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From Entitlements to Obligations: A Duty-Infused Reconceptualization of International Human Rights Law

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Summary

This thesis analyses the structural limitations of the prevailing entitlement-based framework of international human rights law (IHRL), particularly in pluralistic and multicultural societies, and evaluates whether integrating duties alongside existing rights, a duty-infused reconceptualization, can address those limitations or not?

The study draws its primary motivation from a structural crisis in contemporary IHRL paradigm. As illustrated by the 2024 UK riots and the simultaneous collapse of state authority in Bangladesh, the current entitlement-based framework fails in contexts where they are most urgently needed, such failure is not rooted in poor draftsmanship, but because of a deeper design flaw. By centering individual claims against the state while ignoring communal obligation, the current model suffers from an applicability crisis rooted in foundations, an impact paradox arising from the absence of localized duty-barriers, and an enforcement failure caused by its reliance on external coercion rather than internalized reciprocity.

To address these problems, this thesis employs a mixed methodology, consisting of a legal dogmatic analysis as the primary method, supplemented by an interdisciplinary approach drawing on comparative legal theory, cognitive science, linguistics, and case study analysis.

Using this methodology, the thesis after arguing for a duty-infused framework from chapter three to chapter eight, reaches to this conclusion that a duty-infused reconceptualization of IHRL substantially addresses the identified limitations. This thesis advocates for framing rights alongside corresponding duties, as it demonstrates that doing so resolves the applicability crisis by grounding universal norms in culturally and linguistically familiar vocabularies of obligation, bridges the impact paradox by converting passive right-holders into active duty-bearers, and strengthens enforcement by aligning legal frameworks with the human brain's biological predisposition toward reciprocity rather than fear of sanction. Critically, the thesis also identifies and safeguards against the risks of this shift, including the authoritarian weaponization of duty and the subordination of individual rights to collective demands, through principles of determinacy, proportionality, and a non-derogable rights floor.

Preface

To understand my motivation behind writing this Thesis, we must trace it back to my origin. I was born into a country that came into existence not out of diplomacy but out of duty. It came into existence because millions of ordinary people felt within themselves an inherent duty. A duty to the land, the language and more importantly to one another. That culture of obligation was the air I breathed growing up and this culture was the catalyst that shaped my morals.

When I started studying law, I naively thought my human rights would require someone else to uphold a certain duty, I thought individuals and collectives are not opposites, but threads of the same fabric, rights and duties would be incomplete without each other. However, the more I looked the more I realized that they were not converging were colliding, however neither was winning, and in the space between them, real people were being failed. And I started debating with my own self, could they ever truly co-exist.

This intellectual debate followed me to Sweden, where I came to study international human rights law at Lund University. If Bangladesh was a place where these norms was banging heads, Sweden felt like a place where the entitlement framework had won so completely that the question of duty had almost ceased to be asked. This contrast was not a verdict in favor of either side for me but it was a question. And this thesis is my humble attempt to answer it.

Writing it, on the other hand felt like Herculean task. The large and ambitious nature of this thesis made it quite difficult for me to keep a tight rein on it with the constraints of a master's thesis. In consequence whatever little social life I had was gradually surrendered to footnotes and revisions during the last few months. I do not say this for sympathy — I say it because the people around me during that period deserve to be named and thanked.

My family and friends thankfully understood my status quo and encouraged me throughout. The friends I made in Sweden, and the memories we built together, gave me the human texture that kept this from becoming a purely solitary endeavor. And my friends in Bangladesh somehow quietly understood why I never visited them even if they were minutes away. I am grateful for all of it. However, my deepest personal gratitude belongs to my wife, Neesa. She sacrificed the most and did so without any ever complaining.

This thesis would not have seen the light of day without her patience, her steadiness, and her belief in the work when mine wavered. Whatever is good in these pages, she has a share in it, sometimes even more than me.

Academically, my sincerest gratitude belongs to my supervisor, Karol Nowak. He has been a genuine intellectual partner to me and a delight to work with, and I possibly couldn't have asked for a better supervisor for this thesis. His insights pushed me to think further than I could have taken it on my own, and his suggestions were just as much thought-provoking and insightful. I have been fortunate throughout my life to encounter teachers who genuinely change the way I am today. Karol is, without question, one of them. I extend my gratitude equally to all the other teachers, both in Sweden and Bangladesh, who over the years of my academic excursion have shaped my intellect and left their mark on how I read, argue, and reason. Their influence is evident throughout this work even when their names do not appear anywhere.

The thesis at its core is a hopeful document. It is written with immense hope that the gap between duty and entitlement will not be a permanent feature of the human rights framework, but a flaw that will be corrected in near future and that correcting it matters, urgently, not because of mere academic purpose, rather for the people whom the current framework most consistently fails.

Nafiz Absar Mahmood
Lund, Spring 2026.

List of Abbreviations

Acronym	Full Form
ACHPR	African Charter on Human and Peoples' Rights
AIDS	Acquired Immunodeficiency Syndrome
BCE	Before the Common Era
CLM	Community-Led Monitoring
CRPD	Convention on the Rights of Persons with Disabilities
CSR	Corporate Social Responsibility
DIRRT	Duty-Infused Relational Reciprocity Theory
ECtHR	The European Court of Human Rights
FGM	Female Genital Mutilation
HIV	Human Immunodeficiency Virus
HRDD	Human Rights Due Diligence
HRW	Human Rights Watch
ICCPR	International Covenant on Civil and Political Rights
IHRL	International Human Rights Law
NGO	Non-governmental organization
RMR	Reverse Moderate Relativism
SVS	Savages-Victims-Saviors
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund

The Body of Arguments

Chapter 1: Introduction

1.1. Background and Context

It was August 2024, in two different parts of the world, two different stories were unfolding. Although very different in context, these events together illustrate the problem that is central to this paper.

In the United Kingdom, following a tragic stabbing incident in Southport, widespread riots erupted across cities and all of it being fueled by a volatile mix of misinformation, anti-immigrant sentiment, and competing claims of rights.¹ While on one side rioters invoked their right to free speech and assembly to justify their stance, the other side stood firm on practicing their right to safety and religious freedom. In an established democracy like the UK, this entitlement focused model entered a deadlock as neither party stood down from their claim of entitlement. This was the friction point, a moment where everyone demanded what they were owed but no one acknowledged what they owed to each other. This resulted in a total fracture of the existing social fabric.

At the same time, in a different continent and time zone, the People's Republic of Bangladesh underwent a total collapse. Following a student-led revolution, the government vanished overnight, with no police force to enforce the law.² By every standard metric of international law, the fundamental rights of nearly 18 Crore people had effectively ceased to exist as there was no state to enforce them. Yet, in this vacuum of authority, instead of individual entitlement claims, ordinary people and students took it upon them to uphold and protect the rights of each other, including guarding the places of prayer and residence of minorities. These people were under no legal obligation to

¹ Javed Ahmed, 'How misinformation about the Southport murders sparked violent race riots across the country' *The Independent* (London, 23 January 2025) <https://www.independent.co.uk/news/uk/crime/southport-riots-race-muslim-axel-rudakubana-murders-b2685264.html> accessed 12 February 2026.

² Md Shahnawaz Khan Chandan, 'A chronicle of the July Uprising' *The Daily Star: The Great Wave* (Dhaka, 5 August 2024) <https://thegreatwave.thedailystar.net/news/a-chronicle-of-the-july-uprising> accessed 12 February 2026.

do so; nevertheless, they acted out of a moral and localized sense of duty to their neighbors.

These two events expose a profoundly serious applicability crisis, the reality that universal human rights often tend to fail during crisis in a multicultural society where there is no localized sense of obligation. While the UK demonstrates how the society can collapse during crisis when we strip responsibilities from rights, while Bangladesh demonstrates the impact paradox. They make it clear to us that legal recognition of rights, such as the right to religion becomes abstract and hollow if there is no communal duty barrier willing to protect these rights when the state cannot. This thesis argues that current entitlement-focused global regime is too thin to hold diverse societies and proposes possible rebalancing of scales by integrating individual duties with existing entitlement-based frameworks.³

It is, however, essential to address a potential concern as to why anchor a thesis in examples that might fade away with time and appear dated? The answer for this concern comes in two-fold, firstly, these examples serve their purpose as an illustrative anchor, they exemplify a structural failure pattern through recent and widely documented events. In no way, they are offered as empirical evidence of a persistent trend. Secondly, these events are not historically unique, rather they are quite recurring as we have seen similar dynamics in 2002 Gujarat riots in India⁴ and 2011 Egyptian revolution⁵ as well. Similar to the UK riot incident, in Gujarat riot two different communities entered an entitlement deadlock,⁶ a parallel phenomenon was seen in the 1992 Los Angeles riots⁷ as well. And the duty-driven order in state absence dynamic seen in Bangladesh 2024 was also documented in the 2011

³ See ch 3, section 3.3 below for the full development of the 'thinness' critique.

⁴ Human Rights Watch, "*We Have No Orders To Save You*": *State Participation and Complicity in Communal Violence in Gujarat* (Report, April 2002) <https://www.hrw.org/reports/2002/india/gujarat-sumrec.pdf> accessed 10 May 2026.

⁵ Anthony Banout and Nora Zaki, 'Tahrir to Maspero: Religious Tensions in Egypt During and After the Revolution' (*Sightings*, 17 November 2011) <https://divinity.uchicago.edu/sightings/articles/tahrir-maspero-religious-tensions-egypt-and-after-revolution-anthony-banout-and> accessed 10 May 2026.

⁶ Human Rights Watch (n 4).

⁷ Edward Taehan Chang, 'Los Angeles Riots and Korean-African American Conflict' (2002) 25 *American Studies* 305.

Egyptian revolution⁸ or the early phase of the 2011 Libyan revolution⁹ and even in the case of 1944 Danish rescue of Jews,¹⁰ where the ordinary Danish citizens organized the rescue of roughly 7,000 Jews to Sweden in a matter of days, motivated entirely by a sense of communal obligation that the entitlement framework of the time could not have generated. By anchoring in 2024 examples, this thesis simply picks the most recent examples of these observable facts. Thus, even if these examples become outdated, the structural diagnosis they illuminate will remain valid.

1.2. Problem Statement

The central problem explored in this thesis is the failure of entitlement-based human rights frameworks to effectively operate in multicultural and communal societies. As demonstrated by the incidents of UK and Bangladesh, the entitlement-based framework is built upon a thin ground of individual entitlement against the state. This model suffers from three critical flaws, such as,

Firstly, the Applicability Crisis: Universal rights within this framework are often perceived as foreign imposition, especially in multi-cultural or communal cultural societies because they prioritize individual rights over communal harmony.

Secondly, the Impact Paradox: Without a localized duty barrier, two communities or individuals or groups in conflict will always enter a deadlock position like the UK incident. In this situation the state will always struggle to keep a balance between the entitlement-based individual claims unless the communities in conflict feel a duty towards each other. The situation will only get worse in circumstances when state mechanisms fail or become weaponized.¹¹

⁸ Banout and Zaki (n 5).

⁹ Paul Salem and Amanda Kadlec, *Libya's Troubled Transition* (Carnegie Endowment for International Peace, Paper, 14 June 2012)
<https://carnegieendowment.org/research/2012/06/libyas-troubled-transition> accessed 10 May 2026.

¹⁰ Leo Goldberger, 'The Rescue of the Danish Jews: Moral Courage under Stress' (1988) 67(1) *Foreign Affairs* 198.

¹¹ See ch 3, section 3.2. below for a detailed analysis of the impact paradox, including case studies drawn from international jurisprudence and religious duty models.

Lastly, the Erosion of Reciprocity: By focusing exclusively on what an individual is owed, the current framework inadvertently dissolves the sense of mutual responsibility necessary to sustain peace in diverse populations.¹²

In summary, in a world that is increasingly becoming more diverse due to political, social, racial, or religious opinions, without a localized-duty barrier and mutual respect towards each other's rights, the true applicability of international human rights will not be achievable.

1.3. Objective and Purpose

The central objective of this thesis paper is to address the inherent limitations of the existing entitlement-focused framework and assess whether a duty-infused re-conception of existing human rights can overcome these limitations.

The purpose of this thesis is to answer the core research question, "To what extent does a duty-infused reconceptualization of human rights address the limitations of applicability, impact, and enforcement of entitlement-focused human rights frameworks in multicultural societies?"

It is important to note that the inclusion of the term 'multi-cultural societies' is not an ornamental inclusion but is an analytical necessity. A multi-cultural society in the context of this thesis is defined as one characterized by deep normative pluralism, where groups within the same political community operate under differing, and sometimes incommensurable, moral frameworks derived from distinct religious, cultural, ethnic, or philosophical traditions. The engagement with this phrase is necessary as it represents the definitive boundary where the 'thinness' of the current entitlement-based model is most visible, this is exemplified by the events mentioned in section 1.1. of this chapter. Thus, the research question engages with multicultural societies not merely as a descriptor of the setting, but because they are the stress-test environment where structural design flaws of the current entitlement focused IHRL frameworks are most exposed and where a duty-infused IHRL framework could possibly offer a potential remedy; assessment of which is one of the core aims of this thesis.

¹² See ch 5 below for the neurobiological basis of why human beings are hardwired for reciprocity rather than abstract entitlement-based compliance.

1.4. Structure of the Thesis

For the purpose of answering the central research question, this thesis is organized into nine interconnected and equally important chapters to systematically build the case. Having established the contextual background, core problem, research question and aim of this thesis in chapter one, the narrative moves to chapter two, where the theoretical and methodological foundations of this thesis are laid down along with the literature review.

The heart of the crisis is addressed in chapter three, which confronts the uncomfortable reality of why "Universal" rights often feel like "Foreign" impositions. It also explores the alleged thinness of the entitlement model. From this wreckage, chapter four begins the reconstruction, exploring how the language we use to define these rights must be translated into a vocabulary of "Duty" to become legible to the world's multicultural populations.

The journey then delves beneath the law and into the mind. Chapter five will start looking at cognitive science, why humans are hardwired for reciprocity/duty rather than abstract entitlement and why moving from "fear of the court" to "sense of obligation" might be a better option. Chapter six, moves from theory to action, will analyze how duties-based frameworks empower individuals as stakeholders and redefine enforcement moving from "Litigation" (suing for an entitlement) to "Social Accountability" (fulfilling a duty).

Aware that duty can be a double-edged sword, chapter seven will address and acknowledge the existing risks of duty-infused conception and propose safeguards. Chapter eight explores the normative, policy, and practical impacts for multicultural societies. And finally, chapter nine provides the conclusion of the thesis, answering the core question of how we might finally build a human rights regime that is not only legally valid but socially alive.

Chapter 2: The Intellectual Landscape

In 1948, the same year when the UDHR was proclaimed, a relatively obscure Chinese diplomat named Peng Chun Chang sat on the drafting committee and quietly insisted that the document acknowledge the Confucian concept of two-man-mindedness, which illustrates the inherent relational nature of every human person.¹³ But his critique was largely ignored by his colleagues, consequently the text that was developed was heavily influenced by Western liberal philosophy.¹⁴ Decades later, scholars would identify that this ignorance and omission of including non-western philosophies was one of the founding fractures of the current international human rights law (IHRL) model. The intellectual landscape of this thesis begins precisely where that fracture begins, in the gap between what the scholarly tradition has built and for what it has failed to account.

Since the first chapter has already provided the contextual background for this thesis along with the core problem and central research question, this chapter now turns to the intellectual scaffolding upon which the rest of this thesis is being built upon. This chapter serves a foundational purpose, it maps the scholarly terrain, introduces the theoretical lens, and explains the methodological choices that will provide the necessary foundation to build the arguments for this thesis. Without this chapter, the arguments advanced in subsequent chapters would float unanchored, detached from the body of scholarship that precedes them.

2.1. Literature Review

2.1.1. Entitlement-Focused Frameworks

The contemporary legal and political framework is characterized by the term "Age of Rights" as suggested by many scholars.¹⁵ This paradigm, being rooted in the entitlement-based philosophy and works of philosophers like

¹³ Sun P, 'Pengchun Chang's Contributions to the Drafting of the UDHR' (2016) 5(5) *Journal of Civil & Legal Sciences* 209.

¹⁴ R Burke and J Kirby, 'The Universal Declaration of Human Rights: Politics and Provisions (1945–1948)' in G Oberleitner (ed), *International Human Rights Institutions, Tribunals, and Courts* (International Human Rights, Springer Singapore 2018) 25–47.

¹⁵ Makau Mutua, *Human Rights: A Political and Cultural Critique* (University of Pennsylvania Press 2002), 34 <http://www.jstor.org/stable/j.ctt3fhtq0> accessed 22 February 2026.

Locke and Mill, presupposes an individualistic understanding of society rejecting the preceding conceptions where individuals were treated as subordinate to the community.¹⁶ Central to this school of thought was Ronald Dworkin's theory of rights as "political trumps," which asserts that individuals possess moral titles to protect their interests and dignity against collective goals.¹⁷

Preceding this point, the IHRL scholarship was dominated by the practice of treating rights as individual entitlements against the state. Jack Donnelly in his work provides the most architecturally complete articulation of this tradition, where he constructs a rigorous defense of the universality of human rights, which in his opinion was grounded in the equal and inherent dignity of all human beings and unequivocally argues that rights are claims explicitly held by individuals and not communities.¹⁸ Whereas Eric Boot provides a more intellectually critical engagement with the entitlement-based IHRL framework, he argues that the sole focus on rights alone has made this discourse more normatively incomplete, because rights in absence of any corresponding obligations generates a structural problem, although it identifies what individuals are owed but fails to identify or specify who owes it and under what conditions.¹⁹ Boot does not reject the entitlement-based framework entirely, rather it argues for a supplementation of a corresponding human duties, which is something this thesis is also aiming to achieve, thus his work provides the most philosophically precise contributions to this literature and is foundational to the central argument of this thesis.

