

The United Nations and the Implementation of International Human Rights Standards: A Comparative Analysis of Global and Regional Forums

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Abstract

The protection and promotion of international human rights standards remain central to contemporary global governance, with the United Nations (UN) serving as the primary multilateral institution for norm development, monitoring, and advocacy. Despite its normative authority and institutional legitimacy, concerns persist regarding the effectiveness of the UN in translating human rights standards into enforceable protections across member states. This paper critically examines the role of the United Nations in the implementation of international human rights standards and comparatively assesses its mechanisms alongside alternative global enforcement forums. Using a qualitative comparative analytical approach, the study evaluates key UN human rights structures in relation to alternative forums. The paper argues that while the UN remains indispensable in agenda-setting, norm codification and global advocacy, its implementation architecture is frequently constrained by political selectivity, weak enforcement capacity, state sovereignty, and institutional fragmentation. In contrast, certain forums demonstrate comparatively stronger enforcement potential, contextual responsiveness, and judicial accessibility, though they also face challenges relating to compliance, jurisdiction, and resource constraints. The study concludes that effective implementation of international human rights standards requires a complementary and multi-layered governance model in which UN mechanisms operate in synergy with regional and alternative forums such as the European Court of Human Rights, the Inter-American Court of Human Rights, the African Court on Human and Peoples' Rights, the African Commission on Human and Peoples' Rights, the ECOWAS Court of Justice, the East African Court of Justice, and other quasi-judicial and regional human rights bodies. It recommends deeper institutional coordination, enhanced compliance mechanisms, and strengthened regional adjudicatory bodies to improve accountability and human rights protection globally.

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INTRODUCTION

The United Nations (UN), since its inception in 1945, has been instrumental in the codification and implementation of international human rights standards. As the world's premier intergovernmental organization, the UN has been entrusted with the monumental task of maintaining global peace and security, a mandate that inherently includes the promotion and protection of human rights. The establishment of the UN marked a transformative moment in international relations, setting forth a new era where human rights became a central concern of global governance (Morsink, 1999).

The United Nations plays a central role in establishing and promoting universal human rights norms. However, its enforcement capacity is limited by political constraints and state sovereignty. Regional and sub-regional mechanisms, particularly the European system and courts such as the ECOWAS Court, are often more effective in securing compliance because of binding judgments, proximity to member states, and stronger accountability structures.

Nevertheless, the UN remains indispensable as the foundation of the international human rights system and as a coordinating global authority. What institutional mechanisms does the United Nations employ to implement and enforce international human rights standards? How effective is the United Nations, compared with selected regional and sub-regional enforcement mechanisms, in ensuring compliance with international human rights standards? Attempts to answer these questions form the major thrust of this study.

Conceptual Clarifications

United Nations (UN): According to Weiss (2015, p.1221), the United Nations is an international organization founded in 1945, currently composed of 193 Member States. The United Nations (UN) is an international organization established in the aftermath of World War II with the primary aim of preventing future wars and conflicts. It was established to promote peace, security, and cooperation based on respect for human rights and to offer a platform for dialogue among nations. The UN operates on a broad mandate that includes maintaining international peace and security, promoting sustainable development, protecting human rights, upholding international law, and delivering humanitarian aid.

Human Rights: Donnelly (2007) argues that Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death. They apply regardless of where you are from, what you believe, or how you choose to live your life (p.282). These rights are inherent to all human beings, irrespective of nationality, sex, national or ethnic origin, color, religion, language, or any other status. They include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination. Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms and human dignity. (Office of the High Commissioner for Human Rights, n.d.).

