

## Convention Bodies and Their Role in the Development of International Human Rights Standards

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**Abstract.** *This article is devoted to the analysis of the role of convention bodies in the formation and evolution of international standards in the field of human rights. The author examines the concept of “living law” in the practice of treaty bodies, their influence on national legislations, and provides examples from the activities of the UN and regional mechanisms. Special attention is given to the interpretation of international norms and their role in the development of universal approaches to human rights protection.*

**Keywords:** *convention bodies, international standards, human rights, living law, international law, UN practice, interpretation*

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## Konvensiya orqanları və onların beynəlxalq insan hüquqları standartlarının inkişafındakı rolu

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**Xülasə.** *Bu məqalə konvensiya orqanlarının insan hüquqları sahəsində beynəlxalq standartların formalaşması və təkamülündəki rolunun təhlilinə həsr olunmuşdur. Müəllif müqavilə orqanlarının təcrübəsində “canlı hüquq” konsepsiyasını, onların milli qanunvericiliklərə təsirini nəzərdən keçirir, həmçinin, BMT və regional mexanizmlərin fəaliyyətindən nümunələr təqdim edir. Beynəlxalq normaların şərh edilməsinə və onların insan hüquqlarının müdafiəsinə dair universal yanaşmaların inkişafındakı roluna xüsusi diqqət yetirilir.*

**Açar sözlər:** *konvensiya orqanları, beynəlxalq standartlar, insan hüquqları, canlı hüquq, beynəlxalq hüquq, BMT təcrübəsi, şərh*

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## Introduction

The development of international human rights standards is inextricably linked to the activities of the so-called treaty bodies – institutions established under international treaties and vested with the authority to monitor the implementation of states' obligations. These bodies play a key role in the interpretation of legal norms, the formulation of legal positions, and the operation of monitoring mechanisms. It is precisely through their activities that international law develops in a dynamic and adaptive manner in response to contemporary global challenges.

## Methods

To achieve the research objective, a multi-methodological approach specific to contemporary international legal studies was utilized: Systemic-Structural Method: Employed to examine treaty bodies as integral components of both the United Nations institutional framework and regional human rights protection systems.

Comparative Legal Analysis: Used to trace the interaction between universal human rights norms and domestic legal systems, specifically looking at how international positions penetrate domestic jurisdictions.

Formal-Dogmatic (Analytical) Approach: Applied to scrutinize the text of international covenants, general comments, and the concluding observations formulated by monitoring entities.

Case-Study and Teleological (Evolutionary) Interpretation: Utilized to analyze the specific application of the "living instrument" doctrine in judicial and quasi-judicial settings, evaluating individual communications and specific domestic legislative reforms (e.g., the case of Azerbaijan).

## Results

The investigation into the practice of convention mechanisms reveals several distinctive structural channels through which the evolution of international legal standards manifests:

Institutional Transformation: Treaty bodies have successfully expanded their operational mandates from strict, formal intergovernmental monitoring to holistic oversight. This transformation relies significantly on the institutionalization of alternative documentation, specifically via "shadow reports" submitted by non-governmental organizations and civil society. Normative Expansion through Quasi-Judicial Practice: Although the formal views resulting from individual complaint procedures lack traditional judicial binding force, they consistently compile a specialized body of precedential positions. This process establishes a predictable legal environment and converts standard treaty baseline guarantees into "critical standards" that serve as practical benchmarks for national jurisdictions.

Domestic Legislative Integration: The findings show that recommendations made by universal mechanisms actively stimulate legislative change at the domestic level. This is evidenced by practical modifications in regional frameworks, including the refinement of legislative parameters governing freedom of expression and anti-discrimination policies within the Republic of Azerbaijan.

*Relevance of the Topic.* In the contemporary context of globalization and expanding international cooperation, the protection of human rights is becoming increasingly paramount. Treaty bodies operating on the basis of international agreements are emerging as central mechanisms for ensuring the implementation of international standards. Their activities contribute not only to monitoring compliance with state obligations but also to the formulation of new legal norms adapted to changing

realities. Researching the "living development" of these standards through the prism of treaty body practice is particularly relevant, as it allows for an understanding of the dynamics of international law and the identification of prospects for its further advancement.

*Literature Review (Degree of Research on the Topic).* The functioning of treaty bodies and their impact on the development of international human rights standards have received significant attention in the scholarly literature. Scholars such as E.A. Lukasheva note the role of the Universal Declaration of Human Rights as the foundation for national legislation (Lukasheva, 2011). G.V. Ignatenko views international standards as a normative minimum that determines the level of state regulation (Ignatenko, 2013). J. Crawford introduces the concept of "critical" standards applied by international bodies of justice (Crawford, 2016). O.I. Tiunov analyzes standards as a benchmark for measuring the legislation of various countries (Tiunov, 2008), while S.A. Golubok refers to them as "universally recognized norms" (Golubok, 2014). However, the issue of dynamic development and interpretation of norms within the practice of treaty bodies remains a subject of active research and requires further analysis.

*Purpose of the Study.* The purpose of this article is to provide a comprehensive analysis of the role of treaty bodies in the development of international human rights standards, to identify the mechanisms of their influence on national legislation and practice, and to explore the concept of "living law" as a reflection of the dynamics of international law through the practice of treaty bodies.

## **Discussion and Conclusion**

Treaty bodies play a pivotal role in the process of institutionalizing and interpreting international human rights standards. Established on the basis of international treaties, they are entrusted with mandates that enable them to monitor the fulfillment of obligations undertaken by States Parties. Their activities extend beyond the mere identification of violations; they contribute to the formation of legal practice, clarify the content of legal norms, and, in certain cases, set new directions for their development. Consequently, these bodies function not only as mechanisms of oversight but also as catalysts of legal evolution.

