



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL
ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

WWW.WHITEBLACKLEGAL.CO.IN

DISCLAIMER

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Editor-in-chief of White Black Legal – The Law Journal. The Editorial Team of White Black Legal holds the copyright to all articles contributed to this publication. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of White Black Legal. Though all efforts are made to ensure the accuracy and correctness of the information published, White Black Legal shall not be responsible for any errors caused due to oversight or otherwise.

WHITE BLACK
LEGAL

EDITORIAL **TEAM**

Raju Narayana Swamy (IAS) Indian Administrative Service **officer**



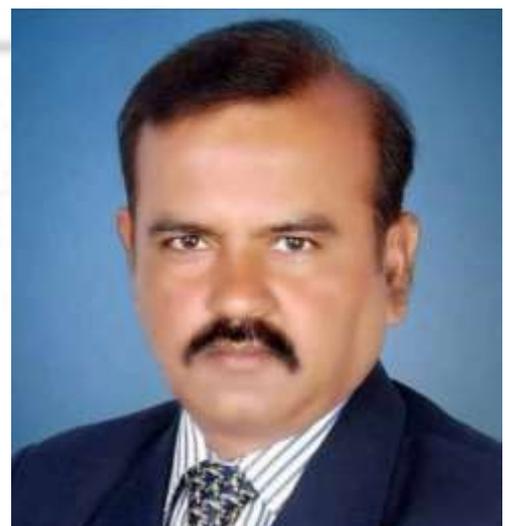
Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru

and a professional diploma in Public Procurement from the World Bank.

diploma in Public

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.



Senior Editor

Dr. Neha Mishra



Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda



BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

ROLE OF UNITED NATIONS IN PROTECTING HUMAN RIGHTS

AUTHORED BY - RATI VARTAK

“A RIGHT DELAYED IS A RIGHT DENIED”

-MARTIN LUTHER KING, JR.

ABSTRACT

The United Nations (UN) occupies a crucial position in the global framework for the promotion and protection of human rights through its diverse mechanisms, frameworks, and specialized agencies. Established with the primary objective of fostering international peace and security, the UN has persistently championed the safeguarding of fundamental human rights on a worldwide scale. Central to these efforts is the Universal Declaration of Human Rights (UDHR), a seminal document that articulates the fundamental rights and freedoms afforded to all individuals. Furthermore, the UN employs various international treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the Convention Against Torture (CAT), to oversee and enforce compliance among member states. Key UN bodies, such as the Human Rights Council (UNHRC), the Office of the High Commissioner for Human Rights (OHCHR), and the Security Council, play vital roles in global human rights protection through their reporting, monitoring, and humanitarian intervention activities. Despite notable achievements, the UN continues to confront significant challenges in the enforcement of human rights standards, particularly in circumstances where state sovereignty may conflict with established international norms. This paper contends that, notwithstanding its considerable contributions, the UN faces substantial barriers, including political influences, insufficient enforcement mechanisms, and limited resources. The paper concludes by highlighting the imperative need for reform to enhance the UN's capacity to effectively address human rights violations, improve its response mechanisms, and ensure greater accountability in the protection of global human rights.

KEY WORDS: United Nations, human rights, international law, human rights council, international treaties, human rights violation, conflict resolution, protection of civilians, social justice, UN charter

THE CONCEPTS OF THE UNITED NATIONS, UN CHARTER AND HUMAN RIGHTS

UNITED NATIONS: The United Nations (UN) is an international organization established in 1945, currently composed of 193 Member States. The activities of the UN are guided by the purposes and principles delineated in its founding Charter. Throughout the years, the UN has adapted to the dynamics of a rapidly evolving global landscape. Nevertheless, one fundamental aspect has remained unchanged: the UN serves as the singular forum where nations from around the world can converge to address common challenges and devise collaborative solutions that benefit humanity as a whole. The principal objectives of the UN include the maintenance of international peace and security, the promotion of amicable relations among nations, the facilitation of international cooperation, and the coordination of actions among member states. It is widely regarded as the largest international organization worldwide, with its headquarters situated in New York City.

UN CHARTER: The UN Charter, signed in 1945, is the founding document of the United Nations, outlining its purposes, principles, structure, and the rights and obligations of member states. It serves as an international treaty binding on all UN member states and establishes key principles like the sovereign equality of states and the prohibition of force in international relations. Its main goals are to maintain international peace and security, foster friendly relations among nations, encourage global cooperation, and harmonize actions. The Charter also sets up the UN's main organs, including the General Assembly, Security Council, Economic and Social Council, and others. Overall, the UN Charter is a cornerstone of international law, guiding the operations and actions of the United Nations.

HUMAN RIGHTS: Human rights are not granted by any state or society; they are inherent to all human beings. These rights are universal, applying to every individual, everywhere, without distinction, and cannot be rescinded or relinquished. As articulated by the United Nations, human rights are fundamental entitlements that belong to all individuals, irrespective of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights encompass a wide range of protections, including the right to life and liberty, freedom from slavery and torture, and the freedoms of opinion and expression. Additional rights include the right to work and to receive an education, among others. It is essential that these rights are afforded to all individuals without discrimination.

1. INTRODUCTION

1.1. BACKGROUND

The United Nations (UN) was established in 1945 as a response to the failures of its predecessor, the League of Nations, in maintaining global peace and resolving international conflicts. The League, created following World War I, was ineffective in preventing aggression and addressing crises. The concept of a new international organization emerged during World War II, spearheaded by key Allies such as U.S. President Franklin Roosevelt and British Prime Minister Winston Churchill, who advocated for a global entity to ensure peace and security. In 1942, the Declaration by the United Nations was signed, culminating in the drafting of the UN Charter in 1945, which led to the official establishment of the organization on October 24, 1945.

