliant with the law²².

2.2 Theories Promoting Human Rights

Various theories make an attempt to clarify the origins and rationale of human rights. These theories are stated and explained below:

a. Natural Law Theory: According to this theory, human rights are fundamental to our nature as rational beings and were not invented by humans. It makes the case that these rights are universal, inalienable and discoverable by reason. Theorists of this school of law frequently base their conception of human rights on ideas such as the common good, human dignity, and the intrinsic

¹⁷ Sovereignty <https://law.uok.edu.in/Files/5ce6c765-co13-446c-b6ac-b9de496f8751/Custom/Concept%20of%20Sovereignty.pdf> accessed 25 July 2025

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ Muskaan Garg, ‘Doctrine of Jus Cogens under International Law’ <https://blog.ipleaders.in/jus-cogens> accessed 25 July 2025

²¹ Cornell Law School, ‘Customary International Law’ https://www.law.cornell.edu/wex/customary_international_law accessed 25 July 2025

²² Ibid.

value of every person.²³ Thomas Aquinas, one of the widely known proponents of the natural law theory was one who combined natural law and Christian theology. Other theorists like John Finnis and some modern proponents of the natural law theory highlight the importance of fundamental values like friendship, life and knowledge as the cornerstones of human rights.²⁴

b. Legal Positivism: As opposed to natural law, this theory emphasizes the legitimacy of laws as they are passed and upheld by a sovereign authority. Positivists contend that laws, not innate moral precepts, are the source of rights. In defining and defending human rights, they stress the significance of formal legal sources like constitutions, laws and treaties. It is a more practical approach that emphasizes the actual implementation and upholding of rights within a legal system. The detractors of legal positivism contend that if laws are legally enacted, it may result in the justification of unfair laws.²⁵

c. Liberal Theory: This theory offers a solid basis for understanding human rights because of its emphasis on individual liberty, autonomy, and limited government. Liberals contend that people have inalienable rights that should not be violated by the state. These rights frequently include the freedom to express oneself, practice one's religion, and take part in political activities. Liberalism also stresses the value of individual interest protection and equality before the law. Although, liberalism is frequently linked to natural rights, positivism, which recognizes and defends rights through legal frameworks, can also be consistent with liberalism.²⁶

2.3 Relationship between International Law and State Obligations

States are required by international human rights law to uphold, defend, and implement human rights. Customary international law or the ratification of international human rights treaties bind states to these duties. States are required by these commitment to enact laws required by these commitments to enact laws and policies that respect human rights norms and to make sure that

²³ Anthony J. Lisska, 'Human Rights and Natural Law' <https://academic.oup.com/book/12162/chapter-abstract/161599852?redirectedFrom=fulltext> accessed 25 July 2025.

²⁴ Andrew Heard, 'Human Rights: Chimeras in Sheep's Clothing' <https://www.sfu.ca/~aheard/intro.html> accessed 25 July 2025.

²⁵ Ludovic Hennebel and Helene Tigroudja, 'Theoretical Elements of International Human Rights Law' Cambridge University Press (10 April 2025) <https://www.cambridge.org/core/books/abs/international-human-rights-law/theoretical-elements-of-international-human-rights-law/81931E40D3B1348B9357522F07A3D8C> accessed 25 July 2025.

²⁶ John Finnis, 'Liberalism and Natural Law Theory' https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1533&context=law_faculty_scholarship# accessed 25 July 2025.

these norms are respected inside their borders.²⁷ Key elements of the relationship between international law and state obligations include:

a. **Treaties and Declarations:** Treaties (such as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights) and declarations (such as the Universal Declaration of Human Rights) are the main sources of international human rights legislation.²⁸

b. **State Obligations:** States are required under these documents to uphold human rights, which means they cannot infringe upon them. They also have a duty to defend human rights, which entails taking action to stop non-state actors from violating them. States also have an obligation to uphold human rights, which entails actively creating the conditions required for individuals to exercise their rights.²⁹

c. **Compliance and Monitoring:** International human rights law uses treaty bodies, regional human rights courts, and the United Nations human rights system as tools to keep an eye on state compliance. These systems have the ability to examine state-submitted information, look into claims of infractions, and make suggestions.³⁰

Sources of International Human Rights Law

a. UN Charter

This is one of the main sources of international human rights law. It requires member states to respect fundamental freedoms and human rights for all people, and it makes the advancement and defense of human rights one of the major goals of the UN. The foundation of the international human rights system is the Charter's emphasis on human rights and the Universal Declaration of Human Rights (UDHR).³¹

