



INTERNATIONAL HUMAN RIGHTS LAW IN THE CONTEXT OF GLOBALIZATION: THEORETICAL FOUNDATIONS, CONTEMPORARY CHALLENGES, AND PROSPECTS FOR DEVELOPMENT

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ABSTRACT

This article provides a comprehensive analysis of the development of international human rights law in the context of globalization. It examines the theoretical foundations of the formation of the universal system of human rights protection, as well as the institutional mechanisms for ensuring these rights at the international level. Particular attention is paid to the problems of the effectiveness of implementing international legal norms, the relationship between universalism and cultural relativism, as well as the transformation of the content of human rights under the influence of contemporary challenges. The article analyzes new directions in the development of international human rights law, including digital rights, environmental rights, and the role of non-state actors. Based on the study of foreign scholarly sources, the article substantiates the need to improve international mechanisms for the protection of human rights and to strengthen international cooperation in this field.

Introduction. International human rights law is a complex and multifaceted system of norms, principles, and institutions aimed at ensuring and protecting the fundamental rights and freedoms of the individual at the global level. Its formation and development are conditioned by the historical evolution of the international legal order, as well as by the transformation of ideas about the role of the individual in the system of international relations. While classical international law proceeded from the priority of state sovereignty, modern international human rights law establishes a qualitatively new approach in which the human being is recognized not only as an object, but also as a subject of international legal protection.

The formation of the universal system of human rights protection is closely connected with the adoption of the Universal Declaration of Human Rights in 1948, which became the foundation for the further development of international legal standards. Despite the absence of formally binding legal force, the Declaration had a significant impact on the formation of

international customs and principles, and its provisions were incorporated into numerous international treaties and national legal systems. The scholarly literature emphasizes that the Declaration played a key role in shaping the universal discourse of human rights and became a symbol of global consensus regarding their content.

The further development of international human rights law is characterized by the institutionalization and normative specification of its provisions. The adoption of the 1966 International Covenant on economic, social and cultural rights established legally binding standards and formed a comprehensive system of rights and freedoms encompassing civil and political rights, as well as economic, social, and cultural rights. At the same time, the concept of the positive and negative obligations of states acquired special significance. This concept presupposes not only abstention from interference in the field of human rights, but also active measures to ensure their realization.

An essential element of international human rights law is its institutional structure. Within the framework of the United Nations, an extensive system of bodies has been formed to monitor states' compliance with their international obligations. Treaty bodies, such as human rights committee, as well as special procedures and monitoring mechanisms, play an important role in identifying violations and formulating recommendations. Of particular importance is the Universal Periodic Review, which provides for a regular assessment of the human rights situation in all member states and promotes the development of dialogue at the international level.

Despite the existence of a developed institutional system, the problem of the effectiveness of international human rights law remains one of the central issues in scientific discussion. The limited nature of enforcement mechanisms and the dependence of their implementation on the political will of states significantly reduce the level of compliance with international standards. As Jack Donnelly notes, international human rights law is characterized by "relative universality," which implies recognition of common principles alongside significant differences in their practical implementation. This position reflects the difficulty of achieving a balance between universal norms and national particularities.

One of the most debated issues is the relationship between universalism and cultural relativism. The universalist conception is based on the recognition of human rights as inherent and universal, whereas the relativist approach emphasizes cultural, religious, and historical differences. Recent studies suggest that adopting a synthetic approach that preserves universal standards while simultaneously taking cultural specificity into account makes it possible to minimize conflicts between international norms and national traditions.

In the context of globalization, international human rights law is facing new challenges related to technological development, transnational processes, and global crises. The digitalization of society leads to the emergence of new legal categories, including the right to the protection of personal data, the right to digital security, and the right of access to information. An analysis of scholarly sources demonstrates that traditional legal regulatory mechanisms are not always capable of responding effectively to evolving changes, thereby necessitating the development of new legal instruments.

The environmental dimension of human rights is also gaining increasing importance. The intensification of global environmental problems, including climate change,

environmental pollution, and the depletion of natural resources, is leading to a reconsideration of the content of human rights. In recent years, there has been a growing trend toward recognition of the right to a healthy environment as an independent human right, reflecting the integration of environmental and human rights approaches. This development demonstrates the expansion of the substantive scope of international human rights law and its adaptation to contemporary challenges.

An equally important aspect is the impact of international criminal law on the protection of human rights. The establishment of international judicial bodies, including the International Criminal Court, has become an important step in the fight against impunity for serious human rights violations. The practice of these bodies demonstrates that international law can operate effectively as a mechanism for ensuring accountability for the most serious crimes. At the same time, their activities also face a number of problems, including politicization and limited jurisdiction.

It is also important to note the growing role of non-state actors in the system of international human rights law. Non-governmental organizations, transnational corporations, and civil society as a whole exert substantial influence on the formation and implementation of human rights standards. This reflects an emerging trend toward "global governance," within the framework of which the state ceases to be the exclusive actor in international law.

Thus, international human rights law is a dynamic system that remains in a state of constant transformation. Its development is determined both by internal factors related to the evolution of legal institutions and by external challenges conditioned by globalization, technological progress, and changes in the international political environment.

In conclusion, it is essential to emphasize that the further development of international human rights law requires a comprehensive approach, including the improvement of the normative framework, the strengthening of institutional mechanisms, and the enhancement of international cooperation. Of particular importance is the establishment of effective mechanisms for the implementation of international norms, thereby ensuring real protection of human rights in the modern world. Only through coordinated efforts by states and the international community can the goals proclaimed in international legal acts be achieved and an adequate level of protection of human rights and freedoms be ensured.

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