

## THE EVOLUTION OF THE UN HUMAN RIGHTS FRAMEWORK: FROM CHARTER PRINCIPLES TO CONTEMPORARY MECHANISMS

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### Abstract

This paper traces the evolution of the United Nations human rights framework from its foundational principles in the 1945 UN Charter to the complex, multifaceted mechanisms operating today. The Charter's broad commitment to "promoting and encouraging respect for human rights and for fundamental freedoms" provided the normative genesis, yet it lacked specific enforcement tools or definitions. The 1948 Universal Declaration of Human Rights marked the first substantive elaboration, establishing a common standard of achievement for all peoples and nations. Over the subsequent decades, this declaratory foundation was codified into legally binding treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, creating what is now known as the International Bill of Human Rights. The study employs a qualitative historical-legal analysis to examine how institutional mechanisms evolved in response to geopolitical shifts, decolonization, and emerging rights claims. It analyzes the transition from the largely state-centric, confidential procedures of the Commission on Human Rights to the more transparent, peer-review-based Universal Periodic Review under the Human Rights Council established in 2006. Special attention is given to the expansion of special procedures, treaty body systems, and the Office of the High Commissioner for Human Rights, which collectively transformed the UN from a standard-setting body into one with monitoring, reporting, and limited enforcement capacities. Findings indicate that while the framework has grown in normative depth and institutional reach, persistent challenges remain regarding selectivity, politicization, and implementation gaps. The evolution reflects a gradual shift from sovereignty as a shield against scrutiny to sovereignty as responsibility for rights protection. The paper argues that contemporary mechanisms, despite their flaws, represent a significant normative shift in international relations, embedding human rights as a legitimate concern of the international community. It concludes that future effectiveness will depend on strengthening universality, coherence, and state cooperation amid rising contestation of multilateral norms.

## INTRODUCTION TO THE UNITED NATIONS HUMAN RIGHTS SYSTEM

The United Nations human rights framework constitutes a comprehensive, multi-dimensional structure designed to serve, preserve, and monitor human rights on a global scale. Through engagement by nations, international organizations, and non-state agencies, it employs normative, institutional, and procedural operations to establish internationally accepted rights. The framework encompasses the structural component consisting of oversight committees that are treaty-based, OHCHR, and special procedures, special rapporteurs, as well as independent experts and working groups. These processes offer general observation as well as state-specific intervention in broad coverage addressing economic, social, and cultural rights alongside civil and political rights, but as a whole. The functional efficacy regarding the UN human rights regime is most heterogeneous even among nations despite the regime's scope in principle, which comprises the larger political structure, established through the UN Charter, whereby human rights committees were situated. Though there exists a special mandate concerning the general assembly that is a subsidiary but has a presence in the human rights council, other major political units, including the security council and general assembly, approach human rights issues. In this institutional relationship, there exists conflict between political interests and normative goals regarding human rights. Specialized human rights bodies, unlike the majority, are aimed at monitoring, reporting, discourse, and technical provisions, but political bodies could intervene on grave infractions regarding human rights and issue resolutions, sanctions, or peace and security measures. Various independent endeavors that have the UN involved include the formulation of norms with the aid of treaties and declarations, supervision of compliance through treaty agencies and the Universal Periodic Review (UPR), and reporting processes that make nations accountable and transparent through reports by themselves to other nations' reviews.

The charter-based and the convention-founded procedures receive rankings from the UN human

rights. The charter-founded human rights groups, including the Human Rights Council and the specialized procedures, have been majorly overly relying on political legitimacy as well as moral persuasion in the delivery of the generalized or country-specific mandate. He/she derives authority because of the UN Charter. The second one is legally binding conventions founded on which institutions, including the Human Rights Committee (ICCPR), Committee on Elimination of Discrimination against Women (CEDAW), and Committee against Torture (CAT), operate. The role of compliance under these agencies is determined by the use of reporting procedures, termination monitoring, and sometimes personal complaint systems. Though nobody has been made to do anything in the UN system, sanctions like name-and-shaming and pressuring in a mission, and at worst, the Security Council would be invoked to do the same. Nation-states serve as the primary actors of duty-bearing in the framework alongside the non-state activists, including NGOs and civil society organizations, which make the process of human rights in the UN more transparent, accountable, and likely credible since they can do it within the system of shadow reporting and advocacy (Smith, 2016).

