


The Role of Good Governance's Legal and Institutional Frameworks in Protecting Human Rights: From Theory to International Practice

Hadjab Abdelghani^{1*}, Tayeb Belouadah²


¹ Faculty of Law and Political Sciences, University of M'sila, Algeria

abdelghani.hadjab@univ-msila.dz

 <https://orcid.org/0009-0001-8595-4553>

² Faculty of Law and Political Sciences, University of M'sila, Algeria

tayeb.belouadah@univ-msila.dz

 <https://orcid.org/0000-0002-7404-5872>

Received: 01/09/2025

| *Accepted: 01/11/2025*

| *Published: 15/01/2026*

Abstract:

This paper aims to synthesize these diverse threads of scholarship, providing a comprehensive analysis of how good governance, through its robust legal and institutional frameworks, specifically acts as a catalyst for enhancing and protecting human rights. The study will address both the theoretical underpinnings that connect these two vital concepts and the practical mechanisms through which their synergy can be maximized. This academic article employs a qualitative, analytical, and descriptive research methodology. The primary approach involves a comprehensive review and synthesis of existing scholarly literature and international documents pertaining to good governance and human rights. The research process includes a thematic analysis of the provided research material, systematically identifying key concepts, definitions, principles, historical developments, interrelationships, and impacts relevant to both good governance and human rights. This method allows for the extraction and interpretation of complex connections, including underlying trends and broader implications, to provide a deeper understanding of the subject matter.

Keywords: Good Governance; Human Rights; Fundamental Freedoms; Legal Frameworks; Institutional Frameworks.

** Corresponding author*

.....
This is an open access article under the terms of [the Creative Commons Attribution-NonCommercial License](https://creativecommons.org/licenses/by-nc/4.0/), which permits use, distribution and reproduction in any medium, provided the original work is properly cited and is not used for commercial purposes.

1. INTRODUCTION

This research examines the role of legal and institutional frameworks of good governance in protecting and promoting human rights, bridging the gap between theoretical principles and international practice. The study explores how good governance—characterized by transparency, accountability, rule of law, and participatory decision-making—serves as a catalyst for human rights enforcement.

Importance of the Topic

The importance of this topic is further underscored by its direct link to global development agendas, particularly the United Nations Sustainable Development Goals (SDGs). SDG 16, for instance, explicitly emphasizes the promotion of peaceful and inclusive societies, access to justice for all, and the building of effective, accountable, and inclusive institutions at all levels. These objectives are fundamentally rooted in the principles of good governance and the realization of human rights, illustrating their centrality to the broader global pursuit of human well-being.

Research Objectives

Based on the research problem and questions, this study aims to achieve the following objectives:

- To define the concept of good governance at national and international levels
- To clarify the role of good governance in enhancing human rights and fundamental freedoms.

Research Problem and Questions

Despite the widespread recognition of good governance as a fundamental pillar for human rights protection, there remains a gap in understanding how its legal and institutional mechanisms can be effectively activated and entrenched to safeguard fundamental freedoms. The central research question is: How can good governance be operationalized within legal and institutional frameworks to enhance and protect human rights and fundamental freedoms?

To address this overarching problem, the research will seek to answer the following specific questions:

- What is the intricate relationship and interdependence between good governance and human rights and fundamental freedoms?
- What specific roles does good governance play in enhancing and protecting human rights and fundamental freedoms?

Hypotheses

- Effective good governance frameworks directly strengthen human rights protections by ensuring state accountability and institutional transparency.
- International human rights instruments and domestic legal systems mutually reinforce governance standards, leading to better enforcement.

Methodology

The research adopts an analytical, and descriptive approach, relying on:
Comprehensive literature review: Analysis of Previous studies and UN reports.

Thematic analysis: Systematic examination of key concepts, historical developments, and legal frameworks.

Comparative study: Assessment of national and international governance mechanisms in human rights protection.

Research Tools

International conventions (UDHR, ICCPR, ICESCR), UN resolutions, and regional human rights instruments.

- Academic articles, policy reports, and case studies on governance and human rights.
- Evaluation of National Human Rights Institutions (NHRIs), judiciary roles, and parliamentary oversight.

This study aims to provide a holistic understanding of how governance structures can be optimized to uphold human rights, contributing to both academic discourse and policy formulation.

