

THE ACCOUNTABILITY OF STATES FOR HUMAN RIGHTS VIOLATIONS UNDER THE INTERNATIONAL LAW

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Abstract

The issue of state accountability for human rights violations remains a central concern within contemporary international law. While the international legal framework has progressively evolved to recognize and protect fundamental human rights, enforcement mechanisms against sovereign states often remain fragmented and politically constrained. This paper critically examines the legal principles, institutional mechanisms, and practical challenges involved in holding states accountable for violations of internationally recognized human rights norms.

The study explores the inherent tension between state sovereignty and international human rights obligations, emphasizing how traditional notions of non-intervention have been reshaped by emerging doctrines such as the Responsibility to Protect (R2P). It further analyzes the role of global and regional institutions, including the International Criminal Court and the United Nations Human Rights Council, in promoting accountability and ensuring compliance with international standards.

Through doctrinal analysis and case studies—such as allegations of torture linked to the United States and the international response to the Rwandan Genocide—the paper highlights both the progress and limitations of international accountability mechanisms. It also evaluates the concept of state responsibility, the duty to prosecute, and the effectiveness of enforcement tools such as economic sanctions and international adjudication.

The research concludes that while significant advancements have been made in codifying human rights norms and establishing accountability frameworks, substantial gaps remain in implementation due to political interests, lack of universal jurisdiction, and enforcement challenges. Strengthening international cooperation, enhancing institutional independence, and reinforcing legal obligations are essential to ensure that states are held accountable for human rights violations in a consistent and effective manner.

Keywords: State Accountability; Human Rights Violations; International Law; State Responsibility; Duty to Prosecute; Sovereignty; Responsibility to Protect; International Justice; Genocide; Torture; Economic Sanctions; Universal Jurisdiction; Rule of Law; Global Governance; Human Rights Protection.

Introduction

The protection of human rights has emerged as a cornerstone of modern international law, reflecting a global commitment to uphold the dignity, equality, and freedom of individuals. In the aftermath of the

World War II, the international community recognized the urgent need to establish a normative framework to prevent atrocities and ensure accountability for violations. This led to the adoption of foundational instruments such as the Universal Declaration of Human Rights,

which articulated a comprehensive catalogue of rights applicable to all human beings, irrespective of nationality or jurisdiction.

Over time, the development of binding treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, has transformed human rights from moral aspirations into legal obligations. These instruments impose duties on states to respect, protect, and fulfil human rights, thereby establishing a framework for accountability under international law. However, despite the formal recognition of these obligations, ensuring compliance by sovereign states remains a complex and often contested process.

Traditionally, international law was grounded in the principle of state sovereignty, which emphasized non-interference in the internal affairs of states. This principle, enshrined in the Charter of the United Nations, often limited the ability of the international community to intervene in cases of human rights violations. Nevertheless, the evolution of international human rights law has progressively challenged this notion by asserting that sovereignty entails responsibility, particularly where states fail to protect their own populations from serious abuses.

The emergence of accountability mechanisms at both global and regional levels has further strengthened this shift. Institutions such as the United Nations, along with judicial bodies like the International Court of Justice and the International Criminal Court, have played a significant role in interpreting and enforcing human rights norms. These bodies, alongside regional human rights systems, contribute to a growing body of jurisprudence that seeks to hold states accountable for violations, even in the face of political resistance.

Despite these developments, the enforcement of human rights obligations continues to face substantial challenges. Issues such as selective enforcement, lack of political

will, jurisdictional limitations, and the absence of effective coercive mechanisms often undermine the effectiveness of international accountability frameworks. Furthermore, powerful states may evade scrutiny, while weaker states are disproportionately subjected to international pressure, raising concerns about the equity and legitimacy of the system.

In this context, the present study aims to critically examine the legal foundations and practical realities of state accountability for human rights violations under international law. It seeks to analyze the evolving relationship between sovereignty and accountability, evaluate the role of international institutions, and assess the effectiveness of existing mechanisms in addressing violations. By doing so, the paper contributes to the broader discourse on strengthening global governance and ensuring that human rights norms are not merely aspirational but are meaningfully enforced across all jurisdictions.

State Sovereignty vs. Human Rights: A Legal Tension

The relationship between state sovereignty and the protection of human rights represents one of the most enduring tensions within international law. Traditionally, sovereignty has been understood as the supreme authority of a state over its territory and population, free from external interference. This principle is firmly embedded in the Charter of the United Nations, particularly under Article 2(7), which prohibits intervention in matters essentially within the domestic jurisdiction of states. However, the evolution of international human rights law has increasingly challenged the absolutist conception of sovereignty, introducing a normative framework that prioritizes the protection of individuals over the autonomy of states.

Historically, international law operated as a state-centric system, where individuals were not considered subjects of legal protection at the international level. The atrocities committed during the Holocaust and other

wartime abuses exposed the limitations of this approach and catalyzed a shift towards recognizing the individual as a bearer of rights under international law. The adoption of the Universal Declaration of Human Rights marked a significant departure from traditional doctrines, establishing that the treatment of individuals within a state is no longer solely a domestic concern but a matter of legitimate international interest.