Particular significance in this process is attached to the concept of "*living law*", according to which the norms of international law are not static but evolve in response to social, political, and cultural transformations. This concept finds especially vivid expression in the work of such bodies as the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee on the Rights of the Child, as well as within the framework of the European Court of Human Rights, where the doctrine of the "*living instrument*" has become a cornerstone of jurisprudence.

The development of the doctrine of *living law* within the activities of treaty bodies is driven by the need to overcome normative lag – the gap between the static text of an international treaty and rapidly changing social realities. As G.V. Ignatenko notes, international standards constitute a "normative minimum"; however, it is the practice of treaty bodies that transforms this minimum into a dynamic system of legal reference points (Ignatenko, 2013).

The process of evolutionary interpretation enables treaty bodies to identify "new" dimensions of established rights. For example, under contemporary conditions, the right to respect for private and family life is interpreted by UN treaty bodies and the European Court of Human Rights as encompassing the protection of personal data in the digital environment and the right to a healthy environment. This confirms S.A. Golubok's thesis that these norms are "universally recognized," while their substantive content is continuously enriched through legal practice (Golubok, 2014). Thus,

treaty bodies perform the function of a “social engineer” within international law, adapting universal values to the cultural and technological context of the twenty-first century.

Particular attention should be paid to the quasi-judicial function of treaty bodies, exercised through the consideration of individual communications. Although the views and decisions of UN Committees do not formally possess the binding force of judicial judgments, they nevertheless contribute to the formation of the “critical standards” described by J. Crawford (Crawford, 2016). These standards serve as important benchmarks for national judicial authorities, helping to prevent systemic human rights violations at the domestic level.

The mechanism of individual complaints makes it possible to:

*Identify gaps in national legislation:* An individual case frequently becomes a catalyst for broader legislative reform.

*Ensure the right to an effective remedy:* The practice of treaty bodies elaborates detailed requirements for a fair trial, extending beyond the scope of general declaratory provisions.

*Develop a body of precedential practice:* Although international law does not recognize a strict doctrine of *stare decisis*, the consistency of the Human Rights Committee’s positions contributes to the creation of a predictable legal environment for States Parties.

Contemporary practice of treaty bodies demonstrates the necessity of continuously refining human rights standards in response to global challenges. Their activities extend beyond formal supervision and increasingly serve as a factor in shaping international legal consciousness. Of particular importance is the interaction between international and national mechanisms. Constitutional and supreme courts in various countries increasingly rely upon the findings and interpretations of treaty bodies in their judicial practice. This contributes to legal harmonization and strengthens the implementation of international standards within domestic jurisdictions.

The influence of the practice of these bodies on domestic legal systems is significant and multifaceted. International standards penetrate national legal orders through various channels, including direct implementation, normative interpretation, judicial practice, constitutional reforms, and educational programs. As the Azerbaijani legal scholar A.I. Aliyev emphasizes, the effective operation of international standards is ensured precisely through national mechanisms and constitutional-legal instruments (Aliyev, 2020). Another important aspect is the strengthening of dialogue between treaty bodies and civil society institutions. Non-governmental organizations, the academic community, and human rights institutions are actively involved in the preparation of shadow reports, thereby enhancing the effectiveness of monitoring processes and making them more transparent and inclusive.

The institutionalization of dialogue with civil society through the mechanism of *shadow reports* fundamentally transforms the nature of international monitoring. It converts the process of oversight from a formal intergovernmental exchange of documents into an inclusive and substantive discussion. As A.I. Aliyev notes, it is precisely through interaction with national institutions that international standards acquire practical effectiveness.

The inclusion of alternative sources of information enables treaty bodies to obtain an objective picture of the human rights situation, often concealed behind official statistics. This is particularly important in the context of protecting the rights of vulnerable groups, including women, children, and persons with disabilities, where official reports may fail to reflect latent forms of discrimination. Consequently, treaty bodies act as mediators between the state and society, contributing to legal harmonization and the strengthening of democratic institutions.

The case of Azerbaijan illustrates how the recommendations of the United Nations Human Rights Committee have contributed to the reform of specific legislative provisions concerning freedom of expression and protection against discrimination. Such interactions demonstrate the practical significance of treaty bodies and their impact on domestic jurisdictions.

The analysis conducted in this study allows the conclusion that treaty bodies constitute indispensable elements of the contemporary international human rights protection system. Their activities contribute to the creation of “living law,” capable of adapting to emerging challenges and changing circumstances. Through concluding observations, recommendations, and general comments, these bodies influence national legal systems, enhance standards of human rights protection, and promote the development of universal approaches.

It is particularly important to emphasize that the role of treaty bodies extends far beyond formal supervision. They have become active participants in the global legal dialogue, shaping not only the substance of international standards but also legal benchmarks for future generations. The current stage in the development of international standards is characterized by a growing focus on the protection of rights within the digital environment. Today, treaty bodies face the necessity of interpreting legal norms in the context of artificial intelligence, mass surveillance systems, and algorithmic content moderation. O.I. Tiunov rightly emphasized the role of standards as a benchmark for measuring legislation, and in contemporary conditions this benchmark must also encompass the concept of the “digital sovereignty of the individual” (Tiunov, 2008).

The development of new *General Comments* addressing human rights issues in the digital sphere has become a priority area of activity for United Nations treaty bodies. This requires the strengthening of the expert capacity of the committees and closer cooperation with the technological sector. In this regard, Azerbaijan’s experience in implementing international standards through constitutional and legal mechanisms may serve as a model for adapting national legal systems to emerging technological challenges. Future research should focus on assessing the effectiveness of treaty bodies in the context of new technological and socio-cultural realities, as well as on strengthening their interaction with national systems of justice.

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