Structure of the Study

The article is structured into six main sections, following the specified axes in the user query, to provide a comprehensive and coherent analysis:

- This section provides definitions of human rights and fundamental freedoms, traces the historical development of international human rights.
- This section examines domestic mechanisms, including constitutional and legislative frameworks, the roles of national human rights

institutions.

- This section analyzes the contributions of the United Nations system, regional human rights mechanisms, international financial institutions.

2. Conceptual Framework of Human Rights and Fundamental Freedoms

2.1. Defining Human Rights

Human rights are inherent rights possessed by all individuals simply by virtue of their existence as human beings; they are not granted by any state¹. These universal rights are intrinsic to all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They encompass a broad spectrum of entitlements, ranging from the most fundamental, such as the right to life, to those that enrich human existence, including rights to food, education, work, health, and liberty².

The nature of most human rights is that they are "claim rights," meaning they impose duties or responsibilities on their addressees, primarily states, to respect, protect, facilitate, and provide for these rights. They function as norms designed to protect individuals everywhere from severe political, legal, and social abuses³.

A cornerstone of international human rights law is the principle of **universality**, which asserts that everyone is equally entitled to human rights. This principle, first emphasized in the Universal Declaration of Human Rights (UDHR), is reiterated in numerous international human rights conventions, declarations, and resolutions⁴. Coupled with universality is the concept of **inalienability**, meaning that human rights should not be taken away, except in specific, legally defined situations and according to due process. Inalienability does not imply that rights are absolute or can never be overridden. For instance, the right to liberty may be restricted if a person is found guilty of a crime by a court of law, or freedom of movement may be temporarily suspended during a riot or wildfire⁵.

Another critical aspect is the **indivisibility and interdependence** of all human rights. This principle signifies that one set of rights cannot be fully enjoyed without the other. For example, making progress in civil and political rights often facilitates the exercise of economic, social, and cultural rights, illustrating their interconnectedness⁶.

The philosophical discourse on human rights often grapples with whether they should be defined as "minimal rights" or as "great aspirations." Some theorists, such as Henry Shue, suggest that human rights concern the "lower limits on tolerable human conduct" rather than "great aspirations and exalted ideals"⁷. This perspective posits that human rights should be few in number and not overly demanding, focusing on preventing the worst abuses rather than aiming for optimal societal conditions. Such a minimalist approach can make human rights more universally acceptable and seemingly easier to implement across diverse cultural and political contexts, as it allows for variation in how societies achieve well-being above these minimum thresholds.

A contrasting view, implicitly supported by the user's emphasis on "expanding the scope of disseminating human rights culture" and "instilling the spirit of human rights within people", points towards a more aspirational, maximalist understanding. If human rights are viewed solely through a minimalist lens, it might inadvertently limit the scope of protection and potentially overlook systemic issues that prevent the full realization of human dignity and flourishing. The tension between these two perspectives suggests that while legal frameworks might pragmatically focus on establishing minimum standards to ensure widespread adherence and enforceability, the broader societal goal, particularly within the framework of good governance, should be to strive for the fullest possible realization of all rights. This involves not just preventing severe abuses but actively creating conditions that enable individuals to lead lives of dignity and well-being, fostering a culture where human rights are deeply embedded in societal values and practices.

2.2. Defining Fundamental Freedoms

Fundamental freedoms constitute a vital subset of human rights, distinguished by their requirement for a high degree of protection from governmental encroachment. Freedom, in this context, is broadly defined as "the absence of obstacles to possible choices and activities". These freedoms are typically enshrined and safeguarded within the constitutions of individual countries and reinforced by international instruments. Primarily, fundamental

freedoms function as "defensive rights" of the citizen against the state. This means they act as a prohibition against state actions that would preclude or substantially impede the enjoyment of these rights. For example, the German Federal Constitutional Court emphasizes that the essence of freedom of research is the lack of state interference in conducting research and publishing results⁸.

Examples of fundamental freedoms, as articulated in the Universal Declaration of Human Rights (UDHR) and other international covenants, include:

- Freedom of movement and residence within the borders of each state, and the right to leave and return to one's country⁹.
- Freedom of thought, conscience, and religion, encompassing the liberty to change one's belief and to manifest it in teaching, practice, worship, and observance, individually or in community¹⁰.
- Freedom of opinion and expression, which includes the right to hold opinions without interference and to seek, receive, and impart information and ideas through any media¹¹.
- Freedom of peaceful assembly and association, including the right to form and join trade unions¹².
- The right to own property, both alone and in association with others, and protection from arbitrary deprivation of property¹³.
- The right to education, which should be free at elementary stages, compulsory, and universally accessible based on merit, aiming for the full development of the human personality and strengthening respect for human rights and fundamental freedoms¹⁴.
- Academic freedom serves as a significant example of a fundamental freedom, derived from the broader freedoms of opinion and expression and the right to education. It requires robust protection not only from state interference but also from interference by university or faculty authorities, and even students, to ensure the unhindered pursuit of scientific and teaching activities¹⁵.