International Human Rights Standards: Simmons (2009), views International human rights standards as principles that have been established by a variety of international treaties, conventions, and agreements to protect the fundamental rights and freedoms of individuals and groups (p.3). These standards are legally binding for the states that have ratified them and serve as a common benchmark for assessing the human rights practices of nations. The core of these standards is derived from the Universal Declaration of Human Rights, which has inspired more than 70 human rights treaties and instruments, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The main objectives of this study was to examine the roles of the United Nations in the implementation of International human rights standards and compare its effectiveness with alternative global and regional enforcement forums

This study was anchored on the Global Governance Theory, complemented by the International Regime Theory. Global Governance Theory explains that contemporary international issues such as human rights protection are governed by multiple connected institutions rather than by sovereign states alone. This makes it particularly suitable for analysing the role of the United Nations alongside regional and sub-regional forums such as the African Court on Human and Peoples' Rights and the ECOWAS Court of Justice. International Regime Theory further explains how international human rights standards operate through systems of norms, rules, and procedures that shape state expectations and behaviour (Donnelly, 2013; Risse, Ropp & Sikkink, 2013). Crucially, compliance with these norms

depends less on coercive enforcement than on processes of socialization, domestic mobilisation, and normative internalisation within state institutions (Simmons, 2009; Goodman & Jinks, 2013). Together, these theories provide a strong framework for understanding the multi-level implementation of international human rights standards and the comparative effectiveness of global and regional enforcement mechanisms.

This study adopted a qualitative research design using the comparative analytical method which is employed to assess the effectiveness of the United Nations alongside selected regional and sub-regional forums such as the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights, and the ECOWAS Community Court of Justice. The study relies on secondary data sources, including treaties, official documents, judicial decisions, journal articles, and scholarly texts. Data were analysed through content analysis to identify key themes relating to norm-setting, enforcement, compliance, and institutional effectiveness.

United Nation Mechanisms for Human Rights Implementation

The UN's mechanisms for human rights implementation are comprehensive, involving foundational legal documents, the operational roles of its various bodies, and the monitoring and enforcement mechanisms that ensure states adhere to international human rights standards.

a. Foundational Legal Documents - The Universal Declaration of Human Rights

(UDHR) and Subsequent Treaties

The Universal Declaration of Human Rights (UDHR) represents one of the most consequential normative achievements in the history of international relations. Adopted by the United Nations General Assembly in 1948, it established a common standard of human dignity that transcended national boundaries and laid the normative foundation for the entire international human rights system. Far from being a mere symbolic gesture, the UDHR carries substantive moral and legal weight that continues to shape global governance as Morsink (1999) and Sikkink (2017) demonstrated.

Simmons (2009) noted that subsequent treaties have built upon the foundation of the UDHR, providing a more detailed and legally binding framework for the protection of human rights. These treaties have established various monitoring bodies, known as treaty bodies, which are committees of independent experts that review the compliance of state parties with their treaty obligations. The treaties have also been instrumental in shaping national legislation and policies around the world, reflecting the principles enshrined in the UDHR.

Roles of Various UN Bodies in Human Rights Implementation

The UN's approach to human rights implementation is multi-faceted, involving a range of bodies and mechanisms that work collaboratively to promote and protect human rights globally. The United Nations has established a comprehensive framework for the promotion and protection of human rights, involving various bodies and mechanisms:

- **Human Rights Council:** The United Nations Human Rights Council Human Rights Council (HRC), as viewed by Philip Alston and Jason Morgan-Foster (2008), is an intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights globally. It addresses situations of human rights

violations and makes recommendations on them (Alston & Morgan-Foster, 2008, p. 184). The HRC has the authority to discuss all thematic human rights issues and situations that require its attention throughout the year, including the ability to convene special sessions to respond to urgent human rights situations.

