

# Protection of Human Rights in the Framework of Global Judicial Reforms

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## Abstract

The purpose of the article is to analyse the relationship between judicial reforms and human rights protection, especially in the light of global and international changes. The article examines how judicial reforms carried out in different countries, aimed at improving the efficiency, accessibility, and fairness of the judicial process, affect the exercise and protection of fundamental human rights and freedoms. The authors examine the case studies of Colombia and Turkey in the context of their judicial reforms to understand whether reforms are always sufficient to ensure human rights. Based on the study, it is established that reforms alone are not enough. Sustained political will and international influence are also needed. It is established that the protection of human rights in the context of global judicial reforms is a relevant and significant topic that requires attention and improvement in the modern world. Protection of human rights through judicial reforms only meets the needs of modern society.

**Keywords:** Human Rights, Judicial Reforms, Rule of Law, Judicial Independence, Globalization of Justice.

## I. Introduction

The historical context of judicial reforms and human rights encompasses a long and complex evolution that has taken place over centuries. This process has been closely linked to the overall development of legal systems, democracy, and human rights ideals.

Attitudes toward human rights have come a long way in their evolution and global awareness of the need to respect them. It should be noted that the historical context is key to a deeper understanding of the impact of judicial reforms on human rights. An analysis of historical facts allows us to assess how the formation and evolution of human rights and judicial systems influenced each other. The study of past reforms and legislative changes makes it possible to identify trends and turning points that shaped the development of the judiciary and the protection of human rights. It also identifies precedents, points out the successes and shortcomings of previous reforms, which is important for designing and implementing effective judicial reforms in the future.<sup>1</sup>

Comprehending historical developments also helps to understand the impact of globalization on judicial systems and human rights, highlighting how international cooperation and standards facilitated the development of national legal frameworks. This way is crucial for adapting judicial systems to modern requirements and challenges, allowing for more sustainable and fair human rights protection. Thus, historical analysis not only provides important insights into the past but also plays a crucial role in shaping strategies for the future, enabling judicial reforms to effectively respond to the needs of human rights protection in a global context.<sup>2</sup>

In the ancient period, human rights were not defined in the way we understand them today, but there were already certain principles of justice and fairness. For instance, in Ancient Greece and Rome, the foundations of democracy and the rule of law were being formed, where citizens could participate in court proceedings and influence decision-making.<sup>3</sup>

The Middle Ages marked an important turning point in the development of legal systems, in particular due to the growing power of monarchies and the church, which began to play a key role in public life. This period is characterized not only by the centralization of power but also by the emergence of the first formal principles of legal protection of the individual.<sup>4</sup> One of the most important events in this context is the adoption of the Magna Carta in 1215 in England.<sup>5</sup> This document, which arose as a result of a confrontation between the king and his barons, was of historical importance for the development of the concept of the rule of law and the protection of individual rights. The Magna Carta established several key principles that limited the power of the monarch and laid the foundation for modern legal understanding. Among the most important

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<sup>1</sup> OM Yaroshenko, OY Lutsenko, NM Vapnyarchuk, "Salary optimisation in Ukraine in the context of the economy Europeanisation" (2021) 28 *Journal of the National Academy of Legal Sciences of Ukraine* 3: 224-237.

<sup>2</sup> S Guenther, "Roman law: Opening the system" (2018) 33 *Journal of Ancient Civilizations* 2: 267-282.

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<sup>4</sup> J Neal, "Law & order in Medieval England" (2019) *Harvard Law Today*.

<sup>5</sup> DM Stenton, *Magna Carta* (2024) *Encyclopedia Britannica*

provisions of the Magna Carta was the establishment that even the king must act in accordance with the law, which was revolutionary at the time. It guaranteed the rights to trial and protection from arbitrary imprisonment, laying down the principles of judicial independence and fair trial.<sup>6</sup> The Magna Carta also promoted the development of the idea that individuals have inalienable rights that should be protected by the state. This document became the foundation for the development of constitutional monarchies and democratic institutions in Europe, influencing the further evolution of legal and political systems.<sup>7</sup> In this case, the Middle Ages, with its significant changes in the structure of power and legal norms, in particular through the Magna Carta, played a critical role in shaping the foundations of modern legal systems and concepts of protection of human rights and freedoms.

In recent history, since the end of World War II, there has been a significant rethinking of the concept of human rights at the global level. The horrors of the war revealed an urgent need to create an international system that would ensure fundamental rights and freedoms for all people, regardless of their nationality or geographic location.<sup>8</sup> One of the key events of this period was the founding of the United Nations in 1945, which aimed to promote international peace, security, and development. The UN quickly became a platform for the articulation and protection of human rights at the international level.

In 1948, the Universal Declaration of Human Rights was adopted, which became the first global document to define the fundamental rights and freedoms that should be protected worldwide. The Declaration covers a wide range of rights, including the right to life, freedom of expression, the right to education, and the right to a fair trial. These principles became the basis for the development of further international human rights treaties and conventions.<sup>9</sup> The Universal Declaration of Human Rights was a catalyst for the incorporation of human rights into national legislation around the world. Many countries began to ratify their legal and judicial systems to the international standards set forth in the Declaration and other international legal instruments. The Declaration made it possible to establish international courts and tribunals for crimes against humanity and genocide.<sup>10</sup> Thus, the post-World War II period was marked by the formation of a new

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<sup>6</sup> K Krasovskiy, "The role and significance of Magna Carta 1215 in promoting the ideas of natural human rights and natural law" (2020) 1 Public Law 37, 176-181.