### Literature Review

Since both India and Pakistan are members of the United Nations Human Rights Council (UNHRC), their incorporation into the council can serve as enlightenment regarding the position that the UN assumed in advancing the human rights discourse in South Asia. As founding members of the South Asian Association for Regional Cooperation (SAARC), both India and Pakistan have participated in the discussions and determinations concerning the UNHRC and done so not only from the members of their national perspectives but also from the perspective of unfolding South Asian dynamics. In the period between 2006 and 2015, they took part in a larger overview of the UN resolutions in an attempt to comprehend their connection to the entire human rights framework. From a particular perspective, these two governments strive to advance the concept of human rights; from

another perspective, the governments are traditionally skeptical regarding most of their activities in the international arena. The international observers have constantly reproached Pakistan and the military operations in Jammu and Kashmir by India on issues related to the persecution of the ethnic minority groups and freedom of expression. Despite these weaknesses, they are allowed to join the UNHRC to get a chance of airing similar or pertinent issues in the region. According to the research, even though legally there is no region-wide human rights facility as in the case of the African Union or the Council of Europe, its members, as in India and Pakistan, are becoming more vocal on other issues like economic justice and the right to develop against nation-specific resolutions, all of which are viewed to be politically motivated. The governments of the Asian countries, such as Pakistan and India, are not only being subjected to international criticism but also staking their sovereignty. The course of their voting pattern, their comments, and membership in the other regional blocs of the UNHRC could hence be analyzed in detail to understand how the South Asian domestic policies would change against international provisions regarding human rights. (Sharma, Chane & Idesbald, 2017).

The article is going to critique the principles of basic freedoms, liberty, fairness, equity, and worth that are paramount in South Asia and particularly in Pakistan. The article isolates some of the significant obstacles that are affecting the fundamental freedoms in Pakistan; they are poor civic turnout, gender inequalities, and the non-existence of access to the law. The political and social demands aggravate these issues to the extent of impeding the proper working process of the legal framework standards. The UN plays a significant part in addressing issues that have been discussed by monitoring adherence to international obligations in the form of providing technical advice to the member nations. The participation of Pakistan in the UN programs, such as the UPR, is an indication that Pakistan is interested in the harmonization of its legal laws with global requirements. However, even though action is recommended at all times, it is not

necessarily the action that is applied as a result of sociopolitical constraints and home-based resistance. The necessity of safeguarding basic freedoms in Pakistan has been stipulated through the existence of robust legal regulations and apparatus reforms. The importance of the UN in establishing a space within which human rights are respected and preserved cannot be underestimated, so that Pakistan could not only possibly remain in its positions within the international system but also be capable of operating as demanded. (Zaheer & Asim, 2024)

World War II has seen civil society and social movements hugely expand the domain of the international human rights law, although there has been an ineffective enforcement system and an unwillingness of nations to relinquish their sovereignty. Since that time, through the opportunities found in diplomacy, formation of alliances, and creativity in the wording of matters, NGOs have played a major role in writing important agreements and helping to integrate human rights within the basic UN documents. Though international law does not have much direct mandate to transform state action, it has empowered activists by providing legal means, institutional forums, and international networks, which advance mobilization and responsibility. Activists also analyze the local predicaments with great caution regarding universal rights and localize the international policies by rendering them locally palatable. Nevertheless, further institutionalization may result in professionalization and co-optation, both of which would negate radical agendas. Also, in selective mobilization, organizations and civil-political rights are given the edge over the economic issue and social injustice, particularly in the Global South. Moreover, excessively ambitious goals can face opposition or lack momentum, and the ability of social movements to transform human rights regimes across the world can be put into question. (Whitlinger, Lim, & Tsutsui, 2012).

The territorial conflict between India and Pakistan over Kashmir is still unresolved, but a highly complicated case that has a history dating back to when the British partitioned India in 1947. The region has been a victim of human rights abuse,

political unrest, and militarization, even though it has natural beauty and economic potential. Although the United Nations has guaranteed Kashmiris the right to self-determination by plebiscite to choose their own destiny, mistrust between India and Pakistan and the absence of demilitarization of the territory have prevented Kashmiris from enjoying their right to self-determination. Kashmir is seen to be a representation of a secular unity in India, but Pakistan believes it is an important state due to its majority of Muslims. The core principle of self-determination rights is stipulated by the UN Charter and other international declarations, yet a lack of political goodwill and concern about the sovereignty of states tends to disrupt the application of the principle. The Simla Agreement, which took place in 1972, moved the problem to the bilateral level, but it only served to delay the UN action further. It is due to this that Kashmir is characterized by numerous rights abuses, an unresolved state, and an absence of substantive international interaction. The author possesses extensive expertise regarding problems in recognition and portrays them in a way that avoids resembling a conventional literature review. The author is knowledgeable to a great extent about the issues related to recognition and presents them in a manner that does not seem like a typical literature review.

The analysis of counterterrorism activities of Pakistan with reference to the Anti-Terrorism Act of 1997 (or rather, the ATA) has been conducted to demonstrate the dichotomy between individual freedom and national security. It reasons why counterterrorism actions tend to violate human rights, including the freedom of expression, privacy, and a fair trial, particularly to underrepresented populations, although they are meant to protect people. The article highlights the importance of judicial review, reform, and compliance with international human rights standards, such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Civil and Political Rights (ICCPR). It is anchored on theoretical, ethical, and legal provisions. It further mentions the need to remain

accountable and transparent, and engage the civil society in averting counterterrorism to curtail dissent as well as undermine democracy. Finally, the research supports an integrated policy that ensures the safety of the state and human dignity based on inclusion in the government and socioeconomic development. (Baig, Abbas, Zafar, & Sajjad, 2024).

