

HUMAN RIGHTS IN LEGAL SPHERE ENSURING PROTECTION THROUGH LAWS POLICIES AND INTERNATIONAL AGREEMENTS

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ABSTRACT

Human rights are the pillars of dignity, equality, and justice, and their protection is achieved primarily through robust policies and legal frameworks. Constitutions, statute laws, and the courts through judicial activism are the legal pillars that provide the protection safeguards and avenues for citizens to seek redress and protection against violations of their rights. By enacting the rights as laws, the state would assume the constitutional obligations not only to refrain in the use of freedom, but also to step in the violation of Freedom of Action, and provide means of accountability and redress. Beyond the state, the actions of the Policies and the Institutions are crucial in bridging the gap that exists between the legal duties and the actual tasks. These Policies represent the transformation of the constitutional and statutory assurances into actionable Programs of State Control and framework for behavioural regulation in the country to facilitate state management and inter-structure governance. Examples like the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights all depict the existence of bound treaties on an international level, and which outline the base standards requested of all States. As a consequence, legal frameworks must be created, and adapted, to fit the requirements of the treaties. Although non-binding political commitments are not objects of law and, therefore, cannot be enforced, they gain a lot of weight morally and diplomatically, which influences the human rights practice. More still, the implementation of these treaties and commitments faces a myriad of other practical obstacles, such as, political opposition, a lack of resources, cultural insensitivity, and a lack of political will. More understood, as human rights advocates, the goal should be to uphold and protect these rights as what they are; a right which needs a simultaneous approach to protect these rights. The solution, hence, must be the tightening of domestic human rights laws, and the alignment of these laws with the international standards set, with the active supervision and enforcement of these standards. The key points of the article are the interaction of law, policy and international co-operation while emphasising on the strategies in strengthening the human rights frameworks for a more just and equitable global order.

Keywords: Human Rights, Legal Protection, National Laws, International Agreements, Human Rights Policies, Implementation Challenges, Global Frameworks, State Responsibility.

I. INTRODUCTION

The notion of Human Rights has changed over time to be considered a universal standard of justice, equality and human dignity in contemporary society. While the domain of the law has, and continues to be, the most important in providing the location of these principles, the

principles themselves are inescapably philosophical/moral, and are not without a specific form and force derived from the practice of law. Law, policy and international agreements confer, protect and promote rights and give the systemic foundation of the rights. They are both preventative and compensatory; protection against violation and redress against the occurrence of violation.

Human rights protection is not limited to a certain territory; it is at the border of national independence and international cooperation. The constitutional, legislative and judicial sphere of the national level are dynamic in their interaction with international treaties, agreements and commitments to policies to create various levels of responsibility. This is what allows the states in question to perform the main task of guaranteeing the rights of the citizens, and simultaneously be more and more constrained by the expectations of the world community developing in the global justice and fairness.

The importance of such a framework is that it is able to deal with a myriad of multisided problems that are based on civil and political rights as well as social, cultural and economic rights. It does have however gaps in its undertaking in this instance the national inertia and the cross-cutting interests of the respective countries that would rather limit the achievement of these rights. The paper looks at the contribution of the legal instruments, the policies and international agreements and how all of them are significant in the protection of human rights and also discover methods and means of how the legal frameworks can be improved in the future.

II. NATIONAL LAWS AS INSTRUMENTS OF HUMAN RIGHTS PROTECTION

The major protection of the human rights and the promotion of human rights in the countries are established with the national laws. International treaties and global systems provide general standards but it is the domestically determined legal system that brings such rights into the reality. Constitutions, statutory laws, and judicial interpretations provide mechanisms, which are binding and permit citizens to claim and protect their basic rights. Through the inclusion of human rights in their legal systems, the Nations recognize their dual obligation, not only to prevent violations, but also to offer means of redress in the event of rights infringements.