<sup>7</sup> R Favorito, "The Magna Carta and its legacy" (2015) *Origins. Current Events in Historical Perspectives*.

<sup>8</sup> S Miner, "The reconstruction of justice in Post-Nazi Western Germany" (2021) *The National WWII Museum*.

<sup>9</sup> *Universal Declaration of Human Rights* (1948)

<sup>10</sup> V Bílková, "Post-Second World War trials in Central and Eastern Europe", In M. Bergsmo, W.L. Cheah, P. Yi (Eds.), *Historical origins of international criminal law: Volume 2* (pp. 41-81). (Torkel Opsahl Academic EPublisher 2014).

global human rights system that influenced national legislation and judicial systems, strengthening rights and freedoms at the international level.

The relevance of human rights protection in the context of global judicial reforms is especially evident in the context of current crises, such as the war in Ukraine, armed aggression in Israel, and growing military threats in various parts of the world.<sup>11</sup> These conflicts not only lead to significant human suffering and human rights violations, but also call into question the effectiveness of international mechanisms for the protection of rights and freedoms. In the context of armed conflicts, the role of judicial institutions, both national and international, in bringing to justice those responsible for war crimes, crimes against humanity, and genocide becomes particularly important. This condition requires both clear and effective legal norms, as well as the independence of the judiciary and the ability to implement international humanitarian law effectively.

In addition, the growing military threats around the world emphasize the need for global cooperation and strengthening of international institutions capable of effectively responding to human rights challenges. In this context, judicial reforms aimed at strengthening the international legal system become especially important. Thus, current conflicts and global security challenges emphasize the importance and necessity of continuing judicial reforms aimed at effective protection of human rights and maintenance of the international legal order.

## **II. Historical Context of Judicial Reforms and Human Rights**

The historical context of judicial reforms and human rights encompasses a long and complex evolution that has taken place over centuries. This process has been closely linked to the overall development of legal systems, democracy, and human rights ideals. Attitudes toward human rights have come a long way in their evolution and global awareness of the need to respect them. It should be noted that the historical context is key to a deeper understanding of the impact of judicial reforms on human rights. An analysis of historical facts allows us to assess how the formation and evolution of human rights and judicial systems influenced each other. The study of past reforms and legislative changes makes it possible to identify trends and turning points that shaped the development of the judiciary and the protection of human rights. It also identifies precedents, points out the successes and shortcomings of previous reforms, which is important for designing and implementing effective judicial reforms in the future.<sup>12</sup>

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<sup>11</sup> O Khotynska-Nor, "Optimisation of judicial governance in Ukraine as a prerequisite for the stability of its court system after war" (2023) 4 Access to Justice in Eastern Europe 21: 242-252.

<sup>12</sup> OM Yaroshenko, OY Lutsenko, NM Vapnyarchuk, "Salary optimisation in Ukraine in the context of the economy Europeanisation" (2021) 28 Journal of the National Academy of Legal Sciences of Ukraine 3: 224-237.

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shaping the foundations of modern legal systems and concepts of protection of human rights and freedoms.

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In 1948, the Universal Declaration of Human Rights was adopted, which became the first global document to define the fundamental rights and freedoms that should be protected worldwide. The Declaration covers a wide range of rights, including the right to life, freedom of expression, the right to education, and the right to a fair trial. These principles became the basis for the development of further international human rights treaties and conventions.<sup>20</sup> The Universal Declaration of Human Rights was a catalyst for the incorporation of human rights into national legislation around the world. Many countries began to ratify their legal and judicial systems to the international standards set forth in the Declaration and other international legal instruments. The Declaration made it possible to establish international courts and tribunals for crimes against humanity and genocide.<sup>21</sup> Thus, the post-World War II period was marked by the formation of a new global human rights system that influenced national legislation and judicial systems, strengthening rights and freedoms at the international level.

The relevance of human rights protection in the context of global judicial reforms is especially evident in the context of current crises, such as the war in Ukraine, armed aggression in Israel, and growing military threats in various parts of the world.<sup>22</sup> These conflicts not only lead to significant human suffering and human rights violations, but also call into question the effectiveness of international mechanisms for the protection of rights and freedoms. In the context of armed conflicts, the role of judicial institutions, both national and international, in bringing to justice those responsible for war crimes, crimes against humanity, and genocide becomes particularly important. This condition

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<sup>22</sup> O Khotynska-Nor, "Optimisation of judicial governance in Ukraine as a prerequisite for the stability of its court system after war" (2023) 4 *Access to Justice in Eastern Europe* 21: 242-252.

requires both clear and effective legal norms, as well as the independence of the judiciary and the ability to implement international humanitarian law effectively.

In addition, the growing military threats around the world emphasize the need for global cooperation and strengthening of international institutions capable of effectively responding to human rights challenges. In this context, judicial reforms aimed at strengthening the international legal system become especially important. Thus, current conflicts and global security challenges emphasize the importance and necessity of continuing judicial reforms aimed at effective protection of human rights and maintenance of the international legal order.

### **III. Judicial Innovations: Examples of Reforms and Their Impact on Human Rights Protection**

One of the key aspects of human rights protection is the role of the judiciary at the national and international levels. The study of specific examples of judicial reforms will facilitate understanding of their mechanism, implementation, and the impact of these reforms on judicial practice and legal protection of citizens. Each country's reforms were shaped by unique circumstances: Colombia dealt with issues of armed conflict, corruption, and human rights violations, with judicial reforms aimed at restoring peace, justice, and accountability. Türkiye experienced judicial reforms influenced by both internal political pressures and international relations, with reforms focused on aligning with international norms while navigating domestic political changes. Analyzing these countries helps demonstrate how judicial reforms respond to specific political and socio-economic challenges.

