



HUMAN RIGHTS IN LEGAL SPHERE NATIONAL STANDARDS INTERNATIONAL COMMITMENTS AND LOCAL REALITIES

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ABSTRACT

Human rights are central to law because they are the foundation of justice, dignity and equality. International treaties and conventions provide general guidance, but national processes have the task of giving these rules substance, and converting them into the constitution. This work displays the conflicting strains of international requirements, national norms and national circumstances and understand the equilibrium between global norms and state responsibility. Development of human rights is irreversible as it takes place during interactions between the various actors and institutions. Constitutional protection, judicial inspection and statutory norms are the instruments of enforcement. At the same time, states are legally under commitments of the world to steer their internal systems to conformity with international and universal standards and norms of human rights. Nevertheless, the validity of such commitments is generally doubted by the local situation- socio-economic variations, cultural mores, political interests and institutional variations. This decoupling of promise and performance on matters of international environmental law and human rights law has led to states abandoning their duties. The gap that needs to be filled would entail an integrated system, a system that is sensitive to bottom-up issues, but foundations national legislations on international standards. It attempts to bridge such gaps between harmonisation of domestic law and compliance with international treaties on one hand, and participatory governance and accountability on the other. The study suggests the possibilities of a more secure legal framework of human rights protection through charting national standards, international law and local contexts.

Keywords: Human Rights, National Standards, International Commitments, Treaty Obligations, Local Realities, Legal Mechanisms, Human Rights Protection, Global Norms.

I. INTRODUCTION

Human rights are an international aspiration but they exist beyond politics and law. States are the primary protectors and enforcers of human rights. The law therefore is the place where global aspirations meet the national interest and where international commitments are reproduced, either in whole or in part, in domestic law and practice. Thus, studying human rights through law is not just an abstract endeavour, but an inquiry into what a country, institution or society makes more real in the world.

In broad terms, human rights will be protected by the constitutional, statutory and judicial mechanism at the national level.



How are rights constructed, implemented, and protected through mechanisms? Conversely, national systems cannot function in isolation in an interlinked world. Whether binding treaties, regional conventions or aspirational covenants, international commitments embody expectations of states, and affect their legal and policy choices. The combination of these commitments and domestic realities always offer possibilities, and tensions.

The day to day environments that individuals are born and brought up in are equally important. However much treaties and laws may establish standards, the success will be in the fact that they respond to discrimination, inequalities, access to justice and dignity at the grassroots. Proper interpretation of human rights in its juridical sense, inevitably invites us to join legal analysis with political and cultural descriptions of the context within which our rights are claimed and contested. This is meant to look at these dimensions, looking keenly at how things are in the local level in relation to standards at the national level.

II. EVOLUTION OF HUMAN RIGHTS IN NATIONAL CONTEXTS

The history of human rights is an ever-running tale of development, gradually transformed into law, to alter social circumstance. The thought that human beings were created equal in their dignity existed at the time of pre-civilization but has begun to take on more cut-and-dried forms as time scales become the issue. Citizens and state must work together to benefit a nation to any nation.

Law and legal contracts have tried to prevent the mighty to rule the less mighty unfairly ever since the time immemorial. The Magna Carta and the French Declaration of the Rights of Man and Citizen are influential documents that protect citizens from the power abused by tyrannical leaders. Now a days, all the constitutions in a country, has a thing called "Right" so it will show that everybody its equal. The idea of rights in countries is going from something political, not definitely go through with to a full law enforcement.

The twentieth century saw a changing trend as major wars and war's awful details pushed for more serious promises of rights for citizens globally. The Universal Declaration of rights has impacted the international law, inspired constitutional reforms, and has even created national institutions that protect rights of people. Since the post-colonial era, some of the countries in Asia, Africa, and South America began including provisions for rights in their constitution. This time revealed a certain reality that although everyone possesses rights, reality for many people appears to be rooted in reality not by a document but by surrounding.

Today, societies evolve and change their words regarding issues such as online privacy, environmental issues, gender equality, and minority groups. The issues need states to reevaluate the things they've always considered rights, even though the reason is to fulfil their duties as worldwide citizens. The trajectory of human rights has the tendency to adjust based on changes in political atmosphere or a strong law enforcement in the country, which can keep the country moving forward if done the right way.



