

Briefing Paper

Committee: SOCHUM

Topic: The Question of Holding Governments Accountable for Human Rights Violations

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Summary

Holding governments accountable for human rights violations is one of the central challenges the international community is facing as of now. Since the end of the Second World War and the adoption of the UN charter, many states have agreed that atrocities such as genocide, war crimes, crimes against humanity and torture must never again be allowed to occur or continue. Although mechanisms like the International Criminal Court (ICC) and the UN Human rights council exist, their effectiveness is often limited by political pressure, veto power within the Security Council, and states' refusal to cooperate with investigations. We have seen numerous human rights violations across the globe including in Israel's war on Gaza, Russia's bombardment on Ukraine, the Sudan civil war, concentration camps in Xinjiang, China and many more with the governments of these countries rarely taking accountability for their actions. These conflicts and crisis' illustrate how accountability mechanisms are applied unevenly and how often governments accused of human rights violations remain shielded by political alliances, veto power in the Security Council or weaknesses in domestic legal systems, allowing these crisis' to continue, go unpunished and be repeated. This briefing paper will discuss why holding governments accountable for their actions is so complex, a timeline of events, past attempts to help and possible solutions to this issue.

Definition of Key Terms

Human rights violation – Any act where a government or other actor abuses, ignores, or denies fundamental human rights as outlined in documents such as the Universal Declaration of Human Rights (UDHR)

Accountability – The ability to hold individual human rights violators responsible for their actions.

Accountability mechanisms – Includes criminal prosecutions, civil lawsuits, and non-judicial systems such as truth commissions, ombudsmen, national human rights commissions, and intergovernmental body actions.

Genocide – Acts committed with the intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, including killing, causing serious bodily or mental harm, inflicting deadly living conditions, preventing births, or forcibly transferring children to another group.

Crimes against humanity – Acts such as murder, extermination, enslavement, deportation, torture, rape, or persecution committed as part of a widespread or systematic attack against any civilian population with knowledge of the attack.

War crimes – Serious violations of international humanitarian law during armed conflict, including grave breaches of Geneva Conventions such as murder, torture, extensive destruction, taking hostages, and attacking civilians or protected sites.

International Criminal Court (ICC) – Investigates and, where warranted, tries individuals charged with the gravest crimes of concern to the international community: genocide, war crimes, crimes against humanity and the crime of aggression.

Background Information

The question of holding governments accountable for human rights violations gained attention in the aftermath of the Second World War, where the international community were determined to never see the scale of atrocities committed during this period again including genocide and crimes against humanity. The international community wanted a system that would both prevent future violations and ensure relevant punishments were carried out to hold the individuals accountable. These efforts began with the adoption of the UN charter in 1945 which identified the promotion of human rights, alongside international peace and security as a core purpose of the UN. In 1948, the Universal Declaration of Human Rights (UDHR) set up a 'global standard' for universal rights and freedoms applicable to all individuals and to be protected, marking the beginning of modern international human rights law. Under the UN treaties such as: International Covenant on Civil and Political Rights (1966), International Covenant on Economic, Social and Cultural Rights (1966), Convention against Torture (1948) and Genocide Convention (1948) there are clear legally binding responsibilities for states under international law to uphold, protect and enforce human rights.

In the post - cold war period, there was a significant shift in accountability efforts with the establishment of the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, proving that international criminal justice was both possible and politically achievable. Following this, was the adoption of the Rome statute in 1998 establishing the creation of the ICC. These developments introduced individual criminal responsibility for genocide, war crimes, and crimes against humanity. The UN human rights system expanded its use of non-judicial mechanisms with the creation of the commission on human rights now the Human Rights Council which developed tools such as special rapporteurs, fact-finding missions, and commissions of inquiry to investigate violations, document patterns of abuse and recommend corrective action. More recently, states such as UK have made greater use of targeted measures such as Magnitsky-style sanctions as a non-judicial accountability tool for individuals responsible for serious violations. Accountability of governments who violate rights ensures rule of law remains credible, deters future violations, provides justice for victims and promotes peacebuilding. Despite significant progress, multiple obstacles remain including the

issue of state cooperation, the ICC not having the power to enforce rules and sanctions, use of veto powers in Security Council to block referrals to ICC, political alliances shielding other countries, state immunity and resource constraints for investigative mechanisms.

Major Countries and Organizations Involved

United Nations Human Rights Council – Investigates violations, issues reports and pressures states though its effectiveness is limited by political divisions.

International Criminal Court (ICC) – Prosecutes individuals for genocide, war crimes, and crimes against humanity but lacks jurisdiction over non-member states and relies on state cooperation.

Office of the High Commissioner for Human Rights – Monitors global human rights conditions and provides authoritative reporting used in accountability processes.

Amnesty International, Human Rights Watch and other NGOs – conduct research, publish investigations into state violations, submit reports to UN bodies and publicly exposes governments that are violating human rights which pressures governments to take accountability.