It is also important to consider the international aspect, as many judicial reforms were implemented under pressure or with the support of international organizations and norms, reflecting the global trend towards unification of legal standards and strengthening of the international legal system. Therefore, this analysis aims to provide a holistic view of global trends in judicial reforms and their implications for the protection of human rights.

Firstly, in 1991, Colombia embarked on a transformative constitutional process aimed at enhancing rights protection and including minority groups. While the judiciary played a significant role in this transformation, it's important to acknowledge that these constitutional changes also underscored the crucial role of the legislative branch in achieving these reforms.<sup>23</sup> Colombia adopted a new constitution, which is an important step in the process of strengthening the country's legal system and protecting human rights. The constitution not only ensured greater recognition and protection of

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<sup>23</sup> S. García-Jaramillo, C. Valdivieso-León, "Transforming the legislative: a pending task of Brazilian and Colombian constitutionalism" (2018) 5 *Revista de Investigações Constitucionais* 3: 43-58.

fundamental rights but also introduced significant changes in the structure of the judiciary, in particular through the creation of the Constitutional Court of Colombia.<sup>24</sup>

The Constitutional Court plays a key role in protecting minority rights, as well as the rights to education and healthcare, which indicates that it has made a significant contribution to improving the overall human rights situation in the country. The court actively uses its powers to review legislation and government actions to ensure that they comply with constitutional norms and human rights standards. The Constitutional Court of Colombia gained a reputation as one of the most active courts in Latin America in the protection of human rights, setting precedents that are often used as a reference in international legal practice. This protection of human rights includes decisions relating to the protection of indigenous peoples, environmental justice, women's rights, and other vulnerable groups.

The relevant reform had significant positive effects on human rights. Colombia's Constitutional Court protected minority rights, the cultural, social, and political identity of indigenous peoples and other minorities. The Court emphasized the need to include them in the national dialogue and ensure equal access to resources and opportunities.<sup>25</sup> The Constitutional Court of Colombia also played an important role in ensuring the right to education and healthcare. Court rulings strengthened the state's obligation to ensure universal access to quality education and healthcare, considering these rights as fundamental to a decent life.

The Constitutional Court of Colombia actively addressed discrimination issues, issuing progressive rulings in defense of the rights of women, the LGBT community, and other vulnerable groups. The Court emphasized the inadmissibility of discrimination on any grounds and reinforced the need to create a more inclusive society. The activities of the Constitutional Court of Colombia also had an impact on the development of international law. The court's decisions are often used as precedents in the region's international legal practice, strengthening human rights at the global level. Thus, the reforms initiated with the adoption of the new Constitution in Colombia became an important step in strengthening the rule of law and ensuring wider recognition and protection of human rights.

Despite significant challenges, in particular those related to the protracted internal conflict, the adoption of the new Constitution in 1991 and the establishment of the Constitutional Court of Colombia had a real impact on improving the human rights situation. For example, between 1991 and 2000, political and civil liberties indicators,

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<sup>24</sup> R Uprimny, *The Constitutional Court and control of presidential extraordinary powers in Colombia*. In R. Gargarella, S. Glöppen, & E. Skaar (Eds.), *Democratization and the Judiciary* (pp. 46-69). (Routledge 2003).

<sup>25</sup> J Waldron, "Control de constitucionalidad y legitimidad política" (2018) 27 *Dikaion* 1: 7-28.



according to Freedom House, showed a gradual increase, and the level of legal protection of minority and women's rights became one of the highest in Latin America.<sup>26</sup> It should be noted that Freedom House is an independent non-governmental organization that specializes in researching and supporting democracy, political freedoms, and human rights around the world. The organization was founded in the United States in 1941, and since then, it has been publishing annual reports on human rights observance.

One of the key examples is the Court's judgment in case T-025/2004, which recognized that the government has a constitutional obligation to provide adequate protection and social support to internally displaced persons affected by the armed conflict.<sup>27</sup> This judgment is recognized as one of the most important examples of a structural remedy for widespread violations of socio-economic rights in the world. As a result of this decision, the Colombian government introduced additional social support programs. It also strengthened oversight of the implementation of regulations on access to housing and social services for the most vulnerable.<sup>28</sup>

In addition, the judgment of the Constitutional Court of Colombia in Case T-760/2008 gives us the right to speak about the high importance of judicial reforms in the context of the protection of human rights.<sup>29</sup> In Colombia, the Constitutional Court recognized that it was discriminatory to provide low-income people with inferior health care: its statement said that "difficult economic situation" should not be a reason to discriminate in access to a fundamental service such as health care. And this was particularly noted at the 77th Session of the UN General Assembly "Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms" in 2022.<sup>30</sup> Thus, the decision of the Constitutional Court of Colombia resulted not only in a formal declaration of rights but also in the actual implementation of the relevant norms in public policy. These steps demonstrate the independence of the judiciary. In addition, they have had a positive impact on equality and the protection of rights. According to Human Rights Watch in 2010, these court rulings have set precedents that have contributed to increased accountability of local authorities. They have become a model

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<sup>26</sup> Freedom House (2000): Freedom in the World. The Annual Survey of Political Rights and Civil Liberties. <[https://freedomhouse.org/sites/default/files/2020-02/Freedom\\_in\\_the\\_World\\_2000-2001\\_complete\\_book.pdf](https://freedomhouse.org/sites/default/files/2020-02/Freedom_in_the_World_2000-2001_complete_book.pdf)> accessed 28 March 2025.