While this entitlement-based IHRL framework has gained near universal acceptance, several critiques have pointed out that this acceptance has led to a rights infatuation and created an impoverished moral landscape, specifically where any action not violating a specific right is deemed permissible, regardless of its impact on social solidarity or overall morality.²⁰

¹⁶ Eric Boot, *Human Duties and the Limits of Human Rights Discourse* (Studies in Global Justice, Springer 2017), 13-14.

¹⁷ Ibid, 176-177.

¹⁸ Jack Donnelly, 'The Universal Declaration Model' in *Universal Human Rights in Theory and Practice* (NED-New edn, Cornell University Press 2013) 24-39.

¹⁹ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16) 14.

²⁰ Ibid.

2.1.2. Duty-infused Ideology

The position that human rights must be understood along with human duties has an exceptionally long and underappreciated but intellectual lineage. Among the works that advocates for this ideology, the work of Makau Mutua provides the most thought provoking and indispensable arguments, it introduces the Savage-Victim-Savior (SVS) metaphor that deconstructs this entitlement based human rights movement as a civilization project that assumes that non-western cultures are barbaric in nature and in desperate need for a western redemption.²¹ This is not merely a descriptive critique, rather, it is a diagnostic one as it identifies the crisis of cultural legitimacy at the heart of the entitlement-based model and explores reasons why rights framed in a western lens is perceived as foreign imposition in postcolonial societies.²² Which is why his work plays a crucial role in shaping chapter three and four of this thesis and further supports the central claim of this thesis. Bhikhu Parekh provides a political philosophical complement to Mutua's legal critique, his analysis of moral monism exposes the philosophical conceit at the core of current entitlement-based IHRL framework.²³ The core of his work that suggest that human beings are concurrently natural and cultural beings and any theory of rights that rejects this dual nature is incomplete, resonates throughout this thesis. Similar to Parekh, this thesis also does not advocate cultural relativism; rather, it argues for a diagonal approach.

The African Charter on Human and Peoples' Rights (ACHPR), also known as the Banjul Charter, holds an incredibly unique position in this thesis as it is a well-recognized legal instrument that has already attempted the synthesis this thesis is arguing for. Scholars such as F. Ouguergouz have documented how the Charter explicitly codifies individual duties alongside rights, drawing on African communitarian philosophy to construct a framework in which rights and obligations are functionally inseparable.²⁴ Jason Morgan-Foster's analysis of third-generation solidarity rights and the Islamic zakat model of proportional duties further extends this tradition, demonstrating that duty-

²¹ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 10-14.

²² See Sections 3.1 and 4.2. below for the full deployment of the SVS critique as a structural analysis of IHRL's applicability crisis and its connection to duty-based reformulation.

²³ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (2nd edn, Palgrave Macmillan 2006) 10–16.

²⁴ F Ouguergouz, *The African Charter on Human and Peoples' Rights: A Comprehensive Agenda for Human Dignity and Sustainable Democracy in Africa* (Martinus Nijhoff 2003) 423.

infused frameworks are not merely aspirational but operationally viable.²⁵ These works were central in developing chapter six of this thesis.

2.1.3. Neuro-Law and the Biology of Reciprocity

Literatures regarding neuroscience of reciprocity and moral cognition have remained strictly peripheral to IHRL scholarships till date, but this thesis engages in a direct dialog with such works. This new approach provides a unique and novel angle to the existing works on this subject matter, which in itself is also extremely limited. The research of Tabibnia, Satpute, and Lieberman on the neural reward circuitry activated by fair exchanges,²⁶ alongside Rilling's work on the neurobiology of cooperation and altruism, demonstrates that the human brain is not biologically equipped for obeying abstract rules but is a socially evolved organ that is predisposed toward reciprocal obligation.²⁷ In addition to these works, works of Murrow and Murrow suggest that the absence of empathetic duty-binding circuits is a neurological precondition for human rights abuses.²⁸ These literatures are foundational to the composition of chapter five of this thesis and also provides an empirical grounding for the arguments made throughout the chapter.

2.1.4. State of Research

The existing works that argue for a similar paradigm, although they are very rich but suffer from certain limitations. Among these scholarships, Boot provides the most philosophically rigorous case for supplementing rights with duties, but his analysis is primarily normative and does not translate into a comprehensive operational framework. On the other hand, Mutua identifies the legitimacy crisis but offers critique without a sufficiently detailed

²⁵ Jason Morgan-Foster, 'Third Generation Rights: What Islamic Law Can Teach the International Human Rights Movement' (2003) 8 *Yale Human Rights and Development Law Journal* 67, 113–115 <https://openyls.law.yale.edu/bitstreams/8fc639cb-9eca-4af8-90d8-ae643cb5e1df/download> accessed 22 February 2026.

²⁶ Golnaz Tabibnia, Ajay B Satpute and Matthew D Lieberman, 'The Sunny Side of Fairness: Preference for Fairness Activates Reward Circuitry (and Disregarding Unfairness Activates Self-Control Circuitry)' (2008) 19(4) *Psychological Science* 339–347 <https://doi.org/10.1111/j.1467-9280.2008.02091.x> accessed 22 February 2026.

²⁷ James K Rilling, 'The Neurobiology of Cooperation and Altruism' in Robert W Sussman and C Robert Cloninger (eds), *Origins of Altruism and Cooperation* (Springer 2011) 295–306 https://doi.org/10.1007/978-1-4419-9520-9_17 accessed 22 February 2026.

²⁸ Gregory B Murrow and Rebecca Murrow, 'A Hypothetical Neurological Association between Dehumanization and Human Rights Abuses' (2015) 2(2) *Journal of Law and the Biosciences* 336–364 <https://doi.org/10.1093/jlb/lsv015> accessed 22 February 2026.

reconstructive proposal. Parekh as well articulates the philosophical inadequacy of moral monism but stops short of a concrete legal framework. The ACHPR provides a working model, but scholarship on it has generally treated it as a regional African instrument rather than a template for universal reform. What this thesis attempts are synthesizing these fragmented contributions into a coherent, operationalizable framework that is simultaneously normatively grounded, legally defensible, and practically attainable. Additionally, the existing scholarship on duty-infused IHRL has not, as a body, engaged seriously with the neuroscience of moral cognition, the linguistics of rights-translation, or the behavioral economics of compliance. This thesis argues that these disciplines are not peripheral additions to the legal argument but are constitutive of it.

However, this thesis does not agree with all relevant scholarships, it strongly disagrees with Donnelly's strict universalism argument. Donnelly argues that cultural particularity is irrelevant to the validity of universal rights,²⁹ which in respect to this thesis is both philosophically overstated and empirically contradicted. The evidence demonstrated across this thesis, specifically chapters three, four and five, asserts that the applicability of rights in practice is inseparable from their cultural legibility. This thesis also departs from the more radical strands of cultural relativism, which would dissolve universal norms into cultural particularity. The thesis does not argue that cultures are self-validating or that any practice justified by communal tradition is beyond critique. On the contrary, chapter Seven argues strongly that certain cultural practices constitute violations of *jus cogens* norms and consequently are incapable of being legitimized as duties. The thesis therefore occupies a position between Donnellian universalism and strong relativism, one that might be described as contextual universalism.

Nevertheless, this thesis is subjected to a few limitations which must be acknowledged with all intellectual honesty. Firstly, because the thesis adopts an interdisciplinary scope, ranging from legal philosophy to neuroscience to linguistics to comparative religion and culture, it cannot possibly achieve the depth of a specialist scholarship in any one of these fields. The engagement with neuroscience in particular is necessarily selective and is used instrumentally to support the legal argument rather than to make an independent contribution to the science. Secondly, even though the thesis draws on examples ranging from several religious and cultural contexts, it

²⁹ Donnelly, 'Universal Declaration Model' (n 18) 24–39.

cannot be claimed that it is a comprehensive comparative study of every major legal tradition. The analysis of religious and cultural frameworks used across this thesis is thus illustrative rather than exhaustive. However, these limitations in no way undermine what has been achieved through this thesis.

2.2. Theoretical Frameworks

The theoretical framework adopted in this thesis can be called Duty-Infused Relational Reciprocity Theory (DIRRT), which is not an entirely new theory; rather, it is a synthesis of several existing theoretical traditions.

Earlier scholarships have approached the limitations of current IHRL framework from different perspectives, while legal philosophers like Boot have claimed that rights need corresponding duty-bearers; cultural theorists like Mutua have questioned whether the framework resonates with non-Western communities; and neuroscientists have shown that humans are wired to respond to reciprocal obligation rather than abstract commands. What neither of the existing scholarships does is establish a link between these issues and/or provide a tool to diagnose and fix all these issues at once. This is where the originality of DIRRT comes, while DIRRT draws inspiration from these theories it also provides a new lens to look at the issue.

The core claim of this theory is that legal, cultural-linguistic, and biological dimensions of a norm are not independent of each other; rather, they are interdependent. DIRRT argues that even if a human right norm is legally valid, if it is culturally illegible it will always fail to activate the sense of moral duty that produces lasting compliance. Besides, even if a norm resonates culturally but there is no identifiable duty-bearer, it will dissolve into goodwill without legal effect. And lastly, any norm backed only by the threat of punishment produces compliance only for as long as enforcement lasts. DIRRT identifies these issues extensively in chapters three, four and five, and offers a framework for designing norms that avoid all three simultaneously in chapters six, seven and eight.

DIRRT further proposes a two-part validity test to determine the capacity of a norm to produce self-sustaining compliance, independent of continuous state coercion. The first part of this test asks the question: does the norm identify a specific duty-bearer whose obligation is concrete enough to be acted upon without relying solely on state enforcement? A norm fails this test if it fails to specify who is responsible for fulfilling the right. This part of the test acts as an extension to the legal validity of a norm. The second part of

this test asks: does the norm's language and framing align with the moral intuitions and cultural vocabulary of the people it governs? A norm that fails this evaluation when it can produce compliance only through fear of punishment, or when its language carries no moral resonance in the community it addresses. This part of the test influences the arguments presented in chapters three and four of this thesis. Any norm that fails either of these tests, under DIRRT, is structurally incomplete. It may be legally valid in the formal sense, yet socially inert in precisely those multicultural and communal societies where their protection is most urgently required.

However, one distinction is worth drawing attention to, this thesis occupies a normative position of contextual universalism, between Donnelly's strict universalism and strong cultural relativism. . DIRRT is the theoretical mechanism through which that position is operationalized. It explains not merely that cultural resonance matters to compliance, but why it matters at the level of neurobiology and linguistics, and how legal frameworks can be redesigned to achieve it without surrendering universal normative validity at their core.

In the following chapters of this thesis, DIRRT is deployed as a recurring test rather than a one-time invocation. Chapter three deploys the second test to the multicultural context, revealing the applicability crisis as a failure of cultural and moral resonance. The same test is also applied in chapter four and five, specifically in their respective contexts. However, chapter six applies the first test to design the duty-infused model and identifies the structural features that a reformed instrument must contain. Similarly, chapter seven examines the risks of such infusion and suggests safeguards. And lastly, chapter eight applies the whole test to define the practitioner's role.

2.3. Methodology

2.3.1. Research Design

This thesis adopts a mixed methodological approach, combining legal dogmatic analysis as its primary method with an interdisciplinary secondary methodology that draws on comparative legal theory, cognitive science, linguistics, and case study analysis. The choice of this approach is not arbitrary; it follows directly from the nature of the research question and the theoretical framework adopted.

Legal dogmatic analysis, also known as legal doctrinal research, is the foundational methodology of this thesis. This methodology proceeds by identifying and interpreting the rules, principles, and structures of a legal system from within, using the tools of legal interpretation to determine what the law is and how it ought to be understood. The purpose of this methodological approach is twofold, firstly, to map the existing legal structure of the entitlement-based framework in sufficient detail to identify its structural weaknesses; and second, to identify the legal instruments and jurisprudential precedents that already contain, in nascent or partial form, the duty-infused architecture that this thesis advocates.

However, legal dogmatics is insufficient for this thesis, the central research question cannot be answered through doctrinal analysis alone, because the scope of this question is not purely legal. There are cultural, linguistic, behavioral, and biological contents embedded in the main research question. Due to which the thesis must move beyond the internal perspective of legal doctrine and engage with the external perspectives offered by other disciplines, which is the justification for this interdisciplinary secondary methodology.

2.3.2. Sources and Analysis Approach

The primary legal sources used in this thesis include international and regional human rights treaties and instruments, judgments from both international and regional jurisdiction and soft law instruments. These sources are analyzed using the standard tools of legal interpretation such as textual analysis, systemic interpretation, teleological analysis, and comparative interpretation across jurisdictions and instruments.

Secondary sources are drawn from legal philosophies and jurisprudence, comparative and postcolonial legal theory, cognitive and behavioral science, linguistics, and sociological and empirical human rights research. The selection of sources across these disciplines has been guided by two criteria, which are authenticity and relevance.

2.3.3. Limitations of Methodology

The major methodological limitations must be acknowledged explicitly. Firstly, engagement with interdisciplinary scope particularly cognitive science, linguistics, and comparative religion is necessarily selective and instrumental. This thesis does not claim to be a work of neuroscience, linguistics, or comparative religious studies rather it draws insights from these

disciplines in the service of a legal argument. Experts in those fields will inevitably find the treatment of their disciplines incomplete, which is an unavoidable cost of interdisciplinary synthesis at the level of a single thesis. Secondly, the empirical examples used throughout the thesis are chosen for their illustrative clarity rather than for their statistical representativeness. They do not constitute a systematic comparative study, and the thesis does not claim to offer one. Their function is to anchor abstract arguments in concrete realities and to demonstrate that the duty-infused framework is not merely theoretically compelling but has real-world analogues. Readers should not, however, generalize from these examples to all multicultural societies without further empirical investigation.

Chapter 3: The Friction Point

The earliest codification of rights was almost exclusively duty-infused or deontological rather than entitlement focused. The Code of Hammurabi, codified sometime between 1755 and 1750 BCE by Hammurabi, the sixth king of the First Babylonian Dynasty, was the earliest codification of what we understand as rights in modern sense. However, it consisted of a list of obligations and penalties rather than individual entitlements.³⁰ Codified laws, even before the Code of Hammurabi, were also duty-infused such as the Code of Ur-Nammu.³¹ Even the first charter of human rights recognized by many historians and the UN, Cyrus Cylinder, was also framed from a duty centric perspective.³² From a religious point of view as well such as The Ten Commandments or the Edicts of Ashoka were also a set of moral duties, rather than entitlements. For example, "Thou shalt not steal" is a duty imposed on the actor, which incidentally protects the property of others, but it is framed as a command to the individual, not a declaration of a "right to property." Because these ancient understandings of rights were derived almost exclusively from cultural and religious practices, they remain at the core of many communities and cultures, not because it was their initial understanding but because it originated from divinity.

The current understanding of human rights as the global moral lingua franca, on a fundamental level has shifted from its ancient understanding of a catalog of duties toward an individualistic focus on entitlements.³³ While this shift has been celebrated as mark of progress in the legal domain, this change creates a significant friction point when applied to a multicultural or pluralist society, where abstract universal rights often clashes with the communal cultural realities.³⁴ This chapter examines how an entitlement-focused framework encounters its three preliminary crisis, firstly the cross-cultural applicability, then the paradox of its impact without the presence of any

³⁰ Joshua J Mark, 'Code of Hammurabi' (*World History Encyclopedia*, 24 June 2021) https://www.worldhistory.org/Code_of_Hammurabi/ accessed 21 February 2026.

³¹ Ibid.

³² Asian Art Museum, *The Cyrus Cylinder and Ancient Persia: A New Beginning* (Press Release, 18 July 2013) https://about.asianart.org/wp-content/uploads/sites/2/2019/12/AAM_Cyrus_Cylinder_Exhibition_Press_Release.pdf accessed 21 February 2026.

³³ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16) 14.

³⁴ Ibid 215.

localized duty-barrier and lastly, the tension between universalism and pluralism. Assessed through the DIRRT validity test, all these issues are expressions of a single underlying failure: the inability of entitlement-framed norms to satisfy the second DIRRT test in culturally diverse societies.

3.1. The Eurocentric Mirage

The primary reason why the universal nature of contemporary human rights often feels like foreign imposition is because this framework is fundamentally Eurocentric at its core.³⁵ History also plays a vital role in this understanding, because essentially modern human rights frameworks were being drafted around a time when most parts of Asia, Africa and Middle East were still under European colonial rule. The perception is that the same people who colonized these parts and marked them as uncivilized are still doing the same but this time in the guise of human rights. As Makau Mutua argues in his critique of the "Savage-Victim-Savior" metaphor, where the non-western cultures are often depicted as savages, whose traditions must be replaced by the civilized western ideologies.³⁶ This creates a crisis of cultural legitimacy, as the framework is seen as a continuation of the colonial project rather than a genuinely shared global ethos.³⁷ Which leads to defensive traditionalism, where communities cling more tightly to their local norms simply because they are not western.

Another reason why this arises is how we understand the term "individual." In the modern human rights framework, an individual is viewed as an autonomous, self-contained unit. In contrast in many communal societies across Asia, Africa and Middle East, an individual is a node in a vast social web. As John Mbiti famously summarized the African ontological position, "I am, because we are; and since we are, therefore I am."³⁸ In these societies and cultures, an individual's identity exclusively revolves around their role towards society, such as a parent, sibling, child or a member of the community. When universal human rights empower an individual in such societies to against the consensus of the group, it is not perceived as liberation, rather an alien ideology that promotes unbalanced individualism.³⁹ In

³⁵ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 11.