1. Constitutional Guarantees

As the supreme legal texts, constitutions signify the deepest devotion of a state to human rights and are, as such, the most powerful legal documents of the state. They allocate basic human rights such as anti-discrimination, right to life, freedom of speech, and equality before the law. In most jurisdictions, bodies such as constitutional courts and supreme courts fulfill the role of guardians of these rights by declaring null and void, laws and state actions which undermine fundamental liberties. For example, the institution of judicial review maintains a balance of power and a balance of freedom regarding the state, which, in turn, enables the rule of law to prevent arbitrary rule.

2. Statutory Protections and Legislative Measures

Concerning the constitutional protections, there are also protective legislative acts contemporary to the times which afford some protection. There is protection from discrimination, laws governing employment, laws pertaining to the protection of children, and laws dealing with violence against women. The constitutional provisions are made concrete through legislation; thus, normalising rights access within real life. They also mirror the responsive human rights in cases where the legislatures update the legal system to the new challenges of digital rights, environmental justice and underrepresented rights.

3. Role of the Judiciary and Enforcement Agencies

The courts have played a major role of interpreting and implementing the human rights national laws. Not only do they examine and assess the violations, but also exaggerate the extent of the rights by avant-garde thought convictions. This organization is coupled with the active activism of the law enforcement agencies (human rights commissions and the office of the ombudsman) that helps enforce compliance by the state and redressing grievances measures. Their success is, however, largely based on their self-reliance, sufficient resources as well as political will to put the proposals into practice.

4. Balancing Rights with State Interests

Among the possible things that are always a challenge are the national legislation that may involve the personal freedom and security of the national order and safety. As an example, a police inquiry into the laws regarding the national defense or the emergency is in fact the limitation of the freedom of speech should be reviewed to prevent borders that go too far. The correctness of the defense of rights depends on the possibility of providing a reasonable balance of the restrictions and the control of the state by the court. This balance is so significant in the context of civil order in the maintenance of individual freedom.

The national laws which translate the abstract notions into tangible assurances are the key obstacles to the violation of human rights on the level of a state. The laws which are the primary focus of the constitution, which is the supreme law of the land and the source of the embedded protections, are statutes, while the enforcers are the respective organs of the judiciary. The effectiveness of these laws however, is dependent on the presence of a culture of respect for human rights, political responsibility, and rule of law. The effective national law systems are proven to be an asset of a state which goes beyond the protection of its citizens since it enhances the international status of the state by showing commitment to the protection of fundamental human rights.

III. HUMAN RIGHTS POLICIES AND STATE RESPONSIBILITIES

While domestic laws provide the legal foundation for the protection of human rights, the policies themselves are of equal significance for the enforcement of human rights. Policies themselves are the more practical manifestation of the legal 'obligation' of the state made to 'contract' the 'obligation' in the form of 'administrative' action and development programs.

They are the organizing framework of governance through which the priorities of the state are bridged to the philosophy of human rights and resolve the matters which legislation by itself is incapable of addressing. The effectiveness and such policies are a subject of the political will, allocation of the relevant resources and constant monitoring and evaluation to ensure that the said policies actually benefit the entire citizenry.

1. Policy as a Bridge Between Law and Practice

Policies are to implement the legal frameworks in a practical context. An example is the right to education, a constitution may provide for this right in principle, it is policy like the right to free and compulsory education that operationalize this principle. Similarly, health policies, labor welfare policies, and social security policies make the essence of human rights not a matter to be examined only in legal texts, but to be applied at the actual level at the grassroots. Policies do this important bridging function in making the abstract promises tangible.

2. State Responsibility to Guard and Advance Rights

As establishing shields for people from unsuitable treatment and ensuring that an environment empowering the prospects for the full enjoyment of these rights. While protection is the prevention of abuses by state agents, private actors and non-state actors, promotion is the facilitation of an enabling environment through welfare policies, education programs and participatory governance. Discrimination and exclusion can be reduced and the level of social inclusion can be improved through sustained intervention from the state, particularly in relation to hands-off groups, such as minorities, women, children, and marginalized people.