<sup>27</sup> Colombian Constitutional Court, Decision T-025 (2004) <[https://www.brookings.edu/wp-content/uploads/2016/07/colombia\\_t-025\\_2004.pdf](https://www.brookings.edu/wp-content/uploads/2016/07/colombia_t-025_2004.pdf)> accessed 28 March 2025.

<sup>28</sup> C. Rodríguez-Garavito "Beyond the Courtroom: The Impact of Judicial Activism on Socioeconomic Rights in Latin America" (2011). *Texas Law Review* 89: 1669-1698.

<sup>29</sup> Constitutional Court of Colombia, case T-760/2008, sect. 4.4.3.

<sup>30</sup> Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (2022). UN General Assembly Session <[https://digitallibrary.un.org/record/3983713/files/A\\_77\\_157-RU.pdf?ln=es](https://digitallibrary.un.org/record/3983713/files/A_77_157-RU.pdf?ln=es)> accessed 28 March 2025.

for neighboring countries in the region in terms of judicial protection of socio-economic rights.<sup>31</sup>

The Court has repeatedly demonstrated its independence from the executive branch by issuing decisions in defense of human rights. In addition, there is the Special Jurisdiction for Peace and other transitional justice bodies. They are designed to reduce the level of impunity for war crimes and human rights violations during armed conflict. These structures have become the basis for building trust in the judiciary in the post-conflict period.<sup>32</sup>

Let's move on to more recent data. Colombia has long been one of the most stable democracies in Latin America. However, its democratic development is taking place against the backdrop of acute problems of violence, corruption, and the powerful influence of illegal armed groups. Nevertheless, Freedom House data shows a gradual strengthening of political rights and civil liberties: the presidential and parliamentary elections held in 2022 were generally recognized as competitive and credible. In 2024, the country managed to increase the level of security during electoral processes while maintaining a high degree of political pluralism.<sup>33</sup>

Statistics confirm a significant increase in freedoms in Colombia. Thus, according to Freedom House's 2022 report, Colombia had 64 points out of 100 and was labelled "Partly Free". The index of political rights scored 29 points out of 40, and civil liberties – 35 out of 60 possible points.<sup>34</sup> According to the latest data provided by this organisation for 2025, Colombia's performance has increased significantly. Thus, the country scored 70 points out of 100, which secured its place among the "Freedom" countries. The political rights index is 31 points out of 40, and the civil liberties index has increased to 39 points out of 60.<sup>35</sup> This indicates a gradual improvement in the human rights situation in Colombia. Among other things, they are due to large-scale reforms of the judicial system. Thanks to the active role of the Constitutional Court, the country has been able to improve human rights protection significantly. Thus, the example of Colombia shows a clear correlation between judicial reform and the growth of human rights.

Türkiye is the next country we would like to consider as an example of a country where judicial reform had an impact on human rights protection. Since the early 2000s,

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<sup>31</sup> Human Rights Watch (2010). Columbia

<<https://www.hrw.org/world-report/2010/country-chapters/colombia>> accessed 28 March 2025.

<sup>32</sup> Columbia: Freedom in the World. (2025). <

<https://freedomhouse.org/country/colombia>> accessed 28 March 2025.

<sup>33</sup> Columbia: Freedom in the World. (2025).

<<https://freedomhouse.org/country/colombia>> accessed 28 March 2025.

<sup>34</sup> Columbia: Freedom in the World. (2022).

<<https://freedomhouse.org/country/colombia/freedom-world/2022>> accessed 28 March 2025.

<sup>35</sup> Columbia: Freedom in the World. (2025).

<<https://freedomhouse.org/country/colombia>> accessed 28 March 2025.

Türkiye has undertaken a series of judicial reforms aimed at harmonizing its legislative and judicial system with European Union standards. These reforms were part of the country's broader efforts to secure EU membership and included significant changes in human rights protection and the structure of the judiciary.<sup>36</sup> One of the key aspects of the reforms was a focus on improving the rights of national and ethnic minorities. Turkish politicians amended the state's national legislation system to strengthen the protection of these groups, in particular by guaranteeing the rights to education, cultural and linguistic rights. Türkiye also took significant steps to strengthen the protection of women's rights, including legislative changes to combat domestic violence, discrimination, and ensure equal rights and opportunities in various spheres of public life.

Reforms in Türkiye were also aimed at strengthening freedom of speech and the press, although this issue remains quite controversial given further developments and reports of restrictions in this area. Changes in legislation were aimed at reducing censorship and protecting journalists from harassment. A key goal of the reforms was to strengthen the independence and impartiality of the judiciary. This reform included reforming the process of appointing judges, strengthening the principle of judicial independence, and ensuring more transparent and open judicial proceedings.<sup>37</sup> These judicial reforms were aimed at raising human rights standards and bringing the country's legislative and judicial practices closer to the norms of the European Union, as part of a broader effort to integrate into European structures.

Despite significant steps to modernize the judiciary and bring national legislation in line with EU standards in the early 2000s, the human rights situation in Türkiye has deteriorated sharply since 2015.<sup>38</sup> In particular, the peace process with the Kurdish minority has been disrupted, and the persecution of the opposition has intensified. Such actions by the government indicate that officially proclaimed changes often remained declarative. This conflict culminated in the mass dismissal or prosecution of thousands of judges and prosecutors in 2016-2017, which called into question the proclaimed independence of the judiciary.