The research discusses how the world has become increasingly dedicated to human rights, pointing out some renowned cases like the imprisonment of Augusto Pinochet, as the one guilty of crimes against humanity, and demonstrating how human rights are becoming a serious ethical and legal concern of the modern globalized world. The human rights concept encompasses historical, ethical, and legal standpoints. Philosophical claims of justice and dignity have changed into legal definitions that are developed by organizations and laws. Rights involve three categories, which are economic and social, civil and political, and communal. Since the Magna Carta sought to secure the rights of the environment and the rights of an individual against genocide, they have evolved. Unlike the idea of state sovereignty, introduced by the Westphalian idea, the post-Westphalian standards emphasize the fact that state sovereignty is becoming more and more reliant on respect. They have developed throughout the years, from Magna Carta to contemporary provisions of environmental rights and genocide. Other concepts, other than the Westphalian concept of state sovereignty, which is focused on the importance of state sovereignty being more dependent on the respect of international human rights, include post-Westphalian standards. Globalism has contributed to this change, and this is also reflected in cosmopolitanism and internationalism; however, the debate on relativism and universalism is still having an impact on the administration of rights. Nonetheless, human rights have become popular due to heightened globalization and technologies, although the violations are still being perpetuated. The collaboration between countries is extremely instrumental in safeguarding human rights, and the standard-setting, observation, and litigation

are just a few of the strategies employed to combat the violations. The research presents the broad outlines of the development of international human rights and the attempts aimed at fighting abuses at the institutional and legal levels. (Haas, 2013).

Though 99 percent of maternal deaths are common in developing countries, with the fact that most of these deaths are avoidable, there has been slow progress towards the achievement of Millennium Development Goal number five of reduction of maternal deaths by a margin of three-quarters by the year 2015. The UN Human Rights Council has given human rights to maternal mortality, which has required accountability. The *Alyne da Silva Pimentel* case, 2011, is one of the landmark court decisions. The Committee on the Elimination of Discrimination Against Women (CEDAW) found that Brazil had violated the rights of women by failing to provide them with nondiscriminatory health care about the birth of a child. Some of the initiatives that the committee proposed are a check on the activities of the private healthcare institutions, health worker education, and obstetrical crisis availability. It also required maternal mortality panels to be found, and the family of *Alyne* was compensated. As highlighted in the case, the human rights frameworks transform the world into a better and more responsible place to avoid the preventable maternal deaths since the impact of improving the health of women has global effects. (Bueno de Mesquita & Kismödi, 2012).

#### Evolution of The UN Human Rights Framework

The modern worldwide human rights framework that was developed through the support of the UN represents a derivative of an extensive historical narrative that was substantially shaped by philosophical movements, governmental and social transformation, and responses to terrible human rights violations. Before addressing the matter with the UN, the question of human dignity was primarily founded on natural law and individual philosophical and moral grounds rather than on the foundation of an international system. The natural law doctrine introduced individual entitlements and provided them

validation in historical agreements such as the Magna Carta (1215), the American Bill of Rights (1791), and France's Declaration of the Rights of Man and of the Citizen (1789). These established the foundational principles of international law regarding armed conflict, exemplified by agreements like the Geneva Convention, which primarily addressed international scope. (Morsink, 1999). This weakness in enforcement mechanisms and respect for state sovereignty enabled the League of Nations to maintain a position of attempting to strengthen and defend member nations' fundamental liberties against domestic atrocities during the era of World War II, allowing actions to proceed without inquiry by other nations. Nevertheless, this situation transformed in 1945 following the establishment of the UN Charter, which rendered the organization legally committed to advancing global respect and compliance regarding universal dignity and essential freedoms. Through recognizing individual dignity as the fundamental aspiration, the UN not only contested the conventional notion of the idealized state maintaining absolute sovereignty but also acknowledged that how individuals within the state receive treatment has become a matter requiring international attention. The pivotal moment came with the establishment of the UDHR (1948), which created a comprehensive catalog of civil, political, economic, social, and cultural entitlements. The outcome of this expansion represented a significant milestone for the UN concerning these principles, and international legislation following the UDHR constituted an International Bill of Human Rights, structured as the ICCPR and the ICESCR (1966), at which point the UN framework became regulatory and legally enforceable. (Morsink, 1999). These agreements established the UN system's responsibility since several treaties contained mandatory commitments to the UN, including international oversight duties and governmental reporting requirements. The UN system for protecting individual dignity had evolved to address specific concerns, including racial bias, gender-based discrimination, protection of women and children, and even cruel treatment during

wartime, yet remained without the philosophical distinction indicating that states require special safeguarding beyond core principles. With the 1993 Vienna World Conference addressing individual dignity and the appointment of a High Commissioner for Human Rights (OHCHR), this marked the revival of individual dignity in the aftermath of wartime, combined with the necessity to strengthen the monitoring framework through the principle of universal applicability and responsibility. Throughout time, this has established a comprehensive framework of accountability involving the UPR, international bodies, Special Procedures, and investigative missions. The reporting mechanisms, deliberation, independent examination, and ethical influence, though not enforceable, represent the methods under which the protection of individual dignity functions. It is progressive towards a less state-focused approach and more toward an institutionalized participatory model of individual dignity that inevitably requires international oversight and civilian community involvement. To support adherence and the advancement of individual dignity throughout the global community, this tendency is state-focused rather than oriented toward institutionalized advocacy for individual dignity that certainly encompasses not only international supervision but also civilian society.