- **General Assembly:** As noted by Mehmet Turan (2023), the General Assembly plays a pivotal role in the development of international human rights law. It is the main deliberative, policymaking, and representative organ of the United Nations, with a broad mandate to discuss and make recommendations on matters within the scope of the UN Charter (Turan, 2023, p. 52). The General Assembly's Third Committee (Social, Cultural, and Humanitarian) addresses most agenda items relevant to human rights, including the rights of women, children, and indigenous peoples, and engages in interactive dialogues with States and various special procedures on these issues.
- **Treaty Bodies:** According to the Office of the United Nations High Commissioner for Human Rights, the Treaty Bodies are committees of independent experts that monitor the implementation of the core international human rights treaties. Each Treaty Body corresponds to one of the nine core international human rights treaties and reviews the compliance of State parties with their treaty obligations. These bodies are essential components of the human rights protection system, reviewing State reports, engaging in dialogues with States, and providing recommendations to ensure adherence to human rights standards. (Alston & Morgan-Foster, 2008).
- **Special Procedures:** As noted by the Office of the United Nations High Commissioner for Human Rights, Special Procedures consist of independent human rights experts who report and advise on human rights from both thematic and country-specific perspectives. They address specific human rights issues or country situations and are an essential part of the UN's human rights machinery. Their work includes investigating, monitoring, and reporting on human rights conditions, as well as providing recommendations for improvement. (Turan, 2023).
- **Universal Periodic Review (UPR):** The Office of the United Nations High Commissioner for Human Rights describes the Universal Periodic Review as a unique process that involves the review of the human rights records of all UN Member States. It provides an opportunity for each State to declare the actions they have taken to improve human rights and fulfill their obligations. The UPR fosters accountability and encourages States to commit to addressing human rights challenges. (Alston & Morgan-Foster, 2008).
- **Office of the High Commissioner for Human Rights (OHCHR):** The Office of the High Commissioner for Human Rights is the leading UN entity on human rights. It plays a pivotal role in coordinating the various human rights mechanisms within the UN system. It provides expertise, substantive support, and strengthens the capacity of States to comply with their human rights obligations. The OHCHR also works to mainstream human rights across all UN programs, ensuring that human rights are integrated into broader UN efforts. (Turan, 2023).
- **Other UN Entities:** According to the Office of the United Nations High Commissioner for Human Rights, several other UN entities play significant roles in the implementation of human rights. UNICEF focuses on children's rights, UN Women on gender equality and the empowerment of women, and the UN Development Programme on broader development goals that include various human rights dimensions. These organizations work within their mandates to contribute to the overall human rights framework, addressing specific needs and vulnerabilities. (Alston & Morgan-Foster, 2008).

b. Monitoring and enforcement mechanisms

The United Nations (UN) employs a robust framework of monitoring and enforcement mechanisms to ensure adherence to human rights standards globally. These mechanisms are pivotal in assessing the compliance of states with their human rights obligations and include both treaty-based bodies and charter-based bodies.

The Human Rights Committee and the Committee on the Elimination of Discrimination Against Women, are composed of independent experts who monitor the implementation of core international human rights treaties. They conduct periodic reviews of state parties' reports, consider individual complaints, and may conduct confidential inquiries to investigate and address human rights violations. Example of success story is the Convention on the Rights of the Child- this one of the most universally accepted human rights treaties, reflecting the UN's capacity to galvanize global support for children's rights. Its implementation has led to tangible changes in national legislations, emphasizing the importance of child welfare and education. The convention's near-universal ratification demonstrates the UN's influential role in shaping global human rights norms.

An example of failure story is the Syrian Civil War - The situation highlights the challenges the UN faces in navigating geopolitical rivalries and the limitations of its enforcement mechanisms without unified international backing. The Syrian conflict presents a stark example of the UN's struggles with enforcing human rights in situations of complex international conflict. Despite the UN's efforts, including peace talks and humanitarian aid, the resolution of the conflict remains elusive.

Strengths and Successes in United Nations Human Rights Implementation

The United Nations has made measurable and historically significant contributions to the promotion and protection of human rights since its establishment in 1945. While its limitations are well documented, an honest assessment of the UN human rights system must acknowledge the normative, institutional, and practical achievements that have shaped global governance and improved lived conditions for millions of people worldwide (Sikkink, 2017).

Establishing Universal Standards: The adoption of the Universal Declaration of Human Rights in 1948 constitutes one of the most consequential normative developments in modern international history. The UDHR established a comprehensive catalogue of civil, political, economic, social, and cultural rights applicable to every human being regardless of nationality, ethnicity, or religion, laying the foundation upon which the entire architecture of international human rights law was subsequently built (Morsink, 1999). Its moral authority has proven far-reaching: over 90 national constitutions drafted after 1948 incorporate rights language directly traceable to the UDHR, including those of South Africa (1996) and Brazil (1988), demonstrating its transformative influence on domestic legal orders (Sikkink, 2017).