The primary objective of the UN is to promote peace and security, prevent conflicts, and address humanitarian issues. In its formative years, the UN endeavored to mediate global crises; however, the onset of the Cold War bifurcated the world into opposing blocs, thereby constraining the UN's capacity for action. Despite these limitations, the organization expanded its peacekeeping missions during both the Cold War and subsequent periods, achieving notable successes in regions such as Namibia, South Africa, and Bosnia. Nonetheless, the UN faced significant criticisms for its failures in handling crises in Rwanda, Somalia, and Bosnia.

The organization experienced considerable growth in size and influence during the 1960s, particularly amid the decolonization of Africa. It shifted its focus to encompass economic development, human rights, and cultural exchange. The 1990s saw an increase in the number of peacekeeping operations; however, some missions, including those in Somalia and Rwanda, encountered substantial challenges. The 21st century introduced new global issues, such as the wars in Afghanistan and Iraq, the Syrian Civil War, and the emergence of non-state actors. Despite facing criticism, the UN has endeavored to adapt by prioritizing sustainable development, climate change, and global cooperation.

Currently, the UN is more engaged with civil society and seeks to enhance transparency and accountability in its operations. The Sustainable Development Goals launched in 2015 direct the UN's efforts to confront global challenges including poverty, inequality, and environmental sustainability. The organisation's future strategies remain centered on diplomacy,

peacekeeping, protection of human rights, and addressing emerging global issues through collaboration among member states.

Here is the overview of human rights and their importance on a global scale:

Ethical Behavior, Justice, and Human Dignity in History:

- **Historical Foundations of Ethical Concepts**

1. Throughout history, ideas of ethical behavior, justice, and human dignity have played a crucial role in shaping human societies.
2. These concepts can be traced back to ancient civilizations such as Babylon, China, and India, where early laws and philosophies laid the foundation for moral principles.
3. Greek and Roman societies contributed to the development of justice and ethical frameworks that continue to influence modern thought.
4. Major world religions such as Buddhism, Christianity, Confucianism, Hinduism, Islam, and Judaism have also placed a strong emphasis on ethical behavior, justice, and the inherent dignity of humans.
5. Indigenous societies, such as those of Aboriginal and Torres Strait Islander peoples in Australia and other indigenous groups worldwide, have maintained oral histories that preserve their values related to ethics and justice.

- ***Development of Justice and Human Rights***

1. The concept of natural law emerged during the Middle Ages, Renaissance, and Enlightenment. It held that certain rights were inherent to all individuals, irrespective of the laws of rulers.
2. Natural law asserted that individuals have certain rights because they are human beings, which means that justice is not simply what rulers say, but based on universal principles.
3. The idea of inherent human dignity became central to discussions about justice and ethics, reinforcing the belief that every person has value and should be treated with respect.

- ***Human Rights as a Universal Concept***

1. Human rights are a set of fundamental principles based on equality, fairness, and the freedom to make choices about one's life.

2. Human rights ensure that individuals can develop their potential and live without fear, harassment, or discrimination.
3. Human rights are universal, meaning they apply to all people, regardless of:
 - Gender: Men and women have equal rights.
 - Age: Children and adults are entitled to the same rights.
 - Economic status: Rights are not dependent on wealth.
 - Cultural background: All individuals, regardless of origin or belief, are entitled to their human rights.

- ***Core Human Rights Principles***

1. Key rights include the right to life, the right to a fair trial, freedom from torture and inhuman treatment, freedom of speech, freedom of religion, and the right to health, education, and an adequate standard of living.
2. These rights are non-discriminatory and apply to everyone equally, no matter where they live or what they believe.

- ***Responsibilities and Duties Associated with Human Rights***

1. While human rights guarantee individual freedoms, they also come with responsibilities toward others.
2. Human rights require respect for others' rights in a community. For instance: The right to freedom of speech must be exercised without infringing on someone's right to privacy.

- ***Challenges in Human Rights and International Involvement***

1. In the nineteenth and early twentieth centuries, there were significant advancements in human rights, such as the abolition of slavery, the provision of education, and the extension of political rights.
2. Despite these positive changes, international efforts to protect human rights remained weak, with the general attitude being that nations were free to act as they wished within their borders, and no outside intervention or concern was justified.

The concepts of justice, ethical behavior, and human dignity have evolved over millennia and have been central to the development of societies, both in written traditions and oral histories. Human rights, as universal and inherent entitlements, aim to ensure that all individuals, regardless of their background, can live with dignity, free from fear and

discrimination. While progress has been made, the global community still faces challenges in ensuring that all human rights are respected and upheld across borders.

1.2 WHY ARE HUMAN RIGHTS IMPORTANT?

The principles of tolerance, equality, and respect help reduce conflict and create a harmonious society. Embracing human rights allows us to shape a better world. In recent years, there has been significant progress in our understanding of human rights, which has brought about positive changes. By learning about human rights, people are empowered to address problems and make a difference.

Human rights are crucial in every aspect of life, whether in families, communities, schools, workplaces, politics, or on the global stage. It's essential for everyone to understand them, as this knowledge makes it easier to promote fairness and improve society as a whole.

1.3. CAN HUMAN RIGHTS BE TAKEN AWAY?

A person's human rights are inalienable and cannot be revoked. The Universal Declaration of Human Rights emphasizes that no government, group, or individual has the authority to undermine the rights and freedoms outlined in the document.

While this ideal is clear, human rights violations still occur regularly. We often hear heartbreaking news about issues like violence, discrimination, poverty, and abuse. However, the Universal Declaration and other human rights treaties are not merely aspirational but fundamental legal principles. To honor their international commitments, many countries have incorporated these principles into their national laws. This allows citizens to seek justice in their own courts.

