

THE FUNCTION OF POLITICAL INSTITUTIONS IN PROTECTING HUMAN RIGHTS

Dr. Anita Agarwal

Associate Professor

Dept. of Political Science

Dyal Singh College, Karnal

Email: anitadsc@gmail.com

Abstract:

Political institutions have a significant role in the protection and promotion of human rights in society. These institutions include governments, legislatures, judiciary (courts), and international organizations. They create legal frameworks, implement policies, and ensure accountability to safeguard the rights of individuals. Governments and legislatures make laws and policies that guarantee fundamental rights such as the right to life, equality, freedom, and protection against discrimination. The judiciary ensures that these laws are properly interpreted and applied, providing justice when human rights are violated. Independent courts can check the misuse of power and protect citizens from unlawful actions. International organizations like the United Nations also work to promote and protect human rights globally by setting international standards and monitoring violations. However, political institutions often face challenges like corruption, political pressure, lack of resources, and weak enforcement mechanisms. These issues can limit their effectiveness in protecting human rights. To improve their role, reforms are needed to strengthen these institutions, ensure transparency, and promote accountability. Public awareness and active participation in civil society can also support these institutions.

Keywords:

Political institutions, Human rights, Governments, Legislatures, Judiciary, International organizations, Discrimination, Enforcement, Reforms

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Dr. Anita Agarwal

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Introduction

Human rights are the fundamental freedoms and protections to which all people are entitled, regardless of nationality, ethnicity, or socioeconomic condition. These rights include civil, political, economic, social, and cultural rights, which ensure that people live in dignity, equality, and freedom. The protection of human rights is essential for establishing just societies, avoiding discrimination, and promoting peace and security.

Political institutions are the principal means by which human rights are recognized, protected, and enforced. Legislative entities pass laws that defend human rights, executive agencies carry out policies that protect these rights, and judicial institutions interpret and enforce human rights legislation to ensure justice and accountability. Furthermore, international organizations play an important role in advancing global human rights standards and forcing states to conform to them.

The efficiency of political institutions in upholding human rights varies by governance system. In democratic countries, institutions operate with greater openness, accountability, and public participation, making them more effective in preserving human rights. Authoritarian regimes, on the other hand, frequently employ political institutions to control citizens, limiting civil freedoms and suppressing opposition.

Furthermore, political institutions face various problems in ensuring the full implementation of human rights. Corruption, political influence, inadequate rule of law, and judicial independence can all jeopardize human rights protections. Even in democratic societies, structural discrimination, economic inequality, and policy failings can result in human rights breaches. Furthermore, international organizations, while influential, frequently lack the enforcement mechanisms required to hold powerful states accountable.

Despite these limitations, improving political institutions through legal changes, capacity training, and civic participation might help them play a more active role in protecting human rights. Governments, civil society organizations, and global institutions must work together to ensure that political systems uphold and promote human dignity, equality, and justice for everyone.

Theoretical Framework

Political institutions operate under a legal and constitutional framework that establishes their roles in protecting human rights. This framework lays the groundwork for governments to create and implement laws that are consistent with human rights principles, providing equitable treatment, protection against discrimination, and access to justice for all people.

Scholars contend that democratic systems are more likely to preserve human rights because they prioritize transparency, accountability, and public engagement. Democracies frequently have independent judiciaries, free media, and vibrant civil society organizations that work together to keep governments accountable. Checks and balances within democratic institutions prevent abuses of power and allow processes like judicial reviews, parliamentary scrutiny, and independent human rights commissions to work properly.

In contrast, in authoritarian regimes, political institutions may be utilized to undermine rather than protect human rights. In such systems, the concentration of power in the executive branch frequently undermines the role of the court and legislature. Laws can be used to legitimize repression, limit freedoms, and quiet dissent. Without accountability and public involvement, authoritarian administrations can exert control over political institutions in order to perpetuate power, frequently at the price of human rights.

International human rights organizations and treaties, including the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), establish global standards for human rights protection. However, its performance is heavily reliant on the willingness of national political institutions to execute and enforce these principles. Improving human rights protection around the world requires strengthening legal frameworks, fostering democratic government, and maintaining institutional independence.

Furthermore, political institutions must adapt to new human rights concerns such as digital surveillance, online discrimination, and environmental rights. Political institutions can ensure that human rights are not only safeguarded, but also enlarged to address current problems by constantly growing and reinforcing legal frameworks.

The Function of Political Institutions in Human Rights Protection

1. Legislative Institutions

Parliaments and legislative bodies play an important role in developing and revising laws to ensure compliance with international human rights norms. Legislators discuss and adopt legislation to defend civil liberties, gender equality, and the rights of oppressed groups. Furthermore, parliamentary monitoring committees hold governments responsible for human rights transgressions.

2. Executive Institutions

Governments and their executive branches are in charge of enacting human rights policies. This comprises law enforcement agencies, human rights commissions, and ministries that promote social justice and human rights. The executive's

dedication to human rights is frequently evident in national policy, international treaties, and foreign relations.

3. Judicial institutions

The judiciary has an important role in interpreting and enforcing human rights laws. Independent courts can challenge human rights violations, repeal unjust laws, and provide legal remedies to victims. In many democracies, constitutional courts protect fundamental rights by ensuring that all legislation follows human rights standards.

