

The most pressing concern in International Human Rights Law?

Whether it may be the detention of Uighur muslims in reeducation camps, or modern day sex trafficking , or even data collection by companies such as Cambridge Analytica for the purpose of influencing elections; it would be unjust to identify one as being more concerning than the other. On that note, it must be considered that maybe that these individual incidents can only be solved by attending to the most pressing concern that is International Human Rights Law(IHRL) itself. International Human Rights law is essentially a set of treaties and conventions that sets out idealistic morals that we expect the individual and the state to abide by. Recent events seem to leave unresolved issues surrounding IHRL; has legal enforceability gone far enough?; is IHRL based on a criteria which isn't applicable to all? and to what extent should IHRL be dominated by politicians and lawyers as well as the possible implications with this being the case?. Furthermore, it can be argued that failure to solve these questions brings into question the sustainability of IHRL itself, which is ultimately the most pressing concern.

De facto IHRL creates a significant issue for its sustainability as a whole. We see time and time again that states will act according to the realist perspective, the idea that a state will always act in self-interest irrespective of consequences. Cases such as the ones regarding Uighur Muslims being sent to reeducation camps in China can be argued to be in violation of a number of rights as set out in the Universal Declaration of Human Rights (Article 9, 12, 13 & 18). However, China categorising these reeducation camps as being voluntary programmes for better integration has allowed them to continue with such violations. This goes to suggest that factors such as IHRL being hard to implement in practice due to supranationalist organisations wielding little power and the importance of trade deals (evident from 37 countries condoning China's human rights record, arguably due to a vested interest) in an increasingly globalised world, states are able to get away with significant violations. It must be said that IHRL hasn't gone far enough, in terms of legal enforceability, limiting it to merely an ideology and significantly undermining its position.

In general, it can be argued that IHRL is a field that is dominated by lawyers and politics which can be seen as blurring the goal IHRL sets out to achieve. The two factors in play is law and politics. Whilst they can be considered to be interdisciplinary, the former is obsessed with the idea of being able to define IHRL into distinct rights with clear boundaries that can be challenged in court, whilst the latter is focused on achieving the best outcome for its nation state. The problems the profession of law poses is that those coming up with clear boundaries is that they're not accountable as well as the fact that by 'entrenching' the right that all human beings are equal in rights, you could possibly be impeding on one's right to freedom of religion where their religion denies equal rights to all human beings. Equally in terms of politics, elected officials will violate rights to achieve a desired outcome as it seems apparent in the Cambridge Analytica scandal in which they aided the election of the Donald Trump 2016 and the Leave campaign in Brexit through the collection of data. Both of these, being serious breaches to the rights of privacy. Therefore, as discussed in Michael Freeman's book on Human Rights, we must consider introducing social sciences to the field of Human Rights and IHRL to differentiate between rights and entitlements. Failure to do so could arguably lead to the collapse of IHRL that lead to greater violations in the future.

The assumption that IHRL has an international doctrine can be argued to not be true due to where it originates from as well as how rights possibly differ from culture to culture. The origins of IHRL can be rooted within the United Nations post-Universal declaration of Human Rights, which would suggest significant influence from Washington under what is normally referred to as the 'Washington Consensus'. Therefore, it is possible the IHRL looks to inadvertently serve US' agenda which does not make it universal by any means. Furthermore, it importance of culture has some correlation with the rights afforded to their citizens, for

example you may find that the right to privacy plays a smaller role in collectivist society compared the individualistic society. Hence, it could be argued that the International Human Rights Law cannot actually be considered to be international but merely regional which acts as a limiting factor to rights afforded to citizens internationally. Having said that, there are more democracies in the world than we've ever had in the past, giving IHRL a more prominent role. Even then, IHRL seems limited in use because you have 'fake' democracies that commit clear human rights violations such as the right to freedom of peaceful assembly and association. This is concerning for IHRL as it has the potential to render it void, undoing the progress.

In conclusion, the most pressing concern facing IHRL is itself and it can be characterised by the following three things; enforceability, field of study and universalism. Failure to reform in the face of these arguments will ultimately result to the unsustainable form of IHRL which would be limiting to the progression made since 1945 in the field of human rights and ultimately paves the way for even more significant human rights violations in the future. This is severely damaging to its existential purpose.