

Global Governance and Human Rights: Assessing the Impact of State Behaviour

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Abstract:

Understanding the complexities of global governance and human rights is essential to comprehending today's interconnected world. Global issues in the twenty-first century require cooperation and shared responsibility beyond national boundaries. The global governance concept includes frameworks for international cooperation that address problems like economic inequality and climate change. Human rights are based on universal ideals, and direct governmental activity is a moral and legal compass. The connection between human rights and global governance highlights how state behaviour affects the realisation of human rights and highlights how important it is for nations to protect these key values.

Problem statement:

How does state behaviour affect the success of global governance systems in preserving human rights standards?

So what?:

Some states may put national interests ahead of international human rights obligations, while others actively promote and defend human rights through their foreign and domestic policies. Therefore, the governments must be up to the task of securing human rights as state behaviour has a crucial impact on the realisation of human rights globally.

State Action, Global Governance, and Human Rights

Gaining insight into the fundamentals of human rights and global governance is essential to comprehend the workings of our globalised society. The international community faces problems in the twenty-first century that cut across state lines, and there is a need for shared accountability and joint efforts.

The frameworks and procedures that states, non-state entities, and international organisations use to work together to manage international affairs and solve shared problems are collectively referred to as global governance. It represents an understanding of how interdependent governments are and how important it is for them to work together to address problems like economic disparity, climate change, and armed conflict. [1] The rules and conventions guiding state behaviour on the international scene are shaped by various procedures, including international organisations, treaties, conventions, and diplomatic exchanges.

The innate dignity and equality of every person, regardless of nationality, race, or other traits, is protected by a set of universal principles and norms known as human rights. Rooted in international accords like the Universal Declaration of Human Rights, human rights comprise civil, political, economic, social, and cultural rights. They serve as a legal framework, directing the actions of nations and creating a common foundation for the protection of persons globally. Since state actions and policies within the global system significantly impact the realisation and protection of human rights, there is a mutually reinforcing relationship between global governance and human rights. [2] The conduct of states plays a pivotal role in moulding the worldwide human rights arena, impacting not just national strategies but also the efficiency of global human rights institutions.

As main actors in the international arena, states play a crucial role in preserving or weakening the concepts of human rights through their actions, laws, and diplomatic activities. The influence of state conduct on the global human rights scene is evident in several ways. First of all, nations are the main parties to international human rights treaties and conventions that they sign and carry out. Their adherence to these accords demonstrates their determination to uphold established human rights norms. To ensure the protection of persons within their territories, nations must incorporate human rights concepts into their domestic legal structures and policies following international norms. The complex theoretical framework at the intersection of global management and human rights is greatly impacted by national activities, which in turn affects the support and preservation of human rights internationally. This framework looks into basic ideas like accountability, state sovereignty, and international cooperation. Realism contends that countries frequently put their own interests ahead of concerns for human rights [3]. On the other hand, liberalism contends that because democratic nations cherish freedom, they are more likely to support human rights [4]. Constructivism further adds that laws pertaining to rights are influenced by conventions, ideas, and common values, which profoundly determine state behaviour [5]. Analysing the relationship between state action and human rights demonstrates that several theoretical stances offer insightful analyses of this intricate interaction.

Sovereignty

In the context of human rights, the concept of state sovereignty, which is viewed as one of the pillars of nationhood, is being outweighed by the "coordination" benefits realized through the cooperative action. [6] International relations—introduces complications—

Cooperation vs. Sovereignty: It can be challenging to strike a balance between national interests and the need for global challenges like pandemics and climate change to be addressed through collective action. Even in situations where working together could provide superior results, nations frequently find it difficult to cede control of their domestic affairs.

National Interests vs. Global Good: Governments frequently put their own economic or security interests first, even if doing so means jeopardising the interests of other countries or the global community. Instability and war may result from this. Cultural Differences: There are many different cultures, political systems, and values in the world. Because of this diversity, it may be challenging for nations to communicate and work together.