³⁶ Ibid 10-14.

³⁷ Ibid.

³⁸ John S. Mbiti, *African Religions & Philosophy* (2nd edn, Heinemann 1990).

³⁹ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 23.

consequence, these societies tends to resist these universal rights not because they reject human dignity, but because they reject the Eurocentric prototype that ignores their historically inherited systems of meaning,⁴⁰

The rejection of these norms is often due to the secular nature of the international human rights law framework. These norms are intentionally framed in such way that they can apply to every human being regardless of their religious faith. However, for many cultures around the world law, morality and religion are inseparable, as their religious faith has a heavy influence in their legal system. Rights framed in secular terms often collide with religious faith, leading to rejection. For example, in the case of *S.A.S. v France* (2014), the ECtHR upheld the ban on face coverings for Muslim women by France, framing it as a matter of secular public order.⁴¹ But for some Muslim communities it was perceived as a direct attack on their religious beliefs rather than a neutral application of the law. This case demonstrates how secular framing can delegitimize rights and appear to be forced implementation of an alien ideology in societies where faith is inseparable from law. Similarly, Hindu legal tradition originates from the term “Dharma” a complex blend of cosmic order, duty, social harmony, and ritual propriety. A secular entitlement focused framework directly contradicts the principle of Dharma. For example, in the Sabarimala Temple Dispute, the Indian Supreme Court ruled that a ban on women of "menstruating age" entering the Sabarimala Temple was unconstitutional, citing the secular right to equality and freedom from discrimination.⁴² But millions of devotees protested this ruling, they argued that the deity, Lord Ayyappa, is a Naishtika Brahmachari (eternal celibate), and the restriction was a matter of religious protocol, not "discrimination."⁴³ Similar restrictions are present against the entry of men in other Hindu temples as well.⁴⁴ Raising the question whether

⁴⁰ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 12.

⁴¹ *S.A.S. v France* (2014) 60 EHRR 11, paras 122–125.

⁴² *Indian Young Lawyers Association v State of Kerala* (Supreme Court of India, 28 September 2018) AIR ONLINE 2018 SC 243.

⁴³ ‘British era survey report says Sabarimala ban existed 200 years ago’ *The Week* (Thiruvananthapuram, 22 November 2018) <https://www.theweek.in/news/india/2018/11/22/british-era-survey-report-says-sabarimala-ban-existed-200-years-ago.html> accessed 24 February 2026.

⁴⁴ ‘Indian temples where men can’t enter on certain days’ *The New Indian Express* (28 September 2018) <https://web.archive.org/web/20190718102559/https://www.newindianexpress.com/nation/2>

courts have the authority to reform the internal theological nature of a deity for the sake of secularism. When secular rights frameworks ignore these religious norms and traditions, they appear illegitimate, reinforcing the perception of foreign imposition.

The prioritization of social harmony over abstract justice also contributes to the applicability crisis. In African communitarian thoughts, the principle of Ubuntu, places collective harmony above individual entitlements.⁴⁵ It is not merely a philosophical or cultural preference but a normative understanding of values, where justice is understood as relational equilibrium rather than adversarial vindication.⁴⁶ In this communal setting, when human rights are introduced as atomized entitlements, they disrupt this equilibrium by privileging the individual over the group. The conflict of authority versus obligation further illustrates this crisis. The current entitlement-based framework relies heavily on authorities such as courts, police, governments etc. to enforce these rights. This heavy reliance on authority fosters a culture of fear rather than a culture of responsibility. In contrast, in many societies the enforcement mechanism is maintained through a sense of obligation and duty, internalized through social norms, religious teachings, and familial expectations. For example, The African Charter on Human and Peoples' Rights exemplifies this approach, it codifies an individual's duty towards his family and society, the State and other legally recognized communities and the international community.⁴⁷ Scholars such as Makau Mutua argue that this duties-based orientation reflects indigenous African traditions and avoids the alienation caused by Eurocentric entitlement models.⁴⁸ Linguistic alienation also exacerbates this applicability crisis. In many non-western countries and languages, there is no direct equivalent for the term right as conceived in major human rights instruments.⁴⁹ This linguistic gap makes entitlement-

[018/sep/28/indian-temples-where-men-cant-enter-on-certain-days-1878292.html](https://www.ohchr.org/en/press/media/doc/018/sep/28/indian-temples-where-men-cant-enter-on-certain-days-1878292.html) accessed 24 February 2026.

⁴⁵ Mogobe B Ramose, *African Philosophy Through Ubuntu* (Mond Books 1999) 49–52.

⁴⁶ Yvonne Mokgoro, 'Ubuntu and the Law in South Africa' (1998) *Buffalo Human Rights Law Review* 15.

⁴⁷ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) OAU Doc CAB/LEG/67/3 rev 5, art 27.

⁴⁸ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 125.

⁴⁹ For example, in Akan (a language spoken in Ghana), the closest term to 'rights' translates as 'responsibility owed to others,' underscoring how entitlement-based frameworks lose resonance when transplanted into duty-centered linguistic structures. See

based rights appear abstract and disconnected from lived realities. This is why duties-based frameworks, which align with indigenous linguistic traditions, are more effective in multicultural societies, something this thesis will discuss in further details in chapter four.

Finally, the applicability crisis is also rooted in the philosophy of moral monism, which asserts that there is only one correct or rational way to lead a fully human life.⁵⁰ Monists typically ground their singular good life theory in a thin view of human nature, assuming that all human beings, across time and place are exactly the same and cultural, religious or social differences are merely epiphenomenal.⁵¹ This theory when applied to a multi-cultural pluralist society proves to be fundamentally flawed, because even though we are the same species, there are many factors that influence our true identity and reshape how we may perceive the same thing very differently. Because our entitlement -based framework shares the same ideology and lacks the shared understandings of virtue and responsibility found in communal traditions, it becomes alien to many cultures. By assuming a uniformity of reason, this monist framework dismisses cultural diversity as a brute fact to be reluctantly accommodated rather than a positive value.⁵² Ultimately, in societies where culture and religion has deeply penetrates nature of individuals, a rights framework that disregards these "historically inherited systems of meaning" is inevitably viewed as a foreign imposition of the west that seeks to close off alternative visions of social and political life.⁵³

3.2. The Impact Paradox: Rights in a Duty Vacuum

The paradox of IHRL, especially in a pluralist society, is that granting rights in isolation often fails in producing the intended outcome. The said impact paradox illustrates a fundamental failure in contemporary human rights discourse, the proliferation of entitlements that lack tangible impact because they are detached from any clearly defined and localized allocation of duties.⁵⁴ While the multicultural societies may formally adopt these universal

‘Right’ (Learn Akan Dictionary) <https://learnakandictionary.com/english-twi/right/> accessed 24 February 2026.

⁵⁰ Parekh, *Rethinking Multiculturalism* (n 23), 16.

⁵¹ Ibid.

⁵² Ibid, 12.

⁵³ Ibid, 2.

⁵⁴ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 16-17.

rights, they often remain mere rhetoric on the ground. The reason it happens is because the entitlement-focused model identifies rights independently from any specific duty-bearer required to realize them. The primary driver of this impact paradox is the tendency of IHRL frameworks to treat rights as entitlements held by atomized individuals against the state. While it provides a legal shield, it often feels too thin to facilitate the positive exercise of rights in communal or multicultural contexts. For an individual's right to have any real-world impact, it requires more than just the state promise of non-interference, it requires a reciprocal community duty to respect and accommodate that practice. In *Handyside v United Kingdom* (1976), where the ECtHR emphasized that freedom of expression along with the right carries a set of duties and responsibilities, acknowledging that rights cannot be absolute in a plural society.⁵⁵ The case illustrates that even within an Western jurisprudence, rights require balancing with duties, but in communal cultures, this same balance is foundational rather than exceptional. For example, although IHRL codifies the right to a standard way of living, it remains abstract in nature mostly because of an absence of a duty barrier, but in contrast from a religious duty point of view, major religions such as Judaism and Islam have the concept of Tzedakah and Zakat, respectively. Both essentially mean the same thing- it imposes a duty on the wealthy to do charity in order to maintain a standard of living for the poor. In this way, even though these religious texts remain ambiguous about an individual right to a standard of living, it essentially imposes a duty to obtain it. Consequently, believers of these religions due to a divine decree fulfills their duty that leads to a better application and realization of an IHRL norm.

A better implementation of duty alongside human rights can be seen in the ACHPR, which codifies a quite different approach and ideology compared to the UDHR. For example, ACHPR stipulates that rights and freedom of any individual shall be exercised with due regard to the rights of others' collective security, morality and common interest.⁵⁶ It operationalizes the idea that rights and duties are well interconnected, dependent on each other and cannot work to achieve their goal on their own. By embedding duties into the framework, ACHPR ensures that rights are not merely entitlements but relational commitments. This duties-based orientation makes rights more effective in African societies, where communal obligations are central rather

⁵⁵ *Handyside v United Kingdom* (1976) Series A no 24, (1979–80) 1 EHRR 737, para 49.

⁵⁶ African Charter on Human and Peoples' Rights (n 47), art 27.

than individual entitlements.⁵⁷ In these pluralistic societies, rights have been historically understood through a duty-rights dialectic, where any vindication of a claim was never merely an individual win but an opportunity for the entire community to seek a balance between competing social interests.⁵⁸ Without any localized duty-barrier to internalize the obligation to respect another individual's rights, the codified legal rights remain an abstract imposition that the local population has no cultural fingerprint to enforce them.⁵⁹ When we examine this phenomenon the paradox becomes even more evident. For example, even though IHRL frameworks guarantee the right to hold opinions, it is inevitable to fail without any corresponding duty barer. Realizing this even the UDHR attaches certain restrictions on the enjoyment of this right, which can be understood as imposing certain duties along with this right. Which can also be seen in the jurisprudence of ECtHR, where the court emphasized that even though the right to freedom of expression is essential for a democracy, it is not absolute in nature and is accompanied by certain duties and responsibilities.⁶⁰ But where it detaches from the duty based framework is UDHR imposes these duties on state, not individuals, whereas in pluralistic societies the imposition of duties are imposed on individuals. Without any such duty-barrier the right to expression becomes hollow, as individuals might be legally free to speak but socially silenced by communal history or cultural backlash. Another striking example that illustrates this paradox is the recognition of right to adequate housing under IHRL. Yet in many pluralistic societies this right remains highly aspirational because it frames entitlement without a clearly defined duty. Without any localized duties, such as community obligations to prevent forced eviction or to support vulnerable households, the right to housing collapses into rhetoric. The paradox also emerges in the context of education as well; the enjoyment of this right is heavily dependent on duties at multiple levels. Its realization depends on the duty of the state to provide infrastructure, communities and society have the duty to ensure diverse access and lastly individuals within their family roles must fulfill their obligations to send the children to school. For example, the situation in Afghanistan, where the right to education for women is faced with constant resistance as it is understood as a foreign and secular imposition in a Muslim society. But if the same right is framed alongside a duty-centric perspective deriving from the Quran and Hadith can

⁵⁷ Ouguergouz, *African Charter on Human and Peoples' Rights* (n 24) 423.

⁵⁸ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 73.

⁵⁹ Ibid, 3.

⁶⁰ *Lingens v Austria* (1986) 8 EHRR 407, paras 34, 41.

fill this applicability crisis. The Quran repeatedly emphasizes the obligation to seek knowledge, the command “Iqra” (“Read”) is directed to all believers, establishing learning as a divine duty.⁶¹ The Prophet (peace be upon him) reinforced this obligation, stating that seeking knowledge is obligatory upon every Muslim.⁶² This religious framing transforms education from a secular entitlement into a moral and spiritual obligation, binding families and communities to ensure that girls are educated.

Another central limitation of this entitlement model is that it often ignores the fact that a right can only exist if someone is duty-bound to make it happen.⁶³ If an individual without any certainty cannot identify a specific individual, group, or institution that owes them a duty, then the right becomes empty in practice.⁶⁴ Specially in a pluralistic society it is more evident where the state may be weak to uphold these rights. In these settings, an entitlement-focused framework results in "human rights inflation," where many rights are proclaimed but few are fulfilled because the framework fails to pair right-holders with concrete duty-bearers. The paradox further illustrates that laws are insufficient to maintain a stable or rights-respecting society if they are not supported by the citizens.⁶⁵ Legal coercion alone cannot ensure the reliable protection of rights, especially those involving religious or cultural sensitivity; instead, the stability of these rights depends on voluntary self-obligation.⁶⁶ The current legal framework based on entitlement model focuses on enforceability by law but largely ignores any internalized moral obligations.⁶⁷ Which ultimately leads to the impact paradox of IHRL.

3.3. The Neutrality Trap

The age-long conflict between universalism and cultural relativism lies at the normative core of IHRL, it exposes the fragility of entitlement-based models in diverse societies. It is not merely a disagreement on a normative or theoretical level, it exposes a further deeper structural question regarding

⁶¹ *Qur'an*, Surah Al-‘Alaq 96:1–5 <https://quran.com/al-alaq> accessed 26 February 2026.

⁶² *Sunan Ibn Majah*, Book 1, Hadith 224 <https://sunnah.com/ibnmajah:224> accessed 26 February 2026.

⁶³ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 159.

⁶⁴ *Ibid*, 164.

⁶⁵ *Ibid*, 187-188.

⁶⁶ *Ibid*.

⁶⁷ *Ibid*, 217.

whether the entitlement model of human rights possesses sufficient moral and social depth to sustain cohesion in culturally diverse societies.⁶⁸ While universalism, in its modern and liberal form, codified in IHRL frameworks prides itself on being thin as it seeks to provide a moral minimum that everyone can agree upon, regardless of their religious or cultural ideologies.⁶⁹ By abstracting individuals from their own cultural, religious, and communal contexts, it risks producing a legal framework that is capable of adjudicating conflicts but incapable of generating social solidarity. The intention behind this framing is to remain neutral, however in a pluralistic society, the same neutrality becomes a liability. Because when states only recognize entitlements, it lacks the vocabulary to demand virtues that prevent those rights from being used as weapons of social division. As seen in the UK riots, when rights are too thin, they are very easily reduced to “my claim against yours”, leading to a social deadlock.⁷⁰ This framework is an exercise of moral monism, that human rights are “equal and inalienable” precisely because they are not contingent on cultural traditions.⁷¹

Moral monism assumes that there is only one rational way to lead one’s life, and it typically relies on a “thin” view of human nature, one that is stripped of any cultural or religious context.⁷² This approach is favored by liberal philosophers like Locke and Mill, who treated cultural and religious contexts as epiphenomenal.⁷³ However, in a pluralistic society, this thin natured universalism often fails to hold the community together because it does not account for the fact that human beings are both natural and cultural beings.⁷⁴ An entitlement-based framework risks becoming a homogenizing force that seeks to transform non-Western cultures into Eurocentric prototypes rather than fostering a genuine multicultural mosaic.⁷⁵ This tension is evident in case laws, such as the case of *Kokkinakis v Greece* (1993), the ECtHR upheld the

⁶⁸ Parekh, *Rethinking Multiculturalism* (n 23), 10.

⁶⁹ Michael Walzer, ‘Moral Minimalism’ in *Thick and Thin: Moral Argument at Home and Abroad* (University of Notre Dame Press 1994) 1–20.

⁷⁰ Ahmed, ‘Southport murders misinformation’(n 1).

⁷¹ Donnelly, ‘Universal Declaration Model’ (n 18) 24–39.

⁷² Parekh, *Rethinking Multiculturalism* (n 23), 10.

⁷³ Ibid.

⁷⁴ Ibid, 11.

⁷⁵ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 12.

right to proselytize,⁷⁶ which was confronted with resistance in Greek society, where proselytism was seen as undermining communal religious identity. A similar case of universalism of rights meeting with resistance on religious and cultural grounds was the case of *S.A.S. v France* (2014).⁷⁷ These cases demonstrate that rights framed as universal entitlements often lack the cultural thickness needed to resonate in diverse societies.

The thinness of this entitlement-based model is further exposed in the realization of socio-economic rights. For example, in the case of *Government of the Republic of South Africa v Grootboom* (2000), where the court recognized the right to housing but also emphasized that the fulfillment of this right is heavily reliant on reasonable measures by the state.⁷⁸ This judgement illustrates that rights cannot be sustained by entitlements alone, they require duty for the realization of the rights. Theoretical perspectives only deepen this critique. As Onora O'Neill argues, entitlement-based rights without any obligation are empty rhetorics as they lack proper enforceability.⁷⁹ Similarly Makau Mutua's "Savages-Victims-Saviors" critique further highlights how universalist frameworks portray non-western civilizations as savages in desperate need for western salvation, reinforcing the perception of foreign imposition.⁸⁰ These perspectives further converge on the idea that universalist entitlements are too thin to sustain multicultural societies unless they are thickened by duties and cultural legitimacy.

A provocative critique of universalism is that its supposed "neutrality" is actually a "thick" Western secular preference in disguise. Because the claim that universal IHRL framework is neutral and applies equally to all cultures is undermined by the very fact that the neutrality in this context is defined through a western secular lens. A case that exposes this biased neutrality is the case of *Lautsi and Others v Italy*, where the court initially ruled that crucifixes in Italian classrooms violated the principle of neutrality. This case treated any visible cultural or religious symbol as a breach. However, the grand chamber reversed this decision, affirming that neutrality should not

⁷⁶ *Kokkinakis v Greece* (1993) 17 EHRR 397.

