

GLOBAL HUMAN RIGHTS PROTECTION THROUGH STATE OBLIGATIONS AND INTERNATIONAL SUPERVISION

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ABSTRACT

Global human rights protection is constructed through a multilayered relationship between universal standards, treaty obligations, international monitoring mechanisms, and domestic implementation. This article examines how global human rights law seeks to guarantee the universality of rights through state obligations, United Nations mechanisms, and national legal institutions. The study employs doctrinal legal research combined with an academic literature review of the United Nations Charter, the Universal Declaration of Human Rights, the two International Covenants, the Vienna Declaration and Programme of Action, and institutional monitoring mechanisms. The synthesis shows that international human rights protection has developed from general normative commitments into a complex system of treaty bodies, individual communication procedures in applicable cases, the Human Rights Council, Universal Periodic Review, and special procedures. These mechanisms strengthen international accountability but generally lack centralized enforcement comparable to domestic legal institutions. The practical realization of universal rights consequently depends heavily on the incorporation of international obligations into legislation, administration, judicial remedies, and national institutions capable of preventing violations and providing effective protection.

Keywords: Human rights, international law, global protection, state obligations, treaty bodies, universal rights, international accountability.

INTRODUCTION

Human rights developed as a normative idea that places human dignity as the foundation for limiting power and establishing public obligations. Following the Second World War, the protection of rights increasingly shifted from a realm viewed as purely domestic into a matter of international legal concern (Tiedemann, 2023). Henkin (1990) described this development as a major transformation in the relationship between individuals, the state, and the international community, where a state's treatment of individuals began to be evaluated against standards transcending national jurisdictional boundaries. This transformation did not erase the status of the state as the primary bearer of human rights

obligations. States retain the institutions, authority, and legal apparatuses most directly connected to individuals. International law subsequently provides standards, oversight mechanisms, and means of accountability that constrain the state's freedom in treating humans under its jurisdiction.

Universality serves as both a primary principle and a central point of debate in human rights protection (Freeman, 2014). Donnelly (2003) explains human rights as rights inherent to human beings simply by virtue of their humanity, rather than membership in a specific state, social group, religion, or culture. This understanding forms the basis for the assertion that rights protection cannot be determined entirely by the will of governments. Nevertheless, universality faces the diversity of political, social, and cultural traditions, as well as disparities in institutional capacities among states. The debate then shifts toward how to apply universal standards without ignoring societal diversity and without allowing claims of difference to justify actions that degrade human dignity (Arnold, 2013). This relationship between universality and diversity positions global human rights law as a normative system that must preserve equal human dignity while grappling with vast variations in state and societal structures.

Global protection was not forged through a single instrument. The evolution of human rights law has generated declarations, international treaties, monitoring bodies, reporting procedures, complaint mechanisms, and interpretative practices that form a layered network of obligations. This system encompasses civil and political rights; economic, social, and cultural rights; as well as specialized instruments concerning racial discrimination, discrimination against women, torture, the rights of the child, migrant workers, persons with disabilities, and enforced disappearance. The diversity of instruments reflects the evolving need to protect against different forms of violations and distinct groups. At the same time, the proliferation of instruments raises questions regarding consistency, coordination, and state capacity to execute obligations. Donnelly (2003) demonstrates that the institutionalization of international human rights remains dependent on the relationship between international standards and political practices that determine whether rights can be enjoyed by humans in real life.

The gap between the existence of norms and their implementation constitutes a fundamental issue in global human rights law. Treaty ratification creates legal obligations for state parties in accordance with the provisions of the instrument agreed upon, but transforming domestic practice requires legislation, institutions, budgets, competent officials, accessible courts, and civic space for society to demand the fulfillment of rights (Lukmantara et al., 2022). Hafner-Burton (2013) demonstrates that rights protection cannot be evaluated solely through the volume of international commitments, as states may accept standards without immediately altering the behavior that produces violations. This issue separates enforcement as a distinct domain from norm generation. The quality of protection hinges on the ability of international law to influence state calculations, strengthen domestic institutions, support societal groups, and generate political and legal costs when obligations are ignored.

The limitations of enforcement become increasingly evident because the international system lacks a centralized governance structure comparable to that of a state. Many human rights mechanisms operate through reporting, periodic reviews, recommendations, treaty interpretations, individual communications under specific conditions, thematic monitoring, and reputational pressure. These mechanisms can yield changes, but their efficacy depends on state acceptance, national institutional quality, public attention, and sustained oversight. Hafner-Burton (2013) attributes successful protection to a combination of law and power capable of altering the costs and benefits of rights violations. This perspective helps explain why the existence of universal norms can coexist alongside severe violations across various regions (Rini et al., 2023). The issue is not merely the absence of law, but the distance separating norms, accountability mechanisms, institutional capacity, and political interests that shape state decisions.

