

On the Protection of Human Rights in International Law

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Abstract

With the continuous development and progress of the times, the protection of human rights in national law has gradually been concerned by people all over the world. It is specifically revealed that some developed countries interfere with some developing countries on human rights issues beyond the scope of normal supervision, amplifying some internal human rights issues into international issues, so as to take the opportunity to interfere in the internal affairs of other countries. In view of these excessive acts, the protection of human rights in international law is particularly important. It is urgent to find the defects of existing laws, establish and improve the corresponding human rights protection mechanism in international law, and this act is conducive to the protection of human rights.

Keywords

Human rights; International law; Human rights protection; Sovereignty.

1. CONCEPTS OF HUMAN RIGHTS AND INTERNATIONAL HUMAN RIGHTS LAW

1.1. Basic Concepts of Human Rights

Human rights are historic in origin. Social culture and economic conditions lead to the emergence of human rights, and human natural causes also derive human rights. Human rights are definitely not innate, nor are they produced by reason. Human rights are produced in accordance with the development of the historical era. The emergence of human rights does not appear out of thin air. The emergence of human rights needs external conditions to a certain extent. Society is always making progress, so human rights are constantly enriched and changed. Because of this, the choice, understanding and use of human rights will be different in different times.

1.2. Basic Concepts of International Human Rights Law

International human rights law is international law on human rights issues. From a small perspective, international human rights law refers to protecting the basic rights and interests of mankind in a peaceful era on the premise that the existing international law does not conflict, and mankind ensures its own rights without violating the current law. Generally speaking, international human rights law also includes the human rights rights rights and interests in international law enjoyed by victims of war when the peace of the times breaks down, which is international humanitarian law. International human rights law clearly stipulates that in today's society, people in society have human legitimate rights and interests in social development. It is only when there is no conflict in international law that human rights will be given due significance.

2. ISSUES INVOLVED IN HUMAN RIGHTS PROTECTION

2.1. Internationalization of Human Rights Protection

The protection of human rights in international law is reflected in the behavior that states and relevant international organizations deal with some special or universal international human rights obligations and stop and punish violations of human rights in accordance with international human rights treaties or customary international human rights law. The purpose of international human rights protection is to promote the continuous improvement of the global human rights situation. After decades of development since World War II, international human rights protection has formed a relatively complete system composed of international human rights conventions and relevant human rights institutions, which plays a certain role in promoting the development of human rights protection. However, the progress of legalization of international protection of human rights worldwide is very slow, and the effect of human rights protection is not significant. In contrast, the development of human rights protection in regional international law is faster and more perfect.

2.2. Relationship Between Human Rights and State Sovereignty

Safeguarding sovereignty cannot be at the expense of human rights. The establishment of sovereignty is a social contract formed by the people at home by transferring their own rights and forcibly depriving the people abroad of their corresponding human rights. It includes: Supreme rule, foreign independence and self-defense. The establishment of the army requires the people to transfer part of their right to life and freedom; The establishment of tax system requires people to transfer some property rights and development rights; The establishment of the border and visa system deprives people at home and abroad of a certain range of human rights, such as property and freedom; Once the right of self-defense is exercised, it will deprive the other party's soldiers of their right to life. Therefore, we need to realize that "human rights" is not a single thing, but a series of parts from the right to life, freedom, property, development and dignity to the state. Under different historical and cultural backgrounds, the focus and combination proportion of these components are different. Under the corresponding realistic conditions, the interest relationship structure of maintaining the common divisor of maximum interests is formed through compromise among groups. This relationship is reflected in a country's political system, and the final result is sovereignty. State sovereignty is the highest form of the greatest common divisor of safeguarding the interests of the people of a sovereign state under corresponding historical conditions, in different periods and circumstances, and under the circumstances of transferring and sacrificing some people's human rights.

3. PROBLEMS IN THE PROTECTION OF HUMAN RIGHTS IN INTERNATIONAL LAW

3.1. Human Rights and Sovereignty Issues

Since the founding of the United Nations, the laws of human rights protection in international law have been continuously supplemented and improved, and human rights protection has been gradually recognized by the international community, but the problems of human rights and sovereignty have gradually emerged. Human rights protection can only be realized on the premise of respecting national sovereignty. At present, the acts that constitute the reason for "interference" in the current society mainly include various acts that will damage the peace and security of the international community, such as international terrorist organizations, genocide, colonialism, racial discrimination and apartheid. Of course, the above acts must be interfered by the state and society in general. Under the current circumstances, only the United Nations

and relevant international organizations have the right to intervene in the above-mentioned acts. No country can arbitrarily interfere in the internal affairs of other countries on the pretext of human rights.