In 2018, Türkiye adopted a presidential form of government, which expanded presidential powers and affected the mechanism for appointing judges. According to Freedom House, the judiciary has been replaced by representatives loyal to the ruling party. This replacement led to a sharp deterioration in procedural guarantees. Politically motivated prosecutions undermine trust in the judiciary and discredit previously declared

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<sup>36</sup> OO Varol, LD Pellegrina, N Garoupa, "An empirical analysis of judicial transformation in Turkey" (2017) 65 *The American Journal of Comparative Law*, 1: 187-216.

<sup>37</sup> I Qoraboyev, I Afacan, "Dynamics of judicial reforms in Turkey: Interplay between EU and domestic factors" (2016) 14 *Bilge Strateji* 77-95.

<sup>38</sup> Qoraboyev and Afacan, "Dynamics of judicial reforms in Turkey," 81.

judicial reforms aimed at "harmonisation with European standards".<sup>39</sup> At least 2,200 judges and prosecutors have been imprisoned pending investigations for supporting political oppositions. More than one-fifth of judges have been dismissed.<sup>40</sup>

According to Freedom House, in 2023, the Turkish authorities continued to centralize executive power. In addition, pressure on political opponents was significantly increased. This pressure had a negative impact on the functioning of democratic institutions and the state of human rights. In particular, the presidential and parliamentary elections held in May were criticized by the Organization for Security and Co-operation in Europe (OSCE). The reason was significant restrictions on freedom of assembly and the political bias of judges in the election commissions. Judges of the High Election Council are appointed by bodies controlled by the ruling party and often ruled in favor of the pro-government side, creating an uneven playing field for the opposition. Opposition leaders were subjected to threats, attacks on campaign offices, and prosecution. Such restrictions have severely limited their ability to engage in free political activity.<sup>41</sup>

According to Freedom House, in 2022, Türkiye scored 32 points out of 100, which puts it in the "Not Free" category. In terms of political rights and civil liberties, Turkey scored 16 points each, which is an extremely low score.<sup>42</sup> Compared to the indicators of the early 2010s, when the country still had the status of "Partly Free", this is a significant deviation from democratic standards.<sup>43</sup> In 2024, the situation improved, and Türkiye scored 33 points out of 100 available. Political rights scored 17 points out of 40, and civil rights – only 16 out of 60.<sup>44</sup> However, the improvement is not significant at all against the background of existing problems and still retains Türkiye's "Not Free" status.

Press freedom is a particular concern. Freedom of expression has come under even greater pressure as the so-called "disinformation of law" has been implemented. Authorities have been given broad powers to block content on social media. Moreover, users themselves can be held liable for "provocative" posts. In February 2023, after the devastating earthquake, the authorities restricted access to social media for several hours, justifying it by "preventing panic". Similar measures were applied in the midst of the

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<sup>39</sup> Turkey: Freedom in the World. (2024).

<<https://freedomhouse.org/country/turkey/freedom-world/2024>> accessed 28 March 2025.

<sup>40</sup> Human Rights Watch (2017). Turkey. <<https://www.hrw.org/world-report/2017/country-chapters/turkey>> accessed 28 March 2025.

<sup>41</sup> Turkey: Freedom in the World. (2024).

<<https://freedomhouse.org/country/turkey/freedom-world/2024>> accessed 28 March 2025.

<sup>42</sup> Turkey: Freedom in the World. (2022).

<<https://freedomhouse.org/country/turkey/freedom-world/2022>> accessed 28 March 2025.

<sup>43</sup> Freedom in the World (2010). The Annual Survey of Political rights and civil Liberties

<[https://freedomhouse.org/sites/default/files/2020-03/FIW\\_2010\\_Complete\\_Book\\_Scan.pdf](https://freedomhouse.org/sites/default/files/2020-03/FIW_2010_Complete_Book_Scan.pdf)> accessed 28 March 2025.

<sup>44</sup> Turkey: Freedom in the World. (2024). <<https://freedomhouse.org/country/turkey/freedom-world/2024>> accessed 28 March 2025.

election campaign. Court orders obliged social platforms to remove critical posts or block entire accounts. During the year, there were also mass arrests of journalists covering election violations.<sup>45</sup> Türkiye regularly appears on the list of countries with the largest number of imprisoned journalists.<sup>46</sup> For example, on December 20, 2024 2 Kurdish journalists were killed in a suspected Turkish drone attack in northern Syria.<sup>47</sup> This fact directly contradicts the previously adopted legislative measures to reduce censorship and protect journalists from harassment.

The situation of the Kurdish minority has also deteriorated significantly. Against the backdrop of the 2015 political crisis, the ceasefire between the government and the Kurdish Workers' Party has effectively collapsed. Therefore, the government is actively using anti-terrorism legislation to suppress any manifestations of the Kurdish political movement.<sup>48</sup> Such actions contradict previously declared changes to national legislation that were supposed to expand the cultural and linguistic rights of minorities.

As a result, formal judicial reforms, which included more transparent procedures for the appointment of judges and increased judicial independence, were offset by political purges and persecution of opposition figures after 2015. Türkiye has demonstrated many positive developments in the legislative sphere in order to harmonize with European standards. However, the current real indicators of human rights protection have significantly decreased. This contrast between declarative reform and actual practice illustrates how political will and the absence of repressive practices are critical for a sustainable improvement in the human rights situation. So, the latest statistics confirm the persistence of authoritarian tendencies in Türkiye. The legal system functions as a tool for consolidating power rather than as an independent guarantor of human rights.