States have always used their power, energy, and vibrancy as mechanisms for their survival, growth, and development. Human rights violations in different parts of the world, on the other hand, are becoming more interconnected than they were in the past. In the past, human rights violations were often seen as isolated events within a specific country's borders. However, globalization and the rise of international norms have created a world where these violations are becoming increasingly interconnected. One key driver of this interconnectedness is globalization itself. The rise of global supply chains, for instance, means that human rights abuses like forced labor in one country can have ripple effects for consumers and companies worldwide. This has been documented by organizations like the International Labour Organization (ILO) which works to set international labor standards. [7] Information also travels faster than ever before thanks to the internet and social media. These tools allow for rapid dissemination of news about human rights violations, sparking international outrage and pressuring governments to address these issues. [8]

A crackdown on political dissent in one country can lead to refugee flows, which in turn can strain resources and lead to new human rights challenges in other countries, as documented by the United Nations High Commissioner for Refugees (UNHCR). [9] Beyond globalization, the concept of human rights itself has become more interconnected. The Universal Declaration of Human Rights, adopted in 1948, established a global standard for human rights. [10] While not legally binding, it has created a framework for international pressure on countries violating these rights. International institutions like the United Nations Human Rights Council play a role in

holding countries accountable, [11] while NGOs like Amnesty International tirelessly document and publicize human rights abuses, putting pressure on governments for reform.

Economic and political leverage also contribute to the interconnectedness of human rights. Countries or international bodies can impose sanctions on states with a history of human rights violations, while trade agreements and foreign aid can be made conditional on improvements in a country's human rights record. However, significant challenges remain. National sovereignty continues to be a hurdle, with countries resisting external pressure on human rights issues. Additionally, accusations of double standards persist, as some argue that powerful countries hold allies to a lower standard than others.

The international community might interfere and not only change but also contribute to the customary view of state sovereignty loss when a state fails to fulfil the promises set out in the contract. This idea comes into the limelight, and the question arises: how to determine the golden mean between state security and people's rights? The contradiction between non-interference and intervention calls for an explanation found in the notion of global governance which is changing constantly and can be used to protect human rights.

International collaboration becomes a crucial theoretical idea in light of human rights and global governance. The intricate nature of today's worldwide issues demands cooperation between governments, non-governmental organisations, and non-state players. The benefits of cooperative action in advancing and defending human rights are highlighted by theories of international cooperation, which are rooted in liberal and constructivist viewpoints. [12]

International human rights treaties and conventions exemplify state collaboration to establish global norms. The cooperation model acknowledges that nations must work together to solve global concerns, including refugee flows, public health emergencies, and climate change. Nations are expected to share responsibility for addressing these issues. Imagine a fire raging across a shared apartment building. Each tenant might have their own door, their own space, but the flames don't respect borders. This is how international human rights treaties function. They are like fire safety protocols – a set of agreed-upon rules established through collaboration between nations. These rules, just like fire safety measures, acknowledge that certain issues, like torture or slavery, are universally wrong and require a collective effort to stop them. The same principle applies to global challenges beyond human rights. Refugee flows, pandemics, and climate change all transcend national borders. International cooperation models, embodied by human rights treaties, recognize this. A recent example is the Paris Agreement on climate change. Here, nearly 200 countries came together to establish a framework for tackling a global issue. No single nation could solve climate change alone, but by working together, they can make a significant impact. [13]

Knowing how state behaviour impacts the defence and promotion of human rights in the international system is a major part of the theoretical aspect of international governance and human rights. The approaches of constructivism, liberalism, and realism shed light on the state's policy motives. Pivotal tenets such as responsibility, state sovereignty and inter-state cooperation provide us with a dynamic theoretical framework that can be adjusted to address new global concerns. They are crucial for the conduct of dialogues, initiatives, and interventions within the international arena, where the world community takes on the task of safeguarding human rights.

Overview of International Human Rights Treaties and Conventions

To protect human rights, the international community has established a thorough system of treaties and conventions. The International Covenant on Civil and Political Rights (ICCPR), the International Declaration of Human Rights (UDHR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are important texts.

The Universal Declaration of Human Rights (UDHR):

Drafted and adopted in 1948 by the United Nations General Assembly, the UDHR is a non-binding declaration. While not legally enforceable, the UDHR has become a cornerstone of international human rights law, setting a global standard for how governments should treat their people. Rights Covered: The UDHR outlines a broad range of fundamental rights inherent to all human beings, including:

Civil and Political Rights: The right to life, liberty, and security of person; freedom from torture and cruel treatment; freedom of thought, conscience, and religion; freedom of expression; the right to a fair trial; and the right to participate in government.

Economic, Social, and Cultural Rights: The right to work and social security; the right to an adequate standard of living; the right to education; and the right to the highest attainable standard of health. [14]

The International Covenant on Civil and Political Rights (ICCPR): Adopted in 1966 and entered into force in 1976, the ICCPR is a legally binding treaty. The ICCPR builds upon the UDHR by elaborating on civil and political rights in greater detail.

