


Chapter 10


Advancing Equity and Social Justice Through Human Rights Law

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ABSTRACT

Human rights law is crucial for promoting unity and equality in society, protecting individuals from abuse and codifying rights and responsibilities. It underpins social justice by enabling or inhibiting fairness in various scenarios. The chapter explores the impact of international human rights conventions on national codes, highlighting the relationship between global norms and human rights law. It suggests a combination of legal accreditation, international cooperation, and grassroots activism to challenge barriers and create a more just and equitable societal order.

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INTRODUCTION

Human rights law aims to protect and promote fundamental human rights and freedoms. Principally, human rights law seeks to ensure basic entitlements for every person, like the right to life, freedom from torture, freedom of expression and the right to a fair trial, without discrimination of any kind, such as nationality, sex, national or ethnic origin, color, religion and language. Human rights law has a long and complex history that is rooted in philosophical traditions as well as legal traditions from multiple civilizations (Donnelly, 2013; Sen, 1999; Rawls, 1971; Baderin & McCorquodale, 2007). The idea of human rights can be found in ancient and medieval philosophical traditions that stressed the intrinsic dignity of the human person. Foundational documents, like the Magna Carta (1215), the English Bill of Rights (1689), the United States Bill of Rights (1791), and the French Declaration of the Rights of Man and of the Citizen (1789), had already paved the way. These documents, which originated in the Enlightenment, began to specify that people have rights by their nature as human beings that cannot be violated and must be protected by law. The cataclysm of World War II helped to rapidly accelerate the development of human rights law (Muller, 2023). The Holocaust and other wartime atrocities showed the urgent necessity for a global standard that would protect human dignity from abuse by states. This resulted in the establishment of the United Nations in 1945, which placed human rights as one of its main purposes (Freeman, 2002).

The United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) in 1948, the first legal document to set out fundamental human rights to be universally protected. It has formed many subsequent binding treaties. Following the UDHR, the international community developed a system of treaties and other legal instruments to have a binding effect to the principles contained in the Declaration. Two of the most important of these are the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966. Amid this, these covenants and the UDHR make a productive (and protective) suite of the International Bill of Human Rights. Human rights laws have also evolved in terms of their enforcement mechanisms (Chakravarty, 2023). Regional human rights systems exist as well, like the European Court of Human Rights, the Inter-American Court of Human Rights, and the African Court on Human and Peoples' Rights, having jurisdiction to issue judgments, binding on member states. Such regional systems are complementary to the United Nations' human rights mechanisms, which encompass treaty-based bodies, such as the Human Rights Committee, and thematic rapporteurs and working groups that monitor and investigate human rights situations worldwide.

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