Expanding the Legal Framework: Building on the UDHR's normative foundation, the UN has developed a robust body of binding international human rights law. Landmark instruments such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW, 1979) and the Convention on the Rights of the Child (CRC, 1989) have translated universal principles into specific, enforceable legal obligations (Simmons, 2009). CEDAW, ratified by 189 states, has been a direct catalyst for legislative reform in numerous countries. Tunisia, for instance, abolished its requirement for a male guardian's consent in marriage following CEDAW review recommendations, while Rwanda's constitutional quota system,

influenced by international gender norms, propelled women to occupy over 60 percent of parliamentary seats, the highest proportion in the world (UN Women, 2023; Tripp, 2019). The CRC, the most widely ratified human rights treaty in history, has contributed to measurable reductions in child labour globally, with the International Labour Organisation (ILO, 2022) reporting a decline from 246 million child labourers in 2000 to approximately 160 million by 2020, attributing part of this progress to the normative pressure generated by CRC ratification and monitoring.

Treaty Body Monitoring Mechanisms: The UN treaty body system, comprising ten expert committees that monitor state compliance with core human rights conventions, provides a structured accountability architecture that would otherwise be absent from international relations (Alston and Goodman, 2013, p. 892). The Committee on the Elimination of Racial Discrimination (CERD), established in 1970, played a significant role in sustaining international pressure on the apartheid regime in South Africa, contributing to the normative isolation that preceded its eventual dismantlement (Donnelly, 2013). More recently, CERD's 2018 review of China's treatment of Uyghur Muslims in Xinjiang represented one of the few formal international fora in which the issue received authoritative scrutiny, demonstrating the committee's continued relevance even in politically sensitive contexts.

Special Procedures: The UN Human Rights Council's system of Special Procedures, comprising over 40 thematic and country-specific mandates, constitutes one of the most flexible and responsive tools in the UN human rights architecture (Alston and Goodman, 2013, p. 893). Independent mandate holders can conduct country visits, receive individual complaints, and issue public reports without requiring Security Council approval, circumventing the veto problem that hampers other mechanisms. The Special Rapporteur on the Right to Food, a mandate established in 2000, has been particularly consequential: advocacy efforts contributed to the recognition of the right to food in India's National Food Security Act (2013), extending legal entitlements to approximately 800 million people. Similarly, the Special Rapporteur on Torture has generated sustained pressure on states to ratify the Optional Protocol to the Convention Against Torture (OPCAT), resulting in over 90 ratifications and the establishment of national preventive mechanisms in countries including Nigeria, Brazil, and the United Kingdom.

The Universal Periodic Review: The Universal Periodic Review, established in 2006, introduced a genuinely inclusive accountability mechanism by subjecting every UN member state, including the permanent members of the Security Council, to periodic peer review of their human rights record (Freedman, 2013). Unlike treaty body reviews, which are limited to states parties, the UPR creates a universal floor of scrutiny. Studies have found that a meaningful proportion of UPR recommendations are accepted and subsequently implemented, particularly in areas such as ratification of human rights instruments, establishment of national human rights institutions, and legislative reform (McMahon and Ascherio, 2012). The UPR process prompted Bahrain, for instance, to establish a national human rights institution and implement policing reforms following its 2012 review, albeit with continued concerns about full implementation.

Overall Assessment: The cumulative impact of these mechanisms is not negligible. As Sikkink (2017) argues extensively, empirical evidence demonstrates that countries with more human rights prosecutions and stronger engagement with international human rights institutions tend, over time, to show improved human rights outcomes. The UN human rights system is imperfect and frequently outpaced by the scale of violations it confronts, but its

normative, institutional, and practical contributions to the global human rights project remain both real and retrievable from the evidence.

Challenges in United Nation's Human Rights Implementation

Despite the institutional breadth of the United Nations human rights framework, its practical effectiveness remains constrained by structural, political, and resource-related limitations. These challenges are not incidental; they reflect deep tensions between the Universalist aspirations of international human rights law and the realities of a state-centric global order.