Rights Covered:

- The right to life Freedom from torture and cruel treatment
- Freedom from slavery and servitude
- The right to liberty and security of person
- The right to a fair trial
- Freedom of movement
- Freedom of assembly
- Freedom of association
- Freedom of expression
- The right to vote and participate in public affairs [15]

The International Covenant on Economic, Social, and Cultural Rights (ICESCR):

Adopted in 1966 alongside the ICCPR, the ICESCR is another legally binding treaty. The ICESCR focuses on economic, social, and cultural rights, complementing the ICCPR.

Rights Covered:

- The right to work with fair conditions and just remuneration
- The right to social security
- The right to an adequate standard of living
- The right to the highest attainable standard of health
- The right to education
- The right to participate in cultural life [16]

These three documents, taken together, establish a comprehensive framework for human rights that encompasses both civil and political liberties, as well as economic, social, and cultural rights. They represent a global commitment to ensuring the dignity and well-being of all people.

Assessing State Compliance

Evaluating the state's compliance with these international principles plays an important role in determining the impact of state actions on global management and human rights. States have a free choice to undertake these agreements as proof of their common awareness and the fact that nothing is more important than to ensure human dignity

For example,

Human Rights Reports: Organizations like Amnesty International and Human Rights Watch publish annual reports documenting human rights violations by countries around the world. These reports assess a state's compliance with international human rights principles. [17] [18]

UN Reviews: The UN Human Rights Council conducts Universal Periodic Reviews (UPRs) of all UN member states every four and a half years. These reviews assess a state's human rights record and offer recommendations for improvement. [19]

Enforcement Mechanisms

Evaluating a state's compliance with human rights standards goes beyond simply signing treaties. There are mechanisms in place to oversee compliance, investigate violations, and hold states accountable. The state's compliance with international human rights standards is thoroughly dependent on the ability of enforcement measures. Treaty organisations, regional courts, and international courts are mechanisms designed to oversee and decide on cases relating to the breaches. The State reports are scrutinised, and international treaty organs like the Committee on Economic, Social, and Cultural Rights and the Human Rights Committee make recommendations.

Treaty Bodies: These are UN committees established to monitor compliance with specific human rights treaties. Example: The Committee on Economic, Social, and Cultural Rights (CESCR) reviews state reports on their implementation of the ICESCR. They can make recommendations for improvement, but these are not legally binding. [20]

Regional Courts: These courts adjudicate human rights cases brought by individuals or states within a specific region. Example: The Inter-American Court of Human Rights (IACHR) hears cases brought against member states of the Organization of American States (OAS) alleging violations of the American Convention on Human Rights. The IACHR can issue binding rulings and award reparations to victims. Regional courts only have jurisdiction over member states of their respective organizations. [21]

International Court of Justice (ICJ): The principal judicial organ of the United Nations, the ICJ settles legal disputes between states. Example: While not specifically dedicated to human rights, the ICJ has ruled on cases with human rights implications, such as the right to self-determination. The ICJ can only hear cases brought by states against other states, not by individuals or NGOs. Additionally, enforcement of ICJ rulings relies on the UN Security Council, which can be subject to political vetoes. [22]

Challenges in Enforcement

International human rights law exists, but there are substantial barriers that prevent it from being strictly enforced. A significant obstacle is the absence of authority to enforce essential procedures. Only non-binding recommendations can be made by treaty bodies such as the CESCR, and regional courts such as the IACHR have trouble implementing their decisions. States may decide to ignore them outright, and enforcement may be erratic and cumbersome.

Furthermore, these instruments' reach is limited by jurisdictional limits. Human rights abuses in non-member states go unpunished since regional courts can only hold its member governments responsible. Likewise, complaints made by people or non-governmental organisations directly affected by violations are not heard by the ICJ; rather, it only considers matters between states. Political factors make enforcement much more difficult. The ability of the UN Security Council to implement ICJ verdicts may be compromised by political vetoes from influential member states. These restrictions serve as a reminder of the constant fight to guarantee that human rights are respected everywhere.

Certain nations use these loopholes mentioned above to avoid taking responsibility for abuses of human rights. Furthermore, bringing matters before foreign courts can be difficult, and there is not always assurance that rulings would be followed. Tensions that impede effective enforcement arise when the requirement of international monitoring collides with the idea of state sovereignty.