²⁷ United Nations, 'The Foundation of International Human Rights Law' <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> accessed 25 July 2025

²⁸ Vusal Mehdiyev, 'The Intersection of International and Human Rights' https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5061879 accessed 25 July 2025

²⁹ Mark Gibney, 'State Apologies and International Law' *Global Studies Quarterly*, Volume 2, Issue 4, October 2022 <https://academic.oup.com/isagsq/article/2/4/ksac058/6812859> accessed 25 July 2025

³⁰ Paul V.I. Sidlawinde Karenga, 'Implementation of Human Rights Obligations in Conjunction with the Palermo Protocol' https://link.springer.com/chapter/10.1007/978-3-030-88120-7_9 accessed 25 July 2025

³¹ United Nations, 'Protect Human Rights' <https://www.un.org/en/ourwork/protect-human-rights> accessed 25 July 2025

b. General Assembly Resolutions

Resolutions of the General Assembly can be a major source of international human rights law, even though they are not legally binding in and of themselves. They are able to articulate new principles of international law, offer authoritative interpretations of the UN Charter, and aid in the development of customary international law.³²

International treaties and Conventions

a. Universal Declaration of Human Rights (UDHR)

This is deemed to have been the foundation of human rights internationally. It was ratified in 1948 and has served as the model for numerous legally enforceable international human rights agreements. It still serves as an inspiration within the areas of addressing injustices, resolving conflicts and supporting oppressed societies. It stands for the global understanding that everyone is born free and equal in dignity and rights, and that fundamental freedoms and rights are inalienable and equally applicable to all people. On December 10, 1948, the international community pledged to protect justice and dignity for all of us, regardless of our nationality, place of residence, gender, national or ethnic origin, race, religion, language or any other status.³³

b. International Covenant on Civil and Political Rights

This is a multilateral treaty adopted by the United Nations in 1966. It binds countries to uphold people's civil and political rights, such as the freedom of speech, the right to a fair trial, the freedom of religion, and the right to life. It is a legally enforceable document that seeks to safeguard essential liberties and fundamental human rights.³⁴

c. International Covenant on Economic, Social and Cultural Rights

This is an important international human rights treaty that describes people's economic, social, and cultural rights. It was adopted by the United Nations in 1966 and became operative in 1976. This treaty, alongside the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, forms the International Bill of Human Rights.³⁵

³² Ahmad Alsharqawi, Ahmad Bani Hamdan, Moh'd Abu Anzeh, 'The Role of General Assembly Resolutions to the Development of International Law' <https://www.abacademies.org/articles/the-role-of-general-assembly-resolutions-to-the-development-of-international-law> accessed 25 July 2025

³³ United Nations, 'The Foundation of International Human Rights Law' <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> accessed 24 July 2025

³⁴ Sarah Joseph, Melissa Castan, 'The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary (3rd Edition)' <https://academic.oup.com/oxford-law-pro/book/57225/chapter-abstract/47486> 1996?redirectedFrom=fulltext accessed 25 July 2025

³⁵ Council of Europe Portal, 'International Covenant on Economic, Social and Cultural Rights' <https://www.coe.int/en/web/compass/international-covenant-on-economic-social-and-cultural-rights> accessed 25 July 2025

d. International and Regional Bodies

International organizations such as the International Criminal Court and the Human Rights Council have essential roles to play within the promotion of accountability and protection of human rights.³⁶ Regional Organizations such as the African Commission on Human and Peoples' Rights also play a very essential role in the enforcement of human rights in Africa.³⁷

e. Customary International Law and General Principles

Customary International Law refers to international duties stemming from the continuous and general practice of states which has become law, rather than from formal written agreements like treaties.³⁸ The key elements of customary international law are; State Practice which is seen as the actual behaviour of states, their actions, statements and omissions which must be common, reliable and indicative of a state-to-state practice and *Opinio Juris* which posits the fact that States view that their actions are required by law, not just as a matter of policy or civility. States need to feel that their actions are compliant with the law.³⁹

f. Judicial Decisions and Writings of Legal Scholars

These are not primary sources of law like treaties or customs but are also seen as essential and for the purpose of formulating and interpreting international human rights law. They can also have an impact on the development of new norms and provide insights into how current standards are applied and interpreted.⁴⁰

4.0 International Institutions and Enforcement Mechanisms

4.1 United Nations Human Rights Council

This is a body of the United Nations that has been dedicated to the promotion and safeguarding of human rights around the world. Its composition is made up of 47 member states elected by the United Nations General Assembly. It makes recommendations to member states and deals with

³⁶ United Nations Human Rights Council, <https://www.ohchr.org/en/hrbodies/hrc/about-council> accessed 24 July 2025

³⁷ International and Regional Organizations, <https://www.humanrights.dk/where-we-work/partners/international-regional-organisations> accessed 24 July 2025

³⁸ Cornell Law School, 'Customary International Law' https://www.law.cornell.edu/wex/customary_international_law accessed 25 July 2025

³⁹ Ibid.