III. THE ROLE OF NATIONAL STANDARDS AND LEGAL MECHANISMS

In other words, human rights become meaningful once they become enforceable standards at national level. Although international proclamations articulate universal values, it is at the national and domestic levels and through constitutions, legislative frameworks, policies, and judicial practices that people benefit from protection and remedies.

National standards decide what rights are meant. They restrict and promote rights in society. These global standards have influenced and shaped the national standards. These were created taking globalization in mind. But they do not copy-paste the global standards. The standards are a summary of the history, culture, values and politics of each state.

1. Constitutional Safeguards

A system's foundational documents constitutions are a standard starting a point for the system of protecting human rights. Today, the vast majority of constitutions contain a bill of rights or a section on fundamental rights such as equity before the law, legal protection of free speech, and the right to be free of discrimination. These provisions delineate the rights of the people and the obligations of the state to provide legal protection of dignity and justice.

2. Legislative Frameworks

Apart from the constitution, new parliaments actively undertake the passage of specific laws which provide for the advancement of human rights in specific spheres, such as labor, children, gender, and the environment. Laws make global standards relevant to specific contexts. Thus, they provide content and context to fundamental human rights which render them actionable.

3. Judicial Interpretation and Enforcement.

Human rights are moulded and brought home with them by judicial courts. In many states, the act of reviewing through interpretation and precedent has allowed for evolution in national judiciaries' interpretations of rights to inspire constitutional protections, lead to the nullification of discriminatory laws and produce progressive conceptions of rights. In dozens of nations judicial activism serves as a passageway when the legislature and/or executive do not act.

4. National Human Rights Institutions.

Furthermore, the creation of a human rights commission, an ombudsperson and equal opportunities board all contribute to ensuring protection. The institutions ensure that



governance is accountable and transparent. Procedural functions in the organisation include a Complaint, Inquiry, Monitoring etc.

5. Administrative and Policy Mechanisms.

Presidential provisions and executive actions operate as domestic tools for implementing human rights. It is therefore proper for the State to guarantee the citizen some other social and economic rights that likewise preserve those freedoms of the citizen.

National standards and law as a mechanism disjoins human rights from the ideal and moves them towards reality. Both social mobilizations can result in legislative or state interference. They work not only because the legal framework is there but because of political will, institutional capacity and social acceptance. 4 In conclusion, strong national systems are the first line of defence in preventing and protecting human rights.

IV. INTERNATIONAL COMMITMENTS AND TREATY OBLIGATIONS

No state exists in complete isolation, although national standards are the foundation of protection of human rights. Human Rights in Time Human rights emerged as a source of collective attention and concern over the centuries through treaties, conventions, and covenants that established shared states' obligations. Through ratifying the international agreements, countries undertake commitments to implement values and standards of the agreement. They must also have the responsibility to fine-tune their laws & regulations to keep pace with the change in future as well. By these duties, the responsibilities of protecting human rights are displaced from state to international level.

1. Binding International Treaties.

The International Covenant on Civil and Political Rights (ICCPR) or the International Covenant of Economic Social and Cultural Rights (ICESCR) are instruments which put legally binding obligations on the state parties. States are supposed to harmonize their national laws with those of the treaty body and periodically report to a committee that makes sure everyone abides by the rules. Hence it can be said that these treaties mould the national laws.

2. Non-Binding Declarations and Covenants.

All obligations under international law are not legally binding. The Universal Declaration of Human Rights (UDHR) and such documents are “soft law”, however they can have profound influence. They set expectations - for national legislatures and courts, and public policy at large - that slowly but powerfully inform the culture of law (and social expectations) even when not enforced.



3. Regional Human Rights Systems.

European Convention on Human Rights, African Charter on Human and Peoples' Rights or Inter-American Convention "the treaty system" that unravel "the web of human rights" in the international arena. These provisions provide individuals with access to supranational courts and obligate states on their territory.

4. Monitoring and Reporting Mechanisms.

International treaties are based on monitoring mechanisms; they are not self-executing. Periodic reports on implementation by states are generally required, as well as findings of treaty bodies created on this basis. The conformity with the recommended human rights standards is evaluated through groups and reviews and recommendations are made. They also cite violations. They act as a reforming force, and bind states with positive duties.