3. Policy Challenges and Gaps

Policies on human rights are of fundamental importance but are often confronted with factors that render the effectiveness of human rights questionable. It is argued that inefficient bureaucracy, political interference, lack of funding, lack of accountability, and funding of ghost organizations may reduce their effectiveness to a considerable extent. Moreover, some are more symbolic; their essence is political and their primary purpose is not the implementation of the policy. The gap between the law and policy, often leads to paradoxes in enforcement whereby rights that have been enacted formally, few citizens are able to fully possess and enjoy these rights.

4. Embedding Human Rights in Developmental Agendas

Current human rights legislature is increasingly in tandem with general development aspirations like poverty alleviation, gender balance, sustainability of the environment, and information and communication technology development. The inclusion of the human rights because of their interdependence with development into universal frameworks like the UN ... Sustainable Development Goals (SDGs) illustrates the fact that development and human

rights are not as separated as they are often perceived to be, and the development of people is not only economic, but also in well-being and dignity.

Policies on human rights do not only aim to extend the constitutional guarantees to ensure the dignity and equality of all the people in positive terms, but are also the manifestation of the state's obligation. They slant the balance between the constitutional guarantees and the reality on the ground and do so through the governance of the country based on the policies and programs directed towards them. However, the success of the country's human rights policies is contingent upon the political will, the adequate allocation of resources, the institutional accountability, and the inclusive decision-making frameworks in place. Broad and comprehensive policies on human rights contribute to the social cohesion of the country and recognize the country's commitment to justice, equality and democracy.

IV. LEGALLY BINDING INTERNATIONAL AGREEMENTS AND THEIR IMPACT

Global contracts are the basis for elaborating and formulating global standards for the safeguard of human rights. In comparison to the domestic legal infrastructure that is bracketed in borders of a Political Unit, an inter-state agreement is a mutual baseline that can hold Political Units to the global community. When Political Units become signatories to a set of human rights treaties and agree to be bound by them, there is an international and domestic legal transformation that takes place which is a shift towards the center, within the Political Unit, and towards to center within the international community. These treaties have played a pivotal role in building up the contemporary set of human rights and continue to play a role in shaping domestic policies of countries around the globe.

1. Major International Treaties and Conventions

The documents of International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as well as the Convention on the Elimination of All Forms of Discrimination against Women, are perhaps the strongest legal documents. With the Universal Declaration of Human Rights albeit not legally binding, "these covenants are collectively known as the International Bill of Rights. Other regional treaties, such as the European Convention on Human Rights or the African Charter on Human and Peoples' Rights, are a further guarantee of protection in specific situations. These documents lay out certain responsibilities of the state to respect, protect and fulfil a person's rights.

2. State Obligations and Accountability

Joining these treaties has both ethical and legal obligations. They carefully defined the processes with respect to incorporation of the treaties into domestic law, formation of the monitoring bodies, and periodic reporting to the treaty organs. Such bodies are e.g. the Human Rights Committee and the Committee on the Rights of the child who monitor the compliance and give recommendations or observations to encourage the States to protect and

do more, respectively. This structure of accountability makes the values of human rights not only inspirational, but mandatory.

3. Effect on Municipal Legal Systems

The national legal systems are greatly affected with the ratification of the treaties. In most countries, the international treaties which have been ratified are given the same status than the domestic law or are completely incorporated in constitutions. This harmonization consolidate the local protections and allow citizens to bring measures made by the state to the courts on the basis of international norms. Even where there is no direct legal effect of treaties, it is common for treaties to have an influence on judicial interpretation, legislative reform and the creation of autonomous institutions for human rights.

4. Limitations and Challenges in Implementation

Even though powerful and treaty frameworks most certainly have elements of limits in practical application, there are other issues tethered such as the probability decision delays and additions including reservations, or the unequal application of the issues governed by the treaty's articles, also called selective implementation by some. Human rights obligations in certain situations and the politics of national security over the years have, in some instances, adversely impacted levels of enforcement. Moreover, the absence of robust forms of punitive measures places enforcement of obligations above the bent of complying freely, which, in most instances, is the result of diplomatic, civil society, and, or, international supervision. Such issues present the case for need of more and better global governance frameworks such that the treaties rest are more than instruments in the garb of form treaties

Skin and bones of renown and recognized human rights frameworks, and accountabilities frameworks rest in durable international treaties, which most certainly aid in the construction of a more unified global policy and shifted domestic legislation, and the cultivation of responsibilities deemed shared. On the contrary, effectiveness of such treaties highly depends on the state, domestic, and international dynamics which, as a whole, are committed towards the enforcement of the treaties in question. Moreover, the role of international community in 'inter' or even 'extra' territorial enforcement and the strong widely-held perspectives about the rights of humanity are immense and need to be strengthened.