⁴⁰ Ludovic Hennebel and Helene Tigroudja, 'Judicial Decisions as a Primary Source of International Human Rights Law' <https://www.cambridge.org/core/books/abs/international-human-rights-law/judicial-decisions-as-a-primary-source-of-international-human-rights-law/267725A4C8A72E0AD-C5C895A4C8A7E71B152> accessed 25 July 2025

human rights abuses, especially flagrant and persistent abuses. It convenes at least three times a year in Geneva, Switzerland.⁴¹

4.2 Office of the High Commissioner for Human Rights

This is one of the leading United Nations bodies on human rights. It stands for global dedication to advancing and defending the entire spectrum of freedoms and human rights outlined in the Universal Declaration of Human Rights. The Office and the High Commissioner both play a special role in:

- a. Safeguarding and promoting all human rights
- b. Helping to empower people by engaging in research, education and advocacy activities that contribute to the increased awareness and engagement by the international community and the public on human rights issues.
- c. Assisting Governments by helping prevent abuses and contributing to the defusing of situations that can lead to conflicts. This is done through field presences.
- d. Injecting a human rights perspective into all UN programmes to ensure that the three pillars of the UN; peace and security, development and human rights are interrelated and mutually reinforced.

4.3 Treaty Monitoring Bodies

These are independent expert committees that oversee how state parties carry out international human rights accords. The CEDAW committee, which oversees the Convention on the Elimination of All Forms of Discrimination Against Women, and the Human Rights Committee, which oversees the International Covenant on Civil and Political Rights are two examples. These organizations play a very vital role in advancing and defending human rights by examining state reports, making recommendations and handling individual complaints⁴².

5.0 Challenges and Limitations of International Human Rights Law

a. State Sovereignty vs Universal Human Rights

These two represent two competing, yet intertwined, principles in international law and relations. Sovereignty grants a state the exclusive right to govern itself within its territory, free from external

⁴¹ United Nations Human Rights Council, 'A Practical Guide for NGO Participants' Policy and Methodological Publications <https://www.ohchr.org/en/publications/policy-and-methodological-publications/united-nations-human-rights-council-practical> accessed 25 July 2025

⁴² United Nations Human Rights Office of the High Commissioner, 'Treaty Bodies' <https://www.ohchr.org/en/treaty-bodies#> accessed 25 July 2025

interference while universal human rights are inherent rights that belong to every individual regardless of nationality or location. While sovereignty is often seen as a foundation of international order, it can also be invoked to justify human rights abuses within a state's borders, creating a tension between the two principles.⁴³

b. Political Influence on International bodies

This is a complex and multifaceted issue. States with superior authority often exert significant influence through formal and informal means while other member states benefit from the expertise and collective action offered by these organizations. International organizations can also be used as tools to influence domestic politics, and conversely, domestic political issues can drive a nation's engagement with international bodies.⁴⁴

c. Reservations and Derogations in Treaties

The universality and efficient application of international human rights law can be seriously hampered by reservations and derogations in human rights treaties. Reservations, which are unilateral declarations that alter how a treaty's provisions are applied, and derogations, which permit the temporary suspension of specific rights under particular conditions, can compromise the goal and intent of the treaty and lead to disparities in how human rights are protected in various states⁴⁵

d. Resource Constraints and Lack of Compliance Mechanisms

These cause significant challenges to the execution of International Human Rights Law by hampering the ability of states and international organizations to safeguard human rights effectively, resulting in consistent violations and impunity. Some of these resource constraints include; financial limitations, capacity building and limited access to justice while lack of compliance mechanisms include weak enforcement, limited jurisdiction, state sovereignty and political obstacles

⁴³ Jack Donnelly, 'State Sovereignty and Human Rights' <https://digitalcommons.du.edu/cgi/viewcontent.cgi?article> accessed 25 July 2025