3.2. The Universality and Particularity of Human Rights Protection in International Law

At present, the consensus reached by all countries is that human rights need national protection and the international community needs to be mobilized to protect them. People have different views on what constitutes a violation of human rights. At present, while pursuing performance, we should pay close attention to the specific issues related to each country. Legal norms of the concept of universal human rights protection. A major drawback of today's international human rights law is that its system greatly embodies the concept of Western civilization and skillfully forms a so-called "universal value". This will certainly make it difficult to formulate human rights protection laws in line with the interests and needs of most members of the current society in the legislative process of human rights protection in international law.

3.3. On the Implementation Mechanism of the Obligation to Protect Human Rights in International Law

Under the current circumstances, in the mechanism of periodic reports of States parties, first, not all States parties can submit human rights reports on time and on their own initiative; Second, although some countries have provided relevant human rights reports, most of these reports come from the ideal human rights situation stipulated in the Constitution and may not truly and objectively reflect the current situation of human rights in their countries. Third, the delay in the consideration of the reports submitted by States parties leads to a long time difference between the consideration of the reports and the submission of the reports. The situation in the State Party has changed and the consideration of the report has lost its original significance.

From a national perspective, countries that violate the Convention need to bear corresponding diplomatic risks. Unless they infringe on the interests of other countries to a certain extent, other countries will not easily use this right. Therefore, this system is insignificant for the protection of human rights.

For individuals, the individual complaint procedure is very cumbersome, and international human rights organizations should protect the interests of individual complaints, improve relevant mechanisms and simplify individual complaint procedures as much as possible. In a sense, what international human rights organizations should do is to protect the maximum human rights interests of individuals, so they should give individuals reasonable and legitimate human rights rights and interests from the perspective of individuals.

4. SOLUTIONS TO THE PROTECTION OF HUMAN RIGHTS IN INTERNATIONAL LAW

4.1. Properly Handle the Relationship Between Human Rights and Sovereignty

On the basis of respecting the sovereignty and independence of each country, it is necessary to establish and improve the corresponding basic human rights protection system. By means of legislation, we can distinguish between domestic and foreign events under separate jurisdiction, clarify the situations where international law can be used to intervene, and provide corresponding solutions. If it were not for this condition, other countries can not infringe upon the basic human rights and interests of individuals without authorization.

Any country can monitor the human rights situation in other countries, but if such monitoring power is transformed into interference in the armed situation of other countries, it needs to be

submitted to the United Nations Human Rights Protection Commission and other organizations for review and consultation. After the discussion, the punishment measures should be taken according to the relevant regulations of international law. If the country adopts the wrong way, it should accept the handling results of the United Nations Human Rights Protection Committee, correctly view its deficiencies in human rights protection, correct them and accept the supervision of other countries.

4.2. Establish Relevant Human Rights Protection Mechanisms

Reduce the differences in human rights protection among countries as far as possible, find common ground in human rights protection among countries, actively communicate, pay attention to regional differences, and allow dispute regulations to be retained when there are controversial provisions between countries that cannot be properly resolved. After strict review, Only when it is recognized that the regulation belongs to the special problems of individual countries can it be retained, and the retained regulations need to be reviewed regularly.

4.3. Establish and Improve the Human Rights Protection Mechanism in International Law

Only when individual human rights are guaranteed can the rationality of human rights protection in international law be revealed. Only by establishing simpler and better procedures to make it easier for individuals to appeal, can individual human rights be protected. In international law, human rights protection mechanisms should establish more targeted punishment regulations for individual countries' violation of human rights protection. We should improve the human rights protection mechanism in international law, concretize the past Abstract acts, provide more detailed and specific regulations, and pay attention to the practical operation of the mechanism. The United Nations should have authority, strengthen the supervision of each country's compliance with human rights, and formulate reasonable and effective measures. Only on the premise of establishing and improving the human rights protection mechanism in international law can we maximize the benefit of ensuring the fairness and stability of social human rights.

5. CONCLUSION

Under the current situation, the issue of human rights in international law is a topic that the current society needs to focus on. Everyone has his own legal right, and this right needs to be clearly demonstrated by legislation. In the case of no conflict between domestic law and foreign law, finding the most suitable human rights protection mechanism in international law is the top priority at present. Human rights protection has become the focus of society. It is also the common wish of mankind to establish and improve the corresponding human rights protection mechanism in international law. Human rights protection will undoubtedly become an important milestone in the progress and development of human rights and interests. The issue of human rights protection is not only the issue of States and relevant international organizations, but also the issue that all mankind needs to pay close attention to. It is hoped that in the near future, the establishment of a perfect human rights protection mechanism in international law will contribute to the protection of human rights and interests.

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