

## Study of Human Rights Guarantee in International Law

### --Taking One Case as the Example

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**Abstract:** With the changes and development of history and times, human rights have been regarded as the 'universal expression of rights' by the international community, which makes the modern international legal community be more interested in the old international interests. Some international human rights scholars and experts believe that the issue of human rights protection has developed into one law-based society problem across borders. The protection of international human rights has not yet crossed national boundaries. Human rights that are truly respected and protected have not only reached consensus in today's modern international society under the rule of law, but have gradually become the basic laws and principles observed and recognized by people and sovereignty of all countries, furthermore, gradually into the other fields of domestic law of modern international law-based society fields, which also gave rise to the modern international community to protect human rights.

### 1. Introduction

Human rights development is a huge historical process in which all countries are involved. The human rights protection of all countries is inevitably affected by the economy and society, meanwhile, with the further development of economy and society and the deepening of human rights awareness, it is necessary to constantly improve the human rights protection in international law. Every state with human rights must therefore have the responsibility and task of further enhancing the level of international human rights protection available to its people.

### 2. Development of Human Rights and International Law

The formation and development of human rights are accompanied by the development of the whole society, which is a process from low level to high level. Even in ancient primitive societies, our ancestors had claims to protect their rights, and the problem that some people violate the rights of others existed. Human rights in the modern sense is that freedom, equality and humanity as well as human rights based on universal belief are related to capitalistic commodity economy and are the products of modern bourgeois revolution<sup>1</sup>.

In the 110 years from 1784 to 1894, an important identity feature of Indian was that the United States Federal Government had signed 720 land transfer treaties with The Indians and forced them to give up tens of millions of acres of Indian land in the United States. From the point of view of the United States' history, the United States government actually adopted the strategy of racial assimilation and genocide prevention against the Indian immigrants in Canada. About the related problems of the Chinese Exclusion Law, in 1882, the United State Congress passed the first official Chinese Exclusion Law, which supplementary terms have the provision that, within the next 10 years, the skilled American Chinese workers and unskilled American-born Chinese workers shall not be in Canada and the United States at the same time, besides, all Chinese citizens living in Canada and the United States are directly naturalized to the nationality of the United States<sup>2</sup>. They have no rights filing an application. In 1888, the United States Congress passed the first supplemental provision of the Chinese Exclusion Law of

1882, prohibiting Chinese from returning to live in the United States even if they temporarily left the United States. In 1892, the Exclusion Law of China mainland was extended indefinitely for another 10 years. In 1904, the United States extended indefinitely all the existing exclusion laws related to Mainland China, furthermore passed other laws, applying their supplementary provisions to all the territories and islands of the United States<sup>3</sup>.

### **3. Overview of Human Rights**

The most basic element of human rights is that human rights exist in a lifetime of human rights that can completely ignore the individual dignity and the dignity in terrorist violence. In fact, in most cases of terror and violence, ordinary people are vulnerable to terrorist attacks. In addition to being 'particularly concealed and unpredictable in organized terrorist activities', the function of such cases also extends the scope and impact of international terrorism and violence. The main purpose of international terrorist organizations is not to threaten and prevent them from killing those not completely determinate ordinary people, but not only to threaten and harm other ordinary people, also to harm and deprive them of their precious lives and sense of security. Nowadays, international human rights and terrorist organizations are challenging all humanity to take revenge on innocent civilians, the high number of casualties and the civilians' psychological fear caused by which incident is spreading rapidly in the United States and around the world. The United States has been using human rights and international terrorist organizations to wage war as the main excuse to seriously interfere in the internal human rights issues of other terrorist countries. Therefore, war and international terrorist organizations have become the major psychological barriers to human rights protection and development<sup>4</sup>.

The disadvantaged groups in social economy and social status can also be referred to as the vulnerable groups. The main purpose of this sociological concept is to describe and analyze the unfair distribution, unfair coordination and unreasonable social and economic structure of modern social and economic interests as well as the social and economic power. Modern sociology, politics and the study of social policy are key social science concepts in sociology. The important social policy research on solving social and economic problems as well as the important social work, social welfare and all-pervading social policy research on solving social and economic problems are the important influencing factors on spreading and applying the sociological concept of social vulnerable groups to the social sciences. Social vulnerable groups are the most special and important social groups that mainly reflect the living conditions of a country. These social groups reflect the social economy and politics conditions of a country. In the process of protecting the human rights welfare of the international community, protecting the human rights welfare of vulnerable groups is the most important social work<sup>5</sup>.

### **4. Guarantee System of Human Rights**

Up to now, the United Nations human rights system has adopted many international treaties and documents, such as international declarations, recommendations, conventions and resolutions on the protection of human rights and fundamental freedoms, the most important of which is that many treaties are international treaties. The contents of the international treaty cover all aspects of human rights protection in the whole international community, so the United Nations has formed an international treaty and system to protect human rights in China and the largest scope of the world. At the same time, a multi-level organization and implementation system has formed for the human rights protection in international community. In addition to UN human rights organizations, human rights organizations have been established in many places around the world. Only Asia has not yet fully constituted the human rights protection system, the primary reason of which is that distinct differences between Asian countries, politics, economy and other social systems exist. More importantly, there are

also significant differences in the historical, cultural and other religious contexts. However, the Bangkok Declaration adopted at the Preparatory Meeting for Asian International and Regional Work of World Human Rights Council clearly presents the urgent need for Asia to seek some regional preparations and to promote and effectively protect regional human rights in Asia, which is undoubtedly a welcome step towards the promotion of human rights progress and development in Asia.

Before the Second World War, there were a number of treaties and related regimes relating to human rights issues, in general, however, in certain fields, they are limited lacking basic guarantees of human rights and freedoms and closely linked to power politics.

The common law and international customary human rights etc. international law authority mentioned in the reports of the UN Security Council and the International Court of Justice are related to the collective rights activities of the United States' against genocide, slavery, racial segregation and racism. It also fully demonstrates the important nature of common law and international customary human rights law from an important aspect. The third revision of the law by the association of American law changed some terms and conditions of the common law of the United States, including slavery against a ban on genocide, slave export trade and the use of torture ban against slavery, and any other long-term punishment list may causes brutality, inhuman and insulting social behavior. Organized detention laws and racism have been violating seriously the democracy and human rights recognized by the today's international community. Some socialist scholars have proposed rules based on customary law, such as the self-determination of detainees, other humanitarian treatment of organized detainees and other due process in the conduct of criminal proceedings. Some foreign scholars have begun to question whether some of them have developed into customary law. In theory, although 'customary law should be superior to the laws of many countries', many socialist countries do not in practice make special provisions on the influence and importance of such customary law on treaties and domestic law. At present, some developed countries in the world have not made other provisions on this issue, believing that the legal force of domestic law is superior to international treaties and customary law.

## 5. Conclusion

In short, the demands for respect for human rights have been met in today's international community. We are eager to enable every country and region of the world to enjoy greater respect for human rights, however, it is a long and difficult process of social and historical development to realize the research and protection of human rights. Today, many international communities, including many United Nations human rights organizations and many international informal human rights organizations, will also need to rely on the continuous improvement of human rights legislation departments in many countries to help people achieve an effective transition from legitimate human rights to legitimate guaranteed human rights. The establishment and implementation of the human rights research and protection system in all countries still need the efforts and active attention of all social countries, and the final result depends on the basic guarantee and implementation status of the constitutional protection system in each social country. We also hope that the international community will put forward a series of institutional safeguards and actively respect human rights, so that the promotion and protection of human rights is no longer just a piece of paper.

## References

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