5. The Issue of Reservations and Selective Compliance.

The reservations made on treaties by most states are on specific provisions. Some will be discussing the international obligations and doing the opposite. These differences demonstrate the incompatibility between the peace of state sovereignty and the universal human rights. The move of human rights to international, through treaty promise and international obligations, takes human rights a level higher in the hierarchy of global. They help us uphold human rights around the world and give us tools of bringing people to book. The worth of the promise of the country lies not in the signing of this promise but in the fulfilment of the promise, and this means that there should be a reconciliation of expectations in the world community with realities in our own country. It is by this way that international agreements are a map and pressurize the course to map human rights in law.

V. LOCAL REALITIES AND GRASSROOTS HUMAN RIGHTS ISSUES

The human rights are present in the international conventions and the constitutions; they need to be put in the lives of people in everyday life to demonstrate it. The mental state one is in about things is so easily in harmony with what one sees. It is this space we often find in such societies plagued by poverty, inequity, discrimination, bad governance etc. Human rights are not abstractions. They are our local level suffering and struggle of justices and access and dignity. And these local situations need to be familiarized with so that one can evaluate the impacts of domestic and global human rights systems.

1. Socio-Economic Inequalities.

It's not a newflash that wealth, education, medical care and work opportunities are uneven. The system 'boarded out' the groups that are now marginalised. They are women, minorities, and indigenous people.



Unless we fill social-economic gaps many will not have access to legal guarantees.

2. Cultural and Social Practices.

The local culture can help or harm human rights. Some behaviours promote solidarity and justice while some foster discrimination or exclusion, especially of women and children along with marginalized castes or ethnic groups. Many societies constantly struggle to balance cultural identity with the precepts of universal rights.

3. Barriers to Justice and Legal Awareness.

Often people do not know their rights which essentially are grassroots people. They may be ignorant that the barriers created by cost, language corruption or distance from the court system. Paraphrase this (16 words).

The law and justice issue goes unreported because people are unaware and do not have access. It is necessary to boost awareness at such times and help through legal support from the community.

4. Role of Civil Society and Community Movements.

Local leaders, community activists and civil society are ensuring that human rights yield fruit. They help people connect with actual legal institutions through advocacy, teaching, and organization so that marginalised voices are heard in national and international forums.

5. Impact of Governance and Local Institutions.

The village council, the municipality and the district council all have a direct effect on the violation and protection of rights. Empowerment or exclusion is not the only determinant for people at the grassroots. Their efficiency, accountability and transparency are equally impressive.

Grassroots movements and local circumstances may be able to tell us as much about the human side of human rights, and the success and failure that legislation can foster. National standards and international obligations are no more real than the people's daily lives are changed by making them so. Depending on national context, delivering human rights in terms of relief from inequalities, civic empowerment, and local institution building will make wording human rights in terms of local language meaningful.



VI. BRIDGING THE GAP BETWEEN COMMITMENTS AND PRACTICE

Protecting human rights does not demand more standards, but effective implementation of the existing ones. (21 words) While states legalize treaties, enact constitutions and legislate, implementation on the ground is generally nothing to write home about. Legal reform, institutional strengthening, mobilizing society and international partnership can fill such a gap. It is only through such concerted efforts that the promise of human rights shall be brought from paper to people.

1. Institutional and Legal Strengthening.

In order to provide enforcement of human rights, the parliaments, courts, commissions and administrative institutions must be sufficiently empowered and equipped. Credibility breaks down when enforcement lacks strength, and there is no progressive legislation. In order to provide for just and fair enforcement of rights, it is essential that institutions are accountable and independent.

2. Strengthening Political Will and Governance.

Political will is key to the realization of all human rights. Vested interest or corruption can be the means by which governments pass progressive laws, or the failure to exercise priority. The need to ensure that the state practice is compatible with the principles of international law involves open government, and a dynamic political will.

3. Promoting Human Rights Education and Awareness.

Such an excellent way to fill the gap is to educate oneself to know and demand rights. Literacy of the law is taught at school and it is also promoted through awareness programs, which create community education that creates awareness and puts pressure on ordinary application and compliance and discourages law breaking.