#### **Human Rights Mechanisms as Per the UN Charter**

The foundational institutional structure upon which the UN is advancing and advocating for fundamental freedoms globally consists of international rights institutions as established in the UN Charter. Charter-based mechanisms also originated from the Charter (1945) of the UN, as well as the greater political normative belief in fundamental freedoms along with peace and security of the organization, as opposed to the treaty-based institutions that also have their own specific international fundamental freedoms conventions. In Articles 1 and 55 of the Charter, there has been the advancement of universal respect and the subversion of fundamental freedoms and civil liberties as the important

objective of the UN, yet it was not created to testify to all the rights in the Charter. This juridical rationale has been an effective stride with the hard concepts of state sovereignty and places fundamental freedoms in the vast objective of foreign collaboration and security. Consequently, the Charter processes acting in the world are established upon scrutiny, discussion, and argument around the globe, but it is the nobility of enforcement powers to which it asserts the power and moral authority. The distribution of the ECOSOC and the UN General Assembly (UNGA) in the popularization of fundamental freedoms standards, as well as the coordination of this structure, is also important. The General Assembly, which has the major part of the decision-making in the UN, has made a lot of efforts to force the fundamental freedoms by submissions such as the 1948 Universal Declaration of Fundamental Freedoms and other conscientious resolutions on individual rights. The decisions of the general assembly of the UN reflect the UN's legal worldview, a decision, and thus the power to decide, though not considered permitted in the law. This standpoint is supplemented by the fact that ECOSOC orchestrates economic, social, and individual rights-related activities and facilitates the way in which skills are discussed, tactical partnerships, and policy-making, particularly in the structure of the aims of socio-economic rights and progress. These together are the entities linking the further inclusion of individual rights to the larger missions and UN institutional activities. The Human Rights Council (HRC) organization is the charter-based entity of the UN organization that heavily focuses on international rights. HRC, which was initiated in 2006 by the General Assembly, corrects the trespass abroad, gives thematic mandates, and runs the Universal Periodic Review (UPR), which subjects all the UN member states to standard and routine examination, whether or not they have ratified the treaties. The mandate of the Council, unlike the treaty bodies, is a pure political body in itself and is able to utilize peer review, popular consultation, and pressure from other nations to cause attention to the conduct of the states. As the scholars contend, the concept of

the charter-based procedures that may include more inclusivity and more universality can be offered by the fact that the political nature of the latter can limit the idea of productive legally binding results, though the states and the civil society would become more involved. They are not litigious but require individual rights procedures of international governance in the process, regardless of all, in the forefront, majority by soft law, moral legitimacy, and reputational accountability (Clapham, 2009).

### The Treaty-based Human Rights Mechanisms

The United Nations human rights framework is founded upon the legally binding instruments that are treaty-based and are distinctly differentiated from the Charter-based mechanisms, as it is based on the particular international agreements and conventions. The legitimacy of these approaches is based on the express acceptance of the states that join the human rights treaties, leading to the legally binding obligations of international law. After the conclusion of World War II, multilateral human rights agreements institutionalized the sweeping moral principles into a set of legal obligations, which marked a sharp change in the protection of international humanitarian law. This treaty-based model acknowledges the fact that effective protection of human rights requires standards and supervision mechanisms that are legally formulated and have the capacity to monitor state adherence.

### Principle Human Rights Agreements and Optional Protocols

Ground optional protocols increase the capabilities of treaty bodies, which may include individual procedures of complaints or other oversight abilities. When they are ratified, countries take binding responsibilities to observe, protect, and deliver the rights exemplified in these treaties and also to make legislative, administrative, and judicial provisions so as to enable their successful enforcement. This is under an obligation founded on the principle of *pacta sunt servanda*, that treaties should be observed in good faith and are legally enforceable against the parties of the state. Optional protocols are

additions to the system that expand supervisory functions, especially with personalized systems of complaint and supplementary programs of monitoring. Overseeing and responsibility under treaty-driven procedures are typically achieved by means of periodical state reports, personal communications, and questioning procedures. Treaty bodies consult reports made by states, have constructive discussions with the representatives of the governments, and make Concluding Observations, evaluating the transparency and accountability in the country and suggesting reforms. There are also several treaties of this nature where a person or group can complain of infringement, one of which is the First Optional Protocol to the ICCPR, which provides victims with an international remedy in cases where local remedies have failed, the other being the CAT system of inquiry. Although they occupy an authoritative role in the interpretation process, treaty organizations have no power implementation capacities, and thus, their conclusions depend on their moral influence and diplomatic force to shape the behavior of states through reputational consequences. What is more, the weaknesses of the system, like state reservations and a lack of complaint mechanisms in certain treaties, may limit the overall effectiveness of treaty-based supervision.