⁴⁴ Adebimpe Saheed Fagbemi, Phd, Bimbo Ogunbanjo, Phd, Abiodun Ghali Issa, 'Domestic Politics and the Influence of International Institutions' <https://afropolitanjournals.com/index.php/ajhcer/article/view/412> accessed 25 July 2025

⁴⁵ Eric Neumayer, 'Qualified Ratification: Explaining Reservations to International Human Rights Treaties' The University of Chicago Press Journals

Interplay between International Humanitarian Law and Human Rights Law

6.1 Distinctions and Overlaps

These two concepts are distinct yet complementary and they both apply during armed conflicts. International Humanitarian Law primarily regulates the conduct of hostilities and seeks to limit the effects of armed conflicts on civilians and non-combatants while International Human Rights Law applies at all times, including during armed conflict, and protects individuals from human rights violations by state actors⁴⁶.

6.2 Legal frameworks in Peace Time

a. Domestic Law: This includes constitutions, statutes, regulations and common law principles that regulate the daily lives of citizens and the functioning of the state⁴⁷.

b. International Law: These are treaties and agreements between states that cater for different parts of international relations, including trade, human rights and the protection of the environment⁴⁸.

c. Rule of Law: This is a very essential principle applied in times of peace, making provision for everyone to be subject to and held accountable under the law⁴⁹.

6.2.2 Legal Frameworks in Times of Armed Conflict

a. Protection of Civilians: International Humanitarian Law ensures that civilians and civilian objects are protected from the harsh effects of military operations⁵⁰.

b. Distinction: In armed conflict situations, a clear distinction should be made between combatants and civilians and only military objectives should be targeted⁵¹.

c. Proportionality: Military operations must be reasonable, which means that the damage done to civilians and civilian property must not be disproportionate to the expected military benefit⁵².

⁴⁷ International Committee of the Red Cross, 'Human Rights Law' <https://www.icrc.org/en/law-and-policy/human-rights-law> accessed 25 July 2025

⁴⁸ Richard J. Wilson, 'Procedural Safeguards for the Defence in International Human Rights Law' https://brill.com/display/book/edcoll/9789047431176/Bej.9781571053312.i-900_003.xml accessed 25 July 2025

⁴⁹ Nitya Lohiya, 'The Role of International Law in United Nations Peacekeeping Operations' https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5083272 accessed 25 July 2025

⁵⁰ United Nations, 'Interactive Thematic Debate on the Rule of Law and Global Challenges' <https://www.un.org/en/ga/president/65/pdf/calendar/20110411-ruleoflaw.pdf#> accessed 25 July 2025

⁵¹ Huma Haider, 'International Legal Frameworks for Humanitarian Action' <https://gsdrc.org/topic-guides/international-legal-frameworks-for-humanitarian-action/concepts/overview-of-international-humanitarian-law> accessed 25 July 2025

⁵² Ibid.

⁵³ Huma Haider, 'International Legal Frameworks for Humanitarian Action' <https://gsdrc.org/topic-guides/international-legal-frameworks-for-humanitarian-action/concepts/overview-of-international-humanitarian-law> accessed 25 July 2025

d. Necessity: In armed conflicts, only the type and quantity of force required to vanquish the adversary is allowed⁵³.

e. Humane Treatment: Everyone, regardless of their role in the armed conflict must be treated humanely. This covers laws that prohibit cruel treatment, torture, and other cruel behaviors⁵⁴.

f. Specific Protections: Vulnerable groups such as women, children and prisoners of war, are granted particular protections under International Humanitarian Law⁵⁵.

g. Accountability: States are required by International Humanitarian Law to look into and bring charges against war crimes⁵⁶.

6.3 Case Laws illustrating the Convergence of International Humanitarian Law and International Human Rights Law

6.3.1 Israel, Separation Wall/Security Fence in the Occupied Palestinian Territory

Although the main focus of this decision was the legality of the barrier, it also applied IHRL principles such as the right to freedom of movement and the right to family life as well as IHL considerations about how hostilities should be conducted and how to protect civilians⁵⁷.

6.3.2 Human Rights Committee, Report on Beit Hanoun:

The need to evaluate activities in light of both IHRL and IHL was highlighted in this study, which looked at suspected human rights abuses during a military operation in Beit Hanoun⁵⁸.

6.3.3 UK, Serdar Mohammed: The UK'S court's consideration of IHRL obligations when applying IHL principles in the context of military operations was demonstrated in this case, which involved a UK citizen who was detained in Afghanistan⁵⁹.