United States, China, India, Russia, Israel – major powers that are not members of the ICC and so the ICC has no jurisdiction over their nationals including the government.

China, Russia, Iran, North Korea, Myanmar, Syria, Israel – Just some of the countries frequently under scrutiny for systemic human rights violations and resistance to international accountability

Timeline of Events (Relevant UN Treaties)

1945 – UN Charter adopted, establishing international peace and security as core principles and commits states to promote human rights

1948 – Adoption of Universal Declaration of Human Rights (UDHR) and the Genocide Convention, sets out universal fundamental rights and freedoms

1966 – Adoption of the International Covenant on Civil and Political Rights and the International Covenant on Economics, Social and Cultural Rights, legally binding obligations for states to respect, protect and fulfil human rights.

1984 – Convention Against Torture, requiring states to criminalize torture, investigate allegations and prosecute perpetrators

1993 – Establishment of the International Criminal Tribunals for the former Yugoslavia and Rwanda and creation of the Office of the High Commissioner for Human Rights

1998 – Rome Statute adopted establishing the ICC to prosecute individuals for genocide, war crimes and crimes against humanity

2006 – UN Human Rights Council created

2016 – International, Impartial and Independent Mechanism for Syria established to collect, preserve and analyse evidence of serious crimes in Syria since 2011 for future prosecutions.

Previous Attempts to Solve the Issue

One of the earliest attempts to solve this issue was the establishment of ad hoc international criminal tribunals. The International Criminal Tribunal for the former Yugoslavia and Rwanda in 1993 successfully prosecuted senior political and military leaders for genocide, crimes against humanity and war crimes showing how governments could be held accountable for human rights violations. At this time in Yugoslavia the court was created due to the weakness of the then current judicial structure and fears that it would not have been powerful nor impartial enough to fairly prosecute. The international criminal court thus provided a solution to this gap in judicial infrastructure. These courts also helped the development of international law. However, these courts received criticisms about how they applied international law based on western legal traditions and also about the court's ad hoc nature rather than being permanent along with other worries about perceived bias in the court's decisions' and how slow the process was.

The establishment of the ICC in 2002 marked a major attempt to create a permanent system for international criminal justice. The ICC has opened numerous investigations including in Sudan, Afghanistan, Palestine and Ukraine and issued arrest warrants for Vladimir Putin, Benjamin Netanyahu, Yoav Gallant, Min Aung Hlaing and Omar al-Bashir relating to the Darfur conflict. However, as we have seen, these warrants have not been executed allowing many governments continue to violate human rights, highlighting one of the biggest limitations of the ICC - its lack of enforcement power on non-member states. Major states such as United States, China, Russia and India are not parties to the Rome statute and so the ICC has limited effectiveness here. Additionally, ICC referrals for non-member states require UN Security Council approval, which can often be blocked by vetoes demonstrating yet another way that some countries could continue to violate human rights leading to impunity. Another limitation is that the ICC struggles with limited funding and staffing meaning cases can last long durations whilst violations can continue.

Another example of efforts to aid with holding governments accountable for human rights violation, is by international NGOs such as Human Rights Watch and Amnesty international. These organizations regularly launch thorough investigations and issue detailed reports to be submitted to UN bodies and to expose governments that are violating rights. However, these organisations have no legal authority to enforce change or punishment, and their influence relies heavily on state cooperation. Some also criticise that Amnesty International have a perceived bias by focusing more heavily on certain groups leading to uneven scrutiny.

Other international efforts to hold governments accountable include UN monitoring, special procedures, UPR but these again face limits due to sovereignty and political resistance. Additionally, countries such as UK have implemented Magnitsky style sanctions to target individuals involved in serious human rights violations and this is done typically through freezing assets of individuals and prohibiting them from entering sanctioning countries.

Possible Solutions

Enhance UN accountability mechanisms for example through strengthening UN investigative bodies by improving funding or enhancing expertise in evidence collecting and improve communication and collaboration between UN mechanisms and judicial bodies.

Assign more special rapporteurs for countries where there are frequent human rights violations in order to spread political and public awareness of these issues, in the hope that this pressures governments to take action.

Support independent judicial systems and provide resources to help national courts handle universal jurisdiction cases fairly and efficiently.

Strengthen national and regional judicial systems to help states fulfil their obligations to investigate and prosecute violations domestically and perhaps encourage creation of International Criminal Tribunal courts.

Increase use of non-judicial tools such as Magnitsky-style sanctions and support and increase funding for NGOs such as Amnesty International.

Strengthen International Mechanisms such as the ICC.

Useful Links

- 1) [The State of the World's Human Rights: April 2025 - Amnesty International](#)
- 2) [Universal Declaration of Human Rights | United Nations](#)
- 3) [Rome Statute of the International Criminal Court](#)
- 4) [UN Human Rights Office](#)
- 5) [No Immunity for Heads of State for International Crimes | Lawfare](#)
- 6) [About the Court](#)

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18. [Federal Register :: Global Magnitsky Human Rights Accountability Act Annual Report](#)