Thus, the experience of the countries examined shows that judicial reforms alone cannot guarantee an improvement in the human rights situation. Several key factors play a decisive role. First of all, it is about political will. Even carefully designed legislative changes can remain formal if the government or influential political groups are not ready to ensure the true independence of judges. It is important to take into account the social and public dimension. In countries with independent media, any deviations in the work of the judicial system are more likely to be in the spotlight. This deviation forces the

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<sup>45</sup> "Turkey: Freedom in the World."

<sup>46</sup> Committee to Protect Journalists (2021)

<[https://cpj.org/data/killed/all/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&start\\_year=1992&end\\_year=2025&group\\_by=year](https://cpj.org/data/killed/all/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&start_year=1992&end_year=2025&group_by=year)> accessed 28 March 2025.

<sup>47</sup> Committee to Protect Journalists (2024). 2 Kurdish journalists killed in suspected Turkish drone attack in northern Syria <<https://cpj.org/2024/12/2-kurdish-journalists-killed-in-suspected-turkish-drone-attack-in-northern-syria/>> accessed 28 March 2025.

<sup>48</sup> Amnesty International (2019). Turkey: Amnesty International's brief on the human rights situation – Turkey's state of emergency ended but the crackdown on human rights continues <<https://www.amnesty.org/en/documents/eur44/9747/2019/en/>> accessed 28 March 2025.

authorities to react in order to avoid international criticism and internal destabilization. The absence of independent media entails a number of other violations. Another crucial element is the balance between security and human rights. Many countries justify increased control over the judicial system on the basis of security needs. If guaranteed reforms are used mainly as a tool to suppress the opposition, the real strengthening of legal protection for citizens remains purely declarative.

Therefore, the success of reforms depends not only on their qualitative design but also on the depth of implementation, ensured by a number of interrelated factors. If these conditions are not met, judicial reform risks becoming a formality that does not improve the human rights situation, and sometimes even worsens it.

#### **IV. The Impact of International Judicial Institutions on the Protection of Human Rights at the National Level**

International courts play a crucial role in the modern legal world, in particular in the process of strengthening legal systems at the national level. Their activities and decisions influence the formation and interpretation of national legislation, facilitating the integration of international human rights standards into domestic law. This influence encourages governments to reform their legislation to adapt it to internationally accepted norms and obligations.

Judgments of international courts are typically used as precedents to assist national courts in resolving complex legal issues, particularly those relating to human rights and freedoms. They facilitate the harmonization of legal practices and standards, leading to greater uniformity in the interpretation and application of laws. For example, the case law of the ECHR is of great importance for civil proceedings in countries, as this body provides a deep interpretation of the provisions of the Convention and its protocols, taking into account international experience and global changes, to reflect the current reality.

In the context of European integration, national courts are increasingly using ECHR judgments in civil justice as a legal basis for their conclusions. This integration also leads to lower courts seeking to find more stable evidentiary bases for the legality of their decisions, in particular through the possibility of the Supreme Court reconsidering its previous legal positions. Incorporating the ECHR case law into civil proceedings will help to remove the factors that motivate people to apply to this international court and integrate European standards of human rights and freedoms protection into civil

proceedings. This, in turn, will reduce the need to apply to the ECHR for a fair decision, improving the protection of rights and freedoms within the national legal system.<sup>49</sup>

The situation is similar to the decisions of the International Court of Justice. Although it resolves interstate disputes, they are often closely related to the protection of human rights. Judgments rendered by the ICJ are binding on the states involved in the dispute. Article 94 of the United Nations Charter (1945) provides that each member of the United Nations undertakes to comply with the judgment of the ICJ in a case to which it is a party. The ICJ's judgment may directly state how the dispute is to be resolved or specify the principles to be applied in resolving the dispute, and may also award compensation for damage suffered by the state or its citizens as a result of a violation of international law.

However, the process of integrating international standards is not smooth. It may be resisted at the level of national legislation due to political, cultural, or economic differences. Addressing these challenges requires in-depth analysis, openness to international cooperation, and the ability to compromise and adapt. International courts also guarantee the protection of human rights by acting as additional mechanisms for addressing violations of these rights. They act as supervisory bodies that verify compliance by countries with their international obligations and can provide recommendations or even impose sanctions for violations. At the international level, these courts promote the development of legal standards, the exchange of best practices between countries, and the expansion of legal discourse. They help to shape a global legal order where human rights are at the center and ensure a more just and stable international community.

Thus, the impact of international courts on national law is complex and multifaceted; on the one hand, it stimulates reforms and brings national legal systems into line with international standards, and on the other hand, it requires states to be flexible and open to global legal trends. The international courts influence the creation of a common legal framework where human rights and fundamental freedoms are protected, while at the same time reinforcing the principles of fairness, independence, and inviolability of justice at the global level. Thus, international courts play a key role in shaping the modern legal space where human rights are universal, interconnected, and interdependent, ensuring a stable and fair international order.

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<sup>49</sup> Rohach OYa, Fennych VP, "The influence of precedent practice of the European Court of Human Rights on the civil justice of Ukraine" (2022) 72 Scientific Bulletin of Uzhhorod National University 166-170.

## V. Discussing Some Problems of Judicial Reforms

The issue of reforming the judicial system in Colombia and its impact on the protection of human rights has been analyzed by Colombian scholars such as García-Jaramillo and Valdivieso-León, who emphasize the challenges related to judicial independence and access to justice in their studies.<sup>50</sup> They examined the transformation of the constitutional order in Colombia, focusing on the role of the judiciary and the legislature after significant political changes in the country. They analyzed the historical milestones of the relevant reform and its impact on human rights. The authors note that the new constitution aimed to expand democracy, fight corruption and violence, and include different social and political groups in the constitution-making process. The country emphasized the importance of the legislature in the process of constitutional transformation and gave the courts a limited role as "guardians" of the constitution. The role of the courts in ensuring democratic decision-making and the need to improve the legislature to achieve social change and democracy are discussed.