Discussions on human rights frequently separate standard setting from compliance issues. An instrument-centric approach can yield a comprehensive overview of recognized rights, yet fails to explain why protection varies across states. A compliance politics-centric approach can explain state behavior, but risks diluting the normative weight of legal obligations. Hafner-Burton (2013) demonstrates the necessity of examining law alongside mechanisms that influence state actions, whereas Henkin (1990) positions the internationalization of rights as a shift in the boundaries of state power's legitimacy. These two directions can be reconciled through a reading that connects substantive standards, state obligations, oversight mechanisms, and the means of translating international norms into domestic protection (Jamiluddin et al., 2024).

This study aims to explain the legal construction of global human rights protection through the relationship between sources of norms, state obligations, United Nations mechanisms, and domestic implementation. This objective is anchored in the understanding that human rights gain practical meaning when individuals possess the means to demand respect, protection, and fulfillment (Negara & Darmawan 2023). The theoretical value of this article lies in conceptualizing global protection as a multi-layered structure, spanning from universal standards to national mechanisms. Its academic value resides in bridging normative dimensions with the issue of state compliance (Yani et al., 2023). Practically, the discussion can be utilized to understand why international treaties, monitoring bodies, inter-state mechanisms, civil society, and national institutions need to operate mutually reinforcingly. Donnelly (2003) points out that universal rights still require political and legal institutions to be transformed from moral demands into actionable protections for human beings.

The research problem of this study is: how does the legal construction of global human rights protection guarantee the universality of rights through state obligations, international oversight mechanisms, and domestic implementation? This question is directed at evaluating the relationship between universal standards and obligations arising from treaties, the status of United Nations mechanisms, the function of compliance monitoring, and the limits of the international system's ability to compel states. The discussion is also aimed at the need to link

international accountability with national institutions, as rights protection ultimately confronts domestic administration, legislation, officials, and courts directly. This single problem statement allows global human rights protection to be understood as a unified legal structure moving from standard formation to oversight and the fulfillment of rights in human life.

METHODS

This doctrinal legal research is systematically integrated with an academic literature study to identify the sources, status, interconnectedness, and normative implications of international human rights instruments along with their oversight mechanisms. In line with the conceptual framework of Hutchinson and Duncan (2012), the doctrinal approach is applied through the tracing, organizing, examining, and synthesizing of legal materials to formulate precise normative explications. The legal materials analyzed encompass the Charter of the United Nations, declarations, international covenants, institutional resolutions, and official human rights body documents. Document evaluation adopts the analytical principles of Bowen (2009), which emphasize evaluating origins, objectives of creation, structures, institutional authorities, and the substantive meaning of norms. Through this approach, a strict normative distinction is drawn between binding obligations originating from international treaties (hard law) and declarative standards or institutional recommendations (soft law).

The literature study functions to bridge these normative dynamics with academic discourses regarding universality, state responsibility, compliance levels, and the dialectics of international law in domestic legal transformation. The selection of academic sources applies rigorous bibliographic verification criteria, including only publications from reputable scientific journals or academic publishers directly relevant to the research topic. As emphasized by Snyder (2019), a literature review plays a crucial role in consolidating dispersed domains of knowledge to produce a structured conceptual synthesis. All interpretations are built purely through the comparison and mapping of relationships between legal doctrines and academic literature, without presenting empirical claims regarding levels of human rights violations in specific countries.

RESULTS AND DISCUSSION

The modern architecture of human rights protection originates from the shift in the legal status of the individual within international law following the establishment of the United Nations. The UN Charter incorporated respect for human rights and fundamental freedoms as part of the organization's purposes and connected it with international cooperation. Article 55 promotes universal respect for, and observance of, human rights and fundamental freedoms, while Article 56 outlines the commitment of members to take joint and separate action in cooperation with the Organization for the achievement of the

purposes set forth in Article 55. This structure provided the normative foundation for the post-1945 development of the human rights regime. Buergenthal (1997) describes this development as a normative and institutional evolution that progressively transformed human rights from a matter predominantly within domestic jurisdiction into an established component of international law.