In some instances, people can also bring complaints of human rights violations to a United Nations committee, which will review the case and offer its recommendations. Beyond legal protections, educating people about human rights is just as crucial. True progress can only be achieved when individuals understand their rights and the standards that should be upheld.

2. THE STRUCTURE AND MECHANISMS OF THE UNITED NATIONS

2.1. KEY UN BODIES INVOLVED IN HUMAN RIGHTS PROTECTION:

A. THE UNITED NATIONS HUMAN RIGHTS COUNCIL (UNHRC)

The Human Rights Council functions as an intergovernmental body within the United Nations framework, with the primary objective of enhancing the promotion and protection of human rights on a global scale. This Council is responsible for addressing instances of human rights violations and formulating recommendations in response to such cases. It possesses the authority to deliberate on a wide array of thematic human rights issues and to respond to specific situations requiring its attention throughout the year. Meetings of the Council are conducted at the United Nations Office at Geneva (UNOG).

WHAT COUNCIL DOES?

The Human Rights Council (HRC) functions as an intergovernmental entity within the United Nations system, playing an essential role in the global promotion and protection of human rights. Its diverse responsibilities are centered on addressing human rights violations and fostering international collaboration to ensure the dignity and well-being of individuals worldwide. The following delineates the key responsibilities of the Human Rights Council:

- **Promotion and Protection of Human Rights:** The Human Rights Council is charged with the global promotion of human rights, which involves encouraging member states to adopt and implement policies and practices that uphold individual rights. This mandate ensures that principles of human dignity, equality, and justice are integral to governance. The Council collaborates with governments, civil society, and various stakeholders to advance human rights across social, political, economic, and cultural spheres.
- **Addressing Human Rights Violations:** A primary function of the HRC is to identify and respond to human rights violations. The Council focuses on regions afflicted by conflict, oppressive regimes, or widespread abuses. By highlighting these violations, the Council seeks to hold perpetrators accountable and apply diplomatic pressure for corrective measures through resolutions and public denunciations.
- **Universal Periodic Review (UPR):** The HRC conducts the Universal Periodic Review (UPR), a systematic evaluation of the human rights records of all 193 UN Member States. This process facilitates engagement among states, enabling them to exchange best practices and obtain constructive feedback regarding their human rights

performance, thus ensuring compliance with international standards.

- **Adopting Resolutions and Decisions:** The Human Rights Council adopts resolutions and decisions that articulate the international community's perspectives on specific human rights issues. Although non-binding, these resolutions convey strong political messages and influence states to take necessary remedial actions. The decisions made by the HRC play a significant role in shaping international norms and standards related to human rights.
- **Special Sessions and Crisis Management:** The HRC possesses the authority to convene special sessions aimed at addressing urgent human rights situations. These sessions are organized in response to critical concerns, encompassing mass atrocities and governmental crackdowns on civil liberties. They enable the Council to act swiftly, issuing statements, calling for investigations, or deploying human rights missions to impacted regions.
- **Special Procedures and Independent Experts:** The Human Rights Council appoints independent experts known as Special Procedures to monitor and report on human rights conditions in specific countries or on thematic issues. These experts are vital in raising awareness of critical areas such as freedom of expression and gender equality, providing recommendations for improving human rights practices, and serving as the Council's "eyes and ears" regarding compliance with international law.
- **Commissions of Inquiry and Fact-Finding Missions:** The HRC has the mandate to establish commissions of inquiry and fact-finding missions to investigate allegations of serious human rights violations. These bodies collect evidence on issues such as war crimes and crimes against humanity, producing credible reports that serve as the foundation for legal proceedings or diplomatic action. Their work is crucial in fostering accountability and ensuring victims of human rights violations receive acknowledgment and redress.
- **Strengthening International Cooperation:** A significant responsibility of the Human Rights Council is to enhance international cooperation on human rights matters. This involves engaging in dialogue with UN Member States and civil society organizations to develop strategies, share knowledge, and coordinate efforts aimed at advancing global human rights. The HRC endeavors to cultivate a collective commitment to uphold human rights, thereby ensuring respect for human dignity across societies.
- **Raising Awareness and Educating:** The Council also plays a vital role in raising awareness about human rights issues and educating the global community regarding

their significance. This includes organizing debates, public events, and conferences to inform and engage governments and organizations on human rights concerns. Through such initiatives, the HRC seeks to foster an understanding that human rights should be universally acknowledged and respected.

- **Supporting Victims and Advocates:** In addition to holding states accountable, the HRC provides support to victims of human rights abuses and advocates for their rights. The Council works to amplify the voices of marginalized and oppressed individuals, such as refugees, women, and minorities, ensuring they garner international attention and protection.

The Human Rights Council plays a crucial role in defending human dignity on a global scale. It facilitates international cooperation, responds to crises, monitors state practices, and provides a platform for addressing and rectifying human rights violations. Through these efforts, the Council aspires to cultivate a more just and equitable world, where all individuals can exercise their fundamental human rights without fear of oppression or discrimination.

THE DIFFERENT MECHANISMS AND ENTITIES OF THE COUNCIL

The Human Rights Council comprises several distinct mechanisms and entities, which include:

- **The Universal Periodic Review (UPR):** This State-led mechanism systematically evaluates the human rights conditions of all Member States within the United Nations.
- **The Special Procedures:** These are experts, either individuals or groups, who are not affiliated with the United Nations but address critical themes such as education, health, freedom of expression, and human trafficking. They also examine specific country situations, including those in Ukraine, the Democratic People's Republic of Korea (DPRK), Eritrea, and Iran, among others.
- **The Advisory Committee:** Functioning as the Council's "think tank," this committee offers specialized knowledge and advice regarding thematic issues related to human rights.
- **The Complaint Procedure:** This mechanism facilitates the reporting of human rights violations by individuals and organizations to the Human Rights Council, ensuring that such grievances receive appropriate attention.

B. THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

The Office of the United Nations High Commissioner for Human Rights (OHCHR) is a division within the UN Secretariat responsible for safeguarding and advocating for human rights as set forth by international law, including those enshrined in the Universal Declaration of Human Rights of 1948. It was created by the UN General Assembly on December 20, 1993, following the 1993 World Conference on Human Rights. OHCHR plays a vital role in supporting various UN human rights initiatives, including monitoring state compliance with international human rights treaties and assisting the Special Procedures of the Human Rights Council. The office is headed by the High Commissioner for Human Rights, who serves as the UN's primary authority on human rights. OHCHR employs roughly 1,085 staff across multiple locations, including Geneva, New York, and 26 regional and country offices. Its funding comes from both the UN regular budget and voluntary contributions from member states, foundations, and individuals.

The key objectives of the OHCHR include:

- **Advocating for Human Rights Globally:** It strives to ensure that all individuals enjoy the rights guaranteed by international law and the resolutions of the UN.
- **Leading on Human Rights Issues:** OHCHR takes the forefront in addressing human rights matters, ensuring that these issues remain central in both international and national discussions.
- **Encouraging Global Cooperation on Human Rights:** It works to strengthen collaboration among nations to foster and uphold human rights standards.
- **Coordinating UN Human Rights Actions:** The office plays a pivotal role in coordinating human rights efforts across various UN bodies and initiatives.
- **Encouraging Adoption of International Standards:** It supports the widespread adoption and enforcement of global human rights standards and treaties.
- **Supporting Human Rights Monitoring Bodies:** OHCHR aids UN organs and monitoring bodies in overseeing the compliance of countries with human rights laws.
- **Addressing Human Rights Violations:** The office responds to critical human rights violations, taking necessary action to address them.
- **Preventing Human Rights Abuses:** OHCHR works proactively to prevent potential human rights violations through various preventive measures and early interventions.
- **Fostering National Human Rights Systems:** It promotes the creation and strengthening of national infrastructures and institutions dedicated to upholding human

rights.

- **Carrying Out Field Operations:** OHCHR implements and supports human rights field activities in countries, including providing on-the-ground assistance to those in need.
- **Providing Education and Advisory Services:** The office offers training, guidance, and expert advice to governments and other stakeholders on human rights issues, contributing to global education and awareness.

Through these objectives, OHCHR ensures the continuous promotion and protection of human rights on a global scale, working with both national and international entities to uphold the dignity and rights of individuals worldwide.

C. THE SECURITY COUNCIL

Over the years, the United Nations (UN) has played a key role in ending various conflicts, primarily through the actions of the Security Council. Under the UN Charter, the Security Council holds the main responsibility for maintaining global peace and security. When it receives information about potential threats to peace, the Council typically encourages the conflicting parties to seek peaceful solutions. In some instances, the Council itself investigates and mediates, or it may appoint special representatives to assist in resolving the issue. The Council also outlines principles for peaceful settlements.

When conflicts escalate into fighting, the Council prioritizes bringing it to a halt as quickly as possible. In many cases, it has issued ceasefire orders, which have been crucial in preventing large-scale hostilities. The Council also deploys UN peacekeeping missions to ease tensions, separate warring factions, and create a stable environment for lasting peace after a settlement is reached. If necessary, it can take stronger actions, such as imposing economic sanctions or approving military interventions.

The Security Council is made up of 15 members: 5 permanent members (United States, France, Russia, United Kingdom, and China) and 10 non-permanent members, each with one vote. According to the UN Charter, all member states must comply with the decisions made by the Council.

The primary goal of the UN Security Council (UNSC) is to uphold international peace and security. Here's a closer look at the UNSC's responsibilities:

- **Maintaining Peace and Security:** The UNSC is responsible for keeping global peace and security intact.
- **Investigating Conflicts:** The UNSC investigates disputes or situations that could potentially lead to international tensions.
- **Recommending Peaceful Settlements:** The UNSC suggests methods to resolve conflicts or recommends terms for settlement.
- **Identifying Threats or Aggression:** The UNSC determines whether a situation poses a threat to peace or if an act of aggression has occurred, and advises on the necessary response.
- **Preventing or Stopping Aggression:** The UNSC can call for non-violent measures, like economic sanctions, to prevent or stop acts of aggression.
- **Authorizing Force:** In exceptional cases, the UNSC has the authority to approve military action to restore or maintain international peace.
- **Peacekeeping Operations:** The UNSC can establish peacekeeping missions to help resolve conflicts and sustain peace after a conflict ends.
- **Imposing Sanctions:** The UNSC can impose sanctions on countries or individuals that are contributing to threats to peace.
- **Encouraging International Cooperation:** The UNSC works to foster cooperation between nations in solving global challenges.
- **Protecting Human Rights:** The UNSC emphasizes the importance of human rights and fundamental freedoms, promoting respect for them globally.
- **Coordination for Peace and Security:** The UNSC serves as a central hub for coordinating actions by member states aimed at maintaining international peace.
- **Peacebuilding:** The UNSC also helps nations transition from conflict to peace, offering support to rebuild and maintain peace in post-conflict areas.

In summary, the UN Security Council plays a pivotal role in preventing and resolving conflicts, promoting peace, imposing sanctions, and fostering international cooperation to ensure global stability and respect for human rights.

D. GENERAL ASSEMBLY

The UN General Assembly (UNGA) is the main decision-making body of the United Nations, where all 193 member countries have an equal say. It provides a space for countries to discuss and decide on international issues covered by the UN Charter.

The UNGA has several important responsibilities, including:

- **Appointing the UN Secretary-General:** It does this based on the recommendation from the Security Council.
- **Electing non-permanent members of the Security Council:** The UNGA votes to choose these members.
- **Approving the UN budget:** The General Assembly approves the UN's annual financial plan.