V. NON-BINDING INSTRUMENTS AND POLITICAL COMMITMENTS

As much as legally binding treaties define a collection of enforceable obligations, non-binding instruments and political declarations are defining the global human rights ecosystem. Such documents, informally described as "soft law", may not be legally binding, but, owing to moral power, diplomatic pressure, and normalcy direction, they have huge sway and power. Declarations, resolutions and political declarations are often the first step towards a consensus, and may ease the way for later legally binding treaties. Their lack of specificity

allows for broader involvement and expeditious approbation and greater responsiveness to emerging issues of the human rights domain.

1. Nature and Examples of Non-Binding Instruments

‘Non-binding instruments, especially when adopted in forms of declarations and constitutive charters, are considered preparatory documents. These types of documents may be issued by, or resolutions adopted by, world organizations like the United Nations General Assembly and other regional organizations. The UDHR, in contrast, is in a class of its own, and while it may be considered non-binding, in the modern world it has shaped constitutions of several countries and is the basis of a number of legally binding treaties. In a similar fashion, the UN Guiding Principles on Business and Human Rights, or the Paris Agreement on Climate Change (which contains a blend of binding and non-binding elements) also illustrates the ability of such pledges to mobilize, not only states, but the private sector as well.’

2. Political Commitments and Their Influence

An effect of operational strategies is a synthesis of expectations by states without requiring a formal treaty. At the international level, there are also summits like the 1993 World Conference on Human Rights in Vienna or the adoption of the shared global 2030 Agenda for Sustainable Development that demonstrates how states unite in order to shape international governance. These pledges then serve as yardsticks for measuring the performance of a given country, thus enabling civil society and international bodies to hold the country accountable through advocacy and public pressure.

3. Benefits of Non-Binding Instruments

One of the advantages of non-binding instruments is that due to their non-legal character, they can offer advanced flexibility. Non-binding legal instruments can be treated as ‘slip treaties’ that can be negotiated and agreed to in short periods of time. During times of immediate crises (e.g. the Ethiopian famine in the early 1980s), unilateral actors and states can agree on resolutions in principled plenaries that are binding post facto. Greater flexibility stimulates adherence to the instruments without any binding legal ramifications. Ultimately these instruments can also serve as the building blocks to customary international law: soft norms can become ‘hard’ law through the passage of time.

4. Drawbacks and Deficiencies

Despite their significance, non-binding instruments have major weaknesses. The absence of enforcement measures places such instruments in the midst of rhetoric lacking action or political opportunism. Other actors may use such latitude as ‘window-dressing’ to feign adherence to human rights while sidestepping non-optional obligations. Moreover, such tools

devoid of thoughtful, ongoing, and genuine implementation will quickly lose credibility and, even worse, hinder advancement in the promotion and protection of human rights.

The non-binding instruments along with political commitments take a unique position in the framework of human rights in the setting of their primary standard, state actions, and the geopolitical discourse. They will not and cannot replace the legally binding instruments, but, together with them, construct a framework of norm-building, mobilising participation and providing access to more robust treaties.

Success is a matter of the extent to which states, civil society and international institutions are able to translate the soft commitments to action into on-the-ground action. Finally, these tools widen the reach of the human rights principles and ensure that international discussions remain sensitive to new challenges.