The issues of certain problems arising from judicial reforms and their impact on the protection of human rights have been studied by the following Ukrainian scholars: Bandurka, Teremetskyi, Boiko, Zubov, and Patlachuk. Their work discusses the recent judicial reform processes in Ukraine. It analyzes the main objectives outlined in the Strategy for the Development of the Justice System and Constitutional Judiciary for 2021-2023. The article identifies the main obstacles affecting the improvement of the judicial system and the administration of justice. It also pinpoints the issues arising during the implementation of the Strategy's main provisions. Examples of controversial draft laws are provided, which negatively impact the judicial reform in general and the stability of the judicial system in particular. It is highlighted that the primary goal of some draft laws is to gain control over parts of the judicial system, adversely affecting the improvement of court operations and the development of the judiciary. The authors examine the major problems that necessitate further enhancements in the functioning of the judicial power and the administration of justice and propose solutions to address these issues<sup>51</sup>.

Canadian researcher Rado<sup>52</sup> investigates the interconnection between human rights and the process of judicial globalization. It presents a theoretical and empirical analysis of this relationship, exploring the actors, factors, and mechanisms that shape and influence human rights at national, transnational, and international levels.

The author focuses on how judicial globalization impacts human rights through various mechanisms and classifies these mechanisms, including constitutional cross-

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<sup>50</sup> Rohach and Fennykh, "The influence of precedent," 167.

<sup>51</sup> O Bandurka, V Teremetskyi, V Boiko, O Zubov, V Patlachuk, "Current situation of judicial reform in Ukraine: Problems and ways of their solution" (2023) 15 *Lex Humana* 4: 55-72.

<sup>52</sup> Bandurka et al., "Current situation of judicial reform in Ukraine," 63.



fertilization, interactions between international or supranational and national courts, gatherings of judges worldwide, establishment of global or regional judicial organizations or associations, electronic networks and systems, and the creation of global judicial educational and training institutions.

The article aims to determine whether judicial globalisation is an effective tool for advancing human rights across different levels.

Ukrainian researcher Malko<sup>53</sup> focuses on the issues of judiciary reform in the context of Ukraine's political development. The author emphasizes the necessity of creating an effective judicial system as a key task for the country's democratic progress. The article analyzes the historical context of the reforms, emphasizes the protection of human rights, and examines how new legislative changes influenced the development of a legal system, particularly in the formation of civil society and an independent judiciary. Judicial reforms aimed at protecting human rights are often accompanied by a number of challenges and problems that need to be addressed and resolved. One of the main challenges is ensuring the independence of the judiciary from political or other undue interference. Independence is critical for the fair and impartial adjudication of cases, but it is difficult to achieve in many countries due to existing political and economic influences.

Another problematic factor is corruption. It seriously undermines the protection of human rights and public confidence in the judiciary. Reforms are aimed at addressing this problem, but the fight against corruption requires a comprehensive effort, including legislative changes, increased transparency, and strengthened accountability mechanisms. Furthermore, we believe that the fight against corruption requires a comprehensive effort by both government and civil society to overcome it.

Funding or budgeting also becomes an issue for judicial reform. Funding and resources in general are critical to the effective functioning of the judiciary and the success of judicial reforms. Inadequate funding can seriously limit the ability of the judiciary to fulfill its functions and affect the protection of human rights. Adequate funding is necessary to maintain modern court infrastructure, including courtrooms, offices, and technology systems. Investments in technology, such as electronic court systems and databases, can increase the efficiency and accessibility of justice, as well as provide quick and transparent access to court documents and decisions. Access to justice is a fundamental rule of law principle. It must be facilitated through diverse methods, including online services, informational resources on court websites, and other communication channels. Extensive collaboration and consultation with justice sector professionals are essential to maintain adequate access to justice. Concurrently, particular

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<sup>53</sup> O. Malko, "Judicial system as a factor in forming of institute of human rights in Ukraine," Scientific Notes of I.F. Kuras Institute of Political and Ethnic Studies of the National Academy of Sciences of Ukraine 47 (2018): 260-283.

focus is needed on vulnerable groups during crisis scenarios like the Covid-19 pandemic or military conflicts, as these groups typically face exacerbated challenges during such times.<sup>54</sup>

Budgeting also determines the opportunities for education and training of judges and judicial staff. Professional development, educational programs, and professional training are important to ensure that judges and judicial officers understand modern legal standards, especially in the context of human rights. In general, insufficient funding can lead to delays in case processing, judicial overload, and lengthy trials, which negatively impact the overall accessibility and efficiency of justice. Insufficient budgeting can lead to a loss of public confidence in the judiciary and a perception of injustice among citizens.

Adapting the judiciary to international standards is another challenge. To explain in more detail, the integration of international human rights standards into national legislation is important, but may face legal, cultural, and political barriers. Reforms should ensure that national laws and jurisprudence are consistent with the country's international obligations. Often, states find that international provisions that need to be implemented are simply "rewritten" into national legislation. Instead, they should be adapted to it and not contradict other legal acts or create a "conflict". Legal barriers to the integration of international standards are often related to the need for changes in national legislation.<sup>55</sup> This may involve revising existing laws, developing new legislation, or adapting legal norms to comply with international obligations.<sup>56</sup> Such adaptation requires a detailed understanding of international law and its effective application at the national level.