Weak Enforcement Mechanisms: The most fundamental limitation of the UN human rights system is its absence of binding enforcement authority. Unlike trade or security regimes, human rights compliance depends almost entirely on state consent and political will, creating a framework that is normatively ambitious but operationally fragile. States with significant geopolitical or economic leverage are particularly positioned to resist scrutiny without consequence, undermining the principle of universality on which the entire framework rests (International Institute for Sustainable Development, 2016). Scholars such as Philip Alston have long argued that without meaningful accountability mechanisms, the UN risks reducing human rights to a declaratory exercise rather than a lived reality.

The Veto Problem in the Security Council: The UN Security Council's capacity to respond decisively to human rights crises is structurally compromised by the veto privilege afforded to its five permanent members. When violations occur in or are connected to the interests of a veto-holding state, the Council is effectively immobilised, unable to authorize intervention or impose consequences. This dynamic has been particularly visible in conflicts where permanent members or their strategic partners are implicated, exposing a fundamental contradiction between the Council's mandate to maintain international peace and security and its paralysis in the face of politically inconvenient atrocities (International Institute for Sustainable Development, 2016). Reform proposals, including the Accountability, Coherence and Transparency (ACT) Group's voluntary veto restraint initiative, have gained little traction among the P5.

Resource Constraints: The UN's human rights machinery is chronically underfunded relative to the scope of its mandate. The Office of the United Nations High Commissioner for Human Rights (OHCHR) operates on a comparatively modest budget, limiting its capacity to conduct country-level monitoring, support national human rights institutions, and engage meaningfully in post-conflict settings (Office of the United Nations High Commissioner for Human Rights, n.d.). This financial gap is not merely administrative; it has substantive consequences for which situations receive attention and which are effectively left unaddressed, introducing a de facto hierarchy of concern that contradicts the indivisibility of human rights.

Political Selectivity and the Subordination of Human Rights to State Interests: A persistent challenge within the UN system is the tendency of member states to instrumentalise human rights discourse in pursuit of national interests. Human rights concerns are selectively emphasized or suppressed depending on diplomatic alignments, trade relationships, and geopolitical calculations. This selective application erodes the credibility of the system and provides cover for violating states to dismiss scrutiny as politically motivated. The result is a pattern of inconsistency that weakens the normative authority of international human rights standards (Office of the United Nations High Commissioner for Human Rights, n.d.).

Duplication of Reporting Requirements and Non-Reporting: The proliferation of international human rights treaties and their corresponding monitoring bodies has generated a reporting architecture that many states, particularly those with limited administrative capacity, struggle to navigate. Overlapping mandates, duplicative reporting cycles, and inconsistent follow-up mechanisms have diluted the effectiveness of the treaty body system (Office of the United Nations High Commissioner for Human Rights, n.d.). Compounding this is the problem of non-reporting, where states simply fail to submit required reports without consequence, leaving monitoring bodies with insufficient information to make meaningful assessments. The 2020 treaty body strengthening process acknowledged these concerns but produced only incremental reforms.

Conservative Backlash and the Retreat from Universal Standards: In recent years, a discernible conservative backlash against international human rights norms has emerged, with an increasing number of governments reasserting national sovereignty as a counterweight to universal standards. This has manifested in the deliberate omission of human rights language from bilateral and multilateral agreements, the withdrawal or non-ratification of key instruments, and the framing of international oversight as an infringement on domestic jurisdiction (International Institute for Sustainable Development, 2016). This trend represents not merely political resistance but an ideological challenge to the foundational premise that human rights are universal, inalienable, and not subject to cultural or governmental exception.

Institutional Fragmentation and Coordination Failures: The dispersal of human rights responsibilities across numerous UN agencies, treaty bodies, special procedures, and funds has produced a system characterised by institutional fragmentation. Each body operates within its own mandate, with limited mechanisms for cross-institutional coordination or coherent strategic planning. The consequence is duplication of effort in some areas and significant gaps in others, with no single body empowered to ensure system-wide coherence. Mainstreaming human rights across the broader UN system, including the peace and security and development pillars, has remained aspirational rather than operational, despite repeated commitments by successive Secretaries-General.

