

The Challenges of Implementing International Human Rights Norms in Domestic Legal Systems of Developing Countries

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ARTICLE INFO	ABSTRACT
<p>Article history</p> <p>Received: 7 September, 2025 Revised: 10 September, 2025 Accepted: 25 November, 2025 Published: 30 November, 2025</p> <p>Keywords</p> <p>Human rights International law Domestic legal systems Developing countries Implementation challenges</p> <p></p> <p>License by CC-BY-SA Copyright © 2025, The Author(s).</p>	<p>The incorporation of international human rights norms into domestic legal systems of developing countries remains a persistent challenge due to structural, political, and socio-economic constraints. While international human rights treaties establish binding obligations for state parties, their effective implementation often encounters obstacles such as weak legal institutions, lack of political will, limited resources, and cultural or religious tensions that may conflict with universal human rights principles. This article examines the complexities faced by developing countries in harmonizing international human rights standards with national legislation and judicial practices. Through a normative and comparative legal analysis, it identifies the key barriers to implementation, including constitutional limitations, conflicting customary laws, and insufficient enforcement mechanisms. Furthermore, the study highlights best practices from selected jurisdictions that have successfully integrated human rights norms, offering insights into potential pathways for strengthening compliance. The findings underscore the need for a multidimensional approach involving legal reforms, capacity-building of judicial institutions, and enhanced cooperation between international and domestic actors. Ultimately, this article argues that the effective domestication of human rights norms in developing countries is essential to ensure the universality and indivisibility of human rights in the global legal order.</p>
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INTRODUCTION

The protection and promotion of human rights represent one of the cornerstones of modern international law. Since the adoption of the Universal Declaration of Human Rights (UDHR) in 1948, the international community has sought to establish a universal framework for the recognition and protection of fundamental freedoms and human dignity (Donnelly, 2013; Moeckli et al., 2022). Building upon this foundation, subsequent international treaties, such as the International Covenant on Civil and Political Rights (ICCPR, 1966) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), have codified binding obligations that require states to respect, protect, and fulfill human rights. Nevertheless, the universality of these norms is constantly tested in practice. While the legal frameworks exist at the international level, their realization depends largely on how effectively they are incorporated into domestic legal systems, where the actual enforcement of rights and remedies for violations take place.

In developed countries, relatively strong legal systems, independent judiciaries, and stable governance structures have generally provided a conducive environment for the incorporation of international norms. However, in developing countries, this process is often fraught with structural, political, and socio-economic challenges (Krommendijk, 2015). Many of these states lack robust legal infrastructures, face fragile institutions, and encounter governance deficits that hinder the enforcement of international obligations. Ratification of treaties often remains a symbolic gesture, disconnected from meaningful domestic reforms. This discrepancy creates a significant gap between the rhetoric of international human rights commitments and the reality of their implementation on the ground.

Institutional weaknesses are among the most pressing obstacles. In many developing countries, the judiciary suffers from inadequate independence, insufficient resources, and limited technical expertise in

applying international legal standards (Carothers, 2006). These deficiencies prevent courts from serving as effective guardians of human rights. As Simmons (2009) observes, the mere act of treaty ratification does not guarantee compliance unless domestic institutions possess the capacity and will to internalize international norms. Consequently, international law risks remaining aspirational rather than practical in contexts where judicial systems are unable to translate commitments into enforceable rights.

Equally important are political dynamics that shape the domestic implementation of human rights. Governments may strategically adopt human rights treaties to secure international legitimacy, attract foreign aid, or enhance diplomatic relations, while simultaneously avoiding meaningful enforcement at home (Hafner-Burton & Tsutsui, 2005). Authoritarian regimes, in particular, perceive human rights obligations as constraints on sovereignty and threats to regime security, leading to selective application or outright neglect (Goodhart, 2016). The case of Myanmar illustrates how domestic political priorities often overshadow international commitments, especially when minority rights challenge entrenched power structures (Crouch, 2016). These dynamics reveal that political will is as crucial as legal frameworks in determining the effectiveness of human rights domestication.