This transformation has given rise to a fundamental legal tension: while states retain sovereignty, they are simultaneously bound by international obligations to uphold human rights. The doctrine of sovereignty as responsibility has emerged as a conceptual bridge between these competing principles. It posits that state authority is not absolute but conditional upon the state's ability and willingness to protect the fundamental rights of its population. When a state fails in this duty—particularly in cases involving grave violations such as genocide, war crimes, ethnic cleansing, and crimes against humanity—the international community may assert a legitimate interest in intervention.

Despite this normative evolution, the practical reconciliation of sovereignty and human rights remains fraught with challenges. States often invoke sovereignty as a shield against external scrutiny, particularly in situations involving allegations of human rights abuses. For instance, governments accused of repression or systemic violations frequently argue that international criticism constitutes an infringement of their internal affairs. This position is further complicated by geopolitical considerations, as powerful states may selectively apply human rights standards, thereby undermining the universality and credibility of international law.

The tension is also evident in the operation of international institutions. While bodies such as the United Nations Human Rights Council are mandated to monitor and address human rights violations, their

effectiveness is often constrained by political dynamics and the principle of state consent. Similarly, enforcement actions—such as sanctions or humanitarian interventions—require careful balancing to avoid violating the sovereignty of states while still addressing urgent human rights concerns.

Judicial developments have also contributed to redefining the contours of sovereignty. Decisions by international courts, including the International Court of Justice, have affirmed that certain human rights obligations possess an erga omnes character, meaning they are owed to the international community as a whole. This recognition strengthens the argument that serious human rights violations cannot be insulated behind claims of sovereignty and may justify collective international action.

Nevertheless, the absence of a centralized enforcement mechanism in international law limits the ability to effectively resolve this tension. Unlike domestic legal systems, international law relies heavily on state cooperation and political will, which can lead to inconsistent application and enforcement. As a result, the balance between respecting sovereignty and ensuring accountability remains dynamic and context-dependent.

The tension between state sovereignty and human rights reflects a broader transformation in international law—from a system focused exclusively on state interests to one that increasingly prioritizes individual dignity and global justice. While significant progress has been made in redefining sovereignty as a responsibility rather than a privilege, the challenge lies in operationalizing this principle in a manner that is both legally sound and politically feasible. The continued evolution of international norms and institutions will play a crucial role in shaping how this tension is navigated in the future.

The Role of the International Criminal Court (ICC) in Holding States Accountable

The establishment of the International Criminal Court represents a significant milestone in the evolution of international criminal justice and the broader framework of accountability for human rights violations. Created by the Rome Statute of the International Criminal Court, the ICC is the first permanent international tribunal with jurisdiction to prosecute individuals for the most serious crimes of international concern, namely genocide, crimes against humanity, war crimes, and the crime of aggression. Although the Court primarily exercises jurisdiction over individuals rather than states, its role in promoting state accountability is both indirect and profound.

At its core, the ICC operates on the principle of complementarity, which underscores that states bear the primary responsibility for prosecuting international crimes within their jurisdictions. The Court intervenes only when a state is unwilling or genuinely unable to carry out investigations or prosecutions. This principle reinforces the duty of states to uphold international human rights and humanitarian law while simultaneously respecting their sovereignty. In this sense, the ICC does not replace domestic legal systems but acts as a safeguard against impunity when national mechanisms fail.

The jurisdiction of the ICC extends to crimes committed on the territory of a state party or by nationals of a state party, as well as situations referred by the United Nations Security Council acting under Chapter VII of the Charter of the United Nations. This mechanism enables the Court to address grave human rights violations even in non-member states, thereby expanding its reach and reinforcing international accountability. However, such referrals are often influenced by political considerations, which may affect the consistency and impartiality of the Court's interventions.

The ICC's contribution to state accountability is also reflected in its deterrent effect. By signaling that perpetrators of serious human rights violations may face international prosecution, the Court seeks to discourage states and their officials from engaging in unlawful conduct. High-profile cases, such as those involving Omar al-Bashir, demonstrate the Court's willingness to prosecute sitting heads of state, thereby challenging the traditional doctrine of sovereign immunity. This development marks a significant shift in international law, emphasizing that no individual is above the law, regardless of official position.

Nevertheless, the effectiveness of the ICC in holding states accountable is subject to several limitations. The main challenge is the lack of universal jurisdiction, as major powers such as the United States, China, and Russia are not parties to the Rome Statute. This limits the Court's ability to address violations in these jurisdictions and raises concerns about selective justice. Additionally, the ICC lacks its own enforcement mechanism and relies on state cooperation for the arrest and surrender of suspects, which can hinder the execution of its mandates.

Critics have also pointed to allegations of bias and politicization, particularly the perception that the Court disproportionately focuses on cases from African states. While the ICC has taken steps to broaden its geographical scope, these concerns continue to affect its legitimacy and acceptance among certain regions. Furthermore, the reliance on the United Nations Security Council for referrals introduces an element of political influence, as permanent members possess veto power that can block action in specific cases.