VI. IMPLEMENTATION CHALLENGES AT NATIONAL AND INTERNATIONAL LEVELS

Even in the presence of robust laws, policies and international conventions, implementation of human rights is still a recurring problem. Governments of nation-states, as well as international institutions, face issues to interfere with the true enjoyment of rights. These vary from political opposition to economic constraints to cultural relativism and poor mechanism for enforcement. It is necessary to understand these barriers in order to understand what strategies can be used to reduce the distance between the difference between the commitment on paper and the realities on the ground.

1. National-Level Challenges

Within countries, the principal challenge is the inaction accompanying the enforcement of legislation. Almost all countries have laws and constitutional provisions regarding human rights. However, the inability of institutions to function due to the lack of resources and poor implementation, inter alia, diminishes the value of these laws. Political apathy, the prevalence of corruption, and an authoritarian regime adds to the multiples failures and the inability to put the laws into practice. The practice of social injustices, especially discrimination on the basis of caste and class, and gendered injustices and violence, triumph the struggle of the marginalized for the realization of rights even after these have been legally recognized.

2. International-Level Challenges

The first framework within which to understand the international obligations of human rights is the principle of the sovereignty of the state. Treaties or agreements stipulate universal criteria, but are devoid of any effective punitive enforcement apparatus at the international level. Most countries sign treaties purely in order to avoid any accountability, and therefore, do not intend to implement them at the national level. Furthermore, geopolitical considerations often determine selective enforcement which results in the stronger nations being above scrutiny, while the weaker countries are subjected to disproportionate pressure.

Such disregard to the enforcement and implementation of treaties weakens the perception of the international regime on human rights.

3. Cultural and Contextual Barriers

Another challenge is cultural relativism. Some governments use arguments and counterarguments to “prove” that universal human rights treaties and declarations do not apply to them due to their region’s culture, religion, or traditions. Cultural variety is a thing that should be accepted, but will further be shown to be a justification used to reduce rights, especially for women, outgroups, and dissenters. One of the hardest implementation issues has remained in the attainment of a balance between universal human rights and cultural environments.

4. Resource and Capacity Constraints

Adequate economic and institutional resources are also required to have good implementation of human rights. The limitation of budgets, weak administration systems, and lack of training of the enforcement agencies are encountered in most developing countries. These gaps can be closed through co-operation with other countries and foreign aid, although foreign aid may create further impediments, including the absence of ownership and sustainability of reforms.

The problems in implementation are used to draw attention to the difference between the human rights in theory and human rights in practice. The success of the rights enforcement is regulated on the level of nation-states by political will, institutional capability, and social equality. Accountability is limited by sovereignty problems, power asymmetry and ineffective enforcement mechanisms at the international level. It will require a multi-faceted strategy to dismantle them, by establishing powerful institutions in the home country, encouraging international collaboration, breaking cultural divides, and ensuring adequate resources. Only with such a base can the promises of the human rights law and policy be transformed into the reality of each individual.

VII. STRATEGIES FOR STRENGTHENING LEGAL AND POLICY FRAMEWORKS

Protection of human rights cannot be solely left on the premise and basis of laws and policies, it depends on the extent to which they are fortified, implemented and adjusted to the new realities. States and global community should possess proactive mechanisms, which address the loopholes in enforcing laws, encourage inclusiveness, and facilitate responsibility. A legal and policy framework can only be effective when it has effective institutions but also a culture of upholding human dignity at all levels of governance.

1. Bolstering Constitutional and Legal Protections

The continuous affirmation of constitutional guarantees and the legislative guarantees is one of the initial strategies. Legal frameworks are more applicable through the modernization of ancient laws, closing loopholes within legislations, and adoption of the new rights such as computer privacy and environmental justice. The judiciary must be left autonomous to allow courts to serve as an unbiased upholder of human rights. Moreover, the alignment of the domestic law with the international responsibility will create harmony and enhance the global responsibility.

2. Strengthening Institutional Capacity and Autonomy

The main areas of implementation oversight are human right institutions, such as national human rights commissions, ombudsman institutions, and equality bodies. These institutions should be provided with adequate funding, professional staff and functional independence to operate successfully. Training of law enforcers, jurists, and the government administrators on human rights principles also ensures that enforcement agencies respect dignity and equality rather than perpetuate abuse.