In addition, certain cultural challenges can also be a problem. These include differences in legal traditions, values, and social norms. It is important to ensure that the adaptation of international standards is culturally sensitive and promotes human rights without undermining local traditions and values. Political factors play a significant role in the process of adapting international standards. Some factors may include resistance from political leaders, institutions, or pressure groups that may see integration as a threat to national sovereignty or existing power structures. Addressing such political obstacles requires dialogue, diplomacy, and efforts to maintain public and political support for reforms.

Overcoming the challenges associated with judicial reforms requires ensuring the independence of the judiciary, fighting corruption, adequate funding, integrating international human rights standards, and engaging the public in the monitoring process.

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<sup>54</sup> Malko, "Judicial system," 262.

<sup>55</sup> O. Dmytrenko, "The impact of the implementation of international standards of administrative responsibility on the legal system of Ukraine" (2024) 11 Problems of Modern Transformations. Series Public Administration and Management Law.

<sup>56</sup> O. Korovayko, "Problems of implementation of international standards in the criminal procedure legislation of Ukraine" (2016) 4 Forum of Law 171-178.

Effectively implemented reforms can strengthen the rule of law, improve the quality and accessibility of justice, and ensure fair protection of the rights and freedoms of every individual. This creates a solid foundation for a democratic society where human rights are respected and protected at a high level, establishing social harmony and stability.

## **VI. Conclusion**

Despite the debates and challenges in the context of judicial reforms, they are still an important indicator of a society's development. Judicial reforms reflect the state's commitment to justice and human rights protection and demonstrate profound social transformations aimed at creating a more just and democratic system. Such judicial reforms significantly impact human rights protection, as they form the basis for an effective, independent, and fair judiciary, which is a key element of a democratic society. Reforming the judiciary improves the accessibility and quality of justice, ensuring citizens can effectively protect their rights and freedoms.

The examples of Colombia and Türkiye demonstrate that judicial reforms alone do not guarantee automatic improvements in human rights. As we can see, this is influenced by the broader political context, the nature of the state's interaction with civil society, and international pressure. Colombia has had a terrible history of mass violence and prolonged internal conflict. However, the judicial reforms initiated by the 1991 Constitution have consolidated the relative independence of the courts and opened the way for transitional justice mechanisms. The creation of the Constitutional Court and the active participation of international organizations have created levers that encourage the executive branch to respect human rights. The country continues to face corruption, violence in the regions, and the influence of illegal armed groups. However, the legal framework and institutional "checks and balances" allow for the gradual strengthening of the rule of law. As a result, indicators of political rights and civil liberties (according to Freedom House) show a growing trend.

Türkiye, on the contrary, had a number of ambitious reforms to bring national legislation closer to European standards back in the 2000s. At first, this contributed to the expansion of the rights of women, ethnic and religious minorities, and the formation of a more open judicial process. However, after 2015, there has been a sharp politicisation of the judicial system. As what have been discussed in this article, the government carried out mass dismissals or persecution of judges and prosecutors, justifying this by the need to fight terrorism. Repressions against the Kurdish minority and restrictions on press freedom have had a particularly negative impact. This repressive action contradicts the declared principles of an independent judiciary. As a result, according to human rights organizations, cases of politically motivated persecution of the opposition have spread in Türkiye, and Freedom House classifies the country as "Not Free".

Finally, to sum up, a comparison of Colombia and Türkiye shows that only carrying out judicial reform and writing legislation is not enough. The decisive factor for the success of judicial reforms is the political will of the leadership, as well as the presence of real mechanisms for the independence of the court. In the absence of these indicators, the legislation remains "declarative". Strengthening civil society and international monitoring play an important role. In Colombia, they partially help to keep the state within the legal framework. In turn, in Türkiye, the strengthening of authoritarian tendencies limits the effectiveness of such mechanisms. The analysis of these cases confirms that the transformation of judicial institutions without systemic support can become decorative measures. They do not so much improve the protection of human rights as serve as a means to consolidate power in the hands of the ruling elites.

In order to strengthen the interaction between the judiciary and human rights protection, it is necessary to take comprehensive measures that will form effective, independent and transparent justice. First and foremost, ensuring the independence of the judiciary from any political or other undue interference is a fundamental prerequisite for fair and impartial consideration of cases, which directly affects the protection of human rights. Equally important is developing and implementing human rights education programs for judges and judicial staff, which will increase their understanding of international human rights standards and norms. It leads to a more informed application of these standards in national judicial practice.

Access to justice should be guaranteed for all population segments, with special attention to vulnerable groups. It implies the introduction of various means to ensure access to court services, including the digitalization of court processes and the expansion of online services. Transparency of court procedures is a key aspect that ensures public trust in the judicial system. Publication of court decisions and information on court practice should become standard practice, guaranteeing citizens' transparency and clarity of justice.

In addition, the involvement of civil society in monitoring and evaluating judicial activities will help to ensure public control and strengthen accountability mechanisms in the judiciary. This, in turn, will help identify and address gaps in human rights protection and improve the quality of justice. Positive changes in the judicial system achieved through reforms increase public confidence in the judiciary and the rule of law. They also emphasize the state's commitment to international human rights standards and democratic values.

The article discusses in detail examples of judiciary reforms in Colombia and Türkiye, which facilitates assessing the effectiveness of different approaches. The analysis of these cases provides an opportunity to draw practical conclusions useful for other countries seeking to modernize their judicial systems.

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