Despite these challenges, the ICC remains a crucial institution in the international legal order. It contributes to the development of international criminal jurisprudence, strengthens the norm against impunity, and reinforces the obligation of states to investigate

and prosecute serious human rights violations. By bridging the gap between national and international accountability mechanisms, the Court plays a vital role in advancing justice and upholding the rule of law at the global level.

While the ICC does not directly impose liability on states, its function in prosecuting individuals, promoting complementarity, and shaping international norms significantly enhances state accountability. Its continued effectiveness will depend on greater international cooperation, broader ratification of the Rome Statute, and sustained efforts to address concerns related to legitimacy and political influence.

The Duty to Prosecute: State Obligations under International Human Rights Law

The duty to prosecute serious human rights violations constitutes a fundamental principle of international human rights law and international criminal law. It reflects the obligation of states not only to refrain from violating human rights but also to take active measures to investigate, prosecute, and punish those responsible for grave abuses. This duty is grounded in a range of international legal instruments and customary norms, which collectively seek to prevent impunity and ensure justice for victims.

At the normative level, treaties such as the International Covenant on Civil and Political Rights impose clear obligations on states to protect fundamental rights, including the right to life, freedom from torture, and protection against arbitrary detention. These obligations are further reinforced by specialized conventions such as the Convention against Torture, which explicitly requires states to criminalize acts of torture and prosecute or extradite offenders under the principle of *aut dedere aut judicare* (extradite or prosecute). This principle ensures that perpetrators cannot evade justice by seeking refuge in another jurisdiction.

The duty to prosecute is also closely linked to the broader concept of **due diligence**, which requires states to take reasonable steps to prevent, investigate, and respond to human rights violations, including those committed by non-state actors. Failure to fulfil this obligation may result in international responsibility for the state, even where the violations are not directly attributable to state officials. This expands the scope of accountability and reinforces the protective function of human rights law.

Judicial interpretations have played a significant role in clarifying the contours of this duty. International and regional human rights bodies have consistently held that states must conduct prompt, impartial, and effective investigations into alleged violations. For instance, jurisprudence developed by the European Court of Human Rights and the Inter-American Court of Human Rights emphasizes that the failure to investigate and prosecute serious violations—such as enforced disappearances, extrajudicial killings, and torture—constitutes a breach of international obligations in itself. These decisions underscore that justice is not merely punitive but also restorative, serving the rights of victims to truth, reparation, and non-repetition.

The duty to prosecute is particularly stringent in cases involving *jus cogens* norms, such as genocide, crimes against humanity, and torture. These norms are considered peremptory in nature and binding on all states, irrespective of treaty obligations. As a result, states are required to exercise universal jurisdiction in certain circumstances, allowing them to prosecute individuals for serious international crimes regardless of where the offence occurred or the nationality of the accused. This principle strengthens the global framework for accountability by closing jurisdictional gaps.

However, the practical implementation of the duty to prosecute remains uneven. States may lack the institutional capacity, political will, or legal framework necessary to carry out

effective prosecutions. In some cases, governments may deliberately avoid prosecuting perpetrators due to political considerations, particularly where high-ranking officials or security forces are involved. Amnesty laws and statutes of limitation have also been used to shield offenders, although international law increasingly rejects such measures in relation to serious human rights violations.

The principle of complementarity, as embodied in the International Criminal Court framework, further reinforces the duty to prosecute by placing primary responsibility on states while providing an international mechanism to intervene when domestic systems fail. This creates a layered system of accountability, where national and international institutions operate in tandem to ensure that justice is not denied.

The duty to prosecute represents a critical component of state accountability under international human rights law. It transforms abstract legal obligations into concrete actions, ensuring that violations are addressed through judicial processes rather than ignored or concealed. While significant challenges remain in its implementation, the continued development of legal norms, judicial interpretations, and institutional mechanisms offers a pathway towards strengthening accountability and combating impunity at both national and international levels.

The Concept of State Responsibility for Human Rights Violations

The concept of state responsibility constitutes a foundational principle of international law, providing the legal framework through which states are held accountable for breaches of their international obligations, including violations of human rights. Unlike individual criminal responsibility, which focuses on punishing perpetrators, state responsibility addresses the conduct of states as legal entities and seeks to ensure reparation for harm caused by internationally wrongful acts.

The modern doctrine of state responsibility is primarily codified in the Articles on Responsibility of States for Internationally Wrongful Acts, developed by the International Law Commission. Although not a binding treaty, these Articles are widely regarded as reflecting customary international law and have been frequently cited by international courts and tribunals, including the International Court of Justice. They establish the conditions under which a state may be held responsible and outline the legal consequences of such responsibility.

According to this framework, two essential elements must be satisfied to establish state responsibility:

1. **Attribution** – The conduct in question must be attributable to the state, whether carried out by its organs, officials, or entities exercising governmental authority.
2. **Breach of an international obligation** – The conduct must constitute a violation of a binding international obligation, such as those arising under human rights treaties or customary international law.

In the context of human rights, attribution extends beyond direct actions of state officials to include omissions and failures to act. For instance, a state may be held responsible for failing to prevent, investigate, or punish violations committed by private actors, particularly where it has knowledge of such acts and the capacity to respond. This reflects the principle of due diligence, which expands the scope of state accountability beyond direct perpetration.