The fundamental agreements forming the foundation of the UN human rights framework encompass, among others:

- International Principal UN Human Rights Agreements and Optional Protocols
  - Covenant on civil and political rights and the supplementary protocols (ICCPR)
  - International Covenant on the Economic, Social, and Cultural Rights (ICESCR)
  - Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is characterized in this manner
  - Convention against Torture and other Cruel, Inhuman, or Degrading treatment or Punishment (CAT)
- CRC Convention on the Rights of the Child. Supervision. (Alston & Crawford, 2000).

## United Nations Human Rights Council (UNHRC)

The United Nations Human Rights Council is the most important intergovernmental organization of the United Nations system that upholds and defends human rights around the globe. It is a mix of normative, promotional, and investigative responsibility in the political sphere.

### The UNHRC's Mission

In the year 2006, the UN General Assembly made a resolution to form the Human Rights Council (HRC) to replace the discredited Commission on Human Rights that was known to include bad countries in the Commission and use the office to protect themselves and those who favored them. The HRC works through a broadened scope of mandate that vindicates violations of human rights across the world to promote universal acknowledgment of defense of all fundamental freedoms and rights as well as other significant issues and special sessions, which deal with urgent human rights emergencies necessitating global action. (Ramcharan, 2013). The HRC is the main intergovernmental organ of the UN that has the mandate of gaining momentum on human rights advancement and security in the world; this is by establishing more systematic control, acknowledging civil society, and establishing preventive and responsive measures. However, it is still hindered by the following weaknesses, such as politicization and selectiveness in attention on violations, as well as the absence of enforcement ability that limits its effectiveness.

### Composition, Election Process, and Membership Criteria of the Human Rights Council

The Human Rights Council has 47 elected member states who are chosen by the United Nations General Assembly on a majority vote. The seats are allocated in equal geographical representation, whereby 13 seats are assigned to Africa, 13 to Asia Pacific, 8 to Latin America and the Caribbean, 7 to Western Europe and Others, and 6 to Eastern Europe. (Edwards, Scott, Allen, & Irvin, 2008). Technically, the members are expected to encourage and defend human rights to the utmost standards, and the authority to

suspend membership is bestowed on the General Assembly by unexpected suspension by those countries that engage in acts of serious and systematic abuse; nevertheless, the elections of such nations have been largely criticized and have been accompanied by questions of legitimacy on the side of the Council. This puts in doubt the validity of the body charged with the mandate of holding states accountable, where a section of its staff are gross offenders. The opponents claim that these states join the Council not to promote the rights of mankind but to ensure the security of the authors of this move so that they themselves are not reproached in anything but to distract others regarding their activity and weaken the efficiency of the Council by jazzing up resolutions and politicizing debates. The paradox between the notion of universal participation and moral authority is a critical issue, as the Council has been struggling to achieve an equilibrium between such concepts and such aspects as inclusiveness versus geographic representation and moral authority versus credibility, since the Council is the primary human rights institution.

### Functions and Working Methods

The Human Rights Council follows a clean three-year program of frequent events, which constitute at least ten weeks annually, and there are additional special events that are held regardless of the situation and are convened as needs arise to give attention to pressing human rights issues that are urgent to the global community at the current moment. The Council meets its mandate in such sessions by a variety of different mechanisms, among them passing resolutions that concentrate on country-specific situations or issues of thematic human rights and high-level debates where holders of special procedure mandates report and more detailed and interactive discussions with the member states, national human rights institutions, civil society organizations, and other interested parties who provide statements and documents and give their differing opinions. Although the effectiveness of these functions is as ever dependent on the political goodwill and collaboration among the member states, this multipurpose approach makes the Council

perform simultaneously as an international discourse forum, an international language of some norms of human rights practice, and a surveillance mechanism that reviews the compliance of the states, as well as a harmonizing forum that forms the variables for players in the international human rights landscape. (Sarwar, 2007).

