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RIGHTS IN ACTION: IMPLEMENTING INTERNATIONAL HUMAN RIGHTS STANDARDS IN DOMESTIC CONTEXT - CHALLENGES AND OPPORTUNITIES IN INDIA

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ABSTRACT

For millions of individuals worldwide, the domestic implementation of international human rights standards remains a pipe dream, even though progress had been made prior to the implementation of the daily norms. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) are just a few examples of the many agreements, affirmations, and covenants that still exist today because progress didn't make sense for the perpetrators. Human rights are fundamental and extremely important rights for individuals. The right to live, the right to be free from torture, and the right to express oneself are just a few examples of human rights. The aforementioned declarations and conventions have laid the groundwork for nations to put these principles into practice, yet the pursuit of these rights remains a significant challenge in both legislation and implementation today. This paper thoroughly addresses the obstacles faced in its implementation, considering its importance in social, economic, and cultural contexts, while also outlining the opportunities available for its application. It reflects on how a nation struggled to align with international human rights standards, along with some constructive recommendations.

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1. INTRODUCTION

³In an increasingly interconnected world, the protection and promotion of human rights has become essential for building peaceful, prosperous, and inclusive societies. By recognizing and respecting the inherent rights and freedoms of all individuals, we can foster a culture of tolerance, empathy, and solidarity, ultimately contributing to a more just and harmonious world. The most significant among the human rights is to protect the mortal being (specifically human beings) from being ravaged by exploitation parallel to discrimination, injustice, being barred from living dignity and so on. A country with a vast population like India is becoming very complex and multiple issues facing people are forcing them to follow this right, both for legal protection and for changing world adaptation. Pursuant to this, India makes efforts to implement these mortal rights to the people in the form of fundamental rights, which are considered to be an vital part of the Indian constitution. In respect of this, the National Commission for Human Rights also incorporated. Under international law human rights standards, the protection of civilians is one of the rights As per a report by the United Nations in respect of conflict between 12 armed nations, in 2015 and 2017 approximately 106806 people died . It reflects the struggle part of the implications of rights as well as the compliance. The aforementioned report also includes women and children (weaker and vulnerable section). Likewise, human rights are considered as a very significant right for us, and they have to be complied with in an efficient way. It may also evolve as per the changing world trends. However still the implications of these rights are progressing and how they have been administered and handled in India are elaborated as follows.

2. INTERNATIONAL HUMAN RIGHTS IN INDIA

International Human Rights Law in India Human rights are the rights to which all people are entitled by virtue of being human. They are considered inherent and universal, applicable to every individual regardless of race, sex, nationality, ethnicity, language, religion, or any other status. While the concept of human rights traces its roots to antiquity—evident in early codes like the Code of

³ U.N. Dep't of Econ. & Soc. Affairs, The Sustainable Development Goals Report 2020, at [insert specific page number if available, otherwise omit], Goal 16 (2020), <https://unstats.un.org/sdgs/report/2020/goal-16/>.

Hammurabi, the Ten Commandments, and the rights granted to Athenian citizens—this paper does not delve into historical origins but instead explores how these rights evolved into globally accepted standards and the difficulties faced in their domestic application. These rights, now enshrined in international law, transcend borders and influence national legal systems, a process catalyzed by the adoption of the Universal Declaration of Human Rights by the UN General Assembly in 1948. This was further advanced by the formulation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1966, which form the core of the International Bill of Human Rights. These instruments codify a wide range of rights, such as the right to life, freedom from torture, freedom of expression, access to education, and health, and serve as guiding frameworks for national legislation. In India, the experience of colonial oppression underscored the urgency of securing individual liberties, leading to a strong human rights framework in the Constitution of 1950. The Preamble, Fundamental Rights (Articles 12 to 35), Directive Principles of State Policy (Articles 36 to 51), and Fundamental Duties (Article 51A), alongside provisions for Scheduled Castes, Scheduled Tribes, and Other Backward Classes, reflect the nation's commitment to human dignity and equality. Although India follows a dualist legal approach, which requires treaties to be legislatively incorporated, courts have consistently invoked international human rights norms to interpret constitutional rights. In *Vishaka v. State of Rajasthan* (1997), the Supreme Court used CEDAW to frame guidelines against workplace sexual harassment, and in *People's Union for Civil Liberties v. Union of India* (1997), the Court referred to the ICCPR to state the right to privacy and dignity. Moreover, Article 51© of the Constitution places a directive obligation on the state to promote respect for international law and treaty obligations. Despite this robust framework, several challenges hinder effective implementation: the dualist system delays incorporation of treaties; institutions like the NHRC lack binding powers; judicial backlog and limited public awareness reduce access to justice; socio-economic inequalities persist; and certain cultural or political resistances continue to oppose the full realization of international standards. These challenges underscore the pressing need for legal reform, stronger enforcement, enhanced awareness, and a sustained commitment from both state and civil society to bridge the gap between global norms and local realities.