The Assembly holds regular meetings every year, from September to December, and may meet more if necessary. During these sessions, countries discuss different issues, propose solutions, and adopt resolutions.

The UNGA also has the power to make recommendations for maintaining international peace, promoting disarmament, and helping to peacefully solve conflicts between countries. If the Security Council is unable to take action on a matter because one of the permanent members vetoes it, the General Assembly can step in, as stated in the “Uniting for Peace” resolution from 1950. This allows the General Assembly to recommend collective actions to restore peace.

UNGA is a place for all countries to discuss important global issues, make decisions, and recommend actions to promote peace and cooperation.

E. INTERNATIONAL COURT OF JUSTICE (ICJ)

ICJ is the UN's primary judicial body, established in 1945 under the UN Charter and starting operations in 1946. Its main function is to resolve legal disputes between states based on international law and to provide advisory opinions on legal matters referred to it by authorized UN bodies and specialized agencies. The Court consists of 15 judges, each elected for a nine-year term by the UN General Assembly and the Security Council. It is supported by an administrative body known as the Registry. The ICJ uses English and French as its official languages. As the only international court that settles disputes between the 193 UN member states, the ICJ plays a vital role in maintaining global peace and security by offering a means for countries to address issues legally without resorting to violence. Any UN member state can bring a case against another member state if there is a matter that concerns the international community, even if the two states aren't directly in conflict.

These bodies collectively help ensure the global protection and promotion of human rights,

offering both legal and diplomatic frameworks for addressing human rights violations.

2.2 UN TREATIES AND FRAMEWORK

The UN has created several international treaties that legally bind states to protect human rights. Key treaties include:

A. UNIVERSAL DECLARATION OF HUMAN RIGHTS (UDHR)

One of the UN's most significant contributions to human rights protection is the Universal Declaration of Human Rights. Drafted by representatives from diverse legal and cultural backgrounds across all regions of the world, the Declaration was proclaimed by the United Nations General Assembly in Paris on 10 December 1948 (General Assembly Resolution 217 A) as a universal standard for human rights. It outlines, for the first time, a comprehensive set of fundamental human rights to be universally protected. The UDHR has been translated into over 500 languages, demonstrating its global significance. The Declaration is widely acknowledged for inspiring and facilitating the adoption of more than seventy human rights treaties, which are currently implemented on both global and regional levels. Many of these treaties reference the UDHR in their preambles, underlining its enduring influence in the development of international human rights law.

UDHR is organized as follows:

- **Preamble:** Explains the historical and social factors that made the Declaration necessary.
- **Articles 1-2:** Establish the foundational principles of human dignity, freedom, and equality.
- **Articles 3-5:** Define essential individual rights, including the right to life and the prohibition of slavery and torture.
- **Articles 6-11:** Address the legal basis of human rights, offering specific measures for defending these rights when violated.
- **Articles 12-17:** Outline the rights of individuals within the community, such as freedom of movement, the right to own property, nationality, and asylum.
- **Articles 18-21:** Protect "constitutional freedoms" and fundamental rights such as freedom of thought, expression, religion, association, and the ability to receive and share information.
- **Articles 22-27:** Focus on economic, social, and cultural rights, including access to

healthcare, a decent standard of living, and special protection for mothers and children.

- **Articles 28-30:** Define the general conditions for exercising these rights, the limitations on individual rights, responsibilities to society, and the prohibition of using rights in ways that undermine the purposes of the United Nations.

UDHR is a groundbreaking document that established a global standard for human rights. Its significance lies in its role as the first international recognition of the inherent dignity and equal rights of all people, regardless of nationality, race, or religion. It has influenced the development of numerous human rights treaties and national laws, promoting the protection of individual freedoms and providing a foundation for human rights advocacy worldwide. The UDHR continues to serve as a key reference for the global human rights framework.

B. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)

ICCPR is a global agreement that obligates countries to uphold civil and political rights for individuals. These include rights such as the right to life, freedom of religion, speech, assembly, voting, and the right to a fair trial and due process. The treaty was adopted by the UN General Assembly on December 16, 1966, and came into effect on March 23, 1976, after being ratified by 35 countries. As of June 2024, 174 countries have signed it, with a few, like China and Cuba, signing but not yet ratifying it. North Korea is the only country to have attempted to withdraw from the agreement.

Other treaties:

- The Convention on the Elimination of All Forms of Racial Discrimination (CERD) (1965).
- The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979).
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) (1984).
- The Convention on the Rights of the Child (CRC) (1989).
- The Convention on the Rights of Persons with Disabilities (CRPD) (2006).

These treaties are monitored by various committees (such as the Human Rights Committee, CEDAW Committee, etc.), which review state parties' compliance with their obligations and issue recommendations.

2.3 KEY UN INITIATIVES AND CAMPAIGNS:

A. HUMAN RIGHTS 75:

The "Human Rights 75" initiative was a year-long effort led by UN Human Rights, aimed to culminate in a High-Level event in December 2023 with the goal of reinvigorating the Universal Declaration of Human Rights.

It has three main objectives:

- 1. Promote Universality and Indivisibility of Human Rights:** Reinforce the idea that all rights are for everyone, emphasize human rights as a solution to global problems, strive for equality, and encourage young people to advocate for human rights.
- 2. Focus on the Future:** Reflect on human rights progress and challenges over the next 25 years, while innovating approaches to better promote and protect rights.
- 3. Strengthen the Human Rights System:** Improve the UN's human rights structure, build trust among Member States, and increase resources for human rights work globally.

B. UN FREE AND EQUAL: A global public information and advocacy campaign for LGBTIQ+ equality, led by the UN Human Rights Office.

C. Human Rights Day: Celebrated annually on December 10th, this day focuses on the importance of human rights and serves as a call to action for their protection and promotion.