The framework for all human rights divided into four categories: natural, moral, legal and cultural rights, is given in many international human rights treaties, such as the International Covenant on Civil and Political Rights, the ICESCR and the UDHR. Even though these criteria can be a big step towards a fair and just world, their implementation depends on the strict compliance of each state. [23]

The Role of International Organisations

The international organisations are the key actors in the global human rights awareness. Established in 1945, the United Nations is the principal organisation dedicated to the enhancement of international cooperation and maintenance of peace and security. The UN Charter includes protecting and promoting human rights for all as among its fundamental objectives. The Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Human Rights Council (UNHRC) are two agencies, programmes, and entities that the UN uses to realize this. [24]

The UNHCR is particularly essential in the global monitoring and resolution of human rights violations. To support compliance with international human rights norms, it conducts regular assessments of the human rights records of member states, offers guidance, and initiates discussions. The OHCHR also assists governments to improve human rights protection and integrates human rights in all UN assignments. [25]

The second international institution that is responsible for holding individuals accountable for such crimes as war crimes, crimes against humanity and genocide is the International Criminal Court (ICC), The International Criminal Court (ICC), established in 2002, is a relatively young institution weiąż evolving in its effectiveness. Its jurisdiction is limited to investigating and prosecuting crimes committed after its founding year. The ICC can only take action in three scenarios: when a member state itself refers a situation to the Court, when the UN Security Council makes a referral, or when the crime is committed by a citizen of a country that has joined the ICC. This limited jurisdiction can affect the reach of the Court which was established in 2002. Through making people accountable for their actions, the ICC becomes a deterrent and helps to build a world framework which makes intolerable impunity. [26]

Non-State Actors and the Impact on Human Rights

Beyond governments, non-state actors like Non-Governmental Organizations (NGOs) and Multinational Corporations (MNCs) play an increasingly important role in shaping the global human rights landscape. Their actions may be intentional or unintentional, but they can always bring about a significant influence on the protecting and justifying human rights. This article examines the complex roles played by non-state actors regarding this issue and the responsibilities that governments have to control and regulate them. States actors other than the state are the key players in the promotion of human rights in various ways. First, multinational firms consume much of the world's economic resources and have a large-scale reach. Consequently, their commercial activities influence human rights.

Corporate Social Responsibility (CSR) projects enable firms to support human rights safeguards in their communities by empowering local communities, promoting sustainable development, and reducing poverty. NGOs are essential to advancing accountability, monitoring, and advocacy for human rights. These non-governmental organisations frequently work as watchdogs, holding governments and other parties responsible for violating human rights. NGOs guarantee that the rights of marginalised populations are respected by providing advocacy, legal assistance, and programmes for empowerment. NGOs are also essential in exposing violations of human rights, increasing public awareness, and galvanising support for legislative changes and accountability initiatives.

Non-state actors can violate human rights or assist in their infringement in addition to promoting them. For example, certain companies may collaborate with authoritarian governments by offering resources, technology, or other support to facilitate human rights violations. Armed non-state entities, such as rebel groups and paramilitary groups, may carry out crimes against people in war areas, such as forced relocation, sexual assault, and murder. [27]

States must also work with non-state actors, such as civil society organisations and NGOs, to improve accountability and increase human rights safeguards. States must acknowledge the important role that non-governmental organisations play in keeping an eye out for human rights violations, helping victims, and pushing for legislative changes. By collaborating with civil society, states may successfully address systemic human rights concerns by utilising their knowledge, grassroots networks, and advocacy activities.

Nonetheless, the concepts of corporate sovereignty and freedom of association must be respected in the context of governmental efforts to control non-state entities. Human rights may be compromised, and attempts to advance accountability may be hampered by regulations that are too stringent or have limitations on civil society. States should employ a multi-stakeholder strategy instead, working together to protect human rights and promote sustainable development with the help of businesses, NGOs, and other stakeholders.

Impact on State Behaviour

The global governance bodies assume the role of a complex mechanism in affecting state actions within the human rights framework through various means of procedures, norms, and pressures. Establishing a global standard in human rights through treaties and conventions still holds a decisive position. Such framework is established by treaties like the International Covenant on Civil and Political Rights and the Universal Declaration of Human Rights that set the standards for nations to observe and respect the human rights of their populations, and that is the basis for the work of the UN Human Rights Council.