Beyond merely prohibiting interference, fundamental freedoms also impose **positive obligations** on the state. This means that the state is not only

required to refrain from interfering with these rights but must also take proactive measures to protect the interests safeguarded by these freedoms against violations, particularly by third parties. For instance, the German Federal Constitutional Court highlights the state's obligation to support academic freedom through appropriate organizational measures and by ensuring sufficient participation of scientific research freedom in university bodies¹⁶. This dual responsibility—negative (non-interference) and positive (protection and facilitation)—is crucial for the effective realization of fundamental freedoms in practice.

2.3. Historical Development of International Human Rights Law

The historical development of international human rights law is a long and complex journey, reflecting a gradual yet profound evolution in human understanding of dignity and justice. Its roots can be traced back millennia, far preceding the modern articulation of "human rights."

2.3.1. Ancient Roots

The origins of human rights are often ideally pinpointed to 539 BC with the conquest of Babylon by Cyrus the Great. Cyrus's decree, inscribed on the Cyrus Cylinder, freed slaves, declared the right for all people to choose their own religion, and established racial equality, principles that later inspired the first four articles of the Universal Declaration of Human Rights. Other ancient influences include the Code of Hammurabi in Babylon (1795-1750 B.C.), which established basic principles like equal protection of the law and remedies for mistreatment of prisoners. The Edicts of Asoka in India (around 300 B.C.) guaranteed freedom of religion and other rights, while Greek philosophy developed the idea of natural law, emphasizing equal respect for all citizens and equality before the law¹⁷.

2.3.2. Medieval and Early Modern Foundations

Significant milestones in the medieval and early modern periods laid further groundwork. The Magna Carta, promulgated in England in 1215, introduced the foundational concept of the "Rule of Law" and the idea of defined rights and liberties, offering protection from arbitrary prosecution and incarceration. Though largely for the nobility, it established civil rights and the principle that no freeman could be arrested or deprived of property

except by lawful judgment or the law of the land. The English Bill of Rights, signed into law in 1689, further outlined specific constitutional and civil rights, shifting power from the monarchy to Parliament and serving as an inspiration for the U.S. Bill of Rights. Enlightenment thinkers profoundly influenced the conceptualization of rights: John Locke posited natural rights prior to government, Jean-Jacques Rousseau emphasized man's intrinsic worth, Thomas Paine introduced the term "human rights," and Mary Wollstonecraft advocated for women's rights¹⁸.

2.3.3. Revolutions and Declarations

The 18th century witnessed pivotal revolutions that translated philosophical ideas into foundational declarations. The Virginia Declaration of Rights (1776) stated that "all men are by nature equally free and independent, and have certain inherent rights". The U.S. Declaration of Independence (1776) proclaimed that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness". In France, the Declaration of the Rights of Man and of the Citizen (1789) declared that "All are born and remain free and equal in rights," specifying liberty, private property, inviolability of the person, and resistance to oppression as natural and imprescriptible rights. The U.S. Bill of Rights (1791) further solidified these protections at the national level¹⁹.

2.3.4. 19th and Early 20th Century Developments

The 19th and early 20th centuries saw growing international concern for specific human rights issues. The Treaty of Westphalia (1648) and the Congress of Vienna (1814-15) included provisions for religious liberty. Efforts to abolish slavery gained momentum, leading to acts prohibiting slave trading (e.g., Britain and U.S. in 1807) and international declarations against it, culminating in the 1890 General Act for the Repression of the African Slave Trade. International Humanitarian Law emerged from efforts to limit the horrors of war, with the first Geneva Convention in 1864 protecting the wounded and the Hague Conventions laying foundations for modern humanitarian law. The Industrial Revolution spurred labor movements, leading to the creation of the International Labor Organization (ILO) after

WWI, founded on human rights principles to promote social justice. The League of Nations also raised concerns about minority group protection through specific treaties, though this system faced limitations²⁰.