Socio-economic realities further complicate the implementation of international human rights norms in developing countries. Many states grapple with widespread poverty, economic inequality, and systemic corruption that constrain their ability to allocate resources toward fulfilling human rights obligations. The realization of economic, social, and cultural rights, such as education, health, housing, and welfare, requires significant financial investment and administrative capacity, which are often lacking (Alston & Goodman, 2013; Landman, 2018). For instance, efforts to meet international standards in education and health have been severely hampered in Sub-Saharan Africa due to infrastructural deficiencies and fiscal constraints (Nwauche, 2010). Without addressing these socio-economic barriers, international human rights obligations may remain unattainable ideals for many developing countries.

Another dimension of the challenge lies in reconciling international human rights standards with domestic legal pluralism. In many developing countries, customary and religious laws coexist with statutory systems, often producing tensions with universal human rights norms. Issues such as gender equality, freedom of expression, and minority protections frequently encounter resistance from entrenched cultural or religious traditions (An-Na'im, 1992). For example, discriminatory practices in family and inheritance law in parts of Africa and the Middle East conflict with global commitments under instruments like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). As Merry (2006) argues, translating international law into local justice requires sensitivity to cultural contexts, yet this process is fraught with difficulties when traditions fundamentally clash with universalist principles.

The international enforcement of human rights also remains limited. While regional courts, such as the European Court of Human Rights and the Inter-American Court of Human Rights, have demonstrated influence in shaping domestic law, their reach is inconsistent, and resistance from states is common (Keller & Stone Sweet, 2008; González, 2011). In many regions, monitoring bodies lack effective sanctioning powers, leaving states free to disregard their obligations with few consequences. This gap underscores the inherent weakness of the international human rights system when domestic compliance is absent or reluctant.

Against this backdrop, the central concern of this article is to analyze the challenges faced by developing countries in implementing international human rights norms at the domestic level. Drawing on normative legal research and comparative case studies, the article explores how institutional fragility, political will, socio-economic constraints, cultural pluralism, and weak enforcement mechanisms contribute to the gap between international commitments and domestic realities. By examining these issues, the article seeks to contribute to the broader discourse on the universality and indivisibility of human rights.

The significance of this inquiry lies in its implications for both theory and practice. From a theoretical perspective, it questions the assumption that international law possesses automatic domestic effect once treaties are ratified. From a practical perspective, it highlights the urgent need for multidimensional strategies that integrate legal reform, institutional strengthening, socio-economic development, and cultural engagement. Ultimately, this article argues that effective domestication of human rights in developing countries is essential not only for the protection of individuals within those states but also for the credibility and legitimacy of the international human rights system as a whole (Mutua, 2016; Nickel, 2019).

RESEARCH METHOD

This study employs a normative legal research design combined with a comparative legal approach to analyze the challenges of implementing international human rights norms in the domestic legal systems of developing countries. Normative legal research, also known as doctrinal research, focuses on examining laws, treaties, and legal principles as they are written and interpreted within the international and domestic contexts (Hutchinson & Duncan, 2012). This approach is particularly suitable for analyzing the extent to which international human rights obligations are incorporated into national legal systems and identifying the gaps that hinder effective implementation.

The primary sources of data include international legal instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966). Additionally, case law from both international and regional human rights courts, such as the European Court of Human Rights and the Inter-American Court of Human Rights, are examined to illustrate the jurisprudential influence of international norms on domestic law (Keller & Stone Sweet, 2008).

Secondary sources include academic literature, journal articles, reports by human rights organizations, and policy documents that discuss the relationship between international human rights law and domestic legal frameworks. These sources are essential for contextualizing the practical challenges faced by developing countries, including institutional weaknesses, socio-economic constraints, and cultural or religious tensions (Landman, 2018; Merry, 2006).

The comparative aspect of this study involves analyzing selected case studies of developing countries from different regions. By comparing experiences in Africa, Asia, and Latin America, the research identifies common patterns as well as region-specific challenges in implementing human rights norms. This method allows for a nuanced understanding of how domestic legal systems respond to international obligations and provides insights into best practices that may inform broader policy recommendations (Watkins & Burton, 2013).