4. Civil Society and Media Association.

Civil society, advocacy groups and the media play the role of watchdogs to hold governments to their broken promises. They ensure the states do not neglect their duties easily by organizing communities, reporting on abuses and putting questions to their minds.

5. Recourse to International Observation and Collaboration.

Control is encouraged by the external pressure of help of monitoring bodies, peer review systems and international courts. States can better implement their commitments within the laws by the assistance of international institutions.



There is an imbalance between the promises that were made and the promises that were delivered. This reflects the fact that rights can be codified in law, but there is no fulfilment of rights on the ground. Closing this gap is an ongoing endeavour that needs to be brought about through law reform, robust institutions, assessment of the civil society and constant international donors. The human rights guarantees will be of no avail, unless they are made into tangible practices. It is then that they can be a guarantee of justice, dignity and equality.

VII. CHALLENGES IN ALIGNING NATIONAL LAWS WITH INTERNATIONAL NORMS

While there is an international standard contained in universal human rights treaties, it is not easy to implement them. Even if assuming that it has been ratified without a dissenting voice, each State has its political, cultural and legal context.

Law reforms at the national level according to international standard most commonly meets opposition and dissention and becomes far too mired in practical detail. Nations around the globe engage in a dialogue about human rights but they encounter difficulties between the sovereignty of states and universality of rights.

1. Sovereignty and National Autonomy.

States view their global obligations as an infringement of their sovereignty. Some administrations might oppose applying world standards if they think it will need them to sacrifice their priority. Sensitive issues such as security, migration or cultural practice have become a battlefield.

2. Constitutional and Legal Conflicts.

Nations sometimes ignore treaties that they have signed. For instance, at the national level, provisions on basic freedom, minority rights or gender equality can be interpreted differently. Amendments to established systems of law in line with international standards can be a slow, politically delicate process.

3. Cultural and Religious Differences.

Not all societies interpret human rights in the same way. The principles of universal human rights conflict with cultural values, religious beliefs, traditions and practices. At times the States reject, understand, and reserve certain treaty provisions. Because of cultural relativism, achieving global uniform standards is difficult.

4. Economic and Resource Limitations.

A lot of money is often required to implement rights. The duty to introduce laws on health, education, housing, social security etc. Is solemn can only be imaginary for a developing



country. These international covenants are enormously difficult to comply with. They were actually created to create disbalance and inequity.

5. Political Resistance and Selective Compliance.

States selectively or symbolically comply after ratifying a treaty, mainly due to political opposition. Governments may recognize the necessity of an international language in their policy documents. Governments use commitments for diplomatic appearances rather than as norms.

The state of national legal systems is therefore a contested process influenced by sovereignty, culture, politics, and resource constraints. For national laws to conform to international human rights standards is complex. International frameworks are generally useful in providing a common vision. Will states be willing and or able to integrate the framework into its domestic legal system? The effectiveness of the framework ultimately depends on this. When authors create strategies to promote global human rights, they must always keep this in mind.

Negotiation, adjustment, and sustained commitment prove essential in linking domestic realities and international expectations in private international law.

VIII. CONCLUSION

Human rights lawyers face the difficulty of straddling the universalism of the laws and the laws of the land. International agreements and responsibilities may facilitate a framework for share among nations but it is uncertain as to how effective it is. Getting the word out about rules and rights is crucial for key laws to ensure they benefit and protect more than a few people. The country's system is strongly implemented and tests the global human rights project.

An international treaty can make a failure by a state to comply with human rights a legitimate reason for the withdrawal of the state's government title. The responsibility to maintain protection is established through the development of a policy framework, the accountability of independent groups created, and the introduction of state regions. For all these years, everyone else has failed to live up to their political commitment at the international level in that everywhere in the world a person is not given a fair treatment where he is wrongly treated by the system which politically appeals to him. To fill this gap, we have to work at all three levels, national norms, international protocols and community activism.

We have to actually apply human rights, not just treatise that have signed. Culture and respect for various existence help the society to have equality and not discrimination. There is a full road to making humans feel human. As a human being, you try to humanize things around



you. As per law human rights are very strong, they are the ones which are not only written in a perfect way but also implemented in order to preserve justice/ equality/ dignity.

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