2.3.5. Post-World War II and the Modern Era

World War II served as a profound catalyst, propelling human rights onto the global stage due to the unprecedented atrocities witnessed. The idea of human rights emerged stronger than ever, leading to the establishment of the United Nations (UN) in 1945, with its Charter containing multiple references to human rights, thereby making their respect an international concern. This marked a significant shift in the international community's approach to human rights. Early international efforts were often pragmatic responses to specific problems, such as the slave trade being deemed "repugnant to principles of humanity and universal morality" but also disruptive to commerce. The post-WWII shift towards universal declarations indicated a deeper moral awakening driven by the scale of human suffering, moving beyond mere pragmatic concerns to an explicit recognition of inherent human dignity as the foundational principle for international order²¹. This transformation implies that the international community increasingly views human rights not as a matter of state charity or convenience, but as a fundamental, non-negotiable aspect of international order.

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, became a landmark document. Drafted under Eleanor Roosevelt's leadership, it defined fundamental rights and freedoms universally, establishing a common standard of achievement for all peoples and all nations. Crucially, the UDHR established that how a government treats its citizens is a matter of legitimate international concern, not just a domestic issue.

Following the UDHR, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) were adopted in 1966 and entered into force in 1976²². These two covenants are legally binding instruments that elaborate upon the rights enshrined in the UDHR. Together with the UDHR, they form the "International Bill of Rights," laying down obligations for governments

to act or refrain from specific acts to protect human rights and fundamental freedoms.

The evolution of human rights has also been conceptualized in terms of "generations of rights":

- These are primarily Civil and Political Rights, focusing on individual liberty and protection from state excesses, such as the right to life, liberty, fair trial, and freedom of expression²³.
- These are fundamentally Economic, Social, and Cultural Rights, emphasizing entitlements to basic necessities and opportunities, such as the rights to work, social security, education, and health²⁴.
- Also known as solidarity or collective rights, these emerged from a deeper understanding of obstacles to the first and second generations, focusing on rights of society or peoples, such as the right to sustainable development, peace, or a healthy environment²⁵.
- The most recently discussed frontier, these rights are linked to rapid technological development, addressing new challenges to human identity and dignity posed by the fusion of material, biological, and digital technologies. The continuous emergence of these "generations of rights" further demonstrates an expanding understanding of human dignity and well-being, moving from basic civil liberties to broader socio-economic and collective well-being, and now to challenges posed by technological advancements. This continuous expansion underscores that the concept of human dignity and its protection are constantly evolving in response to new societal necessities²⁶.

2.4. Key International Instruments

The framework of international human rights law is built upon a series of foundational and legally binding instruments that define and protect human rights and fundamental freedoms.

2.4.1. Universal Declaration of Human Rights (UDHR, 1948)

The Universal Declaration of Human Rights (UDHR) is a landmark document in the history of human rights, proclaimed by the United Nations General Assembly in Paris on December 10, 1948. Drafted by representatives from diverse legal and cultural backgrounds globally, it serves as a "common

standard of achievement for all peoples and all nations". For the first time in history, the UDHR explicitly sets out fundamental human rights to be universally protected. Although not initially legally binding, its significance is profound as it has inspired and paved the way for the adoption of over seventy human rights treaties applied globally and regionally today, often referenced in their preambles. The UDHR's widespread recognition and influence are further evidenced by its translation into more than 500 languages. A crucial aspect of the UDHR is its establishment that how a government treats its own citizens is a matter of legitimate international concern, transcending the traditional notion of purely domestic jurisdiction.

2.4.2. International Covenant on Civil and Political Rights (ICCPR, 1966)

The International Covenant on Civil and Political Rights (ICCPR), adopted in 1966 and entering into force in 1976, is a legally binding multilateral treaty that elaborates upon and provides legal force to many of the civil and political rights articulated in the UDHR. The ICCPR obligates State Parties to respect and ensure to all individuals within their territory and subject to their jurisdiction the rights recognized in the Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status. Key provisions of the ICCPR include²⁷.

- The right to self-determination for all peoples.
- The inherent right to life, protected by law, with prohibitions on arbitrary deprivation of life.
- Prohibition of torture or cruel, inhuman, or degrading treatment or punishment, and medical/scientific experimentation without free consent.
- Prohibition of slavery, the slave trade, and servitude.
- Guarantees of liberty and security of person, prohibiting arbitrary arrest or detention, and ensuring prompt judicial review.
- Right to humane treatment for all persons deprived of liberty.
- Freedom of movement and residence, and the right to leave any country and return to one's own.
- Right to a fair and public hearing by a competent, independent, and

impartial tribunal, including presumption of innocence and legal assistance.