⁷⁷ *S.A.S. v France* (n 41), paras 122–125.

⁷⁸ *Government of the Republic of South Africa v Grootboom* [2000] ZACC 19, paras 93–95.

⁷⁹ Onora O'Neill, 'Women's Rights: Whose Obligations?' in *Bounds of Justice* (Cambridge University Press 2000) 97–112.

⁸⁰ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 10–11.

mean the evacuation of cultural symbols altogether.⁸¹ This decision of reversal indirectly recognizes that what counts as neutral is not self-evident but is shaped by Western secular assumptions that strip away cultural thickness in the name of universality. Because from the reasoning of the court, it is noticeably clear that, if the symbol had belonged to a minority region, the court would have reached a quite different conclusion. Now these understandings might work smoothly in a non-diverse society, but in a pluralistic society it will only bring chaos and disturb the social fabric of the community. A society governed solely through an entitlement focused framework can be compared to Joel Feinberg's "Nowheresville," a community where individuals are always insistent on their rights but never perform any duties or virtues, such as gratitude, forgiveness and voluntary sacrifice.⁸² This comparison is not merely metaphorical, it captures the existential weakness of an entitlement-based framework. A society that recognizes only rights but not duties risks collapsing into perpetual conflict, where every claim is met with a counterclaim and no shared moral vocabulary exists to mediate between them. In this setting rights become an instrument of division rather than a tool of solidarity.⁸³

A deeper structural question is whether universalism can ever be truly thin. Donnelly anticipates this critique, arguing that the 'relative universality' of rights can accommodate cultural variation in implementation while preserving universal normative validity at the level of substance. This is not a trivial response.⁸⁴ This thesis accepts Donnelly's point that implementation variation is compatible with normative universality. What it contests is his further claim that cultural particularity is irrelevant to the applicability and efficacy of rights. The evidence marshalled across chapters three through five demonstrates that cultural resonance is not merely an implementation preference but a condition of effective legal validity. If the neutrality of the IHRL framework is always culturally constructed, then the thinness of universalism is an illusion: what appears as a moral minimum is in practice

⁸¹ *Lautsi and Others v Italy* App no 30814/06 (ECtHR, 18 March 2011), paras 66-77.

⁸² Joel Feinberg, 'The Nature and Value of Rights' (1970) 4 *Journal of Value Inquiry* 245-257.

⁸³ See Section 7.2. below for a detailed examination of how the balance between individual rights and communal duties can be structurally maintained without one swallowing the other.

⁸⁴ Jack Donnelly, 'The Relative Universality of Human Rights' (2007) 29(2) *Human Rights Quarterly* 281-306.

moral monism, privileging secular liberal values while marginalizing alternative traditions.

This monism might be in certain cases able to succeed in adjudicating certain conflicts, but it fails to generate any solidarity because it lacks the cultural thickness required to resonate in diverse societies. Duty-infused frameworks in contrast, provide this same thickness through by embedding rights in communal obligations, religious duties, and cultural practices. This framework in no way abandons universality but rather reconfigures it, ensuring that rights remain universal at its core but also remain culturally and religiously grounded in practice. Ultimately, the debate between universalism and cultural relativism reveals that the entitlement-based model of IHRL is simultaneously necessary but insufficient. It is necessary because it provides a universal baseline for protecting individuals from injustice. Yet it is insufficient because of its thin nature lacks the normative depth required to hold culturally diverse pluralistic societies together. The solution in no way is to replace rights with duties or vice versa nor is it to abandon universality for the sake of cultural relativism, but to reconceptualize IHRL altogether.

Chapter 4: The Semantic Architecture

The entitlement-focused IHRL framework, as discussed in the preceding chapter, crumbles not just from cultural or religious contradictions or the absence of a localized duty barrier, but also due to a deeper semantic flaw, the language itself. To address this flaw this chapter shifts the focus from the substance of rights to the vessels that carry them. While chapter three has discussed the legitimacy crisis of IHRL, chapter four turns to the medium through which this legitimacy is being communicated, the words, the principles and translations that make these rights either intelligible or alien to diverse populations. In DIRRT's terms, the semantic translation examined in this chapter is the primary mechanism by which a norm's score on the second test can be structurally improved because a norm reframed in duty-vocabulary engages the internalized reciprocity instincts that entitlement-vocabulary cannot reach.

The transition from preceding critique to a linguistic one is equally vital. The impact paradox cannot be solved or even be adequately addressed without first addressing the linguistic barrier. The most critical reason behind this is because the current failure of IHRL, at heart, is a failure of communication. When we examine how linguistic barriers distort the reception of rights, the necessity of this chapter becomes clearer. In the modern legal context, the right, derived from the Latin word *jus*, is intimately linked to the concept of a "claim" or a "power" held by an individual. However, in many cultures and non-western languages, the closest equivalent of this understanding simply does not exist, rather the closest equivalents are often verbs or nouns that depict a relational state rather than individual entitlement.⁸⁵ Now if an universal doctrine only talks about individual entitlement, it remains a ghost in the mind of an average Yoruba speaker as it has no lexical resonance. Similarly in China, the modern equivalent of the term right, *quanli*, combines the understanding of authority and benefit, while traditional vocabularies such as *yi* (righteous duty) and *fen* (one's proper role) articulates obligations within hierarchical relationships rather than subjective claims.⁸⁶ Because of this

⁸⁵ For example, in the West African language of Yoruba, the concept of right is often expressed through terms that implies that which is fitting or that which maintains order. See, Noah Balogun, 'A Reconstructivist Critique of Human Rights in Yoruba Thought' (2025).

⁸⁶ Deborah Cao, 'On the universality of "rights": Absence and presence of "rights" in the Chinese language' (2017) 14(2) *Intercultural Pragmatics* 277–292 <https://doi.org/10.1515/ip-2017-0012> accessed 1 March 2026.

semantic gap, the right to liberty is understood as the power to be selfish, while a duty to protect personal space and liberty might be perceived as a requirement for social harmony. The latter phrasing achieves the same goal but uses a different linguistic approach that many communities are hardwired to respect.

The necessity of this chapter stems from the fact that rights cannot be detached from the language through which they are expressed. If the current entitlement-based framework continues to remain semantically illegible, it is highly possible that they will continue to be perceived as foreign impositions, regardless of their normative universality. By analyzing how the current rights discourse translates or fails to translate into non-western or pluralistic multicultural societies where duty-infused languages persist, this chapter will lay the groundwork for reimagining a framework that is not only universal in actuality, has legal validity internationally but also semantically alive. This chapter further aims to argue that duty-infused language can bridge the gap between universal norms and local realities, making rights intelligible, enforceable, and culturally resonant.

4.1. The Lexical Limitation: Why "Rights" Feel Foreign

The modern conceptualization of the word “right” within the context of IHRL generally refers to a normatively protected entitlements held by individuals against the state. It is grounded in the idea that individuals possess legally and morally recognized entitlements that must be respected, protected, and fulfilled by the states. However, to better understand the linguistic barrier, we must recognize first that the modern understanding of the term “right” is relatively new. The term derives from the Latin word *jus*, which in classic Latin did not mean an entitlement that an individual owns rather it meant “that which is just” or “the correct share” in a social arrangement. It was originally an objective description of fair circumstances, not what is understood today. Even within the Western tradition, this terminology is marked by a complex semantic history. For example, the German term *recht*, equivalent to the Latin term *jus*, carries a triple meaning, it can simultaneously mean law, justice or right.⁸⁷ In Kantian philosophy, *recht* often meant a system of law or a substantive norm of conduct that may be forced by legal authority.⁸⁸ This illustrates that even at its core, the concept of right was never meant to be an

⁸⁷ Immanuel Kant, *The Metaphysics of Morals* (Mary J Gregor ed, Cambridge University Press 1996 [1797]), 10.

⁸⁸ Ibid.

individual entitlement rather was inextricably linked to a civil arrangement where the principle of right is publicly recognized to arbitrate disputes.⁸⁹ Thus it is reasonable to assert that when this term is exported as a simple individualistic "entitlement," it loses its structural context and becomes a Eurocentric prototype that feels foreign to other linguistic cultures.⁹⁰

The shift that changed the understanding of the term right from its earlier understanding to a subjective right only occurred during the Middle Ages and the Age of Enlightenment.⁹¹ As legal philosophers such as Michel Villey argued, this linguistic shift changed the understanding of law from a tool used to find balance into a tool that is now being used to assert power.⁹² When IHRL was being drafted, it used this specific, Western-evolved interpretation which creates an immediate barrier when translated into languages that never underwent this specific historical shift.

In several non-western countries, particularly in sub-Saharan Africa, the linguistic focus is not on the "individual egoist" but on the society as a whole.⁹³ Many African languages still does not include an equivalent term for rights or religion as independent or discrete concepts, rather these ideas exists as embedded in the totality of life.⁹⁴ In Arabic and Islamic traditions, the most commonly translated term used instead of right is *haqq*, which is far richer than the original term. This term simultaneously means what is just or rightful and what is due or obligatory in this context.⁹⁵ An individual's *haqq* implies that not only they have claim but also have a corresponding obligation to others. For example, the Quran frames right to justice or right to a legal

⁸⁹ Ibid, 15.

⁹⁰ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 12.

⁹¹ Virpi Mäkinen and Petter Korkman, *Transformations in Medieval and Early-Modern Rights Discourse* (Springer 2006) <https://doi.org/10.1007/1-4020-4212-4> accessed 1 March 2026.

⁹² Julien Freund, 'Michel Villey et Le Renouveau de La Philosophie Du Droit' (1992) 30(93) *Revue Européenne des Sciences Sociales* 225–236 <http://www.jstor.org/stable/40370915> accessed 1 March 2026.

⁹³ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 65.

⁹⁴ Ibid, 115.

⁹⁵ Muhammad Zaky Sya'bani, 'The Meaning of the Terms *Adl* and *Haqq* in the Quran: A Semantic Review of the Arabic Language and Its Implications for the Concept of Justice in Islamic Law' *Rejust Journal* (IAI Darul Fattah Lampung, 2023) <https://ejournal.tmpublisher.id/index.php/rejust/article/download/33/40> accessed 2 March 2026.

remedy as a duty of fair witness, commanding believers to stand firmly as witness against injustice, even if it is against themselves, their parents, or their relatives, regardless of whether the person is rich or poor.⁹⁶ What this implies is one person's right is inseparable from another's responsibility. As a consequence, we can say that it creates a relational duty-infused framework rather than individualistic framework. Similarly, in Sanskrit and its derivative languages such as Hindi and Bengali, the term equivalent to right is *adhikār*, which is historically derived from notions of authority or qualification, not from inherent entitlements.⁹⁷ The term is a fusion of two words, *adhi* meaning over or upon and *kār* meaning doer or act, collectively meaning power to act in role.⁹⁸ In these languages, *adhikār* is often understood as a father's authority to guide or a parent's responsibility to educate rather than a child's entitlement for education. This linguistic framing, thus in consequence makes entitlement-based rights sound disconnected from lived realities. These linguistic structures demonstrate that in these cultures individual or isolated rights are practically non-existent, rights there are fulfilled through communal obligations. As John Mbiti famously summarizes, I am because we are and since we are, therefore I am.⁹⁹

4.2. Translating Entitlement into Action

Conceptual translation is more than just changing a few words in the dictionary, it is about structurally re-engineering of how the legal terms, and the protections are being presented. It moves beyond the simple linguistic equivalence discussed previously to a deeper philosophical pathway, where human rights are not framed as abstract foreign entitlements but are framed as duties originating from a society's historically inherited system of meaning.¹⁰⁰ To make IHRL legible to a multicultural, pluralistic society the discourse must shift from the current Eurocentric individual egoist entitlement framework to a duty/rights conception that resonates with communal values.¹⁰¹ Because if we consider the IHRL principles a foreign

⁹⁶ *Qur'an*, Surah An-Nisa 4:135 <https://quran.com/an-nisa/135> accessed 2 March 2026.

⁹⁷ 'Adhikāra' *Embodied Philosophy* (18 March 2021) <https://www.embodiedphilosophy.com/definitions/adhikara/> accessed 2 March 2026.

⁹⁸ 'Adhikri, Adhikṛ, Ādhīkṛ: 4 definitions' *WisdomLib* (17 January 2026) <https://www.wisdomlib.org/definition/adhikri> accessed 2 March 2026.

⁹⁹ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 82.

¹⁰⁰ Parekh, *Rethinking Multiculturalism* (n 23), 2-3.

¹⁰¹ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 84-92.

land then the conceptual translation into a duty-infused framework will work as the GPS that will help navigate in this land, as it speaks the local dialect of social obligation. By framing IHRL principles as a series of interconnected duties, we make the abstract universal values legible, familiar, and ultimately truly enforceable in challenging multicultural and pluralistic societies. It is understandable that this translation will work because in place of individual entitlements duties spark action, not arguments.

The primary reason a duty-infused framework will increase the legibility of IHRL principles is because it will shift the focus from a passive state of having to an active state of doing. In many communal cultures, an entitlement is often understood as a static individualistic possession that often requires a third party like a government or other forms of law enforcement to activate it, in contrast a duty is an immediate and actionable instruction. Several real-life incidents illuminate in favor of this shift. For example, the murder of Kitty Genovese, on March 13, 1964, she was raped and stabbed to death right outside her apartment.¹⁰² Later it was reported that, a total of thirty-seven witnesses saw or heard the attack yet none of them called the police or tried to help her.¹⁰³ While she had the universal right to life and safety but these abstract rights meant nothing as there was no duty barrier, if even one of those individuals would have acted out of duty she could have been saved and her rights could have been protected. In contrast, in the 1939 Kindertransport incident, Nicholas Winton organized the rescue of 669 Jewish children who were at the risk of Nazi prosecution.¹⁰⁴ At that time the refugees had no strong international protection, the 1951 refugee convention did not exist back then, in absence of any entitlement focused framework Nicholas Winton acted only out of a personal moral duty. Even during the Rwandan genocide,

¹⁰² ‘Queens Woman Is Stabbed to Death in Front of Home’ *New York Times* (New York, 14 March 1964) <https://www.nytimes.com/1964/03/14/archives/queens-woman-is-stabbed-to-death-in-front-of-home.html> accessed 4 March 2026.

¹⁰³ ‘37 Who Saw Murder Didn’t Call the Police: Apathy at Stabbing of Queens Woman’ *New York Times* (New York, 27 March 1964) <https://web.archive.org/web/20181108183955/https://www.nytimes.com/1964/03/27/archives/37-who-saw-murder-didnt-call-the-police-apaty-at-stabbing-of.html> accessed 4 March 2026.

¹⁰⁴ ‘Nicholas Winton and the Rescue of Children from Czechoslovakia, 1938–1939’ *United States Holocaust Memorial Museum Encyclopedia* (US Holocaust Memorial Museum, 2024) <https://encyclopedia.ushmm.org/content/en/article/nicholas-winton-and-the-rescue-of-children-from-czechoslovakia-1938-1939> accessed 4 March 2026.

Rusesabagina sheltered more than 1,200 people.¹⁰⁵ During the genocide, IHRL frameworks such as UDHR and Genocide Convention had already existed, and the individuals were supposed to be protected by those frameworks but ultimately what protected them was not these abstract entitlements but individual duty.

Another way of how duty-infused language makes IHRL more legible is by dismantling the SVS metaphor that characterizes much of the current movement.¹⁰⁶ While rights are presented as entitlements being provided by a foreign savior, they lack any local legitimacy, a duty-infused framework allows the same norms to be developed using local cultural instruments.¹⁰⁷ By framing human dignity as a series of mutual responsibilities, the individual is transformed from a passive recipient of international charity into an active stakeholder in a locally authenticated system.¹⁰⁸ This process of "multi-culturalization" ensures that human rights are not perceived as a "cultural package" imposed from the outside, but as a reconstruction of principles that enhance the dignity of all members within their own cultural milieu.¹⁰⁹ The fact that this process works is evident in many incidents. For example, after the apartheid ended in South Africa there was evident pressure from Western actors to implement a Western inspired criminal trial for human rights abusers. However local leaders refused to abide by this pressure, and grounded reconciliation efforts in Ubuntu, a moral philosophy emphasizing mutual obligations within the community.¹¹⁰ This reframes IHRL as a communal duty to restore relationships and dignity, due to which the Truth and Reconciliation Commission gained far greater domestic legitimacy.

The legibility of IHRL norms in a diverse and pluralistic society is dependent on what has been termed as voluntary self-obligation.¹¹¹ While the

¹⁰⁵ Alfred Ndahiro and Privat Rutazibwa, *Hotel Rwanda or the Tutsi Genocide as Seen by Hollywood* (L'Harmattan 2008) 57.

¹⁰⁶ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 10-14.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Thomas Kelley, 'What Ever Happened to the Africa in African Human Rights' (2023) *UNC Faculty Publications*
https://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=1731&context=faculty_publications accessed 6 March 2026.

¹¹¹ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 188.

entitlement-focused framework is heavily reliant on legal coercion, a duty-infused framework appeals to the internalized moral disposition or "civic virtue" of the citizenry.¹¹² As Eric R Boot notes, the reliable protection of IHRL norms are first and foremost dependent on the mentalities of individuals and social groups.¹¹³ By translating these rights into the language of duties, the frameworks taps into the already established cultural and spiritual norms, that even now command the population. This ensures that compliance with human rights standards is seen as a legitimate exercise of social responsibility rather than an external limitation on sovereign will.

¹¹² Ibid, 196.

¹¹³ Ibid, 122.

