



Human Rights and International Public Law: Bridging National and Global Norms

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Introduction

Human rights are universally recognized as fundamental to the dignity and freedom of every individual, yet their protection remains one of the most complex and debated issues in the realm of law. Over the decades, the world has seen the creation of numerous international frameworks aimed at safeguarding these rights, yet tensions often arise between national sovereignty and global human rights norms. International Public Law plays a pivotal role in balancing these competing interests, but challenges persist in ensuring that human rights are universally upheld. This article explores the relationship between human rights and International Public Law, analyzing how international norms interact with national legal systems and how effective this bridging of norms has been in advancing global human rights protection [1].

Description

International Public Law, in its broadest sense, governs relations between sovereign states and other international entities, such as international organizations, NGOs, and transnational corporations. It includes areas such as human rights, humanitarian law, trade law, and environmental law. The protection of human rights within this framework has evolved over time, particularly after the atrocities of World War II, which led to the creation of instruments such as the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR). Human rights law, which focuses on ensuring that individuals' rights are protected regardless of their nationality, is a cornerstone of International Public Law. It is rooted in the principle that all people are entitled to basic rights—such as the right to life, liberty, freedom of expression, and protection from torture—simply by virtue of being human. These rights are universally acknowledged through international treaties and conventions, but their enforcement and the scope of their application can often clash with national legal systems, which may have different priorities, cultural values, or political agendas [2,3].

The UDHR, though non-binding, is the foundational document for modern international human rights law. It has influenced a wide range of binding treaties, such as the ICCPR and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), as well as regional human rights conventions like the European Convention on Human Rights (ECHR). These instruments, together with the mechanisms provided for their enforcement (such as the International Criminal Court and regional human rights bodies), form the core of the international human rights protection system [4-6].

Discussion

One of the primary challenges in the interaction between human rights and International Public Law is the tension between international norms and national sovereignty. While the international community advocates for the protection of human rights as universal standards, states often argue that their sovereignty allows them to set their own laws and policies, which can lead to resistance against international norms. Countries may justify human rights violations by asserting

cultural relativism or by prioritizing national security over individual rights. For example, in some countries, political repression or censorship is seen as necessary to maintain national stability or uphold traditional values, while in others, such actions are unequivocally deemed as violations of basic human rights. This tension is particularly evident in cases such as the treatment of political dissidents, freedom of speech, or the rights of marginalized groups, including refugees and ethnic minorities. Furthermore, while international treaties provide strong legal frameworks, they often lack enforceability at the national level. Many countries sign international human rights treaties but fail to implement them fully due to domestic political reasons, inadequate legal infrastructure, or corruption. Enforcement mechanisms—such as the decisions made by the United Nations Human Rights Council or the International Court of Justice—are often limited by states' willingness to comply with rulings. Non-compliance is often not met with strong punitive measures, creating a gap between the international commitment to human rights and its real-world impact [7-9].

The role of non-governmental organizations (NGOs) and civil society movements is critical in bridging this gap. These groups often advocate for the enforcement of international norms, raise awareness of human rights abuses, and apply pressure on governments to uphold their international commitments. However, the power of NGOs to influence change is often constrained by political dynamics, particularly in countries where authoritarian regimes hold power and disregard international scrutiny. Regional human rights frameworks, such as the European Court of Human Rights or the Inter-American Court of Human Rights, have proven somewhat more effective at enforcing human rights within specific regions. These institutions have the authority to hear cases of human rights violations and hold governments accountable. However, their jurisdiction is limited, and not all countries in a given region may be signatories to the regional treaties, undermining the universality of human rights protection [10].

Conclusion

The relationship between human rights and International Public Law is one of both cooperation and conflict. While the international community has made significant strides in creating a legal framework for the protection of human rights, the tension between global norms and national sovereignty remains a key challenge. International human rights law provides essential tools for holding states accountable, but the

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effectiveness of these tools is often undermined by political resistance, cultural differences, and a lack of enforceable mechanisms. For human rights to be fully protected, a greater emphasis must be placed on the practical implementation of international norms at the national level. This requires not only stronger enforcement mechanisms within international law but also increased political will from states to align their national laws with global human rights standards. The role of NGOs and civil society in advocating for human rights remains indispensable, as does the continued evolution of international public law to adapt to new global challenges. Ultimately, bridging the gap between national and global norms in human rights requires both cooperation and respect for the sovereignty of states, while ensuring that the fundamental rights of individuals are never compromised. This ongoing struggle underscores the importance of international human rights law in shaping a just, equitable, and peaceful world.

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