The legal consequences of state responsibility are multifaceted and aimed at restoring justice and ensuring compliance with international law. These consequences include:

- **Cessation** of the wrongful act and guarantees of non-repetition;

- **Reparation**, which may take the form of restitution, compensation, or satisfaction;
- **Acknowledgment of wrongdoing**, including formal apologies or recognition of violations.

Reparation plays a central role in human rights cases, as it seeks to address the harm suffered by victims and restore, as far as possible, the स्थिति that existed prior to the violation. International jurisprudence has consistently emphasized that remedies must be effective, proportionate, and accessible to victims.

An important dimension of state responsibility is the concept of **erga omnes obligations**, which are duties owed to the international community as a whole. The International Court of Justice, in landmark cases such as Barcelona Traction Case, recognized that certain obligations—particularly those relating to fundamental human rights—are of such importance that all states have a legal interest in their protection. This principle allows states that are not directly affected by a violation to invoke responsibility, thereby reinforcing collective enforcement of human rights norms.

Furthermore, the doctrine of **aggravated responsibility** applies in cases involving serious breaches of peremptory norms (*jus cogens*), such as genocide, slavery, and torture. In such situations, all states are under an obligation to cooperate to bring an end to the violation and to refrain from recognizing or assisting the wrongful conduct. This elevates the issue of human rights violations from a bilateral dispute to a matter of global concern.

Despite its robust theoretical foundation, the practical enforcement of state responsibility faces significant challenges. International law lacks a centralized enforcement authority, and compliance often depends on political will and diplomatic pressure. Mechanisms such as countermeasures, sanctions, and adjudication

before international courts are available but are not always effectively utilized. Additionally, disparities in power among states may influence the application of these mechanisms, leading to concerns about selective enforcement.

The concept of state responsibility provides a comprehensive legal framework for addressing human rights violations at the international level. By establishing clear rules on attribution, breach, and reparation, it ensures that states are not immune from accountability. However, the effectiveness of this framework ultimately depends on the willingness of the international community to enforce these principles consistently and impartially. Strengthening institutional mechanisms and enhancing international cooperation remain essential for translating legal responsibility into meaningful accountability.

Case Study: The United States and International Accountability for Torture

The question of accountability for torture has been a central issue in international human rights discourse, particularly in relation to the practices adopted by the United States in the context of counterterrorism operations following the September 11 attacks. Allegations of torture and ill-treatment of detainees held in facilities such as Guantanamo Bay detention camp and secret Central Intelligence Agency (CIA) “black sites” raised serious concerns regarding compliance with international human rights and humanitarian law.

Under international law, the prohibition of torture is absolute and non-derogable, meaning it cannot be justified under any circumstances, including war or national emergency. This principle is enshrined in the Convention against Torture, to which the United States is a party. The Convention obligates states to criminalize torture, investigate allegations promptly and impartially, and prosecute or extradite those responsible. It also prohibits the use of evidence obtained through

torture and requires states to provide redress to victims.

In the aftermath of the 9/11 attacks, the United States adopted a series of controversial interrogation techniques, including waterboarding, prolonged detention without trial, and extraordinary rendition. These practices were justified by government officials as necessary measures to combat terrorism. However, international bodies, including the United Nations Committee Against Torture, have consistently held that such methods constitute torture or cruel, inhuman, and degrading treatment, thereby violating international legal standards.

One of the most significant developments in this context was the release of the Senate Intelligence Committee's report on CIA detention and interrogation practices in 2014. The report documented widespread use of enhanced interrogation techniques and raised serious questions about the legality and effectiveness of these methods. Despite these findings, accountability at the domestic level has been limited, with few prosecutions of individuals responsible for authorizing or carrying out such acts.

The role of the International Criminal Court in this context has also been a subject of debate. Although the United States is not a party to the Rome Statute of the International Criminal Court, the ICC Prosecutor sought to investigate alleged war crimes, including torture, committed in the context of the conflict in Afghanistan, where the Court has jurisdiction. This move was met with strong opposition from the United States, including sanctions against ICC officials, highlighting the tension between international accountability mechanisms and state sovereignty.

Judicial responses within the United States have also been mixed. While the Supreme Court of the United States has affirmed certain rights of detainees—such as in cases recognizing the right to habeas corpus for Guantanamo detainees—these decisions have not fully

addressed the issue of criminal accountability for torture. Civil litigation efforts by victims have often been dismissed on grounds such as state secrecy and national security, further limiting avenues for redress.

The principle of universal jurisdiction has provided an alternative pathway for accountability. Courts in other countries have attempted to initiate proceedings against U.S. officials for alleged involvement in torture, although such efforts have faced diplomatic and legal obstacles. These developments underscore the growing recognition that torture is an international crime subject to prosecution beyond national borders.

From the perspective of state responsibility, the actions of U.S. officials may be attributable to the state, thereby engaging its international responsibility for violations of human rights obligations. The failure to adequately investigate and prosecute those responsible may constitute an additional breach, reinforcing the principle that accountability requires not only acknowledgment of wrongdoing but also effective legal action.