Chapter 5: The Biology Behind Reciprocity

The previous chapter argued that one of the core reasons why the current entitlement-based IHRL framework fails to resonate across languages and cultures is because of a lexical gap that renders the universal rights as abstract or foreign. As the thesis anticipates the journey then delves beneath the law and into the mind. This chapter moves from the software of language to the wetware of the human brain. Although scholars from different times and space have debated the philosophical merits of whether rights or duties are the answer, they have often ignored one resounding fundamental reality, that is for a legal system to work effectively, it must align with how the human brain actually processes social interaction. This chapter further argues that the impact paradox discussed in chapter three exists also because the current IHRL framework is built on a cognitive mismatch. Framed within DIRRT, this chapter establishes the empirical foundation of the second test: it demonstrates that the test is not a normative preference but a biological constraint on norm design, grounded in the neurological architecture of human moral cognition.

Human brain does not pick and abide rules by using logic alone, ancient paintings and cave writings favor the idea of “you scratch my back, I scratch yours” or reciprocity over the entitlement-based framework. fMRI studies illustrate that fair exchanges activate reward-related regions of human brain such as the ventral striatum, it suggests that fairness or equal exchange of duties between individuals in itself is intrinsically rewarding.¹¹⁴ For example while playing economic games such as the Trust Game, the brain’s reward network calculates data about the intention to reciprocate, suggesting that the human brain is biologically investing in the connection rather than just processing an interaction.¹¹⁵ In contrast, unfair or self-serving outcomes engages with the neural circuits of the brain that are associated with punishment and social comparison,¹¹⁶ which can promote retaliatory or

¹¹⁴ Tabibnia, Satpute and Lieberman, ‘Sunny Side of Fairness’ (n 26).

¹¹⁵ Olivia FeldmanHall, Jiyeon-Yung Son and Jason Heffner, ‘Norms and the Flexibility of Moral Action’ (2018) 1 *Personality Neuroscience* e15 <https://doi.org/10.1017/pen.2018.13> accessed 14 March 2026.

¹¹⁶ Molly J Crockett, Aikaterini Apergis-Schoute, Benedikt Herrmann, Matthew D Lieberman, Ulrich Müller, Trevor W Robbins and Luke Clark, ‘Serotonin Modulates Striatal Responses to Fairness and Retaliation in Humans’ (2013) 33(8) *Journal of Neuroscience* 3505–3513 <https://doi.org/10.1523/JNEUROSCI.2761-12.2013> accessed 14 March 2026.

conflict driven behavior. Neuro-anatomical studies differentiate between rule-based reasoning, which is mediated by the orbitofrontal cortex and care-based reasoning, that is mediated by anterior temporal lobe.¹¹⁷ The current entitlement-based IHRL framework generally rely on strict adherence to societal heuristics, whereas a duty-infused framework aligns more closely with the care-based reasoning, which lights a greater focus on the mutual responsiveness and the protection of the vulnerable individuals. Due to which we see individuals suffering from damage to the frontal lobe generally lose the capacity to adhere to social norms despite having full knowledge of the rules, illustrating the fact that any law that is devoid of empathic duty component is behaviorally fragile.¹¹⁸

This chapter is in no way a detour into the realm of science for its own sake, it is rather instrumental by showcasing how human brain processes obligations and entitlements differently. The chapter further provides the empirical foundation for the central claim of this thesis which suggests that integrating duties into the current IHRL framework can increase the legitimacy, applicability, and enforcement of these IHRL norms.

5.1. The Biology of Responsibility

Historically human survival depended on cooperation between individuals and small groups. The concept of reciprocal altruism, which means helping others with the expectation of receiving future help in return, was a key adaptive strategy we see throughout human history. Cognitive science suggests that the human brain is fundamentally an inherent social organ, which has evolved to prioritize reciprocity and communal cooperation over abstract and individual claims of entitlement.¹¹⁹ But we have ignored the fact that human brain has been evolving for millions of years and prioritized abstract entitlements which is a 17th-century intellectual abstract over reciprocal duty to constitute the IHRL framework.

¹¹⁷ A R Carr, P Paholpak, M Daianu, S S Fong, M Mather, E E Jimenez, P Thompson and M F Mendez, 'An Investigation of Care-Based vs Rule-Based Morality in Frontotemporal Dementia, Alzheimer's Disease, and Healthy Controls' (2015) 78 *Neuropsychologia* 73–79 <https://doi.org/10.1016/j.neuropsychologia.2015.09.033> accessed 14 March 2026.

¹¹⁸ Ibid.

¹¹⁹ Sneha Mathur, 'Why Helping Feels Good: The Neuroscience of Reciprocity' *Knowing Neurons* (29 April 2025) <https://knowingneurons.com/why-helping-feels-good-the-neuroscience-of-reciprocity/> accessed 14 March 2026.

Evolutionary neuroscience points out that the concept of reciprocity is not merely social convention rather is a biological drive encoded in our genes to ensure the survival of the species, especially in unknown or hostile environments.¹²⁰ For early humans, reciprocal cooperation was an absolute necessity in securing food, ensuring protection from predators and sharing knowledge and information.¹²¹ Research supports this evolutionary history, demonstrating that humans often exhibit an emotional bias toward cooperation.¹²² This suggests that the duty-infused framing is not merely a cultural or moral burden imposed by the society or religion, but is a biological survival strategy. By framing the IHRL norms as reciprocal duty we tap into an ancient biological drive that makes compliance feel like a natural act of survival rather than an external legal constraint.

One of the core pieces of evidence of the fact that the human brain is hardwired for duty is the brain's reward network, particularly the ventral striatum and nucleus accumbens.¹²³ Neuroimaging studies using fMRI have consistently exhibited that acts of mutual cooperation activate these regions inside the brain, releases dopamine and generates a neurological warm glow.¹²⁴ This suggests that the human brain does not treat cooperation as any burdensome obligation, rather as an intrinsically rewarding experience. For example, religious practices such as *zakat* in Islam or *tzedakah* in Judaism impose duties of charity, which might seem as a financial loss but because these obligations are also biologically reinforced by reciprocity circuits. It is not seen as a financial loss but as fulfilling a communal responsibility, which strengthens trust and cohesion.¹²⁵

The biological base for accountability further seems to be underscored by the mirror neuron system, which is a unique set of neurons found in human brain that fires up when an individual completes a task and sees another individual

¹²⁰ Ibid.

¹²¹ Ibid.

¹²² Rilling, 'Neurobiology of Cooperation and Altruism' (n 27).

¹²³ Mathur, 'Neuroscience of Reciprocity' (n 119).

¹²⁴ Ibid.

¹²⁵ Jonathan Haidt, *The Righteous Mind: Why Good People Are Divided by Politics and Religion* (Vintage 2012) 270–300.

complete the same task.¹²⁶ This allows an individual to spontaneously realize the intentions and emotional states of others on a cellular level.¹²⁷ Philosophers have characterized this phenomenon as an involuntary breach of individual separateness, where the brain of an observer stimulates an analogous state of arousal that is created as a result of observing another's emotional state, creating an emotional state that precedes conscious thought.¹²⁸ In the context of this conversation regarding the duty-infused framework, this system provides the neural platform for reciprocity, which allows an individual to feel the impact of their actions or omissions on others.

Understanding the biology behind this conversation is crucial because it explains why entitlement-based frameworks often fail in multicultural societies. The current entitlement-based IHRL framework demand compliance through external enforcement such as the fear of court, whereas duty-based frameworks align with internalized reciprocity instincts. If the IHRL framework is to be recognized as truly universal, they must be framed to activate the human brain's reciprocity circuits rather than rely solely on coercive authority. However, it should be noted that neuroscientific evidence does not by itself establish that IHRL ought to adopt a duty-infused framework. But the evidence put forth in this chapter is legally relevant, because it supports a design choice producing better rights outcomes while respecting the moral agency of individuals.

5.2. The Biology of Compliance

While the previous section establishes the argument that the human brain is pre-programmed to prioritize reciprocity over abstract entitlement-focused claims, this section translates the biological reality into a functional legal strategy. The current framework of IHRL is heavily based on the principle of negative deterrence such as the fear of court or authority. This framework assumes that people will respect and abide by these rights out of their fear of being sued, sanctioned or imprisonment. However, fear is an inefficient and culturally fragile enforcement mechanism, it leaves a huge loophole that can easily be exploited, if the fear somehow wanes the right only framework also

¹²⁶ 'Neurobiology of Cooperation' *Sustainability Directory* (30 August 2025) <https://lifestyle.sustainability-directory.com/term/neurobiology-of-cooperation/> accessed 14 March 2026.

¹²⁷ Mathur, 'Neuroscience of Reciprocity' (n 119).

¹²⁸ Murrow and Murrow, 'Neurological Association between Dehumanization and Human Rights Abuses' (n 28) 336–364.

crumbles. To bridge this very impact paradox, a transition to a model of positive internalization is essential, where rights will be respected due to a sense of obligation and reciprocity rather than the fragile notion of fear.

To understand this paradox, we must understand that our traditional legal system can be characterized by what Immanuel Kant termed as heteronomy, where individuals abide by law due to external pressure, such as avoiding sanction.¹²⁹ In this model, if the threat of punishment is somehow removed, the motivation to comply often disappears as well. For example, regarding the Abu Ghraib prisoner abuse scandal, where U.S. military personnel were torturing the detainees in Iraq, violating the Geneva Convention and UNCAT.¹³⁰ Investigations later revealed that weak oversight, unclear command responsibility and inadequate monitoring created an environment where these violations took place easily.¹³¹ Here it is very evident that, when the likelihood of accountability and external scrutiny was low, compliance with IHRL norms was also low. Similarity was recorded in incidents related to Camp Bucca¹³² and Gldani Prison¹³³ among others. Additionally, prior to the 2017 crisis in Myanmar, anti-Rohingya rhetoric spread widely in social media platforms inciting discrimination and violence. From 2012 to 2017 misinformation and inflammatory speech circulated for years with little to no

¹²⁹ Immanuel Kant, *Groundwork of the Metaphysics of Morals* (Mary Gregor tr and ed, with Christine M Korsgaard intro, Cambridge University Press 1997), 24.

¹³⁰ ‘What Happened in Abu Ghraib and Why Did a US Court Award Damages’ *Al Jazeera* (14 November 2024) <https://www.aljazeera.com/news/2024/11/14/what-happened-in-abu-ghraib-and-why-did-a-us-court-award-damages> accessed 16 March 2026.

¹³¹ ‘Blame Widens for Abu Ghraib Abuse’ *BBC News* (26 August 2004) <http://news.bbc.co.uk/1/hi/world/americas/3596686.stm> accessed 16 March 2026; Steven L Schooner, ‘Contractor Atrocities at Abu Ghraib: Compromised Accountability in a Streamlined, Outsourced Government’ (2005) 16 *Stanford Law & Policy Review* 549.

¹³² Charles J Hanley, ‘Early Accounts of Extensive Iraq Abuse Met US Silence’ *Southeast Missourian* (9 May 2004) <https://web.archive.org/web/20130701074054/http://www.semissourian.com/story/137193.html> accessed 16 March 2026; ‘Taguba Report Annex 35: Article 32 Findings of Abuse of Detainees at Camp Bucca (IO Report)’ *The Torture Database* (2004) <https://www.thetorturedatabase.org/document/taguba-report-annex-35-article-32-findings-abuse-detainees-camp-bucca-io-report> accessed 16 March 2026.

¹³³ ‘Videos of Inmates Abuse, Rape Emerge’ *Civil Georgia* (19 September 2012) <https://old.civil.ge/eng/article.php?id=25220> accessed 16 March 2026; ‘Georgia Prison Scandal Highlights Widespread Torture’ *Daily News Egypt* (19 September 2012) <https://www.dailynewsegyp.com/2012/09/19/georgia-prison-scandal-highlights-widespread-torture/> accessed 16 March 2026.

government intervention or legal enforcement against them.¹³⁴ This illustrates that, when the fear of punishment was removed, and there was no internalized duty barrier, the current IHRL framework failed to protect the rights of the Rohingya population. Another example concerns the 1994 genocide in Rwanda, where radio broadcasts openly encouraged attacks against the Tutsi population, these broadcasts were being made without any fear of punishment because of the collapse of legal and political accountability.¹³⁵

In contrast to this external fear enforced in current IHRL framework, a duty-infused framework leverages pain empathy as a built-in emotional motivation for rights-respecting behavior. Neuroscientific research suggests that pain is not merely a sensory perception but a homeostatic emotion with inherent behavioral motivational power.¹³⁶ The human brain's neural internal simulation essentially tricks the individual to feel the pains of others as if its boundary have been expanded to incorporate others.¹³⁷ This creates an emotional enforcement mechanism where sympathy and compassion provides the prosocial force to act in favor of the interest of others survival.¹³⁸ In instances where IHRL is framed as a shared social obligation rather than a list of distant and abstract state promises, they activate these same neural affective mechanisms, moving individuals to act because the suffering of others feels like one's own. A behavioral advantage this approach enjoys is its engagement with the brain's reward network, specifically the ventral striatum and nucleus accumbens.¹³⁹ Building on this brain's reward system, the duty-infused framework transforms enforcement from vertical hierarchy that is state-driven into a horizontal network that is community-driven. This neurological reward suggests that humans can find satisfaction in the act of protecting other's rights, effectively moving away from the Kant's heteronomy to autonomy. In this state, an individual follows the law not

¹³⁴ Amnesty International, *The Social Atrocity: Meta and the Right to Remedy for the Rohingya* (Report, Index: ASA 16/5933/2022, 29 September 2022) https://www.amnestyusa.org/wp-content/uploads/2022/09/Updated-Final-Report_The-Social-Atrocity-0609202259.pdf accessed 16 March 2026.

¹³⁵ Alexander C Dale, 'Countering Hate Messages That Lead to Violence: The United Nations's Chapter VII Authority to Use Radio Jamming to Halt Incendiary Broadcasts' (2001) 11 *Duke Journal of Comparative & International Law*, 109-131.

¹³⁶ Murrow and Murrow, 'Neurological Association between Dehumanization and Human Rights Abuses' (n 28).

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ Mathur, 'Neuroscience of Reciprocity' (n 119).

because of any external fear of punishment or anything similar, but rather because the norm has become an internalized matter.

This community-driven, duty-infused enforcement acts as the ultimate fail-safe when the formal legal system collapses or becomes unable to protect the rights. For example, the situation that was created during the 2024 student revolution in Bangladesh, where there was no government or legal authority to protect the rights of the civilians, it was the internal duty-barrier that motivated the larger part of the population to act in order to protect the rights of the others. Now what happened in that timeframe is an exception, if a similar situation is to take place the outcome would be quite different as the current IHRL framework has no such duty barrier. Nonetheless, the incident can be described as a striking example of what a duty-infused framework can achieve. This proves that while fear is a leaking bucket that needs constant oversight, a sense of obligation is a wellspring that can generate compliance from within. By introducing an element of reciprocity in the current IHRL framework, we can bridge the gaps that exist in current entitlement-based framework.

Chapter 6: Operationalizing the Framework

The previous chapter of this thesis demonstrates that human beings are, by birth are more biologically inclined to reciprocity through a sense of duty or obligation rather than through fear of sanction. While the previous chapters established the philosophical and biological foundations for a shift towards duty from entitlement, chapter six focuses on the practical question of how a duties-based framework can be operationalized within international human rights law? While chapters three, four and five revealed the entitlement crisis, linguistic barriers, and biological predisposition toward duty, none of it will truly matter or bring any substantial change to the problem without proper operationalization. Applying the DIRRT framework, this chapter addresses the first test directly: it identifies the structural features such as determinate duty-bearers, means-tested obligations, and mandatory due diligence mechanisms, that a reformed IHRL instrument must exhibit if it is to generate actionable relational obligations rather than aspirational entitlements.

The core objective of this chapter is to demonstrate that duties are not mere philosophical ideals or cultural or religious preferences but can also be adopted or embedded into the current IHRL framework in order to strengthen it. Without any scope of operationalization all the claims and arguments made throughout the thesis risks remaining academic only. But if there is an actionable scope to operationalize this framework, it becomes actionable reforms capable of reshaping how we perceive rights and how they can be protected and enforced in this multi-cultural world. This chapter therefore becomes an absolute necessary in answering the central research question of this thesis.

6.1. From Victims to Active Stakeholders

In the traditional IHRL framework an individual is often positioned as a passive recipient or a rights holder, whose primary role is to wait for the state as the duty holder to provide services or protection to the individual. But this model has one fatal flaw that is often overlooked, this model assumes that those state mechanisms or law enforcement agencies are all good and will always provide and protect those rights. But that is not always the case, corruption, dishonesty persists in most parts of the world. For example, there have been numerous allegations of enforced disappearance in Bangladesh orchestrated by the law enforcement agencies, families of the victims have repeatedly reported that authorities outright refuse to investigate these

incidents,¹⁴⁰ exposing the limitation of relying on state only for protection. This phenomenon is something that has been happening throughout South Asia for quite a while.¹⁴¹ Similarly, even within a legal system with well-established legal safeguards, like the USA, killing of civilians like George Floyd illustrates that law enforcement officials can violate fundamental rights with impunity.¹⁴² This incident was never an isolated incident but reflects a deeper structural issue, where accountability mechanism often fail or respond only after a widespread public outrage. There are even incidents of state failure to act in situations where they should have in order to safeguard the rights of the citizens. For example, in the Dominican Republic, bribes were provided to approve the Punta Catalina thermoelectric plant which then led to severe environmental damage and negative health impact on the locals, all while public authorities ignored or downplayed the risks.¹⁴³ In contrast, a duty-infused framework redefines the same individual as an active stakeholder. When a community accepts a collective duty to monitor, maintain, or protect a right, they shift from being a victim of violations to producers of justice.