#### **Adoption of Resolutions, Commissions of Inquiry, and Fact-finding Missions**

The resolution is one of the most important instruments that the Human Rights Council has to formulate the international human rights standards, call attention to some violations, and compel the states, UN agencies, or other actors to undertake specific action. These resolutions may resolve thematic concerns that establish norms of behavior and provide an overview of the new human rights aberrations that have been faced by a group of countries or a situation wherein a particular abuse is addressed by the resolution, declaring the severity of the abuser, or which encourages governments to make reforms or which investigates the creation of monitoring mechanisms. Commissions of inquiry and fact-finding missions are the most effective investigative tools of the Council to conduct deep, autonomous investigations of suspected abuses and are often convened to respond to an extreme and systematic violation. These agencies are typically composed of freestanding experts that interrogate witnesses and victims; acquire documentary proof; investigate patterns of infractions; establish guilt, including potential criminal responsibility; and come up with comprehensive reports bearing inferences and suggestions. Serious circumstances like armed conflicts, mass atrocity, or widespread persecution often led to the deployment of commissions of inquiry as a response to credible allegations of a crime against humanity or other forms of major crimes against international law. Even those investigations that have no direct enforcement mandate reach back to states, international criminal tribunals, or other institutions to implement their findings and recommendations even though they are given considerable moral and

political weight through owning authoritative records of fact and have the potential to be relied on in future accountability processes, such as future prosecutions (Strauss, 2014).

#### **Office of the High Commissioner for Human Rights (OHCHR)**

The integration of normative leadership with supportive operational activities constitutes the office of the high commissioner for human rights (OHCHR), which serves as the principal United Nations institution that resolves and protects human rights globally. OHCHR emerged as a response to the World Conference on Human Rights in Vienna in 1993 and represented the apex of an increasing number of complaints that required strengthened and more coherent human rights presence within the United Nations framework. The UN General Assembly (1993) mandate aims to guarantee that international human rights standards are upheld, to support nations in implementing their internationally recognized obligations and to position human rights at the center of all UN activities. (Citaristi, 2022). OHCHR gains advantage by transforming international standards into practical guidelines for countries through authoritative interpretation of human rights norms and ensuring their universal acceptance. It serves as one of the primary roles of the OHCHR to coordinate the initiatives of the UN human rights framework and ensure the compliance and reliability and homogeneity of various agencies, programs, and processes of the organization. The Office is offered substantial and technical support by the Office, which offers the valuable expertise and research support and logistical support to work its smooth operation in the treaty bodies and special procedures. Besides the coordination, OHCHR also plays a considerable role in the domain of the capacity-building process and technical support, providing institutional and legal changes, training the work of the populations, judges, and law-enforcement officials, and empowering the national human rights organizations. The latter is especially needed for the states that seek the integration of domestic orders with the global human rights obligations. OHCHR also has a

huge field presence in nations where great human rights issues are involved as OHCHR undertakes capacity-building, consultative, and monitoring activities. The OHCHR establishes close cooperation with the national institutions, governments, and civil society institutions via its field offices in order to guarantee the compliance, prevent violations, and address emerging problems. This upstream-based engagement causes international human rights norms to be more visible and more effectively have practical impact on the national level. In addition to that, the OHCHR plays a critical role in mediating between civil society and member states to provide the opportunity of a substantive and free round of discourse and promote a sense of responsibility, transparency, and collaboration in the implementation of human rights principles.

#### Universal Periodic Review (UPR)

The HRC established the distinctive peer assessment system known as the UPR to evaluate human rights implementation across all UN member states through standardized and periodic procedures. The UPR was created in 2006 and became operational through its HRC, working toward comprehensive inclusivity, impartiality, and responsibility wherein all nations undergo examination by the global community regardless of political considerations and standing, as outlined in treaty commitments. The foundational framework and objectives of this system are detailed in HRC Resolution 5/1 (2007), which serves as the legal basis for the process. Unlike confrontational enforcement approaches, UPR operates as a collaborative and nation-centered mechanism, wherein participation and dialogue among peers are endorsed as strategies to promote compliance with global human rights standards. The UPR implements a comprehensive sequence of procedural measures alongside a review cycle spanning approximately four to four and a half years. (Shah & Sivakumaran, 2024). This encompasses the presentation of the nation under examination and national reporting, UN data regarding the foundation of observations from treaty organizations and specialized mechanisms,

along with a general summary of stakeholder input from national human rights institutions and civil society organizations. An inventory of recommendations receives official approval after a deliberative meeting with other UN members. Nations may accept, acknowledge, or decline these suggestions due to the voluntary nature of the process since the system operates on consensus and non-punitive principles given the cooperative character of the mechanism. The structured approach seeks to ensure uniformity, openness, and standardization. The overwhelming engagement of the UPR that extends outside of the states and into the UN agencies, civil societies, and states of the human rights of individuals, whose data and impartial analysis provide us with an objective view is one of the defining features of the UPR. Such a broad engagement allows considering the human rights situation in the country even more deeply and increases transparency. The results of UPR consist mostly of recommendations that envisage what the members of society expect about what they desire in relation to human rights improvement, and voluntary mid-term follow-up reporting and in-between communication are resorted to instead of the legally binding enforcement. Although the peer-review format and its universal relevance are seen as a benefit that minimizes the level of politicalization and selectiveness, researchers note that it continues to have disapproval and should include the influence of diplomatic prudence, overuse, and the impact of domestic political factors on the attitude of the states towards the recommendations.