In conclusion, the case of the United States illustrates the complexities and limitations of international accountability for human rights violations, particularly when powerful states are involved. While international law establishes clear prohibitions and obligations regarding torture, enforcement remains uneven and often constrained by political considerations. This case highlights the need for stronger mechanisms to ensure compliance, greater transparency in state practices, and a renewed commitment to upholding the absolute prohibition of torture as a fundamental norm of international law.

Accountability for Genocide: The Case of Rwanda and the Role of International Law

The Rwandan Genocide stands as one of the most tragic and instructive examples of large-scale human rights violations in modern history. Over the course of approximately 100 days in

1994, an estimated 800,000 people, primarily from the Tutsi ethnic group, were systematically killed. The international community's failure to prevent or halt the genocide exposed significant weaknesses in global governance and underscored the urgent need for effective mechanisms to ensure accountability for such grave crimes.

In response to the atrocities, the United Nations Security Council established the International Criminal Tribunal for Rwanda through Resolution 955 in 1994. The ICTR was mandated to prosecute individuals responsible for genocide, crimes against humanity, and serious violations of international humanitarian law committed in Rwanda and neighboring states. This marked a significant step in the evolution of international criminal justice, reinforcing the principle that perpetrators of mass atrocities can be held accountable under international law.

The ICTR made substantial contributions to the development of legal jurisprudence on genocide. It provided authoritative interpretations of the Convention on the Prevention and Punishment of the Crime of Genocide, particularly in defining key elements such as intent (*dolus specialis*) and the scope of protected groups. Landmark cases, including those against Jean-Paul Akayesu, established that acts such as sexual violence and rape could constitute genocide when committed with the intent to destroy a group, thereby expanding the understanding of genocidal acts under international law.

Beyond individual criminal responsibility, the Rwandan case also highlights issues of **state responsibility** and the international community's obligations. Although the genocide was primarily carried out by non-state actors and government forces within Rwanda, questions arose regarding the role of other states and international organizations in failing to prevent the atrocities. The doctrine of **erga omnes obligations** and the duty to prevent genocide, as articulated by the

International Court of Justice in later cases, emphasize that all states have a legal interest in preventing and punishing genocide, regardless of where it occurs.

At the domestic level, Rwanda also undertook extensive efforts to ensure accountability through national courts and the innovative *Gacaca* justice system. These community-based courts were designed to address the overwhelming number of cases arising from the genocide, promote reconciliation, and facilitate truth-telling. While the *Gacaca* system contributed to restoring social order and delivering a form of justice, it also faced criticism regarding due process guarantees and the quality of legal proceedings.

The Rwandan experience further influenced the establishment of the International Criminal Court, which institutionalized a permanent mechanism for prosecuting genocide and other serious international crimes. Lessons learned from the ICTR—such as the importance of timely intervention, victim participation, and the need for efficient judicial processes—have shaped the functioning of the ICC and other international tribunals.

Despite these advancements, significant challenges remain in ensuring accountability for genocide. Delayed international response, limited resources, and political constraints often hinder effective action. The failure to prevent the Rwandan Genocide has been widely regarded as a moral and legal failure of the international community, prompting renewed emphasis on preventive measures and early warning systems.

Moreover, the issue of reparations and long-term justice continues to be a concern. While criminal prosecutions address individual culpability, broader questions of state responsibility, victim compensation, and societal healing require sustained efforts beyond the courtroom. The Rwandan case demonstrates that accountability must be comprehensive, encompassing legal, social, and institutional dimensions.

In conclusion, the Rwandan Genocide serves as a pivotal case in understanding the role of international law in addressing mass atrocities. It illustrates both the potential and limitations of international accountability mechanisms. While institutions like the ICTR have significantly advanced the jurisprudence on genocide and reinforced the norm against impunity, the ultimate effectiveness of these mechanisms depends on timely action, political will, and the commitment of the international community to uphold its legal and moral obligations.

The UN Human Rights Council and Its Role in State Accountability

The United Nations Human Rights Council plays a central role in the international framework for promoting and enforcing state accountability for human rights violations. Established in 2006 by the United Nations General Assembly, the Council replaced the former Commission on Human Rights with the objective of creating a more effective and credible institutional mechanism. As an intergovernmental body composed of member states, the Council is mandated to promote universal respect for the protection of all human rights and to address situations of violations, including gross and systematic abuses.

One of the most significant innovations introduced by the Council is the **Universal Periodic Review (UPR)** mechanism. The UPR subjects all UN member states to a periodic review of their human rights records, based on principles of universality, transparency, and equal treatment. This peer-review process enables states to assess each other's performance, make recommendations, and monitor progress over time. By ensuring that no state is exempt from scrutiny, the UPR represents an important step toward reducing selectivity and promoting accountability within the international system.

In addition to the UPR, the Council employs **special procedures**, including Special Rapporteurs, Independent Experts, and Working Groups, to investigate and report on specific

country situations or thematic issues such as torture, freedom of expression, and extrajudicial killings. These mandate holders operate independently and provide valuable insights into human rights conditions, often highlighting violations that may otherwise go unaddressed. Their reports contribute to the development of international norms and place pressure on states to comply with their obligations.