To illustrate how a shift from the current IHRL model to a duty infused framework, consider the following illustration.

¹⁴⁰ M E Bari, 'Extrajudicial Killings in Bangladesh: Exploring the Phenomenon of Human Rights Violations as a Means of Maintaining Power' (2022) 36 *Emory International Law Review* 33 <https://scholarlycommons.law.emory.edu/eilr/vol36/iss1/3> accessed 26 March 2026.

¹⁴¹ *Enforced Disappearance in South Asia* (Amnesty International, Project Page, 2025) <https://www.amnesty.org/en/projects/enforced-disappearance-in-south-asia/> accessed 26 March 2026.

¹⁴² John Eligon, 'Justice Department Opens Investigation into George Floyd's Death' *New York Times* (31 May 2020) <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html> accessed 26 March 2026.

¹⁴³ 'Punta Catalina Power Corruption in the Dominican Republic' *Transparency International Blog* (19 February 2018) <https://www.transparency.org/en/blog/punta-catalina-power-corruption-dominican-republic> accessed 26 March 2026; 'Punta Catalina Revealed as Serious Environmental Degraded' *ImpACT International* (20 September 2023) <https://impactpolicies.org/news/337/punta-catalina-revealed-as-serious-environmental-degrader> accessed 26 March 2026.

The Current Model: In village A, the local clinic is frequently out of medicine,¹⁴⁴ the appointed doctors often remain unavailable,¹⁴⁵ medical staff often demand bribes to do their work.¹⁴⁶ Any oversight model fails because the government officials also succumb to corruption and negligence.¹⁴⁷ The villagers in this scenario act only as the right holder, thus all they can do is to hope of the government to fix these issues or sue the government that is often expensive and a very lengthy and complicated process.

The Duty-infused Model: In village B, the community adopts a duty barrier, a communal duty to oversight. Under this localized duty framework, the rightsholders i.e., the villagers now don't need to wait for the government to fix their problems, rather they have an active duty to conduct regular social audits through the village council. Now they have a formal role in tracking and reporting these issues and prevent the root cause of these issues as well.

Now the question is, is this model attainable in practical life? To answer this question, we can see the success of Community-Led Monitoring (CLM) in the fight against HIV/AIDS in different parts of the world.¹⁴⁸ CLM has turned passive patients into active monitors, under this model thousands of patients of the disease forms a local network and took on the duty to collect data on

¹⁴⁴ 'Community Clinics Struggle with Medicine Shortage' *Bonik Barta* (15 August 2025) <https://en.bonikbarta.com/bangladesh/n79GkolkDCIJDR5X> accessed 26 March 2026.

¹⁴⁵ Alfred Olufemi, 'There won't be enough people left': Africa struggles to stop brain drain of doctors and nurses' *The Guardian* (14 August 2023) https://www.theguardian.com/global-development/2023/aug/14/africa-health-worker-brain-drain-acc?CMP=share_btn_url accessed 26 March 2026; 'Go Big Hospitals, No Doctors Available: Treatment Stops in UP Govt Hospitals, Nurse Performs Abortion – Watch Sting' *Bhaskar English* (25 March 2024) <https://www.bhaskarenglish.in/local/uttar-pradesh/lucknow/news/go-big-hospitals-no-doctors-available-treatment-stop-up-govt-hospitals-nurse-performs-abortion-watch-sting-136069871.html> accessed 26 March 2026.

¹⁴⁶ Karen McVeigh, 'Corruption in Healthcare in Sierra Leone Is a Taboo – but It Does Exist' *The Guardian* (8 March 2017) <https://www.theguardian.com/global-development-professionals-network/2017/mar/08/corruption-in-healthcare-in-sierra-leone-is-a-taboo-but-it-does-exist> accessed 26 March 2026.

¹⁴⁷ 'Health Sector Rife with Mismanagement, Corruption' *Prothom Alo* (11 July 2020) <https://en.prothomalo.com/bangladesh/government/health-sector-rife-with-mismanagement-corruption> accessed 26 March 2026.

¹⁴⁸ UNAIDS, *Community-led Monitoring in Action: Emerging Evidence and Good Practice* (UNAIDS, 2023) https://www.unaids.org/sites/default/files/media_asset/JC3085E_community-led-monitoring-in-action_en.pdf accessed 26 March 2026.

clinic wait times, drug stockouts, and staff behavior. Wherever CLM was implemented around the world, it has shown a positive outcome in battling HIV/AIDS.¹⁴⁹ Similarly after the Rwandan Genocide had ended, the Gacaca courts established in Rwanda recognized the citizens not only as mere passive claimants but more of an active player tasked with truth-telling, accountability and reconciliation. This operationalization of duty had transformed ordinary citizens, enabled communities to contribute directly to the process of justice and social rebuilding.¹⁵⁰ Furthermore, the most prominent evidence that this model is partially attainable is the existence of ACHPR (Banjul Charter), which has successfully integrated the entitlement based universal standards of right along with individual and collective duties since 1981.¹⁵¹ This charter has explicitly listed duties toward family, society and the state, transforming it into a comprehensive social contract. Although some of these duties are supererogatory moral obligations, many of them have legally binding value, demonstrating that this duty infused IHRL model can be tiered by efficacy and clarity.¹⁵² It is necessary, however, to engage honestly with the critique that the ACHPR's duties provisions have themselves been weaponized by authoritarian African states to suppress dissent.¹⁵³ This thesis does not ignore this evidence; it is addressed directly in chapter seven. Nevertheless, the evidence remains that the ACHPR demonstrates that a binding international instrument can structurally integrate rights and duties, and that the risk of weaponization is a problem of safeguard design rather than an intrinsic feature of duty-infused frameworks.

In order to operationalize duties, scholars and legal experts suggest several methodologies. One of them is the “Individual Means Test” derived from Islamic concept of *zakat*.¹⁵⁴ One of the biggest concerns in operationalizing

¹⁴⁹ Ibid.

¹⁵⁰ Phil Clark, *The Gacaca Courts, Post-Genocide Justice and Reconciliation in Rwanda: Justice without Lawyers* (Cambridge University Press 2010), 132-168.

¹⁵¹ Amare T Chekol and İlyas Doğan, ‘Championing Human Rights: Normative Insights into the African Charter on Human and Peoples’ Rights’ (2024) *Beijing Law Review* <https://doi.org/10.4236/blr.2024.153094> accessed 24 April 2026.

¹⁵² M Malila, ‘Individuals’ Duties in the African Human Rights Protection System: Challenges and Prospects’ in S Parmentier, H Werdmolder and M Merrigan (eds), *Between Rights and Responsibilities: A Fundamental Debate* (Intersentia 2016) 187–228.

¹⁵³ Global Voices, ‘How Are the Ugandan and Kenyan Governments Silencing Dissenting Voices?’ (1 February 2025) <https://globalvoices.org/2025/02/01/how-are-the-ugandan-and-kenyan-governments-silencing-dissenting-voices/> accessed 24 April 2026.

¹⁵⁴ Morgan-Foster, ‘Third Generation Rights’(n 25), 113–115.

communal duties is that it is exceedingly difficult to figure out who is responsible for what. For example, if everyone has the duty towards the poor population to ensure their right to a standard way to life, no single person will feel that they have to perform the duty as they will assume that the other person will perform this communal duty. To avoid this vague goal, there needs to be a means test to each individual, this test measures what an individual can afford to do based on their wealth or ability.¹⁵⁵ By focusing on an individual's means rather than just the final goal, a general communal duty becomes a specific, legal requirement for a person to help, which a court can then enforce. Additionally, another methodology that can be used is Reverse Moderate Relativism (RMR), usually IHRL asks other cultures to incorporate western philosophies and values, but this model flips this process.¹⁵⁶ This model actively looks for already working legal practices like the African Ubuntu or Chinese Confucianism and integrates them into international treaties. By including these cultural fingerprints in the existing global laws, people will become more likely to follow the rules because they feel the laws reflect their own values.¹⁵⁷ Moreover, some rights known as third generation solidarity rights essentially cannot be enjoyed alone, they are infused with certain duties as well, such as the right to healthy environment, peace, or development.¹⁵⁸ By using these methodologies, we can safely assume that, this duty infused model can be attained in practice, which will transform individual from a passive role to an active one.

6.2. From Reactive Litigation to Proactive Prevention

In an IHRL framework that has integrated duties in it, the most optimal enforcement mechanism shifts from reactive, court-based litigation to a proactive systemic internalization, social accountability, and mandatory due diligence. Now this doesn't mean that in this framework court-based litigations will be abolished or stripped down, rather it will create more options for enforcement rather than relying on a singular method. This model breaks out of current framework's overreliance on fear of court and focuses more on creating a comprehensive social contract as discussed before, where

¹⁵⁵ Ibid.

¹⁵⁶ Ibid, 71-12.

¹⁵⁷ Angelo Nicolaides, 'Duty, Human Rights and Wrongs and the Notion of Ubuntu as Humanist Philosophy and Metaphysical Connection' (2022) 8(2) *Athens Journal of Law* 123–134 <https://doi.org/10.30958/ajl.8-2-2> accessed 24 April 2026.

¹⁵⁸ Morgan-Foster, 'Third Generation Rights'(n 25), 89.

rights and duties are functionally integrated with each other to manage any systematic risks before they escalate out of hand.

One of the alternative enforcement mechanisms this model prioritizes is social accountability, which is a form of enforcement that emerges from citizens and civil society organizations, who hold the state and state organs to account through non-judicial means.¹⁵⁹ Unlike the episodic court hearings, this mechanism can be exercised on a continuous basis through the media, public hearings and local monitoring communities.¹⁶⁰ Imagine this scenario, in a rural district, the primary schools are in shambles, the textbooks never arrives, the teachers are constantly absent, the parents of the students under the current IHRL model can only sue the ministry of education for the breach of the right to education, which in itself is a lengthy, slow and expensive procedure. Adding to that in almost half the world the right to education is not even a constitutionally recognized fundamental right that the government is obligated to provide.¹⁶¹ In this scenario the current IHRL model has no viable solution to provide, but under the social accountability mechanism respected community members including the parents and local experts form a bridge that increases communication between the citizens and school administrations. Through regular dialogue, public reporting and collective problem solving, they can correctly identify the root cause of recurring problems such as resource misallocation or weak oversight and work towards practical, context-specific solutions. In this way enforcement becomes continuous, participatory, and preventive rather than solely reactive. By using this relational model that draws inspiration from concepts like *ubuntu* solves the problem together rather than shifting the blame. While the current model is purely reactive the accountability mechanism allows for continuous monitoring mechanisms that identifies the problem before it becomes a crisis.¹⁶²

Another alternative mechanism can be internalization and acculturation, which seeks to integrate human rights norms into the underlying beliefs and

¹⁵⁹ *Fostering Social Accountability: Guidance Note* (UN-REDD Programme 2010) https://www.un-redd.org/sites/default/files/2021-10/Fostering%20Social%20Accountability%20_%20Guidance%20Note%202010.pdf, 9, accessed 28 March 2026.

¹⁶⁰ *Ibid*, 10.

¹⁶¹ *Right to Education* (Inter-agency Network for Education in Emergencies (INEE) 2021) <https://inee.org/collections/right-education> accessed 28 March 2026.

¹⁶² *Fostering Social Accountability* (n 159), 10.

ideologies of a society, creating a link between the IHRL norms and existing social practices so that the human rights norm becomes a part of the social fabric.¹⁶³ This mechanism involves human rights education and grassroots empowerment to foster a moral or civic sense of responsibility among the citizens that does not require any strict legal compulsion to be effective. Imagine a scenario where a company abides by the norms of environmental law not because they are legally bound to do so, but because their employees and employers believe that it is their moral duty. Drawing from both Islamic and Confucian teachings this mechanism enforces that a good human being, by extension a good business is defined by how well they fulfill their obligations towards others.¹⁶⁴ A successful integration of this mechanism can be seen in the Islamic financial institutions in Saudi Arabia.¹⁶⁵ Research demonstrates that 86% of employees in these financial institutions have a clear understanding of CSR not as a legal burden, but as a religious and cultural cornerstone.¹⁶⁶ It should be acknowledged that this figure derives from a single institutional study with a defined sample; it is cited here as an illustrative empirical anchor rather than a universally generalizable finding, consistent with the methodological transparency declared in chapter two. Because CSR is infused with Islamic principles like *Taqwa* or good conscience it is viewed as genuine social and religious responsibility that prioritize the welfare of society over mere profit.¹⁶⁷ This internal commitment of these financial institutions has led to a higher employee satisfaction, increased customer loyalty, and improved financial reputation without the constant need for court-ordered enforcement.¹⁶⁸

¹⁶³ Janet E Lord and Michael Ashley Stein, 'The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities' (2008) *Faculty Publications* 665, *William & Mary Law School Scholarship Repository*, 455 <https://scholarship.law.wm.edu/facpubs/665> accessed 28 March 2026.

¹⁶⁴ Morgan-Foster, 'Third Generation Rights'(n 25), 111; Ivana Buljan, 'Human Rights and Confucian Values: A Critique of a False Dichotomy' (2025) 34(1) *Asian and African Studies* 142–162 <https://doi.org/10.31577/aassav.2025.34.1.08> accessed 28 March 2026.

¹⁶⁵ Turki Ali M ALsuwaylih, *The Role of Management in Improving Internal Corporate Social Responsibility among Islamic Financial Institutions in Saudi Arabia* (PhD thesis, University of Greater Manchester 2024) <https://ub-ir.bolton.ac.uk/esploro/outputs/doctoral/The-role-of-management-in-improving/999699208841/filesAndLinks?index=0> accessed 28 March 2026.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

For corporate and organizational actors, a mandatory due diligence mechanism known as Human Rights Due Diligence (HRDD) can be operationalized that replaces voluntary ethics with a mandatory duty to respect.¹⁶⁹ This mechanism requires actors to be proactive by assessing potential harm, integrating findings into core business operations, and publicly tracking their effectiveness.¹⁷⁰ This "duty of care" principle is considered superior for managing systemic threats as it compels proactive prevention rather than waiting for a harm to occur.¹⁷¹ Imagine this scenario where a large transnational company is planning a project in a developing country with comparatively weak legal system. Under the current IHRL framework, if the project causes any violations of human rights norms, the duty falls on the state to protect the rights of the citizens. However, if the state is weak or compromised, the corporation may treat human right norms as secondary or simply ignore them until a disaster occurs, then they could just sweep it under the rug or reinforce their interests behind a legal wall. In contrast under the HRDD the corporation will have a mandatory duty to respect that exists outside the state's willingness to act.¹⁷² This mechanism is something that even courts as well acknowledge. For example, in the Shell Litigation, court hardened the existing soft law instruments such as UN Guiding Principles and OECD guidelines into a mandatory duty of care.¹⁷³ The court highlighted that a corporation's contribution towards global harm such as climate change requires an ambitious, systemic response based on due diligence rather than waiting for a specific local violation.¹⁷⁴

¹⁶⁹ Robert McCorquodale and Justine Nolan, 'The Effectiveness of Human Rights Due Diligence for Preventing Business Human Rights Abuses' (2021) 68 *Netherlands International Law Review* 455–478 <https://doi.org/10.1007/s40802-021-00201-x> accessed 28 March 2026.

¹⁷⁰ Ibid.

¹⁷¹ Ibid .

¹⁷² United Nations Human Rights Office of the High Commissioner, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework* (United Nations 2011) https://www.ohchr.org/sites/default/files/documents/publications/guidingprinciplesbusiness_hr_en.pdf accessed 28 March 2026.

¹⁷³ *Milieudefensie et al v Royal Dutch Shell plc* (Hague Court of Appeal, Civil Law Division, 12 November 2024) Case No 200.302.332/01 (Court of Appeal) and C/09/571932 / HA ZA 19-379 (District Court), para 7.55.

¹⁷⁴ Ibid; International Court of Justice, *Advisory Opinion on States' Obligations to Address Climate Change* (23 July 2025) UNGA Request, paras 112–455 <https://www.loyensloeff.com/insights/news--events/news/esg-litigation-update-icjs->

6.3. From List of Claims to Covenant of Obligations

While the previous sections have established that duty-infused framework empowers individuals as stakeholders, how they are attainable in practice and what alternative enforcement mechanisms look like, this section addresses how it will translate into a treaty. Shifting from a litigation centric model to a duty-enforced framework would fundamentally transform the structure of an IHRL treaty, altering it from a list of individual claims against the state to a comprehensive social contract that balances rights with mutual responsibilities. Now a treaty such as this would look very much like ACHPR, while adding sophisticated modern tools for corporate and social accountability.

A treaty remodeled for a duty-infused IHRL framework would include certain structural features. Firstly, following the model of Article 27-29 of ACHPR, the treaty would include an explicit list of duties towards the family, society, the State, and the international community.¹⁷⁵ This will ensure that rights are not converted into duties but will be exercised with due regard for collective security and common interest. Secondly, for the purpose of preventing communal duties from being vague in nature it would employ a methodological transposition inspired from non-western practices to introduce an individual means test to measure an individual's duty based on their proportional capacity.¹⁷⁶ This transforms theoretical community obligations into concrete, justiciable requirements for specific individuals to act according to their respective communal duties. Thirdly, for non-state actors, it would move beyond the current voluntary ethics to introduce a mandatory HRDD.¹⁷⁷ This feature would require state to enact domestic laws requiring corporations to proactively assess, act, track, and communicate their human rights impacts as a core business duty. And lastly, the treaty would prioritize acculturation over coercion.¹⁷⁸ It would incorporate provisions like Article 8 of the CRPD or Article 25 of the ACHPR, which would mandate

[advisory-opinion-on-states-obligations-to-address-climate-change/](#) accessed 28 March 2026.