Comparative Analysis with Alternative Global Forums

When comparing the United Nations' human rights framework with other international organizations and forums, it's important to identify entities that operate independently of the UN system. These organizations have their own charters and mechanisms for promoting and protecting human rights, distinct from the UN's framework. They provide regional perspectives and solutions tailored to their member states' needs, reflecting cultural, political, and economic diversity. While they share the common goal of human rights protection, their methods and degrees of enforceability can vary significantly from the UN's approach.

- ✓ **ASEAN Intergovernmental Commission on Human Rights (AICHR):** This was established by the Association of Southeast Asian Nations (ASEAN), AICHR serves as a regional human rights body. It promotes human rights within the ten ASEAN member states but operates independently from the United Nations. AICHR focuses on cooperation and capacity building rather than enforcement, which contrasts with the UN's treaty-based, legally binding approach.
- ✓ **Organization of American States (OAS):** The OAS is a regional organization in the Americas, not under the UN umbrella. It has its own human rights system, including the Inter-American Commission on Human Rights and the Inter-American Court of Human

Rights. These bodies monitor and adjudicate human rights issues in member states, offering a regional alternative to the global UN system.

- ✓ **European Court of Human Rights (ECHR):** The ECHR focuses on adjudicating individual complaints and issuing binding judgments based on the European Convention on Human Rights. It has taken a procedural turn in its review methodology, analyzing both substantive claims and the domestic process for protecting human rights. The European Court of Human Rights' decisions have a significant influence on national legislation and court decisions within member states, leading to improvements in human rights protections (Brown, 2022, p. 117).
- ✓ **Inter-American Commission on Human Rights (IACHR):** The IACHR addresses human rights issues through monitoring, reporting, and the adjudication of individual cases. Garcia, M., & Rodriguez, E. (2024) argued that it also adopts precautionary measures to prevent imminent harm and engages in mediation sessions for friendly settlements. The IACHR's work has led to progress in reducing procedural backlog, implementing inter-American standards, and fostering institutional transparency in the Americas.
- ✓ **African Commission on Human and Peoples' Rights (ACHPR):** The African Commission on Human and Peoples' Rights (ACHPR) operates under the African Charter, promoting and protecting human and collective rights throughout the African continent. It considers individual complaints and interprets the African Charter on Human and Peoples' Rights. A. Kone and B. Diop (2023, p. 76) stated that the ACHPR's activities have led to the discovery of human rights violations, such as the mass grave in Libya, and it works towards addressing the repercussions of such events.

CONCLUSION

The United Nations, as an institution with a unique global mandate, has played an indispensable role in the implementation of international human rights standards. Its position as a universally recognized authority provides it with an unparalleled platform to advocate for human rights. The extensive mechanisms that the UN has developed, which have evolved over time, demonstrate its commitment to this cause. However, it is crucial to acknowledge that the UN is not without obstacles. The challenges it faces, including bureaucratic issues, political biases, and limited enforcement capabilities, these affect its effectiveness. Despite these obstacles, the UN's ongoing efforts to refine its processes and respond to global human rights issues affirm its status as the most fitting platform for the monumental task of upholding human dignity worldwide. Hence, the united nation is the appropriate forum for implementing international human rights standards.

RECOMMENDATIONS

The study recommends among others a deeper institutional coordination, enhanced compliance mechanisms, and strengthened regional bodies as essential reforms for improving global human rights accountability. Deeper institutional coordination would no doubt foster synergy between universal and regional human rights institutions, thereby reducing fragmentation and promoting normative consistency. Enhanced compliance mechanisms would ensure that states move beyond formal treaty ratification toward substantive implementation through robust monitoring, follow-up, and accountability procedures. Strengthening regional bodies would further improve access to justice by empowering courts and commissions that are often better positioned to address context-specific violations and provide enforceable remedies.

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