The Universal Declaration of Human Rights of 1948 subsequently provided a more detailed formulation of the rights and freedoms viewed as inherent to every human being. The Declaration was proclaimed by the UN General Assembly on December 10, 1948, through Resolution 217 A and became the primary bedrock for the subsequent development of various human rights instruments. Legally, the nature of a declaration differs from an international treaty because its formation does not follow the model of state consent to be bound as seen in a treaty. Its normative value remains immense as it provides a common language regarding dignity, equality, freedom, security, justice, education, work, social life, and political participation (Issalillah & Hardyansah 2024). Alston and Goodman (2013) position the Universal Declaration as a fundamental element in the development of the international regime, which later generated treaty norms, institutional practices, and influence over the formation of domestic law.

Subsequent developments led to the division of protections into the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both adopted in 1966. The ICCPR establishes the obligation of state parties to respect and ensure civil and political rights to individuals within their territory and subject to their jurisdiction in accordance with treaty provisions. The ICESCR regulates economic, social, and cultural rights, including those related to work, social security, adequate standard of living, health, education, and cultural life (Sugianto et al., 2023). Both covenants demonstrate that global protection encompasses types of obligations that may vary depending on the nature of the rights. This distinction does not justify a hierarchy of values between categories of rights, as violations of civil liberties can obstruct access to social rights, while poverty, poor health, or lack of education can impair an individual's ability to participate in political life.

The 1993 Vienna Declaration and Programme of Action reinforced the understanding that all human rights are universal, indivisible, interdependent, and interrelated. Adopted at the World Conference on Human Rights, the document marked a pivotal milestone in strengthening international human rights work. This principle carries direct consequences for the design of global protection: states cannot selectively favor one category of rights to negate another. For example, the protection of freedom of expression is intrinsically linked to political participation and the ability of society to advocate for public services. Similarly, the right to education can determine an individual's capacity to understand their rights and navigate legal institutions. This interconnectedness demands a coordinated interpretation of state obligations and precludes approaches that treat civil, political, economic, social, and cultural rights as entirely isolated domains.

The locus of obligation fulfillment remains centered on the state. International treaties establish standards that must be translated through domestic legislation, administration, public policy, the judiciary, and remedy mechanisms. Alston and Goodman (2013) demonstrate that the international human rights regime operates through the dynamic interplay between international norms and national legal institutions and processes. This relationship explains why ratification carries legal significance but does not single-handedly resolve all protection issues. A state may require legislative amendments, the elimination of discriminatory rules, the creation of complaint procedures, resource allocation, or enhanced institutional independence to fulfill its obligations (Mardikaningsih et al., 2023). Global law functions to establish standards and provide oversight mechanisms, whereas individuals most frequently gain or lose protection through the actions of national institutions. The friction between these two levels constitutes one of the defining characteristics of international rights enforcement.

The UN treaty system established bodies of independent experts to monitor the implementation of core treaties. OHCHR recognizes nine core international human rights instruments and their corresponding treaty bodies created to assess implementation. The Human Rights Committee, for example, monitors the implementation of the ICCPR, while the Committee on Economic, Social and Cultural Rights monitors the ICESCR. Monitoring functions encompass examining state reports, engaging in constructive dialogues with governments, issuing concluding observations and recommendations, drafting general comments on the interpretation of obligations, and conducting other procedures as provided by the applicable instruments. These mechanisms strengthen interpretation and accountability, though the implementation of their recommendations remains heavily reliant on state responsiveness and the utilization of these findings by national courts, parliaments, human rights institutions, and civil society.

Certain treaties provide for individual communication mechanisms when a state has recognized the competence of the relevant committee through applicable provisions or optional protocols. OHCHR explains that several treaty bodies can receive complaints from individuals or groups claiming their rights have been violated, provided jurisdictional and admissibility requirements are met. Such mechanisms offer an international avenue after domestic remedies have failed to yield a resolution in accordance with procedural requirements. Their status differs from that of domestic courts possessing direct enforcement power; their primary significance lies in providing an international assessment of state compliance, developing the interpretation of rights, and offering a foundation for demands for redress. The ability of individuals to utilize international mechanisms illustrates that human beings have acquired a stronger standing within the international rights regime, even though the execution of findings still requires state action.