¹⁷⁵ Andrew Uwazuruike, 'African Charter on Human and Peoples' Rights: Content, System, and Implementation' (University of Central Lancashire, Working Paper 2021) https://knowledge.lancashire.ac.uk/id/eprint/43504/2/African%20Charter_Uwazuruike_final%20%281%29.pdf accessed 28 March 2026.

¹⁷⁶ Morgan-Foster, 'Third Generation Rights' (n 25), 113.

¹⁷⁷ McCorquodale and Nolan, 'Human Rights Due Diligence' (n 169).

¹⁷⁸ Lord and Stein, 'Domestic Incorporation of Human Rights Law' (n 163), 454-455.

awareness-rising and human rights education to incorporate existing social norms with IHRL norms and communicate the change to the mass.

This treaty would draw heavy inspiration from the Banjul Charter.¹⁷⁹ The justification behind drawing such inspiration comes from several factors. Such as, firstly, the Banjul Charter was uniquely designed to incorporate the African conception of human rights, which views a person as an integral part of a group driven by solidarity rather than an isolated individual.¹⁸⁰ Secondly, it places all generations of rights such as civil, political, socio-economic and peoples' rights on an equal footing in a single document.¹⁸¹ And lastly, by including the peoples' rights to development, peace and a healthy environment, the Banjul Charter has already operationalized the concept that the duty interconnected and an integral part of rights.

In conclusion, a duty-infused IHRL treaty would take the ACHPR's communitarian spirit and infuse it with the alternative enforcement mechanisms already discussed before like the HRDD and social accountability to create a mechanism where individuals and organizations are active duty-bearing subjects of international law.

¹⁷⁹ See ch 7 section 7.1 below for a critical assessment of the Banjul Charter's limitations and the risk of authoritarian weaponization.

¹⁸⁰ Chekol and Doğan, 'African Charter Insights' (n 151).

¹⁸¹ Uwazuruike, 'African Charter' (n 175).

Chapter 7: Shadow Side: Risks & Safeguards

Throughout the preceding chapters this thesis has argued for a duty-infused framework of IHRL. The thesis in chapter three has discussed that the current entitlement-based model is too thin to hold a pluralist society together, the next chapter illustrated how the current model suffers from a lexical gap that renders the universal nature of IHRL norms illegible, adding to them chapter five strongly suggests that the current model ignores the biological reality of human reciprocity and lastly proposed that the duty based model can even be operationalized in practice in chapter six. Ultimately the core promise of this thesis so far was that the duty-infused model would be thick enough to hold a multicultural society together, especially when there is an absence of a strong state. However, any paradigm shift that is of this magnitude carries an inherent shadow side with it, which must be addressed rigorously so that this framework can remain a tool for liberation rather than a manual for state overreach.

The necessity of this chapter is rooted in the lived reality of history, for centuries the language of duty was being used as a privilege of the ruler over the ruled. While the previous chapters have sought to create a balance between the rights and responsibilities within IHRL, this chapter acting as a critical fail-safe recognizes the fact that an unchecked focus on duty can easily be transformed into a Trojan Horse for authoritarianism. Critics of human duty declarations have often cited their well-founded suspicion that renewed focus on obligations is a step in regression that might empower repressive regimes to override fundamental rights in the name of common good.¹⁸² Furthermore, the neuro-legal perspective introduced in chapter five has its own set of risks that needs to be addressed as well.

Ultimately, this chapter is essential for answering the core research question because it defines the boundaries of applicability and enforcement of a duty-infused IHRL framework. This framework can only be effective if it can accurately identify those risks and also construct safeguards against each of them.

¹⁸² Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 20-21.

7.1. The Authoritarian Trap

The authoritarian trap is a process where the state manipulates the language of communal responsibility to serve the preservation of power rather than preserving and protecting human dignity.¹⁸³ While a duty-infused approach aims to make the existing rights more legible through reciprocity, history demonstrates that repressive regimes often use these obligations as a manual for state overreach.

To illustrate the risk, imagine a scenario where in a multi-cultural society a journalist is arrested for exposing corruption in a national development project. Under the current IHRL model this is a clear violation of the right to freedom of expression. However, in a weaponized duty-infused regime, the state might justify the arrest not as a suppression of rights under reasonable restriction of rights but as a punishment for a breach of the duty to maintain social harmony and public trust during a period of national development. By shifting the linguistic and legal focus aggressively from what the state owes the individual to what the individual owes to the group, the state can effectively turn the human rights defender into a social delinquent.

However, the risk is not merely illustrative, rather it is very real. Consider Singapore in the 1980s and 1990s. The “Asian Value” discourse cultivated by the Prime Minister Lee, which inherently contended that within Asian societies individual’s duty to the collective naturally supersedes what he characterized as the West’s excessive preoccupation with individual entitlements, was not limited to his personal philosophy only, rather it was absorbed in the apparatus of the state and deployed as the Internal Security Act.¹⁸⁴ Human rights observers noted that the act was less used against credible security threats but more on activists, lawyers, journalists and opposition leaders who would dare to oppose or even criticize the government or its policies.¹⁸⁵ The language of collective obligation, which was once

¹⁸³ Ibid.

¹⁸⁴ Michael D Barr, ‘Lee Kuan Yew and the “Asian Values” Debate’ (2000) 24(3) *Asian Studies Review* 309–322 https://www.cafefle.org/texteskkkmg-icc_articles/13_Singapore_26p-Pol%20copie.pdf accessed 04 April 2026.

¹⁸⁵ Human Rights Watch, ‘Singapore: New Repression of Dissenting Voices’ (Human Rights Watch, 12 January 2017) <https://www.hrw.org/news/2017/01/12/singapore-new-repression-dissenting-voices> accessed 04 April 2026.

institutionalized within the state ceased to function as a moral safeguard, rather it became a tool for suppression. .

The primary tool of an authoritarian trap is the intentional use of indeterminate and vague duties that lack the specific content, definition or claimable duty-barriers.¹⁸⁶ When a duty remains isolated, not linked with a specific right, its boundaries remain blurred, allowing the state to extend its scope to justify the silencing of dissent.¹⁸⁷ For instance, a duty to contribute to the promotion of moral well-being of society if left vague, states can interpret this duty to prohibit any public speech that can challenge the prevailing social order. A secondary dimension of the trap is conditionality, where states treat the enjoyment of rights as prizes for the adequate fulfillment of duties.¹⁸⁸ Critics have feared for long that an authoritarian state will refuse an individual a right to fair trial or freedom of movement if they failed to uphold their duty to be loyal to the government.¹⁸⁹ This transforms rights from being inherent to human dignity into being a provisional privilege contingent on good behavior. Imagine a scenario, where a state infuses the duty to provide reliable and informed information along with the right to free speech press. An authoritarian state can weaponize this by forming a government-controlled board to judge the reliability of media reports or public statements. Here the right to free speech and press becomes precondition to the duty of being reliable, a standard which is strictly controlled by the government, in this environment, media outlets will be forced to align with the state's desired narrative, suppressing dissenting views as they will be considered unreliable by a biased board.

7.2. The Individual-Community Balance

One of the most prominent problems a duty-infused IHRL model will come across in multicultural societies is ensuring that the duty to the community, which is an essential component for social cohesion indispensable for this framework does not inadvertently swallow the fundamental rights of an

¹⁸⁶ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 31.

¹⁸⁷ Ibid, 30.

¹⁸⁸ Ibid, 33.

¹⁸⁹ Ibid.

individual.¹⁹⁰ While previous chapters have discussed that communal interdependence can enhance the legibility of human rights, this section addresses the risk that these same social bonds can lead to the subordination of the individual. Aware of this pitfall, this thesis nowhere argues for duties to replace rights rather advocates for a model that is well balanced and complimentary in nature.

To illustrate this risk, imagine a scenario in a traditional community living in drought infested region, which operates under a duty-infused legal framework. The framework emphasizes the duty of intergenerational labor, requiring the youth of this region to maintain an ancestral irrigation system to ensure the communities food and water safety. A young resident secures a scholarship for higher studies abroad, which will require her to abandon her communal duties for years to come. In a distorted community, her right to education can be legally barred by community obligations. In this scenario duties act as a cage, it fails to recognize that the flourishing of the community depends on the self-actualization of its members.

This tension is more visible in the persistence of harmful traditional practices. Traditions that are justified through the lens of communal practices and customs. Examples of such practices can be Female Genital Mutilation (FGM) or forced child marriages. These practices around many parts of the world are still not viewed as violations rather these are seen as sacred duties to preserve the purity and marriageability of the community's daughters. Although these practices are strictly prohibited legally, communities still continue to practice them, sometimes in secret, sometimes in the open by using a loophole in the existing legislation.

7.3. Legality, Proportionality, and Determinacy

If the previsions sections identified the shadow sides of the duty-infused IHRL framework, then this section illustrates the technical architecture required to shed light into these shadows. To prevent a duty-infused framework from descending into these shadows, the entire framework must be reinforced with structural safeguards which will ensure that individual human dignity remains the primary focus.

¹⁹⁰ Fainos Mangena, 'Hunhu/Ubuntu in Southern African Thought' (Internet Encyclopedia of Philosophy, 2025) <https://iep.utm.edu/hunhu-ubuntu-southern-african-thought/> accessed 04 April 2026.

One of the core safeguards should be focused on preventing the weaponization of duties as authoritarian traps. In order to achieve that several mechanisms should be adopted in this duty-infused framework. Firstly, the Principle of Determinacy must be respected, for any duty to have legal validity must be clearly specified and there should be no room for any ambiguity.¹⁹¹ Any duties infused in the current IHRL framework must be termed in a way that it can be capable of legal interpretation and must be subject to independent judicial review. This standard is well established in current IHRL framework, such as the Siracusa Principles in the ICCPR state that any restrictions imposed on the rights must be subjected to law, serve a legitimate purpose, be necessary as well as proportionate and be open to legal challenge.¹⁹² A duty-infused IHRL model must import the same standard of legality, necessity, proportionality and justiciability upon any duty under this framework. Any vague duty that cannot be objectively defined and independently reviewed should be categorically inadmissible. Secondly, even a precisely defined duty can still be weaponized if it is applied disproportionately, it cannot be expended beyond its legitimate domain into areas of personal life and private expression where it has no genuine communal justification. Thus, there should be a proportionality safeguard. This principle of proportionality is deeply embedded in the current IHRL frameworks such as ICCPR¹⁹³ and even in regional human rights discourse such as European jurisdiction.¹⁹⁴ When applied to a duty-infused framework, it will require that a duty to uphold community welfare cannot be extended to controlling how an individual dresses in private, a duty to social order cannot license unlimited surveillance and a duty to national integrity cannot reach the expression of peaceful political disagreement. Thirdly, there requires a non-derogable rights floor, which is also present partially in existing IHRL framework. ICCPR establishes a set of rights from which no derogation is possible under any circumstances,¹⁹⁵ including the right to life, the prohibition of torture and the freedom of thought, conscience, and religion, among others.

¹⁹¹ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 43, 125.

¹⁹² International Commission of Jurists, *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (1985) <https://www.icj.org/wp-content/uploads/1984/07/Siracusa-principles-ICCPR-legal-submission-1985-eng.pdf> accessed 05 April 2026.

¹⁹³ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 19(3).

¹⁹⁴ *Handyside v United Kingdom* (n 55), para 49.

¹⁹⁵ ICCPR (n 193), art 4(2).

This non-derogable core must be understood not merely as limiting the power of a state, but as a baseline that no duty can ever override. Irrespective of how culturally or religiously accepted a duty is, it can never be used to justify killing, torture or forcing beliefs. In addition to these three, every state-imposed duty must be subjected to an interpretive test, “Can this duty sensibly be interpreted as an attempt to respect the equal importance of the citizen’s life, or is it a denial of their personal responsibility?”¹⁹⁶ Any duty that reduces a person to a mere object for state policy or constitutes a contempt of their human dignity should be considered an automatic violation of basic human rights norms and must be nullified.¹⁹⁷ Lastly, it must be explicitly stated that enjoyment of human rights cannot be conditional upon the performance of any duties. An individual who has failed every social obligation still remains a member of the human species and as such his human dignity cannot be violated and must retain the enjoyment of rights such as protection from torture and a fair trial.¹⁹⁸ By incorporating these safeguards duty can still be infused with the current IHRL framework without fearing that it might be weaponized as state tyranny.

Another core safeguarding mechanism should be focused on ensuring that duties to the group do not swallow the basic human rights of an individual. In order to achieve this balance, firstly, rights must be recognized as boundaries that protect an individual’s sphere of personal moral sovereignty from being overrun by collective duties. As Ronald Dworkin argues, even if a policy would be better for the community, it is wrong for the state to deny an individual a right for the sake of the policy if that right is essential for their inherent human dignity.¹⁹⁹ In a duty-infused framework this means that every collective or communal duty imposed on an individual must be subject to an interpretive test, which aligns with Aleksander Peczenik’s discussion of the *Bundesverfassungsgericht* formula: Does this duty respect the inherent

¹⁹⁶ Ronald Dworkin, *Justice for Hedgehogs* (Belknap Press of Harvard University Press 2011), 335.

¹⁹⁷ Ibid, 336.

¹⁹⁸ Murrow and Murrow, ‘Neurological Association between Dehumanization and Human Rights Abuses’ (n 28).

¹⁹⁹ Richard Bellamy, ‘Ronald Dworkin, *Taking Rights Seriously*’ in Jacob T Levy (ed), *The Oxford Handbook of Classics in Contemporary Political Theory* (online edn, Oxford Academic, 10 December 2015, published 5 April 2017) 6–7
<https://doi.org/10.1093/oxfordhb/9780198717133.013.18> accessed 07 April 2026.

human dignity of a person or does it reduce them to a mere tool for society?²⁰⁰ Ronald Dworkin similarly proposes an interpretive test for legitimacy.²⁰¹ Secondly, the framework must include a special provision stating that duties related to culture, tradition or social harmony can never override rights related to physical or mental integrity, which is supported by Henry Steiner's categorization of traditional "negative" rights.²⁰² Although a duty to community can include taxes or environmental protection, it can never include the complete surrender of the individual, as Peczenik notes any framework providing unrestrictive priority to collective duties or values over individual rights is unjustifiable as it fails to treat the individual seriously.²⁰³ Lastly, before a state can enforce a duty to the community that restricts individual rights, it must demonstrate that this restriction is proportional and necessary for the survival of the community and there is no less-restrictive alternative exists.²⁰⁴ By cementing these boundaries, the framework ensures that the thickness of duty-infused framework does not crush the individual rather provides the critical balance between the individual rights and communal duties.

More importantly, it is essential to recognize that not all cultural practices can or should be codified into a legal duty. In order to achieve that the framework must adopt an incompatibility threshold, which will dictate that any practices or traditions which will inherently violate the jus cogens norms of international law such as slavery, torture or discrimination shall be incapable of being recognized as duty. For example, in many cultures and societies FGM still persists in the guise of traditional and religious duties. Among them in Egypt where FGM has been recognized as criminal offence since 2008, religious restriction again FGM has been in place since 2007, still approximately 87% of married women aged between 15 to 49 have gone through this procedure.²⁰⁵ This practice is encoded as the fulfillment of a duty of hygiene and spiritual purity, making a girl who has not gone through this procedure unfit for social roles such as marriage, motherhood, social

²⁰⁰ Aleksander Peczenik, *On Law and Reason* (Springer Verlag 1989, Dordrecht), 137-138 <https://ndl.ethernet.edu.et/bitstream/123456789/24947/1/1.pdf> accessed 07 April 2026.

²⁰¹ Dworkin, *Justice for Hedgehogs* (n 196), 335.

²⁰² Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 60.

²⁰³ Peczenik, *On Law and Reason* (n 200), 247.

²⁰⁴ Boot, *Human Duties and the Limits of Human Rights Discourse* (n 16), 38.

²⁰⁵ FGM/C Research Initiative, 'Egypt' (FGMCRI, 2026) <https://www.fgmcricri.org/country/egypt/> accessed 07 April 2026.

participation etc. This philosophy is so deeply rooted in the minds of the people there that, even though it is a criminalized offence, a member of parliament in 2016 made a controversial statement that FGM should be practiced for the purpose of reducing sexual appetite so that Egyptian men are not put at a disadvantage.²⁰⁶ Wherever FGM is widely practiced, UNICEF confirms that families who do not perform this barbaric practice face community ostracism, their daughters risk becoming ineligible for marriage and any social benefits.²⁰⁷ This communal duty does not operate simply through individual conviction, it operates through a system of social interdependence that the law cannot simply reach. Similarly, child marriage is another persisting harmful social practice. A UNICEF data from 2018 suggests that approximately 21% of young women around the world aged between 20-24 were married off as children.²⁰⁸ In Nigeria's Sharia-legislated northern states for example, Human Rights Watch (HRW) documented that child marriages were explicitly justified on religious and traditional grounds, with the age of adulthood is not anchored in any fixed age of majority rather in puberty.²⁰⁹ In 2013 a Nigerian senator created a wave of controversy when he at the age of 49 married a 13 year old girl as his fourth wife, despite the act being illegal under Nigerian law, no legal action was taken against the senator.²¹⁰ Wherever child marriage persists despite being illegalized in most countries, it does so largely in the guise of religious practice, beyond this religious justification child marriage is sustained across cultures due to a honor-based communal obligation. Many cultures place an emphasis on the virginity of a girl being closely tied to a family's honor, which leads to parents to marry off daughters at an early age to ensure that she marries as a virgin

²⁰⁶ 'FGM in Egypt: Stricter Laws against the "Social Norm"' (Fanack, 21 December 2016) <https://fanack.com/politics/features-insights/fgm-in-egypt~80739/> accessed 07 April 2026.