The Universal Periodic Review (UPR) process of the UN, which examines the human rights performance of all member states, is another tool for the transformation of state behaviour. The peer evaluation encourages nations to conduct an internal audit, show flexibility in implementing the recommendations, and demonstrate a will to improve their human rights regimes. [28]

Apart from other actors that take part in the global governance process, the institutions involved in the global governance process also help create an accountable culture. For instance, the ICC serves as the court of last resort in cases where national institutions fail or do not wish to try people for the most heinous offences. The chance for states to suffer international legal consequences pushes them to adhere to the idea that people can be held responsible for committing human rights violations, regardless of whether they are government officials or not.

For example,

Dominic Ongwen Case: Dominic Ongwen, a former child soldier who became a commander in the Lord's Resistance Army (LRA) in Uganda, was tried by the ICC for war crimes, crimes against humanity, and the use of child soldiers. The ICC intervened as the Ugandan government, while expressing commitment to accountability, lacked the capacity to handle such a complex case. [29]

Jean-Pierre Bemba Gombo Case: Jean-Pierre Bemba Gombo, a former vice president of the Democratic Republic of Congo (DRC), was tried by the ICC for war crimes and crimes against humanity committed by his militia group in the Central African Republic. The ICC stepped in as the DRC government was unable or unwilling to prosecute him effectively. [30]

International organisations have made state reporting systems transparent as a means of furthering the state acts themselves. Countries must present reports ever so often detailing their execution of obligations in the human rights field, allowing the international society to assess and scrutinize them. The states are hereby called upon by this transparency to comply with the needs of the international bodies and to behave in line with the accepted norms. [31]

Challenges and Limitations

Aside from the fact that global governance organisations can set norms and standards that affect the conduct of states in the human rights domain, there are still many problems and limitations. The willingness and the ability of governments to cooperate and implement the proposals made by international organisations are the primary determinants of the efficiency of these organisations. The efficiency of the international governing institutions can be limited by the states' unwillingness to be monitored externally as it may bring in their sovereignty concerns.

Other difficulties include voluntary compliance and lacking enforcement tools. It is noteworthy that international organisations can't force noncompliant countries to change their behaviour, even though they can condemn and point out human rights infringements. This limitation is emphasising constant confrontation between two concepts: sovereignty of the state and universality of human rights.

Similarly, the ability of international organisations to deal impartially with human rights concerns may be affected by the politicisation of such organisations. The consequences of power conflicts among the member countries on decision-making processes and the sheer fact that they are intergovernmental organisations can affect their ability to promote and protect human rights. Human rights consciousness across the globe is very much dependent on international governance organisations and how they impact state behaviour.

The tasks of defending and advancing human rights on a global scale are usually entrusted to international organisations, such as the United Nations and the International Criminal Court, in the first place. The organisations involved in this process establish standards, reporting procedures and accountability measures, creating the environment where respect for human rights is a basic necessity. However, the fact that barriers and constraints are still present, indicating that the process of improving the performance of international governance institutions is ongoing, is another reminder of this fact.

The complexities of global governance and human rights are deeply intertwined in today's interconnected world. Global issues like economic inequality and climate change necessitate international cooperation and shared responsibility that transcends national borders. Global governance frameworks offer a platform for this cooperation, while human rights serve as the moral and legal compass guiding governmental activity. Understanding how state behavior impacts the success of these systems is crucial.

At the core lies the dual role of states in upholding human rights. First, they bear the primary responsibility to protect and promote human rights within their own territories. This translates to enacting and enforcing laws that respect human dignity, along with holding violators accountable. Second, states play a vital role in global cooperation. Effective global governance relies on their participation in establishing human rights frameworks, actively engaging in international mechanisms, and upholding international law.

However, the reality of state behavior often falls short of these ideals. National interests, political considerations, and limitations in enforcement power can significantly hinder effective action. Compliance with international human rights treaties and agreements is essential, yet non-compliance by some states undermines the entire system. Furthermore, the perception of double standards, where powerful states face less scrutiny than weaker nations, erodes the credibility of global governance for human rights. Limited resources in developing countries or those facing crises can also pose a significant challenge to full implementation of human rights standards. Despite these hurdles, there are ongoing efforts to strengthen global governance for human rights. Civil society organizations and international institutions play a crucial role in pressuring states to fulfill their obligations. Ultimately, achieving a world where human rights are universally respected requires sustained commitment from all states. They must act in accordance with these fundamental principles and actively cooperate in building a more just and equitable global order. Only through this combined effort can we ensure the success of global governance systems in upholding the values of human rights for all.

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