D. Pledging Tree: The Pledging Tree is an initiative by the United Nations to gather support for its human rights and development projects. It symbolizes the commitment of countries, organizations, and individuals to contribute to global well-being and the UN's objectives, such as human rights and sustainable development.

3. ACHIEVEMENTS OF THE UNITED NATIONS IN HUMAN RIGHTS PROTECTION

The United Nations has had several positive effects in promoting and safeguarding human rights worldwide, including:

- Establishing Global Standards:** The Universal Declaration of Human Rights (UDHR), adopted in 1948, set out fundamental human rights standards that are

universally recognized. This document laid the groundwork for subsequent human rights treaties and conventions, creating a global framework for protecting rights, and protection from discrimination.

- **Promoting Accountability:** The Universal Periodic Review (UPR) mechanism enables the UN to assess the human rights records of all 193 member states, holding countries accountable for their treatment of citizens. It encourages governments to improve their human rights practices by offering recommendations and feedback from the international community.
- **Specialized Human Rights Bodies:** The Human Rights Council (HRC) and the Office of the High Commissioner for Human Rights (OHCHR) play key roles in investigating human rights violations, offering recommendations, and providing support to governments in improving human rights conditions. The UN also has special experts who monitor specific human rights issues, such as freedom of expression, torture, and racial discrimination.
- **Raising Global Awareness:** The UN has been instrumental in raising awareness about human rights issues worldwide. Through campaigns, conferences, and publications, the UN educates the global public on the importance of human rights, helping to create a more informed and supportive global community.
- **Peacekeeping and Protection:** UN peacekeeping missions help protect civilians in conflict zones where human rights violations are prevalent. These missions create safe spaces for people, reduce tensions, and prevent further violence, offering support in rebuilding war-torn societies and institutions.
- **Advocacy for Vulnerable Groups:** The UN advocates for the rights of vulnerable populations such as women, children, refugees, indigenous peoples, and persons with disabilities. Special programs like the UN Women and UNHCR work to protect these groups and promote their rights globally.
- **Human Rights Education and Capacity Building:** The UN plays a central role in educating governments, civil society organizations, and individuals about human rights, contributing to long-term social change. It provides technical assistance and resources to strengthen the capacity of governments and institutions to protect human rights effectively.
- **International Cooperation:** The UN facilitates international cooperation to address global human rights issues. By fostering dialogue and collaboration between countries, it helps develop global solutions to human rights challenges, such as combating human

trafficking, poverty, and inequality.

In summary, the UN has significantly contributed to advancing human rights globally by setting standards, holding governments accountable, protecting vulnerable populations, and raising awareness through its various bodies and programs.

4. CHALLENGES IN PROTECTING HUMAN RIGHTS

A. NOT ENOUGH POWER TO ADDRESS GLOBAL ISSUES

The United Nations faces significant challenges in both protecting and promoting human rights globally. While its mandate focuses on the long-term development of human rights through dialogue and cooperation, protection often requires immediate action. This focus on short-term responses conflicts with the nature of human rights work, which needs ongoing engagement. Unfortunately, UN human rights bodies are limited in their ability to enforce their recommendations, unlike the Security Council, which has enforcement powers, or international financial institutions that can exert economic pressure.

One major limitation is that the UN lacks the authority to force states to comply with human rights standards. While it can issue resolutions and encourage cooperation, it has no real leverage to hold violators accountable, especially when a state is unwilling to engage. Furthermore, the UN's vast scope of responsibilities, ranging from poverty and climate change to gender equality and forced migration, makes it difficult to effectively tackle every issue within the constraints of its resources and influence.

Even though the UN Charter allows for the expulsion of members violating its principles, this measure has never been used. Expelling a state would not necessarily end the human rights abuses occurring within its borders. Ultimately, the UN's lack of enforcement power and the reluctance of some member states to uphold international human rights law raise questions about the organization's ability to protect human rights worldwide effectively.

B. SOVEREIGNTY VS. HUMAN RIGHTS

The conflict between state sovereignty and the responsibility to protect human rights (R2P) is a major challenge for the UN.

Traditionally, state sovereignty refers to a state's inherent right to exercise full control over its territory and population, free from external interference in its domestic affairs.

Enshrined in the 2005 UN World Summit Outcome Document, the R2P doctrine emphasizes that while the primary responsibility for safeguarding citizens lies with the state, the international community must intervene when a state fails to protect its population from genocide, war crimes, ethnic cleansing, and crimes against humanity. R2P seeks to address situations where the state is either unwilling or unable to prevent such atrocities, thereby asserting a collective global responsibility to act.

The core tension arises from the potential conflict between R2P and traditional state sovereignty. While R2P calls for international intervention to protect human rights in extreme cases, it can be perceived as undermining a state's autonomy. R2P aims to transition from unilateral humanitarian interventions to a more cooperative, multilateral framework, promoting collective action while balancing the protection of human rights and respect for state sovereignty.

C. POLITICAL AND GEOPOLITICAL INFLUENCES

The UN Security Council operates under a system where the five permanent members (the P5) possess veto power, enabling any one of them to block a resolution, even if the majority of the council members support it. The P5 frequently use their veto to safeguard their own national interests, protect their allies, or uphold specific foreign policy goals, even when this means delaying or obstructing action on human rights matters.

Impact on Human Rights: This veto power can have a detrimental effect on efforts to protect human rights, as it prevents the UN from taking decisive action in situations of conflict or human rights violations. The veto mechanism is widely criticized for being undemocratic and enabling powerful countries to protect their allies from facing consequences, thereby hindering accountability and justice for those suffering from human rights abuses.