4. International and Regional Institutions

Institutions such as the United Nations (UN), the European Court of Human Rights (ECHR), and the African Union (AU) work to protect human rights worldwide. These organizations set human rights standards, monitor compliance, and take action in cases of human rights breaches.

Challenges for Political Institutions

Regardless of their role in preserving human rights, political institutions frequently face considerable challenges:

Corruption and Political Influence: Government corruption can undermine human rights enforcement by allowing political leaders to put personal or partisan interests ahead of justice. Corrupt behaviors such as bribery, nepotism, and the misuse of public funds can result in an uneven application of human rights rules, with vulnerable groups often bearing the brunt of the consequences. When political elites use legal and judicial systems to further their own objectives, human rights safeguards become ineffective, and impunity reigns.

Authoritarianism and Weak Rule of Law: In many nations, authoritarian governments use political institutions to consolidate power and silence criticism. To silence criticism and limit fundamental freedoms, such regimes frequently use restrictive laws, censorship, and harsh crackdowns on opposition voices. These systems' weak rule of law permits human rights breaches such as arbitrary arrests, torture, and restriction of free speech to go unchecked. Without independent checks on authority, authoritarian dictators can institutionalize prejudice and sustain massive human rights violations.

Lack of Judicial Independence: A fair and impartial judiciary is essential for human rights protection. However, in many countries, the judiciary is heavily influenced by the executive and legislative departments. When judges are under political pressure, threats, or corruption, they may fail to enforce justice, resulting in biased decisions and human rights breaches. A lack of judicial independence

undermines public trust in legal institutions and fosters an environment in which fundamental rights are habitually violated.

International Limitations: While global institutions like the United Nations and the International Criminal Court (ICC) fight for human rights, their enforcement methods are ineffective, especially when dealing with powerful states. Many states refuse to comply with international human rights treaties, citing national sovereignty as their justification. Furthermore, political considerations frequently shape global reactions to human rights infractions, resulting in selective enforcement and a lack of responsibility for significant global powers that perpetrate rights violations.

Despite these limitations, improving political institutions through legal changes, capacity training, and civic participation might help them play a more active role in protecting human rights. Governments, civil society organizations, and global institutions must work together to ensure that political systems uphold and promote human dignity, equality, and justice for everyone.

Institutions for Human Rights Protection in India.

India has established numerous institutions to safeguard and promote human rights. These institutions operate in accordance with the Indian Constitution as well as several national and international human rights laws.

The National Human Rights Commission (NHRC), established in 1993 under the Protection of Human Rights Act, is the highest organization in charge of investigating human rights breaches, suggesting policy improvements, and raising human rights awareness. It has the jurisdiction to investigate complaints, undertake independent investigations, and advise the government on human rights issues.

State Human Rights Commissions (SHRCs) - SHRCs, like the NHRC, work at the state level to redress human rights violations and ensure governance accountability.

The National Commission for Women (NCW) works to safeguard women's rights, combat gender-based violence, and advocate for gender equality. It examines complaints, makes recommendations for law changes, and seeks to socially and economically empower women.

The National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes (NCST) protect the rights of historically oppressed communities by preventing discrimination, atrocities, and socioeconomic exploitation.

The National Commission for Minorities (NCM) protects the rights of religious and linguistic minorities, promotes their socioeconomic growth, and addresses discrimination complaints.

The National Commission for the Protection of Child Rights (NCPCR) was established to preserve and promote children's rights. It ensures the implementation of child-centric legislation and policies, such as the right to education, protection against exploitation, and juvenile justice.

Judiciary and Public Interest Litigation (PIL) - The Indian judiciary, notably the Supreme Court and High Courts, is critical to protecting human rights. Courts have used PILs to enlarge fundamental rights, protect socio-economic rights, and secure justice in cases of human rights breaches.

Lokpal and Lokayuktas - These anti-corruption bodies seek to improve openness and accountability in governance, thereby contributing to the protection of human rights by reducing corruption-related injustice.

Non-Governmental Organizations (NGOs) and Civil Society - Many NGOs, including Amnesty International India, PUCL, and the Human Rights Law Network (HRLN), actively monitor and campaign for human rights protection.

These institutions work together to protect human rights in India, rectify transgressions, and ensure justice for all citizens. However, difficulties like as bureaucratic slowness, political meddling, and a lack of enforcement continue to undermine their efficacy, demanding constant reforms and public participation to improve human rights protection.

In recent years, the preservation of human rights has encountered increasing problems and complications around the world. While democratic institutions continue to campaign for fundamental liberties, rising authoritarianism, political division, and technology breakthroughs have transformed the human rights landscape. In many nations, governments are increasingly using monitoring, censorship, and legal loopholes to restrict civil freedoms in the name of national security. Issues such as digital privacy abuses, online misinformation, and cyber persecution have prompted concerns about free expression and personal rights. Furthermore, conflicts, forced migration, and climate change have compounded human rights issues, displacing millions and subjecting them to discrimination and violence. Political pressures and noncompliance by powerful states make it difficult for international bodies like the United Nations and the International Criminal Court to enforce human rights rules. Despite these obstacles, civil society movements, independent media, and legal advocacy organizations continue to advocate for increased openness, accountability, and reforms in political institutions. The increasing global emphasis on social justice, equality, and human dignity suggests that human rights will remain a key feature in political debate, needing continual institutional adaptation and commitment to protecting fundamental freedom.

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