

A Comparative Analysis of Competing Jurisprudential Approaches in International Human Rights Law

Jamie Allen

PhD

Harvard University

Cambridge, MA 02138, USA

Skyler Clark

Professor

Ludwig Maximilian University of Munich

Geschwister-Scholl-Platz 1, 80539 Munich, Germany

Alex Mitchell

Sc.D

University of Toronto

27 King's College Circle, Toronto, ON M5S 1A1, Canada

Jordan King

Associate Professor

University of Melbourne

Parkville, VIC 3010, Australia

Abstract. This article conducts a comparative analysis of divergent jurisprudential approaches in international human rights law, focusing specifically on the interactions between the Universal Declaration of Human Rights (UDHR) and regional human rights instruments. Utilizing a qualitative methodological framework, the research examines case law from various international courts to illuminate the complexities and tensions inherent in the application of these legal frameworks. The findings reveal that while there are significant overlaps, profound differences in interpretation persist, leading to varied outcomes in the protection of human rights across jurisdictions. This study underscores the need for a cohesive approach to harmonize these competing frameworks to ensure effective human rights protection. The implications for policymakers and legal practitioners are profound, shaping the future discourse in international human rights law.

Keywords: International Human Rights Law, Jurisprudential Approaches, Universal Declaration of Human Rights, Regional Human Rights Instruments, Comparative Law, Legal Frameworks, International Courts, Human Rights Protection, Global Legal Standards

Introduction

International human rights law represents a complex tapestry of legal principles, norms, and obligations aimed at protecting individuals from abuses by state and non-state actors alike. As we move further into the 21st century, the relevance of these legal frameworks has only intensified, particularly in light of rising authoritarianism, geopolitical tensions, and the ongoing impacts of globalization. According to the United Nations, the global community faces unprecedented challenges relating to human rights violations, which necessitate a robust legal response that can adapt to the evolving landscape. The proliferation of human rights treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and various regional instruments, has created a multifaceted legal environment that demands critical examination. This study is particularly timely as it seeks to dissect the competing jurisprudential approaches that exist within this framework, particularly between the Universal Declaration of Human Rights (UDHR) and regional treaties such as the European Convention on Human Rights (ECHR) and the African Charter on Human and Peoples' Rights (ACHPR). The article is structured as follows: it begins with a review of existing literature to set the theoretical context; thereafter, it employs a qualitative analysis of case law from various international courts to explore the practical implications of these competing approaches. Finally, the discussion integrates the findings to propose a more unified legal strategy for the future of international human rights law, ensuring its adaptability and efficacy in the face of contemporary challenges.

This is a preliminary version. To read the full version of the article, please purchase a subscription.

References

1. Kullolli, B. (2024). Hacker Attacks on Electronic Election and Vote Counting Systems: Estimation of Damages and Methods of Protection. *Pakistan Journal of Criminology*, 16(3).