D. LIMITED COOPERATION FROM CERTAIN COUNTRIES

Limited cooperation from certain states poses a formidable challenge to the United Nations' human rights protection efforts. Many nations, particularly those with entrenched political systems or authoritarian regimes, are often unwilling to engage with international human rights

mechanisms, viewing them as infringements on national sovereignty. This resistance frequently leads to the non-implementation of critical recommendations from UN bodies, leaving egregious human rights violations unchecked. Moreover, some governments actively reject or obstruct UN resolutions, investigations, or calls for accountability, further impeding the global community's ability to address human rights abuses effectively. Such reluctance undermines the international framework for human rights protection and diminishes the UN's capacity to fulfill its mandate of promoting universal respect for fundamental rights and freedoms.

CASE STUDY

THE UN'S ROLE IN ENDING APARTHEID IN SOUTH AFRICA

Apartheid was a system of racial segregation and discrimination enforced by the South African government from 1948 until the early 1990s. Under this policy, the white minority controlled political, economic, and social power, while the non-white majority was oppressed.

The UN played a critical role in isolating South Africa diplomatically and supporting the fight against apartheid, contributing to its eventual dismantling.

- **Condemnation and Sanctions:** From the onset of apartheid in 1948, the UN condemned the system. In 1962, the General Assembly passed resolutions calling for an arms embargo and imposed sanctions, urging member states to isolate South Africa economically and diplomatically.
- **Support for Anti-Apartheid Movements:** The UN supported the African National Congress (ANC) and other liberation groups, recognizing them as the legitimate representatives of the South African people. It also helped refugees and provided moral and material support to resistance movements.
- **Diplomatic Pressure:** The UN worked to raise awareness globally, encouraging states to sever ties with South Africa. It also launched cultural and sports boycotts and supported grassroots movements pushing for divestment.
- **Legal Actions:** The UN pushed for legal recognition of apartheid as a crime against humanity. The International Court of Justice (ICJ) condemned South Africa's occupation of Namibia in 1971, highlighting its broader violations of international law.
- **End of Apartheid:** The combination of internal resistance and external pressure, including sanctions, led South Africa to negotiate political reforms. Nelson Mandela's release in 1990 marked the beginning of the end of apartheid, with the first democratic

elections held in 1994.

In conclusion, the UN's actions, alongside domestic resistance, helped dismantle apartheid and contributed to South Africa's peaceful transition to democracy.

SURVEY

In order to understand the public perception of the United Nations' role in protecting human rights, I conducted an online survey among general public. The survey consisted of 6 questions, focusing on key aspects such as awareness of the UN, effectiveness of the UN in human rights advocacy, its peacekeeping missions, and challenges to the UN human rights protection.

The survey findings support the argument that the UN is regarded as essential in the promotion of human rights. However, there is a clear need for improvements in its ability to address violations during conflicts, as evidenced by the high percentage of respondents voicing concerns. These results suggest that the UN may need to implement more robust intervention strategies to enhance its human rights enforcement.

Below is the analysis of the survey response:

- 1. Awareness of UN Human Rights Mechanisms:** A significant portion of respondents are aware of the United Nations Human Rights Council (UNHRC). However, fewer people are familiar with the other mechanisms, indicating a gap in awareness about one of the UN's key human rights mechanisms.

This suggests that while people recognize the UN's role in human rights, there is less understanding of its specific procedures and mechanisms.

- 2. Familiarity with Human Rights Treaties:** The most commonly recognized treaty is the Universal Declaration of Human Rights (UDHR), which is foundational to human rights discourse. Fewer people mentioned the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and International Covenant on Civil and Political Rights (ICCPR), indicating that specialized human rights treaties might not be as well-known.

This suggests a need for greater public education on international human rights treaties beyond the UDHR.

- 3. Perceived Effectiveness of the UN:** Responses on the effectiveness of the UN in addressing human rights issues were mixed. Some rated it "Very Effective", showing confidence in the UN's mechanisms. Others rated it "Somewhat Effective", reflecting skepticism about its ability to enforce human rights protections. This division in opinions suggests that while the UN is seen as important, there are concerns about its actual impact.
- 4. Assessment of the UN's role in Human Rights:** Most respondents believe the UN addresses human rights "Moderately well" or "Very well", indicating a general approval but not complete satisfaction with its efforts. Some answered "Don't Know", which may indicate lack of information rather than a negative view of the UN's effectiveness.

1. Key Challenges Identified

The main challenges cited by respondents include:

Lack of enforcement power – The most frequently mentioned issue, showing concern about the UN's inability to impose binding actions on member states.

Political interference from member states – Suggests skepticism about the influence of national governments on human rights decisions.

National sovereignty concerns – Some respondents believe countries resist external human rights oversight to protect their autonomy.

Limited cooperation from certain countries – Reflects concerns about countries selectively following human rights guidelines.

Lack of funding or resources – Suggests that financial constraints impact the UN's ability to effectively carry out human rights initiatives.

2. Key Takeaways: The UN is generally viewed as important but limited in enforcement. Awareness of UN human rights mechanisms varies, with less understanding of specific processes like the UPR. The biggest concerns revolve around enforcement, political interference, and national sovereignty, showing a belief that human rights are often secondary to political interests. There is a need for more public education on human rights treaties and the role of the UN in monitoring and enforcing them.

The responses reflect a mix of confidence and skepticism regarding the UN's role in human rights. While people generally see the UN as moderately effective, concerns about

enforcement, political influence, and sovereignty suggest that many believe the UN lacks real power to make lasting changes. Strengthening enforcement mechanisms, increasing global cooperation, and improving public awareness could help address these concerns.

THE FUTURE OF UN HUMAN RIGHTS

REFORM PROPOSALS - Strengthening the enforcement of resolutions and enhancing the role of the Human Rights Council would significantly improve human rights protection. By ensuring greater accountability, it would allow for more timely interventions in situations of abuse. It could also provide stronger support for victims by creating a more robust mechanism for holding violators accountable. Additionally, it would increase international pressure on governments to comply with human rights standards, promoting a more effective and proactive global response.