- Prohibition of retroactive criminal laws and heavier penalties.
- Right to recognition everywhere as a person before the law.
- Protection against arbitrary interference with privacy, family, home, or correspondence.
- Freedom of thought, conscience, and religion, including the right to adopt and manifest one's chosen belief.
- Freedom of opinion and expression, including seeking, receiving, and imparting information.
- Prohibition of war propaganda and advocacy of national, racial, or religious hatred.
- Right of peaceful assembly and freedom of association.
- Protection of the family as the fundamental unit of society, and equal rights for spouses.
- Rights of the child to protection, name, and nationality.
- Right of every citizen to take part in public affairs, vote, and have access to public service.
- Equality before the law and equal protection without discrimination.
- Rights of ethnic, religious, or linguistic minorities to enjoy their own culture, religion, and language.

The ICCPR also establishes the Human Rights Committee, an eighteen-member body responsible for monitoring the implementation of the Covenant by State Parties through reports and inter-state communications.

2.4.3. International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

The International Covenant on Economic, Social and Cultural Rights (ICESCR), also adopted in 1966 and entering into force in 1976, is another legally binding multilateral treaty that gives legal effect to the economic, social, and cultural rights enumerated in the UDHR. State Parties undertake to take steps, individually and through international assistance, to the maximum of their available resources, to progressively achieve the full

realization of these rights without discrimination. Key provisions of the ICESCR include²⁸.

- The right to self-determination for all peoples, including the right to freely dispose of their natural wealth and resources.
- The equal right of men and women to the enjoyment of all economic, social, and cultural rights.
- The right to work, including the opportunity to gain a living by work freely chosen or accepted, and appropriate steps to safeguard this right.
- The right to just and favorable conditions of work, ensuring fair wages, equal remuneration for equal work, a decent living, safe and healthy working conditions, and rest and leisure.
- Trade union rights, including the right to form and join unions, and the right to strike.
- The right to social security, including social insurance.
- Protection of the family, mothers, and children, including special protection for mothers before and after childbirth, and measures to protect children from exploitation.
- The right to an adequate standard of living, including adequate food, clothing, and housing, and the fundamental right to be free from hunger.
- The right to the highest attainable standard of physical and mental health.
- The right to education, aiming for the full development of human personality and dignity, with primary education being compulsory and free, and secondary/higher education progressively accessible and free.
- The right to take part in cultural life, enjoy the benefits of scientific progress, and benefit from the protection of moral and material interests from artistic/scientific productions.

The ICESCR also outlines reporting and implementation mechanisms, requiring State Parties to submit reports on measures adopted and progress made to the UN Secretary-General, who transmits them to the Economic and Social Council (ECOSOC) for consideration²⁹.

Together, the UDHR, ICCPR, and ICESCR constitute the "International Bill of Human Rights"³⁰. This set of documents forms the foundational legal and normative framework for international human rights

law, providing a comprehensive articulation of the rights and freedoms inherent to all human beings and establishing the obligations of states to respect, protect, and fulfill them.

3. National Efforts to Enhance Human Rights and Fundamental Freedoms under Good Governance

National efforts to enhance human rights and fundamental freedoms are inextricably linked to the establishment and strengthening of good governance principles within a state's legal and institutional frameworks. These efforts manifest through various domestic mechanisms, each playing a crucial role in ensuring the protection and promotion of human rights.

3.1. Constitutional and Legislative Frameworks

The foundation of human rights protection at the national level lies in robust constitutional and legislative frameworks. Constitutions often enshrine fundamental rights and freedoms, providing a legal basis for their protection and serving as a supreme law against which other legislation and state actions can be judged. While the inclusion of a constitutional provision is evidence of a promise to protect a right, domestic promises are also made through legislative statutes, executive actions, and judicial decisions. For most nations and most rights, national promises are equal to or stronger than the actual efforts made, indicating a commitment to international norms. Effective domestic laws are a necessary but not sufficient condition for the effective protection of rights. The strength of domestic law in protecting rights, such as the right to a fair trial, union rights, and children's rights, varies across countries, with some states making substantial promises while others make none³¹.