6.3.4 ICJ, *Democratic Republic of the Congo v. Uganda*: This case concerned alleged IHL and IHRL violations that occurred during the DRC conflict. The ICJ discussed topics such as the applicability of IHRL during armed conflict and states' accountability for the actions of armed organizations under their jurisdiction⁶⁰.

⁵⁴ Ibid.

⁵⁵ Huma Haider, 'International Legal Frameworks for Humanitarian Action' <https://gsdrc.org/topic-guides/international-legal-frameworks-for-humanitarian-action/concepts/overview-of-international-humanitarian-law> accessed 25 July 2025

⁵⁶ Ibid.

⁵⁷ Cordula Droege, International Humanitarian Law and Peace: A brief overview <https://international-review.icrc.org/articles/international-humanitarian-law-and-peace-a-brief-overview-927> accessed 25 July 2025

⁵⁸ IHL and Human Rights, https://casebook.icrc.org/law/ihl-and-human-rights?afd_azwaf_tok accessed 25 June 2025

⁵⁹ IHL and Human Rights, https://casebook.icrc.org/law/ihl-and-human-rights?afd_azwaf_tok accessed 25 June 2025

⁶⁰ Ibid.

⁶¹ IHL and Human Rights, https://casebook.icrc.org/law/ihl-and-human-rights?afd_azwaf_tok accessed 25 June 2025

7.0 Emerging Trends and the Future of Human Rights in International Law

7.1 Climate Change and Environmental Rights

Since the full enjoyment of many human rights, such as the rights to food, water, sanitation, and health, depends on a safe, clean, and healthy and sustainable environment, climate change has a substantial impact on human rights. It is the duty of states to prevent predictable effects of climate change and to guarantee that those impacted, especially vulnerable groups, have access to treatments and adaptation strategies⁶¹.

7.2 Rights of LGBTQ+ persons and Gender-based Protection

These individuals who experience gender-based violence are entitled to the same human rights as every other person, not excluding protection from discrimination, violence and harassment. International human rights law recognizes sexual orientation and gender identity as protected characteristics, and states have a duty to promote and protect the human rights of all individuals, regardless of these factors⁶².

7.3 Digital rights and Freedom of Expression Online

The human rights that people have when utilizing their technologies are known as digital rights. One of the most important digital rights is freedom of expression online, which includes the ability to freely search for, receive, and share information and ideas on digital channels without excessive interference. International human rights documents such as the Universal Declaration of Human Rights recognize this right⁶³. Other aspects of digital rights include; Access to the Internet, Privacy, Anonymity and Protection from Online Violence and Harassment.

7.4 Extraterritorial Application of Human Rights

This is known as the extent to which human rights' duties, typically outlined in treaties, extend to people living outside of a state's borders. There are situations where states will be held responsible for human rights abuses that took place outside of their borders, even though it is widely accepted that human rights only apply within a state's territorial jurisdiction. This brings up difficult issues about the reach of international human rights legislation⁶⁴.

⁶² United Nations Office of the High Commissioner, 'Climate Change and Environment' <https://www.ohchr.org/en/topic/climate-change-and-environment> accessed 25 July 2025

⁶³ Welcome to the United Nations, 'LGBTQ+ people' <https://www.un.org/en/lgbtq-people> accessed 25 July 2025

⁶⁴ Chaman Law Firm, 'Digital Rights and Freedom of Expression Online in Nigeria' <https://chamanlawfirm.com/digital-rights-and-freedom-of-expression> accessed 25 July 2025

⁶⁵ Gerd Oberleitner, 'The Extra-territorial Application of Human Rights: Functional Universality' Cambridge University Press <https://www.cambridge.org/core/books/abs/human-rights-in-armed-conflict/extraterritorial-application-of-human-rights-functional-universality> accessed 25 July 2025

8.0 Conclusion

The findings from this paper stem from a thorough research that has attempted to examine and analyze two distinct concepts and the nexus or connection between them. International law goes hand-in-hand or *pari pasu* human rights. They are siamese twins that can never be separated. Although they are distinct in their own forms, they complement each other well and work best as a combination. International law has greatly been seen in the formation, existence and thriving of human rights. Human rights has also ensured greatly that citizens of the various states are protected regardless of their nationality.

International law is very essential in the protection of human rights as its legal frameworks establish a means or a method through which it can be enforced. It sets out basic civil, political, economic and social rights by creating a standard for all nations, commits to respecting, protecting and fulfilling the rights its established by ratifying treaties, monitors state compliance and provides mechanisms for addressing human rights violations through its established bodies and entities, promotes accountability, supports domestic legal systems, protects vulnerable groups and prevents conflicts.