ENHANCING GLOBAL COOPERATION - Enhancing global cooperation is essential for effective human rights protection. The regional organizations play a key role in this effort. For instance, the African Union and the European Union work alongside the UN to address regional conflicts, promote human rights, and ensure peacekeeping efforts. By fostering stronger partnerships with these organizations, the UN can leverage local knowledge and resources, ensuring more context-specific and sustainable solutions. Additionally, regional bodies can provide faster responses to crises, complementing UN actions and strengthening global accountability.

THE ROLE OF CIVIL SOCIETY - Civil society plays a crucial role in supporting the UN's human rights efforts by acting as a bridge between affected communities and international organizations. NGOs, activists, and local actors often provide on-the-ground insights, document abuses, and advocate for marginalized groups, amplifying voices that might otherwise go unheard. Their direct engagement with vulnerable populations enables them to bring attention to urgent issues and hold governments accountable.

The rise of digital platforms has further enhanced human rights advocacy, allowing for global campaigns, real-time reporting, and mobilizing public support for human rights causes. By leveraging technology, civil society can rapidly raise awareness, influence policy decisions, and advocate for stronger international action.

CONCLUSION

A changing world demands a resilient response. The United Nations plays a pivotal role in the global protection of human rights, serving as a central body that sets standards, promotes awareness, and facilitates international cooperation. Through its specialized agencies, such as the Human Rights Council and the Office of the High Commissioner for Human Rights (OHCHR), the UN has provided a framework for monitoring violations and advocating for accountability. Additionally, it empowers member states to adopt international human rights treaties and promotes dialogue among nations to ensure respect for fundamental freedoms. The United Nations employs a diverse range of mechanisms and tools to prevent conflict, foster people-centered, peaceful resolutions, and build sustainable peace, including through diplomacy, peacekeeping, peacebuilding, and justice to address the evolving threats to international peace and security.

However, challenges persist, including limited cooperation from certain states, political interests blocking action in key areas, and the lack of enforcement mechanisms to hold violators accountable. The Security Council's veto power, for example, can prevent timely intervention in human rights crises, and some governments actively resist international scrutiny.

To address these challenges, reforms are essential, such as enhancing the UN's enforcement capabilities, improving global cooperation, and expanding the role of civil society and regional organizations in human rights protection. Ultimately, continued commitment and reform are necessary to strengthen the UN's human rights framework and ensure that universal human rights are upheld for all, everywhere.

REFERENCES

<https://www.britannica.com/topic/apartheid>

<https://humanrights.gov.au/>

<https://www.ohchr.org/>

<https://www.crisisgroup.org/global>

<https://www.hrw.org/topic/united-nations/human-rights-council>

<https://www.securitycouncilreport.org/un-security-council-working-methods/the-veto.php>

<https://www.ioe-emp.org/international-organisations/office-of-the-high-commissioner-for-human-rights>

<https://nhrc.nic.in/sites/default/files/International%20Covenant%20on%20Civil%20and%20Political%20Rights.pdf>

<https://www.icj-cij.org/court>

<https://www.universal-rights.org/failing-to-protect-systemic-weaknesses-within-the-un-human-rights-machinery/>

<https://www.quora.com/What-are-the-challenges-facing-the-UN-in-the-21st-century>

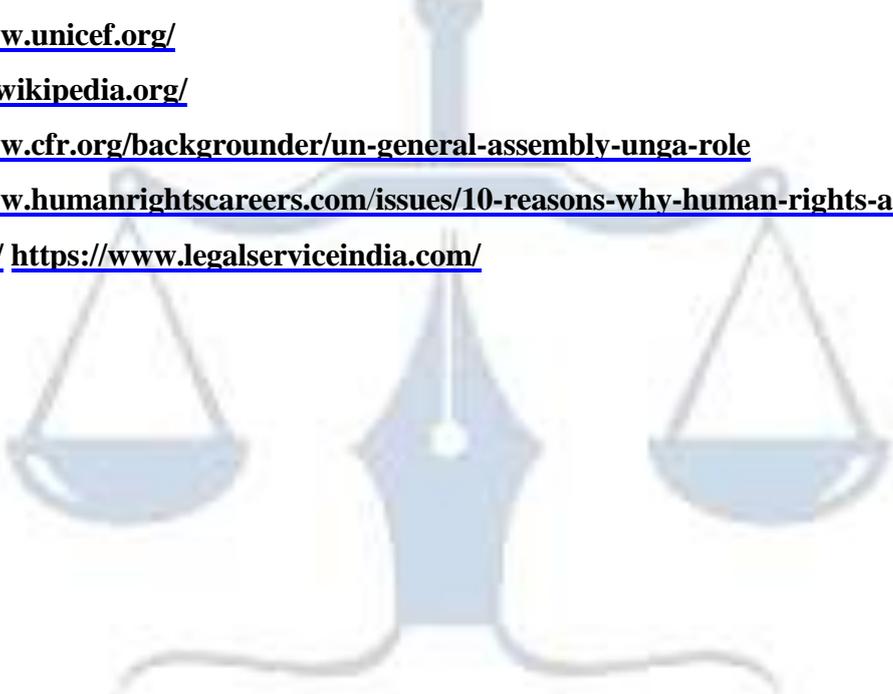
<https://3ieimpact.org/sites/default/files/2023-02/HR-USAID-EGM-summary-report.pdf>

<https://www.unicef.org/>

<https://en.wikipedia.org/>

<https://www.cfr.org/backgrounder/un-general-assembly-unga-role>

<https://www.humanrightscareers.com/issues/10-reasons-why-human-rights-are-important/> <https://www.legalserviceindia.com/>



WHITE BLACK
LEGAL