In addition to treaty-based mechanisms, the United Nations features the Human Rights Council, established by the General Assembly through Resolution 60/251 in 2006. The

Council performs various functions, including the Universal Periodic Review (UPR), which assesses the human rights records of all UN member states through a periodic intergovernmental review process. OHCHR highlights the UPR as a mechanism encompassing all 193 UN member states. This mechanism differs from treaty bodies because its scope does not depend entirely on a state's party status to any single treaty. Its nature as a peer review enhances transparency and enables other states and stakeholders to raise implementation issues. Its strength resides in its universal coverage and structured political process, while follow-up on recommendations remains dependent on domestic commitment and reform.

The Human Rights Council also operates through special procedures executed by Special Rapporteurs, Independent Experts, and working groups with thematic or country-specific mandates. Mandate holders serve in their personal capacity as independent experts and conduct monitoring, country visits, communications regarding alleged violations, thematic studies, and the issuance of recommendations. This mechanism possesses flexibility, as it can respond to developments not fully covered by periodic treaty reporting. Its limitations are equally clear: special procedures are not judicial courts and lack the power to enforce their recommendations. OHCHR explicitly emphasizes that special procedures communications are non-quasi-judicial processes, and their views cannot be enforced directly through coercive power. Their value lies in monitoring, visibility, standard interpretation, dialogue, and leveraging pressure for remedy.

The limitations of international enforcement have sparked debate regarding whether treaty ratification truly generates tangible change. Hathaway (2002) demonstrates through extensive study that the relationship between ratification and human rights practices is not always straightforward, and that treaty monitoring and enforcement systems can be weak. Simmons (2009) offers an explanation emphasizing domestic processes, showing that treaties influence practice through political mobilization, litigation, and the empowerment of groups that leverage international commitments to demand reform. This divergence indicates that international law does not operate through a mechanical relationship between ratification and compliance. Its efficacy depends on institutions, civil society, courts, organizational freedom, and the capacity of domestic actors to translate international norms into actionable legal and political demands that constrain governments.

The principle of state sovereignty remains a structural boundary for global protection, yet sovereignty cannot be understood as absolute freedom once a state has legitimately accepted international obligations. The UN Charter is built upon the sovereign equality of states, while the organization's purposes also encompass the promotion of and respect for human rights. This relationship creates a balance between domestic authority and international obligations. The state continues to determine many forms of implementation through its legal system, but those actions remain subject to assessment against accepted standards (Aliyah & Evendi 2023). Global protection operates most

effectively when international obligations are translated into constitutions, statutes, judiciaries, human rights institutions, public policies, and access to remedies. This reality demonstrates that international and national systems are not two isolated structures operating in parallel, but interconnected levels of protection necessary for rights to be genuinely enjoyed in practice.

The legal construction of global human rights protection is multi-layered. The UN Charter provides the institutional framework, the Universal Declaration establishes universal standards, international treaties generate legal obligations for state parties, and the Vienna Declaration affirms the unity and interdependence of all rights. Protection is monitored through treaty bodies, individual communications under specific conditions, the Human Rights Council, the Universal Periodic Review, and special procedures. This architecture expands state accountability but does not constitute a global government with centralized enforcement powers. The ultimate success of protection relies heavily on translating international obligations into domestic law and institutions. Global law supplies standards and oversight, whereas the tangible protection experienced by individuals emerges when states, courts, national institutions, and society utilize those standards to prevent violations, provide remedies, and transform practices that contradict human dignity.

CONCLUSION

Global human rights protection is constructed through multi-layered relationships between universal norms, treaty obligations, international oversight mechanisms, and domestic implementation. The universality of rights derives its normative foundation from the United Nations system, while more detailed obligations have developed through human rights treaties. Treaty bodies, individual communications under specific conditions, the Universal Periodic Review, special procedures, and Human Rights Council mechanisms provide the means to monitor and evaluate state actions. This system faces limitations, as many monitoring outcomes lack direct enforcement authority comparable to domestic courts. Global protection therefore relies on the ability of international obligations to penetrate national law, shape the conduct of state institutions, support access to remedies, and supply standards that society can utilize to demand respect for human dignity. Global human rights law cannot be understood as a collection of standalone treaties. Protection is forged through the interplay among substantive standards, international oversight, and domestic institutions executing state obligations. This relationship helps explain why the existence of international instruments does not automatically yield uniform protection quality across states. Differences in institutional capacity, judicial access, civic space openness, and governmental willingness to follow up on recommendations determine the outcomes of norm implementation. International mechanisms gain greater potency when their findings and interpretations are utilized by courts, lawmakers, national human rights institutions, civil society organizations, and the

legal profession. Global protection consequently requires a stable connection between international accountability and domestic means that enable individuals to tangibly exercise their rights.

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