3. Ensuring Participatory and Accessible Policymaking

The reason why policies are good is because the policy reflects the voice of those that it serves. Inclusiveness and legitimacy are achieved through participation of the civil society organizations, grassroots movements and marginalized groups in the policymaking process. The methods that can reduce the difference between the needs of citizens and the government policies are the public consultations, the community-based surveillance, and the participative budgeting. The participatory actions also enhance the confidence in the institutions and also allow the citizens to hold the governments to account.

4. Leveraging International Cooperation and Oversight

International collaboration is very crucial in assisting the integration of domestic structures. Peer review mechanisms such as the Universal Periodic Review (UPR) of the UN help states to learn and have an obligation to make change. The capability of transnational collaboration, as well as funds and technical support, can help bolster the capacity of 'weaker' states to fulfil human rights obligations. Equally important is strengthening the capacity of international monitoring systems, as well as the compliance mechanisms of their recommendations.

5. Leverage Technology and Innovation

Technology can help to further protect and promote human rights. Technology can provide greater transparency and supervision in real-time and can also help simplify the process of reporting violations. Moreover, predictive analytics could help to improve the planning and intervention of policies aimed at at-risk populations and improve the policies themselves. Still, the case handle should be articulately designed to ensure that the negative use of technology, especially regarding violation of privacy and freedom of expression, is kept at the lowest possible level.

From the point of view of technology, the application of the policy of law and human rights is more of a social construct. The protections that are constitutionalized and legislated in the context of freedom of expression should be elastic enough to accommodate whatever the contours of the current age are; the policymakers should be actively and constructively participatory. Global solidarity and evolution in technology is yet a further layer of provision as it tends to level the disparity of capability and responsibility. Correctly grounded, a democratic society provides the citizens with ease and guarantees the democracy, and simultaneously affords the government with legitimizing the relaxed order that guarantees stability.

VIII. CONCLUSION

The overdue concern of human right is well stated, for, in action, the constituent bases of national policies, the international treaties and agreements, and the policies that enable the articulation and actualization of the international standards that in turn rests upon the state obligations, all point out the unified framework in which these affiliations operate, It is equally the deep concern which these treaties and agreements on an international level have designed which, in itself, carries the inner core of real policies and constructions, these policies besides the other do not operate in fragments—the policies operate in corresponding fragments, these matrices obtain to the protection of the human rights of an individual in accordance, and the primary relationships of the doors that have rationalized and adhered to the pledges and agreements on the international level have cultivated the human rights, It is not meant to suggest that to the agreements on the international level the concern of human rights and the conditions to these treaties are mutual, inter sharp conclusion with international human rights self-evidently vs national human right legislative policies does not operate under the same obligations. There are some concerns, as with the administrative policies, with the human rights which are agreed to unconditionally and which focus on the limits of the state's boundaries.

In spite of the far-reaching framework, there are still issues of implementation from a domestic as well as a transnational perspective. The policy and legal obstruction, such as lack of political will, apathy of administrative structures, insufficient resources, and the persistent issue of cultural relativism are all deeply pernicious. Similarly, the global level, which is characterized by an almost total absence of enforcement and which is also devoid of counterbalancing to state sovereignty, greatly constrains the locus of responsibility. These problems make it clear that legal and diplomatic action are insufficient to pursue the case. It depends on the political, institutional and civic action to be taken to fulfil such pledges which will make a difference to the state of affairs.

The approach needed for accompanying the policy and legal branches with the corresponding human rights framework would require creative and rational steps. On the legal side, nations would have to provide visions to free and restructuring policymaking as well as closed. There is also homeland, fostering global collaboration, technology, and engaged citizenry. Ultimately, effectiveness of human rights protection goes beyond issues of enforcement and

treaties. It concerns the people. Their dignity and rights, the sovereignty of the people, protected as well as guaranteed. The populace, through the maintenance of global and local structures, would be able to support the construction of a fair socio-ecological system. In this world, the rights of individuals will be respected, protected and fulfilled.

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