#### Special Procedures and Treaty Bodies

The United Nations human rights monitoring system has two complementary pillars working together in an effort to promote normative interpretation, supervision, and accountability through various issues of human rights that are very many. Special Procedures These are human rights experts selected by the Human Rights Council to inquire, oversee, and report publicly about human rights matters, both at the thematic and national levels. These orders serve and cover numerous issues, such as torture, freedom of

expression, arbitrary arrest, or other given circumstances within a country. According to the power of the Charter, special procedures operate at arm's length of governments because they enable them to examine the human rights situations without bias and in a credible manner. They are able to manage emerging human rights challenges that are not yet well captured in the treaty law due to their flexibility and responsiveness. Special Procedures have various roles that are different yet similar in working groups, independent experts, and special rapporteurs. Whereas working groups, composed of a small number of experts, address complicated or cross-cutting issues such as enforced disappearance or arbitrary detention, special rapporteurs and independent experts are appointed to investigate a specific topic of interest or national situation. To a great extent, their effectiveness hinges on their independence, which allows them to reach the victims and civil society without political interference, visit the countries at will, and communicate with the states critically.

Both preventive and corrective human rights engagement are aided by special procedures by way of thematic and country reports, which are submitted to the Human Rights Council and the General Assembly, plus communications, such as urgent appeals and allegation letters. Treaty bodies' authority, in its turn, is based on a legally binding treaty obligation as opposed to the Charter of the UN. The treaty bodies are committees of independent professionals that are established under some international human rights treaties. Examining frequent state reports, drawing out concluding observations, incorporating general comments to clarify treaty terms, and with due consideration, considering certain complaints are but some of their paramount roles. Special procedures have an increasing role and involvement of treaty bodies in their work, although they are structurally different. The outcomes and interpretations of treaty bodies have an impact on special procedures' thematic analyses, and the country reviews of special procedures enhance the processes of treaty monitoring. Such a functional relationship enhances the consistency and richness within the

UN human rights system without necessarily being in a hierarchical system (Rodley, 2003).

#### **UN's Mechanisms of Engagement with Member States**

The UN human rights framework has applied a very large variety of forms of diplomacy, monitoring, and cooperation as a way of influencing the state behavior within the constraints set by national sovereignty inherent in it. The centrality of the technique lies in diplomatic dialogue and positive interaction where persuasion, communication, and cooperation are highly valued instead of confrontation or pressure. This diplomatic approach is combined with the extensive use of monitoring and reporting systems, including periodic state reporting to treaty bodies, and need not be fully adhered to in its strategizing, unlike repeatedly enforced by a process called the Universal Periodic Review, which combines several other methods and the various methods of advisory processes identified as Special Procedures. The outcome of these monitoring systems is comprehensive, credible measurements of state processes that observe improvements, identify the gaps in implementation, display tendencies in violations, and provide the tangible suggestions regarding changes. Technical cooperation and advisory services are a form of engagement that is non-confrontational in nature but that emphasizes partnership and capacity-building rather than criticism, due to establishing continuous cycles of reporting, assessment, and follow-up, providing accountability structures upon which future progress can be measured. The UN also provides governments with legal expertise, judicial and governmental training, institutional development support, and guidance on harmonizing local laws with international standards via OHCHR and through advising organizations. Due to the identified problematic capacity challenges that impede the application of human rights affecting many states, including limited resources, inaccurate institutional capacity, and resource deficits, this is a deliberate strategy that brings domestic human rights problems to the international community and

puts pressure on state governments to make better imprints on human rights. These civil society evaluations, particularly those conducted by external parties, can increase the political consequences of non-compliance by exposing non-compliance to international publics, by empowering civil society in a country through credible record-keeping, and by creating diplomatic fallout that, in certain cases, may impact the behavior of states, particularly those with a particular sensitivity to their standing in the international system. (Tuominen, 2023).

The UN system balances between two alternative yet complementary methods: composite techniques, which emphasize communication, cooperation, and helping, and naming and shaming techniques, which make the infractions public to rally local reform constituencies and international pressure. Effectiveness according to research varies a great deal depending on the institutional setting, political climate, and issue in question. In those countries that are sensitive to outside voices, where civil society can employ UN discoveries to attain additional domestic lobbying or where geopolitical viewpoints protect the states against severe consequences, public pressure and dramatic choices can lead to counteractions. This realization is leading UN entities to start embracing context-specific strategies that blend both ways, which include continuing to hold the populace accountable by monitoring and reporting, together with offering states, which are eager to participate in technical collaboration and healthy dialogues. This leaves various channels through which the international human rights norms may exert a slow violence on the domestic practice, even though they are not met with legally binding mechanisms of enactment.