Strengthening national legislation on access to information, active participation, and the administration of justice is crucial for reinforcing transparency, accountability, and good governance at all levels, which in turn supports human rights. This legislative commitment reflects the state's primary responsibility at the national level to ensure that professional public services uphold the highest standards of efficiency, competence, and integrity, consistent with international obligations³².

3.2. Role of National Human Rights Institutions (NHRIs)

National Human Rights Institutions (NHRIs) are vital components of a country-level human rights protection system. They play a central role in navigating human rights challenges by raising awareness, providing advice, monitoring human rights situations, and holding authorities accountable. NHRIs promote and protect rights nationally and also ensure links to regional and international human rights protection mechanisms. Their establishment often aligns with international standards, such as the Paris Principles adopted by the UN General Assembly³³.

Despite their crucial role, the effectiveness of NHRIs can vary. While some, like the Indian National Human Rights Commission (NHRC), have conducted crucial legislative monitoring and review, others may neglect certain functions or face challenges such as a lack of governmental engagement with their recommendations. There is a genuine risk of NHRIs being influenced or "captured" by their governments, particularly in a climate of democratic backsliding, which can compromise their independence and effectiveness. To fulfill their potential, NHRIs require a clear mandate, independence, adequate resources, and a membership that reflects societal diversity³⁴. Their ability to provide a framework for addressing corrupt acts that result in human rights violations is also critical³⁵.

3.3. Role of the Judiciary

The judiciary plays a vital and prevailing role in safeguarding human rights and fostering good governance. An independent judiciary is essential for the impartial enforcement of laws and the full protection of human rights, particularly those of minorities. The judicial branch ensures that laws are interpreted and applied fairly and impartially, acting as a crucial check on the executive and legislative branches to ensure their actions conform to the constitution and laws. A fair and efficient judicial system is fundamental for good governance, as it provides access to justice, protects individual rights, and ensures legal certainty. The judiciary's power to review the constitutionality of laws and actions taken by the executive branch provides a safeguard against abuses of power³⁶.

When the judiciary makes equitable decisions, these decisions set valuable precedents for future dispute resolution, ensuring effective implementation of the law and protection of individual and group rights. The ability of individuals to present evidence, claim duress, and have information taken under pressure deemed void in penal proceedings highlights the judiciary's role in protecting human rights in practice³⁷. The recognition of the right to corruption-free governance has the potential to empower the judiciary to integrate anti-corruption and human rights efforts, further enhancing good governance.

3.4. Role of Parliamentary Oversight

Parliaments play a crucial role in human rights protection and good governance, although their effectiveness in this regard is not always fully realized. As crucial components of the state architecture, parliaments share a responsibility to protect, respect, and fulfill the state's human rights obligations. As elected representatives, parliamentarians are ideally positioned to ensure that the state is not perpetrating human rights violations and that national laws are compatible with human rights standards³⁸.

Effective parliamentary oversight of human rights requires a clear goal and consideration of relevant constituencies, including victims, civil society, and national human rights institutions. Parliamentary involvement can lead to improved internalization of regional and international human rights standards at the domestic level. Furthermore, the involvement of people potentially affected by legislation in the law-making process, often through parliamentary consultation, is considered an element of good law-making procedures. This expands the knowledge base of the legislative process, increasing its legitimacy, transparency, and efficiency, while promoting social justice by sharing power with marginalized groups³⁹. This emphasizes that parliamentary functions, when robust and inclusive, are integral to the operationalization of good governance for human rights.

5. CONCLUSIONS

At the national level, the activation and entrenchment of good governance principles within legal and institutional frameworks are paramount. Constitutional provisions, legislative measures, the

independence and efficacy of the judiciary, the oversight functions of parliaments, and the active engagement of civil society are all critical components that contribute to a conducive environment for human rights. While national efforts show varying degrees of success and face challenges related to state capacity and political will, they remain the frontline for human rights realization.

Internationally, the United Nations system, regional human rights mechanisms, international financial institutions, and a myriad of international agreements and programs collectively strive to reinforce human rights through governance. These efforts, though sometimes facing limitations in enforcement and implementation, are vital for setting universal standards, providing avenues for redress, and fostering a global culture of accountability and human rights. The emphasis on good governance in global development agendas, such as the SDGs, underscores its recognized role as a catalyst for sustainable human development.