3. THE ROLE OF INTERNATIONAL HUMAN RIGHTS FOR THE PROTECTION OF HUMAN RIGHTS

As a global moral and legal framework, international human rights play a crucial role in shielding individuals from abuse, oppression, and neglect. By establishing a universal standard of treatment and respect, international human rights mechanisms safeguard the fundamental freedoms and well-being of all people, regardless of nationality, culture, or creed. The Universal Declaration of Human Rights 1948 was the vital and well known rights which deal with the protection of human rights . The role of international human rights in protecting human rights were discussed as follows

1. PROTECTIVE ROLE

The core objective of international human rights is to protect individuals from injustice, racism, and discrimination, and to safeguard them from further harm. However, there exists a degree of ambiguity regarding this protection: if domestic laws are already legislated to safeguard individuals, what additional impact do international human rights standards provide? Typically, domestic law is confined within the boundaries of national sovereignty, whereas international law encompasses a broader, global perspective. As a result, international human rights standards play a significant protective role by setting universal norms that influence and enhance domestic protections for human beings.⁴

2. MONITORING ROLE

The acceptance of international conventions like the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), empowers these treaties to monitor the compliance of signatory states. For instance, India has ratified both of these covenants, thereby assuming the responsibility to implement and adhere to their objectives. At the international level, monitoring is carried out by bodies such as

⁴ W. Michael Reisman, Sovereignty and Human Rights in Contemporary International Law, 84 Am. J. Int'l L. 866 (1990), reprinted at Yale L. & Development J.–Def. L. (on file with Yale Law School).

the Office of the United Nations High Commissioner for Human Rights (OHCHR⁵). Domestically, India established the National Human Rights Commission (NHRC) in 1993 to protect and promote human rights within its territory.

3. OBLIGATING ROLE

Ratification of international treaties and conventions creates binding obligations for the signatory countries. These obligations compel states to adhere to the standards and principles laid out in the respective instruments. The obligating role of international human rights law ensures effective implementation of these standards and holds countries accountable in cases of non-compliance. This mechanism strengthens the overall impact of international human rights at both global and national levels.⁶

4. CHALLENGES IN EFFECTIVE IMPLEMENTATION IN INDIA

The widespread endorsement of human rights standards has yet to yield consistent application, as a multitude of factors complicates their practical realization. Although robust frameworks and treaties are in place, the actualization of human rights objectives remains a distant ideal, thwarted by a complex interplay of hindrances. This disparity between ambition and achievement highlights the necessity for a thoughtful analysis of the obstacles that impede the effective conversion of human rights principles into concrete results.

DOMESTIC LAW AND PRACTICES

Generally every domestic law was framed for the purpose of protection from unanticipated incident. For the nation itself is was safeguard nature however it may impliedly suffers the other

⁵U.N. Gen. Assembly, Office of the United Nations High Commissioner for Human Rights: About Us (last visited Aug. 15, 2025), [OHCHR], available at U.N. homepage.

⁶ W. Michael Reisman, Sovereignty and Human Rights in Contemporary International Law, 84 Am. J. Int'l L. 866 (1990).

one . Moreover most of the domestic law were progressed for their own effective and convenience of the people within the territory. Solemnly on the ground of international convention related to human rights didn't make kind of promotion in effectiveness of human rights in local law and practices.