### **Strengths and Limitations of The UN Human Rights Framework**

The United Nations human rights framework is the largest framework in the world that promotes and protects human rights and has a universal normative foundation. Numerous treaties, declarations, and resolutions have created a standardized framework of all governments with the United Nations, creating a common legal and

ethical metaphysical framework using which human rights are advocated and scrutinized. Such norms form minimum expectations about the behavior of the state and are overtures to which the domestic policies may be considered on the international level. This framework is credible because the UN has almost universal membership, and this gives its human rights processes immense moral and political powers. The UN findings, reports, and recommendations, even without coercive enforcement powers, have considerable influence on the domestic reforms, judicial interpretation, and international discourse because they transform the understanding of what is an acceptable behavior of the state. The effectiveness of the UN human rights system is blemished with institutional and structural constraints, though it is given these attributes. The institutional fragmentation is a major problem because the double mandate among the treaty bodies, special procedures, and charter-based processes may lead to duplication, unequal standards, and failure to coordinate. These problems are compounded by the continued constraints in resources, whereby human rights organizations cannot have timely reviews, follow up on recommendations, or continue participation in the field. Moreover, there is the matter of state sovereignty, which is still a significant obstacle to enforcement because the UN is not able to enforce its policies. States can report slowly, choose to act upon recommendations, or also claim sovereignty to prevent external scrutiny, which diminishes the capacity of the system to provide certain accountability consistency. Politics also affect the functioning of the UN human rights platform and the degree to which it is believed to be credible. The activities of human rights organizations are by nature governed by geopolitical considerations and country concerns, and this inevitably affects the formation of agendas, countries of choice, and the amount of attention paid to particular situations. This type of political influence may cause bias in its implementation or imbalance in focus, undermining the views of equity and effectiveness. However, a general academic view is that the UN human rights system has been playing

a very important role in protecting human rights in the world by facilitating norm diffusion, encouraging institutional reform, and increasing the level of openness in the long run (Freeman, 2001).

### Conclusion

The presence of the United Nations in the protection of human rights reflects a complex world of normative influence and official activities, yet there are failures in the implementation and systematic violations. To demonstrate that they uphold international standards, both nations still engage in procedural terms in the work conducted by the UN human rights processes through submitting reports, undergoing periods of universal periodic review, and communicating with treaty groups. But to millions of individuals, who experience discrimination, violence, and denial of basic rights, this formal engagement brings in a lot of gaps in the international obligations, constitutional guarantees, and the real world in terms of transforming effects of the UN processes, even as they perform flawlessly in the role of setting norms, documenting, and setting agendas. UN bodies mostly depend on voluntary cooperation, reputational pressure, persuasion, and transparency, which are ineffective in addressing states that consider domestic political issues, security challenges, and sovereignty to override human rights commitments. To maneuver effectively within this system, countries willingly undergo such things as recommendations that uphold their domestic agendas in the present day but that are methodically resist oversight in matters that they deem to be matters of national sovereignty, especially Kashmir, Palestine, counterterrorism efforts, and minority protections, but they face severe implementation issues due to the internal system weaknesses, civil-military disparities, and the dominance of security sector operations. Even with constitutional safeguards and legislative changes driven by UN intervention, many countries still engage in systematic conflict with minorities, an attempt to limit freedom of expression and speech, custodial torture, intelligence agency impunity, enforced

disappearance by intelligence, the institutions of blasphemy to persecute minorities, gender-based violence, and counterterrorism that depend on violation. The UN human rights system is capable of providing significant structures, norms, and mechanisms that, with robust home institutions and goodwill of governmental efforts, can propel this universal project forward.

### Recommendations

- The UN should strengthen OHCHR's field presence in world by providing enough resources and mandates for ongoing monitoring, support, and capacity building.
- By enhancing funding, coordination, recommendation follow-up, and collaborations with countries civil society, the UN should empower Special Procedures.
- The UN should increase the efficacy of treaty bodies by streamlining reporting, stepping up follow-up, improving coordination, and providing targeted technical assistance.
- The United Nations ought to develop human rights plans that meet security concerns, minority protection gaps, and civil society restraints.
- The UN should safeguard civil society that uses its processes by prohibiting reprisals, assuring confidential reporting, publicly condemning intimidation, and assisting at-risk defenders.
- Enforced disappearances, impunity for security forces, limitations on freedoms, and discrimination against minorities should be the UN's top themes.
- Through country-specific resolutions, targeted discussions, commissions of investigation, and collaboration with other UN bodies, the UN should effectively use HRC mechanisms.
- The United Nations should strengthen development and commercial relations by tying aid to human rights, assisting civil society, and encouraging corporate accountability.
- A human rights mechanism should be established by regional organizations through peer reviews, thematic collaboration, and lessons learned from existing regional systems.

- Regional groups should strengthen their collaboration through information exchange, coordinated responses to transnational challenges, regional training, and collaborative civil society forums.
- Through regional alliances, capacity-building, monitoring expertise, and secure platforms for cross-border collaboration, civil society and the global community should strengthen networks.
- Civil society should increase international advocacy through shadow reporting, strategic lawsuits, awareness campaigns, and global alliances, as well as fund independent media and research through platforms and digital security.

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