While challenges persist, particularly concerning state capacity, political resistance, and the complexities of implementation, the ongoing commitment to strengthening these legal and institutional frameworks, both nationally and internationally, remains essential for securing a future where human rights are not merely aspirations but lived realities.

Findings:

- The study confirms that good governance (transparency, accountability, rule of law, and participatory decision-making) is a fundamental pillar for human rights protection.
- Effective governance frameworks enhance state compliance with international human rights obligations.
- Constitutional and legislative frameworks provide the foundation for human rights protection but require robust enforcement.
- National Human Rights Institutions (NHRIs) play a critical role but face challenges such as political interference and resource constraints.
- An independent judiciary and parliamentary oversight are essential for accountability, though their effectiveness varies across states.
- Civil society engagement strengthens governance by fostering transparency and public participation.

- The UN system, through treaties (UDHR, ICCPR, ICESCR) and SDG 16, reinforces governance-human rights linkages but faces implementation gaps.
- Regional mechanisms (European, Inter-American, and African systems) provide redress but encounter compliance challenges.
- International Financial Institutions (IFIs) influence governance reforms, yet their austerity measures sometimes undermine socio-economic rights.
- International treaties establish norms but lack strong enforcement mechanisms, relying on state willingness for compliance.
- Weak institutional capacity and political resistance hinder governance reforms.
- Divergent interpretations of human rights norms create enforcement inconsistencies.
- Corruption and lack of judicial independence remain barriers to effective governance.

Recommendations:

- States should align domestic laws with international human rights standards, ensuring justiciability of rights.
- Guarantee judiciary autonomy through merit-based appointments and anti-corruption measures.
- Provide NHRIs with adequate funding, mandate clarity, and protection from political interference.
- Governments should institutionalize participatory mechanisms for policy-making and oversight.
- Strengthen monitoring mechanisms and technical assistance for states lagging in governance reforms.
- World Bank and IMF should integrate human rights impact assessments in loan conditionality.
- Develop stronger enforcement tools, such as sanctions for non-compliance, and incentivize ratification through aid conditionality.
- Invest in training for public officials, judiciary, and civil society on human rights-based governance.
- Establish transparent procurement systems and whistleblower protections.
- Promote human rights education to foster a culture of accountability.
- Examine the impact of digital governance (e-governance, AI) on human rights protection.

- Conduct comparative studies on regional human rights systems to identify best practices.

The study affirms that good governance and human rights are mutually reinforcing. While progress has been made in institutionalizing governance frameworks, persistent challenges require sustained national and international efforts. By implementing these recommendations, states can bridge the gap between theory and practice, ensuring human rights are not just theoretical ideals but tangible realities.

5. Endnotes

¹ Kumar, Pradeep. Human rights protection and good governance. Regal Publication, Delhi-India, 2018, accessed August 16, 2025, www.researchgate.net/publication/323279147_human_rights_protection_and_good_governance

² Office of the United Nations High Commissioner for Human Rights, what are human rights? accessed August 16, 2025, www.ohchr.org/en/what-are-human-rights

³ Nickel, James & Adam Etinson, "Human Rights", *The Stanford Encyclopedia of Philosophy*, 2024 Ed, Edward N. Zalta & Uri Nodelman, accessed August 16, 2025, <https://plato.stanford.edu/archives/fall2024/entries/rights-human>

⁴ Office of the United Nations High Commissioner for Human Rights, Op.cit.

⁵ Nickel, James and al., Op.cit.

⁶ Office of the United Nations High Commissioner for Human Rights, Op.cit.

⁷ Nickel, James and al., Op.cit.

⁸ Stachowiak-Kudła M, Westa S, Santos Botelho C, Bartha I. Academic Freedom as a Defensive Right. *Hague J Rule Law*. Vol. 15, N. 1, 2023, p. 161-190. <https://doi.org/10.1007/s40803-022-00188-4>

⁹ The Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights, accessed August 16, 2025, www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ United Nations, Universal Declaration of Human Rights, accessed August 16, 2025, www.un.org/en/about-us/universal-declaration-of-human-rights