Data analysis is conducted using qualitative content analysis, focusing on identifying themes, patterns, and contradictions in the implementation of international human rights norms at the domestic level. This method enables the researcher to systematically evaluate how international standards are received, interpreted, and enforced in different jurisdictions (Schreier, 2012).

The research design acknowledges the limitations inherent in normative and comparative legal studies. While it provides a deep understanding of legal frameworks and their challenges, it does not include primary empirical data such as interviews or fieldwork. Nevertheless, by synthesizing legal analysis with comparative insights, this methodology offers a comprehensive examination of the barriers to human rights implementation in developing countries.

RESULTS AND DISCUSSION

One of the main findings of this study is the institutional weaknesses embedded in the domestic legal systems of developing countries. Courts in many of these states often lack sufficient independence due to political interference, limited resources, and inadequate capacity of judges and legal professionals in interpreting international human rights instruments (Carothers, 2006). This institutional fragility prevents the effective domestication of international norms, as institutions that are supposed to safeguard justice are unable to provide adequate protection for citizens. For example, in several African countries, although the African Charter on Human and Peoples' Rights has been ratified, judicial practice continues to fail in providing effective remedies due to procedural inefficiencies and political pressure (Viljoen, 2012). This clearly demonstrates that treaty ratification alone does not automatically ensure the protection of human rights at the national level without parallel strengthening of domestic legal institutions.

Beyond institutional factors, political considerations play a crucial role in determining the extent to which international human rights norms are implemented domestically. Many governments in developing countries ratify international instruments merely to gain legitimacy in the eyes of the international community, without demonstrating genuine commitment to enforcement at home (Hafner-Burton & Tsutsui, 2005). In authoritarian regimes, human rights obligations are often perceived as threats to political stability and regime survival, leading to selective implementation or outright neglect (Goodhart, 2016). A

clear example can be found in Southeast Asia, particularly Myanmar, where the government has shown strong resistance to international norms concerning the protection of ethnic minorities. This reflects the ongoing tension between state sovereignty and the universality of human rights, where domestic political interests are frequently prioritized over international obligations (Crouch, 2016).

Socio-economic constraints also represent a significant barrier to the domestication of human rights norms in developing countries. The realization of economic, social, and cultural rights requires massive investment in education, healthcare, housing, and welfare systems. However, many developing countries face structural challenges such as debt burdens, high poverty rates, and systemic corruption, which divert resources away from human rights initiatives (Alston & Goodman, 2013; Landman, 2018). For instance, in numerous Sub-Saharan African states, the lack of infrastructure and financial capacity has hindered compliance with international standards on the right to education and healthcare despite formal treaty commitments (Nwauche, 2010). These conditions indicate that any assessment of human rights implementation must take into account the economic realities of the state concerned.

In addition, tensions between international norms and customary or religious laws pose another serious challenge. Many pluralistic societies in developing countries continue to uphold traditional or religious practices that sometimes contradict international standards, especially regarding gender equality, freedom of expression, and minority protections (An-Na'im, 1992). For example, family law practices in some Middle Eastern and African countries maintain discriminatory rules against women that clearly conflict with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This illustrates that the domestication of international norms requires not only legal reform but also broader socio-cultural dialogue capable of balancing respect for cultural identity with obligations to guarantee universal human rights (Merry, 2006).

Furthermore, enforcement and compliance mechanisms remain weak and significantly undermine the realization of international human rights norms. In many developing countries, institutions such as national human rights commissions and ombudsman offices lack independence and adequate funding, which restrict their ability to hold governments accountable (Carver, 2011). At the same time, the weakness of international sanctioning mechanisms allows states to evade obligations without facing serious consequences (Simmons, 2009). Although regional courts, such as the Inter-American Court of Human Rights, have achieved some success in compelling compliance, their effectiveness remains uneven due to state resistance to rulings perceived as threats to national sovereignty (González, 2011). This demonstrates the urgent need for stronger monitoring and enforcement mechanisms at both domestic and international levels in order to ensure that human rights norms carry genuine binding force.