The Council also has the authority to establish **fact-finding missions** and **commissions of inquiry** to investigate serious human rights violations. These mechanisms are particularly relevant in situations involving armed conflict or widespread abuses, where domestic institutions may be unable or unwilling to conduct impartial investigations. The findings of such inquiries can serve as a basis for further action, including referrals to judicial bodies such as the International Criminal Court or the imposition of sanctions by other international actors.

Despite its institutional significance, the effectiveness of the Human Rights Council in ensuring state accountability is subject to several limitations. As a political body composed of states, its decisions are often influenced by diplomatic considerations, alliances, and geopolitical interests. This can result in selective scrutiny, where some states face intense examination while others avoid criticism. The presence of states with questionable human rights records as members of the Council has also raised concerns regarding its credibility and impartiality.

Moreover, the Council lacks binding enforcement powers. Its resolutions and recommendations, while influential, are not legally enforceable, and compliance depends largely on the willingness of states to cooperate. In cases where states refuse to engage or implement recommendations, the Council's ability to compel action is limited. This structural weakness underscores the broader challenge of enforcement in international human rights law.

Nevertheless, the Council plays a crucial normative and supervisory role. By facilitating dialogue, monitoring compliance, and generating international attention, it contributes to the gradual development of accountability mechanisms. The “naming and shaming” approach adopted by the Council can exert reputational pressure on states, encouraging them to सुधार their human rights practices and align with international standards.

The Council also collaborates with other UN bodies, including the Office of the United Nations High Commissioner for Human Rights, to provide technical assistance and capacity-building support to states. This cooperative approach recognizes that accountability is not solely punitive but also involves strengthening institutions, promoting legal reforms, and enhancing the ability of states to fulfil their human rights obligations.

In conclusion, the United Nations Human Rights Council serves as a key institutional mechanism for promoting state accountability in the field of human rights. While its impact is constrained by political dynamics and limited enforcement powers, its contributions to monitoring, norm development, and international scrutiny are indispensable. Strengthening its independence, improving membership standards, and enhancing follow-up mechanisms are essential steps toward increasing its effectiveness in holding states accountable for human rights violations.

The Responsibility to Protect (R2P) and State Accountability in Human Rights Crises

The doctrine of the Responsibility to Protect (R2P) represents a transformative development in international law, redefining the relationship between state sovereignty and the protection of human rights. Formally endorsed by the United Nations General Assembly at the 2005 World Summit, R2P establishes that states have a primary responsibility to protect their populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. When a state fails to fulfil this obligation, the

responsibility shifts to the international community, thereby strengthening the framework of state accountability in situations of mass atrocities.

R2P is structured around three interconnected pillars. The first pillar affirms that each state bears the responsibility to prevent and halt serious human rights violations within its territory. This aligns with existing obligations under international law, including those derived from the Convention on the Prevention and Punishment of the Crime of Genocide and other human rights instruments. The second pillar emphasizes the role of the international community in assisting states through capacity-building, diplomatic engagement, and preventive measures. The third pillar authorizes collective action, including coercive measures, when a state manifestly fails to protect its population.

The operationalization of R2P often involves the United Nations Security Council, which has the authority to undertake measures under Chapter VII of the Charter of the United Nations. These measures may include economic sanctions, arms embargoes, and, in extreme cases, military intervention. The invocation of R2P in situations such as the 2011 crisis in Libya marked a significant moment in the application of this doctrine, as the Security Council authorized the use of force to protect civilians facing imminent threats.

R2P has contributed to reshaping the concept of sovereignty by framing it as a responsibility rather than an absolute right. This shift challenges the traditional doctrine of non-intervention and reinforces the idea that gross human rights violations are matters of legitimate international concern. By establishing a legal and moral basis for collective action, R2P enhances the accountability of states that fail to protect their populations.

However, the implementation of R2P remains highly contested and subject to political constraints. The requirement of Security Council authorization means that the application of R2P

can be influenced by the interests of permanent members, each of whom possesses veto power. This has led to inconsistent responses to human rights crises, with some situations receiving robust international intervention while others are met with inaction. Such selectivity undermines the credibility and effectiveness of the doctrine.

Critics also argue that R2P may be misused as a pretext for political or military intervention, raising concerns about abuse and the erosion of state sovereignty. The aftermath of interventions carried out under the banner of R2P, particularly in Libya, has further intensified debates regarding the long-term consequences of such actions and the adequacy of post-intervention planning.

Despite these challenges, R2P has strengthened the normative framework of international law by emphasizing prevention and early action. It encourages states and international organizations to identify risk factors, engage in diplomat efforts, and to undertake measures to avert crises before they escalate into large-scale atrocities. This preventive dimension is crucial for reducing the occurrence of human rights violations and minimizing the need for coercive interventions.

Furthermore, R2P complements existing accountability mechanisms by reinforcing the obligation of states to protect their populations and by legitimizing international responses when they fail to do so. It operates alongside institutions such as the International Criminal Court, which can prosecute individuals responsible for crimes falling within the scope of R2P, thereby ensuring that accountability is pursued through both preventive and punitive means.

