

Due Diligence obligations at the Heart of International Human Rights System

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Abstract

Currently, “due diligence” and its obligations are considered influential and controversial issues in international law. The efficiency of this principle in various fields of international law, such as human rights, humanitarian law, international investment law, state responsibility, environmental law, etc., has sparked many papers and research on it.

This article is dedicated to a comprehensive exploration of the 'due diligence' principle, with a specific focus on its position within the international human rights system. It also endeavors to delineate the principle's relationship with the three key obligations of states in the context of human rights: respect, protect and fulfill.

On the grounds that due diligence can be considered as the continuous attention to carefully fulfill treaty and customary obligations, its synergy with the three human rights principles leads to the fulfillment of the three aforementioned state obligations. Each human rights duty is divided into three parts: the obligation to respect, protect, and fulfill. Except for duty of omission, none of the commitments will be basically fruitful or will not reach the desired result without due diligence. As a result, it can be claimed that due diligence is at the heart of the international human rights system.

Keywords: Due diligence; International human rights system; obligation to respect; obligation to protect; obligation to fulfill; and remedy.

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