Despite these significant challenges, there are examples of progress that can serve as inspiration for other developing countries. South Africa, for instance, successfully adopted a post-apartheid constitution that directly incorporates international human rights principles, thereby enabling domestic courts to apply them effectively in adjudication (Kende, 2009). Similarly, Colombia has integrated international norms into its constitutional jurisprudence, which has strengthened the judicial protection of fundamental rights at the national level (Cepeda-Espinosa, 2004). These cases demonstrate that progressive legal reforms, strong civil society engagement, and empowered judicial institutions can significantly enhance the domestication of international human rights norms. Furthermore, international cooperation and capacity-building programs have proven essential in assisting developing countries to overcome structural and resource-based limitations (Mutua, 2016).

Overall, the findings of this study reveal that the implementation of international human rights norms in developing countries is shaped by a complex interplay of institutional, political, socio-economic, and cultural factors. Treaty ratification alone is insufficient without comprehensive legal reform, institutional capacity-building, and socio-economic investment. Additionally, reconciling international standards with local practices is critical to ensuring that the application of human rights is not only formal but also substantive and widely accepted by society. Therefore, a multidimensional strategy that combines internal reforms, institutional strengthening, and external support offers the most effective pathway to bridging the gap between international commitments and domestic realities

CONCLUSION

The analysis of the challenges in implementing international human rights norms within the domestic legal systems of developing countries reveals a complex and multifaceted reality. Ratification of international treaties, while symbolically significant, does not necessarily lead to substantive improvements in the protection of human rights at the national level. Instead, institutional weaknesses, limited judicial capacity, and political interference often undermine the effectiveness of domestic enforcement. Furthermore, political will remains a decisive factor, as many governments prioritize regime stability and sovereignty over compliance with international obligations. The socio-economic realities of poverty, inequality, and corruption further exacerbate these challenges by limiting the resources available to fulfill obligations, particularly in the realm of economic, social, and cultural rights. Equally, tensions between international norms and customary or religious laws highlight the difficulties of reconciling universal standards with deeply rooted cultural practices. Finally, weak enforcement mechanisms at both domestic and international levels contribute to persistent gaps between formal commitments and actual practice.

Given these findings, several recommendations emerge as critical pathways to strengthen the domestication of human rights norms in developing countries. First, legal and constitutional reforms should be pursued to explicitly incorporate international human rights obligations into domestic law. This provides a stronger legal foundation for courts and ensures that international norms have direct domestic applicability. Second, institutional capacity-building is essential to empower judicial systems, national human rights commissions, and enforcement agencies to interpret and apply human rights standards effectively. This includes investment in training, resources, and safeguards for judicial independence. Third, political accountability mechanisms must be reinforced through vibrant civil society engagement, free media, and parliamentary oversight to generate pressure on governments to honor their human rights commitments.

In addition, socio-economic constraints require a development-oriented approach to human rights implementation. International financial institutions, donor agencies, and multilateral organizations should support programs that enhance education, healthcare, and infrastructure, recognizing that sustainable socio-economic development underpins the realization of many human rights. At the cultural level, governments and civil society actors should engage in inclusive dialogue that respects local traditions while progressively harmonizing them with international standards. This approach can reduce resistance and foster greater legitimacy for human rights reforms.

At the international level, the strengthening of monitoring and enforcement mechanisms remains a pressing priority. International and regional human rights bodies should be equipped with more effective tools to ensure compliance, including stronger reporting requirements, peer review processes, and, where appropriate, targeted sanctions for persistent violators. At the same time, cooperative frameworks rather than purely punitive approaches may prove more effective in encouraging gradual compliance by states that struggle with structural limitations.

In conclusion, bridging the gap between international human rights norms and domestic realities in developing countries requires a multidimensional strategy that combines legal reform, institutional strengthening, socio-economic development, cultural reconciliation, and international cooperation. Policymakers must recognize that human rights cannot be effectively realized in isolation but must be embedded within broader governance and development frameworks. By pursuing these pathways, developing countries can move beyond symbolic commitments toward meaningful implementation, thereby reinforcing the universality, indivisibility, and effectiveness of human rights in the global legal order.

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