In conclusion, the Responsibility to Protect represents a significant evolution in the international legal order, bridging the gap between sovereignty and accountability. While its implementation remains constrained by political realities and concerns about misuse, its normative impact is undeniable. Strengthening

the operational mechanisms of R2P, enhancing transparency in decision-making, and ensuring consistent application are essential for realizing its full potential as a tool for protecting human rights and holding states accountable in times of crisis.

The Role of Regional Human Rights Bodies in Holding States Accountable

Regional human rights systems play a vital and complementary role in ensuring state accountability for human rights violations under international law. While global mechanisms provide overarching norms and frameworks, regional bodies offer more accessible, culturally contextualized, and often more effective avenues for enforcement. These institutions operate within specific geographical and political contexts, enabling them to address violations with greater sensitivity to regional realities while reinforcing universal human rights standards.

Among the most developed regional systems is the European human rights framework, anchored by the European Court of Human Rights. Established under the European Convention on Human Rights, the Court allows individuals to bring complaints directly against states for violations of their rights. Its judgments are legally binding, and states are obligated to implement them, including through legislative reforms and compensation to victims. The effectiveness of the European system lies in its robust enforcement mechanisms and the political commitment of member states to uphold the rule of law.

Similarly, the Inter-American system, led by the Inter-American Court of Human Rights, has made significant contributions to the development of human rights jurisprudence. Operating under the American Convention on Human Rights, the Court has addressed a wide range of violations, including enforced disappearances, extrajudicial killings, and violations of indigenous rights. Its decisions often include comprehensive reparations, such as monetary compensation, institutional

reforms, and guarantees of non-repetition, thereby strengthening state accountability.

In the African context, the African Court on Human and Peoples' Rights and the African Commission on Human and Peoples' Rights operate under the African Charter on Human and Peoples' Rights. These bodies address human rights issues unique to the African continent, including collective rights, development, and the rights of peoples. While their enforcement capacity has historically been limited, recent developments indicate a growing willingness among states to engage with these institutions and comply with their decisions.

Regional human rights bodies contribute to accountability in several important ways. First, they provide **judicial and quasi-judicial remedies** for victims, allowing individuals and groups to seek redress when domestic remedies are ineffective or unavailable. This enhances access to justice and empowers victims to challenge state actions at an international level. Second, these bodies develop **regional jurisprudence** that interprets and expands the scope of human rights protections, often influencing both domestic legal systems and global norms.

Third, regional institutions facilitate **monitoring and reporting**, which helps identify patterns of violations and hold states accountable through public scrutiny. Their proximity to member states allows for more continuous engagement and follow-up, increasing the likelihood of compliance. Additionally, they often collaborate with civil society organizations, further strengthening accountability mechanisms and promoting transparency.

However, the effectiveness of regional systems varies significantly across regions. Challenges include limited jurisdiction, lack of universal ratification of regional treaties, and weak enforcement mechanisms. In some cases, states fail to comply with judgments or delay implementation, undermining the authority of these bodies. Financial and institutional

constraints also affect their capacity to function effectively.

Despite these limitations, regional human rights bodies remain indispensable to the global accountability framework. They bridge the gap between international norms and domestic implementation, providing a more immediate and context-specific response to violations. Their decisions not only deliver justice to victims but also encourage systemic reforms within states, thereby contributing to the prevention of future violations.

In conclusion, regional human rights mechanisms significantly enhance state accountability by offering accessible judicial remedies, developing influential jurisprudence, and fostering closer engagement with member states. Strengthening these institutions through greater political support, improved enforcement mechanisms, and broader ratification of regional treaties is essential for ensuring that human rights obligations are effectively implemented at all levels.

Economic Sanctions and the Enforcement of Human Rights Obligations

Economic sanctions have emerged as a significant **instrument** in the enforcement of international human rights obligations, offering a non-military means of compelling states to comply with international norms. Sanctions are typically imposed by individual states, regional organizations, or the United Nations Security Council under the authority of Chapter VII of the Charter of the United Nations. They are used in response to serious violations of international law, including human rights abuses, threats to international peace, and acts of aggression.

Sanctions can take various forms, including trade restrictions, financial limitations, arms embargoes, travel bans, and asset freezes. Traditionally, comprehensive sanctions targeted entire economies, as seen in the case of Iraq during the 1990s. However, such measures often resulted in severe humanitarian consequences for civilian populations, raising

concerns about their compatibility with human rights principles. In response, the international community has increasingly shifted toward targeted or “smart” sanctions, which focus on specific individuals, entities, or sectors responsible for violations, thereby minimizing collateral damage.

The primary objective of economic sanctions is to exert pressure on states to alter their behavior without resorting to armed intervention. In the context of human rights, sanctions aim to deter violations, signal international condemnation, and promote accountability. For example, sanctions have been imposed in response to systemic abuses such as political repression, unlawful detention, and violations of fundamental freedoms. By restricting access to financial systems and international markets, sanctions can significantly impact a state’s economic and political stability, thereby incentivizing compliance.

From a legal perspective, sanctions must be consistent with international law, including principles of necessity, proportionality, and humanitarian considerations. The United Nations has emphasized that sanctions regimes should include safeguards to protect basic human rights, particularly access to food, medicine, and essential services. This reflects the recognition that enforcement measures should not exacerbate the suffering of vulnerable populations.