²⁰⁷ UNICEF, 'What is Female Genital Mutilation?' (UNICEF, 2021) <https://www.unicef.org/stories/female-genital-mutilation> accessed 07 April 2026.

²⁰⁸ UNICEF, 'Child Marriage: Latest Trends and Future Prospects' (UNICEF, March 2018) <https://data.unicef.org/resources/child-marriage-latest-trends-and-future-prospects/> accessed 07 April 2026.

²⁰⁹ Human Rights Watch, 'Nigeria: Child Marriage Violates Girls' Rights' (Human Rights Watch, 17 January 2022) <https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights> accessed 07 April 2026.

²¹⁰ 'Nigeria: Furore over Teenage Bride' (Al Jazeera, 18 May 2010) <https://www.aljazeera.com/news/2010/5/18/nigeria-furore-over-teenage-bride> accessed 07 April 2026.

and prevent any physical relation or childbirth out of wedlock.²¹¹ This is more than just a religious phenomenon as this practice is recorded across different religions and societies, also it is deeply rooted that simply enacting laws cannot make it go away. Which is why extra emphasis should be given within and beyond the duty-infused framework so that these harmful practices do not crawl their way into a duty-infused framework guising themselves as communal or divine duties.

In order to achieve that, the duty-infused framework can take inspiration from the eradication processes of *Satidah*. Also known as Sati was a historical Hindu practice, where a widow would be burned alive along with her deceased husband in his funeral pyre, either voluntarily or by coercion.²¹² The origin of this term comes from the Sanskrit word “sati” meaning a “virtuous woman.”²¹³ At the core of this practice was the *Sanatana* concept of Pativrata or a devoted wife, the act of dying with her husband thus was a testament of ultimate devotion and loyalty.²¹⁴ A practice that was continuing for hundreds of years were brought to a stop by the joint efforts of Hindu reformers and British administration by the late 18th and early 19th century.²¹⁵ Among the reformers, Raja Ram Mohan Roy was pivotal, upon witnessing the forced immolation of his own sister-in-law in 1811, he vowed to put an end to this barbaric practice.²¹⁶ Roy did not attack the Hinduism itself rather he argued that according to the Hindu scriptures Sati was not a divine duty or a religious mandate but is a social corruption that violated the higher Hindu duty of compassion and preservation of life.²¹⁷ This internal delegitimization provided the moral cover for Lord William Bentinck, the Governor-General of India to enact the Bengal Sati Regulation (Regulation XVII) on 1829,

²¹¹ Council on Foreign Relations, ‘Child Marriage’ (CFR, 2019) <https://www.cfr.org/photo-essay/child-marriage> accessed 07 April 2026.

²¹² Susan Gilmartin, ‘The Sati, the Bride, and the Widow: Sacrificial Woman in the Nineteenth Century’ (1997) 25(1) *Victorian Literature and Culture* 141–158, <https://doi.org/10.1017/S1060150300004678> accessed 07 April 2026.

²¹³ M Shamsuddin, ‘A Brief Historical Background of Sati Tradition in India’ (2020) 3 *Din ve Felsefe Araştırmaları* 44–46.

²¹⁴ Ibid.

²¹⁵ Ibid.

²¹⁶ Anirban Das, ‘The Abolition of Sati-Immolation: Rammohan Roy’s Pursuit of Modernity and the Death-Centred Paradigm in Colonial Bengal’s Social History’ (2022) 28(1) *Educational Administration: Theory and Practice* 349–353 <https://doi.org/10.53555/kuey.v28i01.10484> accessed 07 April 2026.

²¹⁷ Ibid.

declaring Sati to an illegal practice and punishable as culpable homicide.²¹⁸ Despite the ban there were several attempts to revive the tradition occurring as recently as 2002, leading to the Commission of Sati (Prevention) Act, 1987, which further criminalized the glorification of sati and construction of temples honoring such practices.²¹⁹ What Raja Ram did is very close to the Internal Discourse Requirement theory of Abdullahi An-Na'im, the framework can incorporate this theory, which states that any recognized communal duty must be subjected to internal cultural discourse.²²⁰ If a practice violates the core values of the very culture similar to the Sati practice loses its dutiable status. This test will ensure that the human rights norm will not be perceived as foreign impositions rather rooted in traditional values and culturally legitimate. Furthermore, it will create an opposing obligation in the form of duties to abandon harmful practices such as FGM or forced child marriage.

²¹⁸ Lord William Cavendish Bentinck, *Sati: Official Documents* (World History Commons, 1829) <https://worldhistorycommons.org/sati-official-documents-lord-william-cavendish-bentinck> accessed 07 April 2026.

²¹⁹ 'Abolition of Sati' (BYJU'S, 4 December 1829) <https://byjus.com/free-ias-prep/this-day-in-history-dec04/> accessed 07 April 2026.

²²⁰ Abdullahi Ahmed An-Na'im, *Human Rights in Cross-Cultural Perspectives: A Quest for Consensus* (University of Pennsylvania Press 2010).

Chapter 8: The Practitioner's Paradigm

The previous chapter have discussed the shadow sides of the duty-infused IHRL framework and how these risks can be averted using the safeguards discussed as well. But discussions on a theoretical and philosophical level are not sufficient, a framework that aims to transform how IHRL understands the relationship between rights and duties will, by extension, transform what is demanded of those who work within the existing framework on the ground, this chapter will focus on that. This chapter will address what none of the preceding chapters were designed to address, not the architecture of the framework, but the practitioners who must inhabit it. While preceding chapters have answered the question of what the duty-infused framework is and whether it can work, this chapter targets those who will work within this paradigm and answers how their role must transform to facilitate the success of a duty-infused framework.

The necessity of this chapter is ultimately rooted in the central research question of this thesis. If a duty-infused IHRL framework is to genuinely address the shortcomings of the current entitlement-based IHRL framework specifically in multicultural societies, then this change must be capable of reaching those societies not merely through treaties or institutional structures but also through the people who acts as a bridge between common people and law, such as lawyers or NGOs. Without this chapter the thesis risks becoming what it has consistently argued against, a framework that is theoretically compelling, relevant in academic writing but practically inert and invisible in reality.

However, it is essential to expand upon before proceeding that why this chapter only engages with two categories of practitioners, i.e., lawyers and NGOs. This is a deliberate choice not because the other actors are less important in any way, but because lawyers and NGOs occupy a uniquely leveraged position within the current IHRL implementation architecture. States are the primary duty-bearers under the current paradigm, yet they are also the actors most resistant to paradigm shifts that constrain their discretion. Any international organization operates on such a high level of generality that their transformation would require treaty revision, a process far beyond the scope of this thesis. Lawyers and NGOs, by contrast, are the professional intermediaries who translate international norms into local practice. Which is why in order to build a duty-infused framework from the ground up primary engagement should be made with the actors that work close to the ground

reality. The exclusion of other stakeholders is therefore a deliberate boundary-setting choice, not an omission of their importance. Future research might extend this analysis, but this chapter limits itself to the two practitioner categories whose transformation is most immediately necessary and most directly within the scope of this thesis.

8.1. From Savors to Facilitators

The current IHRL paradigm, as discussed before in chapter three, operates under the SVS metaphor described by Makau Mutua, where non-western cultures are described as barbaric and in need of western saviors.²²¹ Under this metaphor, if the western societies were to be taken as the knight in a shining armor, the NGOs around the world can be described as the sword of a knight. In a duty-infused framework, where the knight is no longer needed, the sword must change its role as well, the shining sword must be transformed into a mirror that no longer forces foreign ideologies, rather reflect the core values of a society whether they are good or bad, so that the shortcomings can be addressed and the problems within can be fixed.

When the internal cultural discourse requirement discussed in chapter seven is applied not merely as a philosophical safeguard but as an operational methodology, the role of an NGO changes entirely. In its new role as a facilitator, it no longer brings foreign values, instead they provide the tools necessary for cultures to rediscover human rights within the culture's own moral vocabulary. Borrowing from the concluding remarks of the previous chapter regarding the Sati practice, Raja Ram did not succeed in eradicating Sati practice, a cultural rite that existed for hundreds of years, not merely because the British legislation but because he engaged in an internal discourse that proved Sati was a corruption of Hindu values rather than a requirement of them.²²² An NGO working as a facilitator would assume a similar role like Raja Ram, where they would engage in similar internal discourse with the assist of local scholars and community leaders in identifying similar "internal contradictions" in practices like child marriage or FGM, ensuring the push for change is perceived as culturally legitimate rather than an alien ideology. This new role is not merely a theoretical abstraction. The CLM model discussed in chapter six already illustrated that this role is attainable in practice, the CLM model, where passive AIDS patients were turned into active monitors of clinic performance, generating community-driven accountability without relying on

²²¹ Mutua, *Human Rights: A Political and Cultural Critique* (n 15), 10-11.

²²² Das, 'Abolition of Sati-Immolation' (n 216).

state enforcement.²²³ Although CLM acted within a very narrow domain, an NGO must be capable of replicating it in a much larger scale to facilitate this architecture across the broader domain of rights and duties in societies. Within this new role, an NGO must operate to train community leaders to act as what this thesis terms localized duty-barriers.

The case for such a localized duty- barriers is grounded in a practical reality that the current IHRL framework fails to address, in many pluralistic societies where IHRL is most urgently needed, the state is either absent or compromised or actively hostile. As previously mentioned at the start of this thesis, the 2024 student revolution in Bangladesh created this exact vacuum, where for several days no functioning state mechanism existed to protect civilian rights.²²⁴ However in this vacuum, it was internalized moral duty-barriers that protected the fundamental rights of the citizens, however this response also an improvised, unstructured response. The contribution of NGOs operating as facilitators would be to make this structural rather than spontaneous.

8.2. Lawyering Beyond the Courtroom

While the preceding section has argued that the roles of NGOs must transform within a duty-infused framework, this section extends the same argument to lawyers. The traditional approach to human rights has predominantly been adversarial, centered around the vindication of rights through litigation. The current IHRL model assumes that the only way to provide remedy in case of a violation can be achieved through the threat of judicial sanction, which chapter five of this thesis identifies as heteronomy.²²⁵ The problem in this model is not that courts are not helpful, the thesis agrees that courts are indispensable, rather the problem is litigation has become the default and frequently the only instrument lawyers reach for, reducing the entire architecture of human rights protection to a single, reactive, and culturally narrow tool.²²⁶ This inadequacy has been well documented throughout the thesis, which is why this section argues that in a duty-infused IHRL model the role of a lawyer fundamentally changes, along with their primary role as

²²³ UNAIDS, *Community-led Monitoring in Action* (n 148).

²²⁴ Chandan, 'Chronicle of the July Uprising' (n 2).

²²⁵ Kant, *Groundwork of the Metaphysics of Morals* (n 129), 24.

²²⁶ See ch 5, section 5.2 above for the discussion on the critique of compliance through fear of sanction rather than internalized obligation.

courtroom advocate, they must also act as mediators of communal obligations and an architect of duty-allocation. The role shifts from extracting a remedy from a reluctant state to building the communal infrastructure that makes the right a living reality before the violation even occurs. This shift is not a retreat from law but an expansion of it, extending legal practice into the territory of mediation, community convening, and structured duty-allocation.

The most compelling example for this reorientation already exists in practice, the term is known as community lawyering or what Gerald López termed “rebellious lawyering”- where the lawyer is not merely the provider of a legal service but a collaborative partner who builds the legal and social capacity of the community itself.²²⁷ Infusing this practice with the duty-infused framework, the lawyers would help the communities identify what duties already exist within their religious and cultural contexts and then provide the communities with legal architecture to formalize, enforce and protect those duties. This paradigm is also critically a model that dismantles the SVS model discussed in chapter three of this thesis, because this model does not enforce foreign concepts rather it arrives to excavating the duties that already resonate within that community’s own moral vocabulary.

The most innovative tool available to lawyers within this duty-infused framework is the mediation of communal duties. Within this a dispute will no longer be framed as mere individual rights violation rather also a failure of communal duty to be resolved. Consider the example of right to housing already discussed in chapter three of this thesis, where it has been discussed that even though it is formally recognized in the current framework it remains toothless in many communities, whereas a duty-infused framework would require a lawyer to convene a structural mediation process bringing together the municipality, landlords, community organizations, and civil society actors not to litigate a claim but to collectively allocate and formalize their specific duties. The outcome of such mediation will not be a judgement but a communal contract, a legally recognized agreement in which specific actors accept specific obligations to prevent forced eviction, maintain habitability standards, and support vulnerable households. This agreement will be enforceable in court if breached, but the primary mechanism will no longer be fear but obligation that will draw its legitimacy from communal consensus rather than judicial coercion.

²²⁷ Gerald P López, *Rebellious Lawyering: One Chicano’s Vision of Progressive Law Practice* (Westview Press 1992).

One of the significant challenges that will arise within this paradigm will be identifying who will be the duty-bearer, specifically when related to socio-economic rights such as food or healthcare. If the state is unwilling or unable to provide these rights to its citizens, who then will be responsible for them? To solve this conundrum, the lawyers can utilize the means-test already discussed in chapter six of this thesis, to identify and enforce specific duty-bearers among non-state actors.

Chapter 9: Closing Observations

There exists a paradox at the core of current IHRL framework that this thesis has excavated at the expense of eight preceding chapters. The framework that was designed with the intention of protecting the inherent human dignity of every individual has proven to be least effective specifically in places where it is desperately needed. As observed throughout the thesis this inadequacy is structural, not incidental. This thesis began with introducing two incidents happening in two different parts of the world all within a remarkably close interval, the UK riot of 2024, and the vacuum of legal protection as consequence of student revolution in Bangladesh of the same year. These two events were not coincidences. They were the empirical core from which this thesis has been built, and it is here, in chapter nine, that its diagnostic journey reaches its conclusion.

This concluding chapter serves as the convergence point for the arguments advanced across all preceding chapters. It introduces no new claims or any new sources, rather every assertion made here is grounded in the evidence developed across chapters three through eight. The aim of this chapter is to synthesize those accumulated analytical threads into a direct and precise answer to the central research question, which is “To what extent does a duties-infused conception of human rights address the limitations of applicability, impact, and enforcement of entitlement-focused human rights frameworks in multicultural societies?” The answer this thesis ultimately arrives at is to a substantial, though bounded, extent. ‘Substantial’ because the framework addresses each of the three identified structural failures. ‘Bounded’ because duty-infusion creates new risks requiring careful architectural safeguards, and its success depends on implementation conditions such as political will, institutional capacity, civil society engagement, something that this thesis cannot itself guarantee. The contribution of this thesis is best understood as providing the normative and operational architecture for a reconceptualized IHRL framework, not as a prediction that its adoption will be immediate or uncontested.

Chapter three establishes that the current IHRL model is perceived as a foreign imposition in multicultural societies primarily because of its Eurocentric foundation. This limitation was demonstrated through the works of many scholars such as Mutua and Parekh. The entitlement model does not engage this ontological architecture, it overrides it, and that override is read as an act of cultural subordination. The duty-infused framework addresses

this limitation directly. As chapter four demonstrated, this is not a metaphorical reframing but a structural rearrangement. A duty-infused framework does not abandon universality, it reconfigures it, ensuring that rights retain their universal normative core while becoming linguistically and culturally grounded in practice. This is precisely what the current framework cannot achieve on its own. Universality, in the absence of any cultural legibility, is not universality at all but is the imposition of a particular tradition under the guise of neutrality. Chapter three also identifies an impact paradox, where rights proclaimed in isolation, detached from any localized duty-barrier, remain aspirational rhetoric. The duty-infused framework resolves this paradox by converting passive right-holders into active duty-bearers. The ACHPR provides the most developed legal model for this approach, explicitly codifying duties toward family, society, and the state, drawing on African communitarian philosophy in which rights and obligations are functionally inseparable.²²⁸ In situations where IHRL fails to produce an effective right because no duty-bearer is identified, a divine obligation framed as communal duty succeeds because it activates the moral and biological reciprocity circuits that abstract entitlements cannot do.²²⁹

The enforcement failure of the entitlement-based framework, as demonstrated in chapter five through cases ranging from Abu Ghraib to the Myanmar Rohingya crisis, lies in its dependence on Kantian heteronomy.²³⁰ When the fear dissolves, whether through institutional collapse, state complicity, or cultural illegitimacy, the framework inevitably fails as well. The duty-infused framework shifts this paradigm from heteronomy to autonomy, from the fear of the court to a sense of obligation. Chapter six demonstrated that this shift is not merely aspirational but is attainable in practice as well.

Finally, this reconceptualization will only be effective when the duty-infused framework is anchored by the safeguards of determinacy, proportionality, and a non-derogable rights floor to ensure that the "duty to the group" does not swallow the "right of the person". In conclusion, a duty-infused framework addresses the core limitations of current IHRL frameworks to a substantially bounded extent.

²²⁸ African Charter on Human and Peoples' Rights (n 47), art 27-29; Ouguergouz, *African Charter on Human and Peoples' Rights* (n 24) 423.

²²⁹ Morgan-Foster, 'Third Generation Rights' (n 25), 113–115.

²³⁰ Kant, *Groundwork of the Metaphysics of Morals* (n 129), 24.

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