PREVALENCE OF VIOLENCE AND HARASSMENT

The foremost incident that make a introduction of protection of human rights were the violence and harassment against them . Infringement of the human rights by various activities done by the similar human , government with the urge to conquer and control and harassing the most vulnerable section like children, women, disabled people, aged person and so on . Even though law were there for their protection till today the grievance was done against them and make the international human rights standards been hindrance . During the war and conflict between nations the human rights standards become muted by the domestic aims.

PERSISTENCE OF INEQUALITY AND DISCRIMINATION

The well known inequality and discrimination were practiced against the human in the various name and motive like racism, poverty , disparities from others. These inequality between the being for whom it was framed are most incurable things. People for their own satisfaction as well as the control thought make the other affected.

CULTURAL RELATIVISM AND VALUES

Before the introduction of law , the society were run by the cultural norms and values and then certain period we consolidated it as law which justifiable for everyone. However this way of implications was not much glorified in human rights standards in the international level . A country with numerous cultural norms and values like India it is being tensed and most hectic work even though we were ratified the convention related to human rights protection.

OPPORTUNITIES FOR EFFECTIVE IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS STANDARDS IN INDIA

The incorporation of international human rights standards into domestic frameworks offers a transformative prospect for elevating human dignity and promoting equitable societies. As governments, civil society, and individuals collaborate to harmonize global obligations with local contexts, new avenues emerge for the practical realization of human rights principles. India's dedication to human rights has opened up avenues for incorporating international standards into its domestic framework. As a thriving democracy, India's diverse socio-cultural and economic tapestry provides a rich backdrop for integrating global human rights principles. By tapping into its robust constitutional structure, legislative capabilities, and active civil society, India can seize these opportunities to fortify its human rights ecosystem, tackle entrenched social disparities, and foster a culture of human rights consciousness.

Bolstering legislative framework - The legislative being a law making authority has to be upgraded as per the modern changes. In 1993 India has enacted the Protection of Human Rights Act for the promotion of human rights safeguard. Followed by this many South Asian countries like China, Indonesia, South Korea were formulated a framework which relates to the human rights and their promotion for protection. The Bill of Equality (Prohibition of Discrimination) 2021 were drafted by Centre for Law and Policy Research for the eradication of inequality between the people.

Upgrading Human Rights Framework - The framework for this must be very significant, if the pre-existing law fails to protect and implies the international standards then it has to be upgraded. The enactment of human rights is to be based on the rights-based approach in light of this only the rights can be implemented in an effective manner. The institution of a commission for human rights at both National and state level is one of the upgraded versions of implementation in India and it was being a monitoring authority.

Strengthening judicial oversight - In the event of non-compliance of rules which are based on the human rights, the judiciary must access the justice to the aggrieved people. In India, the judiciary was

considered as the one of the pillars of our country which helps for the smooth operation pursuant to this the department of judiciary have to be more accountable.

Enhancing public understanding/Consciousness - The better understanding of the people about the protection of human rights and rights related to it can make the law more effective than it merely enacted. Conducting awareness about their rights and the laws in respect of that make the people conscious in succeeding the laws

Remedying the implementation inadequacy - From commitment to compliance of this right the gaps in the implications must be addressed and solved and focusing the most specific area that should be addressed and progressed the same.

CONCLUSION

Bringing international human rights standards into a country's everyday legal and social life is not just a matter of signing treaties; it is about honouring the basic dignity owed to every person. India has made meaningful steps in this direction through its Constitution, progressive laws, and an active judiciary. Yet, the path from agreeing to global norms to making them part of daily reality is far from smooth. Social and economic lapses discrimination, cultural differences, and short coming in institutional capacity still stand in the way. Even so, these are challenges that can be overcome. Stronger laws, better-equipped institutions, more accountable courts, and a public that understands and demands its rights can help close the gap between ideals and practice. Protecting human dignity is a responsibility that belongs to everyone and it also enriched in our law of the land under article 51A of the Indian constitution. In the end, progress will be measured not by how many laws exist on documents , but how they genuinely change lives and protect dignity of persons.

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