- ¹⁴ Wahyuningsih. Prinsip Kesetaraan Gender dan Non Diskriminasi dalam Kovenan ICESCR dan ICCPR. *Jurnal Hukum PRIORIS*, Vol. 2, No. 1, 2016, p. 19–27. <http://dx.doi.org/10.25105/prio.v2i1.324>.
- ¹⁵ Stachowiak-Kudła M, and al., Op.cit, p. 161-190.
- ¹⁶ Ibid, p. 161-190.
- ¹⁷ Shelton, Dinah L., An Introduction to the History of International Human Rights Law. *GW Law Faculty Publications & Other Works*. 2007, 1052. accessed August 16, 2025, https://scholarship.law.gwu.edu/faculty_publications/1052
- ¹⁸ Ibid.
- ¹⁹ Ibid.
- ²⁰ United Nations, Universal Declaration of Human Rights, Op.cit.
- ²¹ Fellmeth, Aaron & Siobhán McInerney-Lankford. International Human Rights Law and the Concept of Good Governance. *Human Rights Quarterly*, Vol. 44, N. 1, 2022, p. 1-37. *Project MUSE*, <https://dx.doi.org/10.1353/hrq.2022.0000>
- ²² The Office of the High Commissioner for Human Rights, Op.cit.
- ²³ Marco Sutto, Human Rights evolution, a brief history. *The Coespu Magazine*, N. 3- 2019, p. 18. <https://doi.org/10.32048/Coespumagazine3.19.3>
- ²⁴ Ibid, p. 18.
- ²⁵ Anahita Seifi, Najmeh Razmkhah & Dmitri Pletnev, Economic dimension of the right to sustainable development: good governance and human security, Ural Environmental Science Forum, *Sustainable Development of Industrial Region*, Vol. 258, 2021, p.1-6. <https://doi.org/10.1051/e3sconf/202125805012>
- ²⁶ Marco Sutto, Op.cit, p. 18.
- ²⁷ The Office of the High Commissioner for Human Rights, Op.cit.
- ²⁸ United Nations Treaty Collection, International Covenant on Economic, Social and Cultural Rights, *Treaty Series*, Vol. 993, p. 3; depositary notification C.N.781.2001. Treaties-6 of 5 October 2001, accessed August 16, 2025, https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-3&chapter=4
- ²⁹ United Nations Treaty Collection, Op.cit, p. 3.
-
- ³⁰ Marco Sutto, Op.cit, p. 18.
- ³¹ Cingranelli, David, Skip Mark, & Almira Sadykova-DuMond. Democracy, Capacity, and the Implementation of Laws Protecting Human Rights, *Laws*, Vol. 12, N. 1, 2023, p. 6. <https://doi.org/10.3390/laws12010006>
- ³² Human Rights Council. The role of good governance in the promotion and protection of human rights - the United Nations, 6 October 2020, accessed August 16, 2025, <https://docs.un.org/en/A/HRC/RES/45/9>
- ³³ Glušac, Luka. Norm Compliance and International Status: National Human Rights Institutions in Domestic and Global Politics. *Politics and Governance*, [S.l.], Vol. 13, 2025, <https://doi.org/10.117645/pag.8879>

³⁴ Strong and effective national human rights institutions, *Challenges, promising practices and opportunities*, accessed August 16, 2025, https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-strong-effective-nhris_en.pdf

³⁵ Madhvi Bhayani, Challenges of Corruption and Good Governance: A Human Rights Perspective, *Academia*, Vol. 71, N. 6, 2014, p. 24-27. <https://doi.org/10.7763/IPEDR>

³⁶ Aisha Warraich, Iram Shabbir, Shoaib Jamil, Exploring the Nexus between Judicial Activism and Good Governance: A Comparative Analysis, *Journal of Policy Research*, Vol. 9, N. 2, p. 510-517.

³⁷ Fahed Abul-Ethem, *The Role of the Judiciary in the Protection of Human Rights and Development: A Middle Eastern Perspective*, 26 *Fordham Int'l L.J.* 761, 2002.

accessed August 16, 2025, <https://ir.lawnet.fordham.edu/ilj/vol26/iss3/8>

³⁸ Philippa Webb & Ms Kirsten Roberts, Effective Parliamentary Oversight of Human Rights: A Framework for Designing and Determining Effectiveness, Project on effective parliamentary oversight of human rights, The Dickson Poon School of Law, King's College London London (UK) Kirsten Roberts and Dr Philippa Webb, 2014, p. 1-8.

³⁹ Hämäläinen, H., & Salminen, J. Inclusive participation in law-making: good governance or a constitutional obligation? *The Theory and Practice of Legislation*, Vol. 13, N. 2, 2025, p. 213–235. <https://doi.org/10.1080/20508840.2025.2513176>