Regional organizations also play a key role in implementing sanctions. For instance, the European Union has developed comprehensive sanctions regimes targeting individuals and entities involved in human rights violations. These measures often complement UN actions and may include travel bans, asset freezes, and restrictions on economic cooperation. Similarly, individual states, such as the United States, have enacted domestic legislation—such as the Global Magnitsky Act—to impose sanctions on foreign officials accused of corruption and human rights abuses.

Despite their widespread use, the effectiveness of economic sanctions in enforcing human rights obligations remains debated. In some cases, sanctions have contributed to positive change by compelling states to engage in negotiations or implement reforms. However, in other instances, they have had limited impact on the behavior of political elites while disproportionately affecting ordinary citizens. This raises ethical and legal concerns regarding the unintended consequences of sanctions and their overall legitimacy as a tool of enforcement.

Another challenge lies in the politicization of sanctions. Decisions to impose or lift sanctions are often influenced by geopolitical interests, leading to selective application and undermining the principle of universality in human rights enforcement. Additionally, the absence of a centralized enforcement mechanism in international law means that compliance with sanctions regimes depends largely on the cooperation of states, which may vary significantly.

Recent developments have sought to address these challenges by improving the design and implementation of sanctions. Measures such as humanitarian exemptions, regular monitoring, and clearer legal frameworks aim to enhance the effectiveness and fairness of sanctions regimes. Furthermore, increased coordination among international and regional actors has strengthened the overall impact of sanctions as a tool for accountability.

In conclusion, economic sanctions represent an important mechanism for enforcing human rights obligations in the international system. While they offer a flexible and non-violent means of pressure, their effectiveness depends on careful design, consistent application, and respect for humanitarian principles. Strengthening legal safeguards, reducing politicization, and ensuring targeted implementation are essential for maximizing their role in promoting state accountability and protecting human rights.

Conclusion:

The accountability of states for human rights violations under international law represents a dynamic and evolving area of global governance, reflecting the gradual shift from a state-centric to a human-centric legal order. As this study has demonstrated, international law has developed a comprehensive normative framework that imposes obligations on states to respect, protect, and fulfil human rights. Foundational instruments such as the Universal Declaration of Human Rights and binding treaties like the International Covenant on Civil and Political Rights have transformed human rights from moral aspirations into enforceable legal commitments.

A central theme throughout this analysis has been the tension between state sovereignty and international accountability. While sovereignty remains a core principle of international law, its meaning has undergone significant transformation. The emergence of doctrines such as the Responsibility to Protect (R2P) and the recognition of *erga omnes* obligations illustrate that sovereignty is no longer absolute but is conditioned upon the protection of fundamental human rights. This reconceptualization underscores the growing acceptance that gross human rights violations are matters of legitimate international concern, warranting collective response.

Institutional mechanisms have played a crucial role in operationalizing state accountability. Bodies such as the International Criminal Court, the United Nations Human Rights Council, and regional human rights courts have contributed significantly to monitoring compliance, developing jurisprudence, and providing remedies to victims. The principle of complementarity, as embodied in the ICC framework, reinforces the primary responsibility of states while ensuring that international mechanisms serve as a safeguard against impunity. Similarly, regional systems have enhanced accessibility and contextual responsiveness, bridging the gap between

international norms and domestic implementation.

The study has also highlighted the importance of legal doctrines such as the duty to prosecute and the concept of state responsibility, as codified in the Articles on Responsibility of States for Internationally Wrongful Acts. These frameworks establish clear standards for attribution, breach, and reparation, thereby ensuring that states are not immune from legal consequences. Case studies, including the conduct of the United States in relation to torture and the international response to the Rwandan Genocide, illustrate both the potential and limitations of existing accountability mechanisms. They reveal that while international law provides robust normative standards, enforcement often remains inconsistent and influenced by political considerations.

Furthermore, enforcement tools such as economic sanctions and international adjudication demonstrate the diverse methods available to the international community in addressing human rights violations. However, their effectiveness is contingent upon careful design, adherence to humanitarian principles, and the willingness of states to cooperate. The absence of a centralized enforcement authority in international law continues to pose a significant challenge, resulting in selective application and persistent gaps in accountability.

In light of these findings, it is evident that while substantial progress has been made in establishing legal and institutional frameworks for state accountability, significant challenges persist. Issues such as politicization, lack of universal jurisdiction, weak enforcement mechanisms, and disparities in power among states undermine the consistency and credibility of the system. Addressing these challenges requires a multifaceted approach, including strengthening international institutions, enhancing cooperation among states, and promoting greater transparency

and independence in decision-making processes.

Ultimately, the effectiveness of international human rights law depends not only on the existence of legal norms but also on their meaningful implementation. Ensuring accountability for human rights violations requires sustained commitment from the international community, including states, international organizations, and civil society. By reinforcing legal obligations, improving enforcement mechanisms, and fostering a culture of respect for human rights, the international system can move closer to achieving its fundamental objective: the protection of human dignity and the prevention of injustice on a global scale.

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