9.0 Recommendations

Some recommendations for strengthening enforcement and cooperation among states include:

a. Strengthening Legal Frameworks

i Ratification and Implementation

States should ratify essential human rights treaties and include them into domestic law, ensuring consistent application and enforcement⁶⁵.

ii Review and Reform:

The laws that aid in human rights being abused or violated should be examined and refined⁶⁶.

iii National Human Rights Institutions:

There should be the establishment and strengthening of autonomous and efficient national human rights institutions to ensure that the monitoring, reporting and addressing of human rights issues are done.⁶⁷

⁶⁶ United Nations Office of the High Commissioner, 'International Human Rights Law' <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law> accessed 25 July 2025

⁶⁷ Ibid.

⁶⁸ United Nations Office of the High Commissioner, 'International Human Rights Law' <https://www.ohchr.org/en/instruments-and-mechanisms/international-human-rights-law> accessed 25 July 2025

b. Strengthening Institutions

i Independent Judiciary: To guarantee accountability and give victims of human rights abuses access to justice, an independent and unbiased court is very essential⁶⁸.

ii. Civilian Control of Security Forces: To stop abuses and encourage accountability, it is essential to guarantee civilian authority over military and security forces⁶⁹.

iii Due Process: International norms for fairness, impartiality and due process should be followed in all court proceedings, civilian and military⁷⁰.

c. Fostering International Cooperation

i. Technical Assistance: International organizations should provide technical assistance and capacity building to states to help them fulfill their human rights obligations⁷¹.

ii. Cooperation and Collaboration: States should work together with international human rights mechanisms, such as the Universal Periodic Review, treaty bodies, and special procedures⁷².

iii Sanctions and Embargoes: In cases where there are serious and recurring human rights violations, sanctions and embargoes can be effective tools to coerce government to change their behaviour.⁷³

iv Peacekeeping Missions: Deploying peacekeeping missions in conflict areas can ensure that civilians are protected and that the risk of their rights being violated are drastically reduced⁷⁴.

Other recommendations include:

⁶⁹ United Nations Office of the High Commissioner, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> accessed 25 July 2025

⁷⁰ Ibid.

⁷¹ United Nations Office of the High Commissioner, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> accessed 25 July 2025

⁷² United Nations General Assembly, 'Implementation and Enhancement of International Cooperation in the Field of Human Rights' <https://documents.un.org/doc/undoc/gen/g23/071/71/pdf/g2307171.pdf> accessed 25 July 2025

⁷³ Ibid.

⁷⁴ United Nations Office of the High Commissioner, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> accessed 25 July 2025

⁷⁵ United Nations Peace Keeping, 'Protection of Civilian Mandate' <https://peacekeeping.un.org/en/protection-of-civilians-mandate#> accessed 25 July 2025

d. Education and Training: Making provision for human rights and international humanitarian law education to all sectors of society and training for law enforcement and military personnel is important.⁷⁵

e. Monitoring and Prevention: The establishment of mechanisms for the prevention and monitoring of social disputes can aid in the reduction of human right violations⁷⁶.

f. Public awareness: Awareness about human rights should be made and a culture of respect for human rights being created will be very essential.⁷⁷

g. Engaging with Civil Society: Supporting and engaging with civil society organizations working on human rights is necessary for the promotion of accountability and protection of human rights.⁷⁸

The future of international human rights law has many opportunities as well as challenges. Although the universality of human rights remains a fundamental precept, the world is changing due to the emergence of new powers, conflicting interpretations of human rights, technological breakthroughs and changes in global power dynamics. Nevertheless, the continuous fight for social justice and the creative ways activists are using international law to promote change demonstrate its continued importance.⁷⁹

⁷⁶ United Nations Office of the High Commissioner, 'Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law' <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-and-guidelines-right-remedy-and-reparation> accessed 25 July 2025

⁷⁷ Ibid.

⁷⁸ Human Rights Careers, 'How to Promote Human Rights: 10 Examples' <https://www.humanrightscareers.com/issues/how-to-promote-human-rights-10-examples> accessed 25 July 2025

⁷⁹ Ibid.

⁸⁰ Par Engstrom, 'The Future of Human Rights in a Global Order of Change and Continuity' <https://papers.ssrn.com/sol3/papers.cfm?> Accessed 25 July 2025