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Human Rights, State Accountability and Public Policy: Emerging Challenges in Contemporary Democracies

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Abstract

Human rights, state accountability, and public policy are interrelated pillars of democratic governance. In contemporary democracies, human rights protection is not just about the formal recognition of constitutional and international legal guarantees but also about the transparency, responsiveness, and accountability of state institutions. Meanwhile, new issues of digital surveillance, artificial intelligence, data governance, national security, socio-economic inequality, migration, environmental degradation, and public emergencies have generated complex interactions between the rights of individuals and new forms of state power. In this study, we investigate how human rights protection, state accountability, and public policy interact and how, in particular, institutions and governance can prevent arbitrary or disproportionate abuse of public power. We consider how legislatures, courts, administrative institutions, human rights bodies, civil society, media, and participatory mechanisms can strengthen democratic accountability. It also examines the degree to which current public policy is based on human rights principles and the gaps in the legal commitments and the implementation of policy. It suggests that democratic governance, in which policymaking is based on the principles of human rights, should be supported by independent oversight institutions, transparent decision-making, access to justice, proportionality in the use of state power, and the participation of citizens. It concludes by recommending policy and institutional measures for better state responsibility and protection of vulnerable populations and for the development of new technology and governance, ensuring that modern technologies and governance responses must be compatible with human rights and democratic principles.

Keywords: Human Rights, State Accountability, Public Policy, Democratic Governance, Rule of Law, Constitutionalism, Human Rights-Based Approach, Digital Governance, Artificial Intelligence, Public Participation

1. Introduction

Human rights, state accountability and public policy are fundamental components of a functioning democratic system. Democracy is not just periodic elections and representative institutions; it is always a matter of maintaining personal rights, the rule of law, transparency of government decision making, and accountability of public officials. Human rights provide normative and legal norms to control state power and accountability ensures that governments are accountable for their decisions, actions and failures. Public policy is the principal instrument by which states translate constitutional commitments, legal obligations and democratic priorities into concrete programmes and institutional practices. This connection between these three dimensions is more and more important to assess the quality and legitimacy of the contemporary democratic governance.

The current human rights landscape has created a very complex situation that is much more complex than traditional problems related to political and civil liberties. Rapid technological developments have contributed to governments' increased capacity to collect, process and utilize personal information which poses significant concerns regarding privacy, surveillance, data protection, and freedom of expression. A growing use of artificial intelligence and algorithmic decision making in public administration has also raised questions of transparency, discrimination, explainability and responsibility for automated decision making. At the same time, national security, terrorism, public health emergencies, migration, climate change, economic inequality and social exclusion have also made it increasingly difficult for governments to balance competing public interests with individual and collective rights.

These developments have laid bare a tension between the legitimate exercise of government power and respect and protection of human rights. States have enormous regulatory, administrative, technological and coercive power that can be used to bring about order and to pursue legitimate policy objectives. But when safeguards, transparency and proportionality are not provided in place and when that power is not being used properly, then it will lead to arbitrary limits on basic rights or will even harm vulnerable groups of people, and so the challenge of modern democracies is not only whether a policy is a good policy but whether the state is doing so in a legal, legitimate, proportionate, transparent manner that is human rights based. State accountability is central to the actualisation of human rights. It is in this sense that constitutional courts, legislatures, administrative authorities, national human rights institutions, independent regulatory bodies, civil society organisations, media and the public can all come together to hold the government accountable. Judicial review, legislative scrutiny, access to information, administrative review, public consultation and institutional checks and balances are the things that can be done to prevent abuse of public power. However, the effectiveness of these mechanisms depends upon institutional independence, accessibility, transparency, enforcement powers, and meaningful public engagement. A formal accountability structure may not be enough if the institutional capacity of institutions is weak or political and administrative obstacles are so significant that implementation is not possible.

Public policy is particularly relevant in this context, as human rights are often affected not only by the explicit violations they are subject to but also by policy choices regarding resources to be made, development priorities, welfare programs, environmental regulation, policing, digital governance, health care, education and social protection. A rights-based approach to

polycymaking would force governments to consider the human rights consequences of policies, especially for individuals and communities with little or no political, economic or social power. It also requires mechanisms through which affected peoples can participate in decision-making and seek effective remedies when government policies are adverse to their rights. This is particularly important for contemporary democracies since the gap between the recognition of rights and their implementation still exists as a governance issue. While constitutional and international instruments can provide robust protections for human rights, institutional deficiencies, policy inconsistency, discrimination, lack of transparency and lack of access to justice can all keep them from being fully realized. Human rights research must now move beyond the legal question and be concerned with how public institutions exercise power, how policies are formulated and how state authorities can be held accountable when they violate human rights.

Against this background, the present study explores the relationship between human rights, state accountability and public policy in contemporary democracies. It is concerned with new challenges of technological transformation, increasing state surveillance, artificial intelligence, national security issues, socio-economic inequality, environmental crises, migration and other contemporary governance problems. The present study investigates if existing institutional and policy mechanisms are in place to make governance accountable and rights-compatible.

1.1 Research Objectives

The study aims at the following:

- To explore the conceptual and legal relationship between human rights, state accountability and public policy.
- To study the institutional mechanisms through which democratic countries are held accountable for actions affecting human rights.
- To identify major emerging challenges to human rights protection in contemporary democracies.
- To examine the degree to which public policies incorporate human rights principles and accountability standards.
- To establish policy proposals that can build on rights-driven and accountable democratic governance.

1.2 Research Questions

The study covers the following research questions:

- How does state accountability play a role in the protection of human rights in contemporary democracies?
- What institutional and policy challenges weaken state accountability and human rights protection?
- How do emerging technologies, national security concerns, inequality, migration, and environmental crises impact the intersection of state power with human rights?
- How well do contemporary public policies conform to human rights principles?
- What are some reforms that can make the state accountable and human rights-oriented democratic governance more efficient?

1.3 Research Methodology and Scope

The study takes a doctrinal and analytical research approach with a comparative public policy perspective. It goes through constitutional principles, international human rights standards, legislation, judicial processes, institutional mechanisms and the policy framework for state accountability and human rights protection. It also addresses the current governance challenges which arise from technological advancements, security threats, socio-economic disparities, ecological issues and the variety of public administration. The study is multi-disciplinary and covers constitutional law, human rights law, public policy, political science, and democratic governance. The paper is not limited to a single jurisdiction but considers more general trends in contemporary democracies and draws from the country and world experiences to illustrate growing accountability challenges. Much attention is placed on what we would see as the disconnect between formal legal commitments and how governments are actually implementing them and the need to ensure that public policy is in line with legal principles of legality, proportionality, transparency, equality, participation, and access to effective remedies.

2. Conceptual and Legal Foundations of Human Rights and State Accountability

Human rights are a normative framework for the dignity, liberty, equality and basic interests of human beings and society. Our current state of affairs is based on the fact that human rights have a very relevant role to play in constitutional democracy and in the knowledge that government power has to be exercised within the limits set by law. The range of human rights is different in a constitutional democracy and in a legal democracy but the basic principle is that there are rights that cannot be denied or restricted by the exercise of public power in arbitrary ways. Human rights in this sense are not just personal rights but also standards on which public institutions can be measured and the legitimacy of government policy.

The development of modern human rights protection has been strongly influenced by constitutionalism and international human rights law. The constitutional systems establish the fundamental rights and institutional limitations on government power and international human rights laws establish common standards of state behaviour. Together, these frameworks have shifted human rights from domestic constitutional concerns to international legal responsibility and global governance. Human rights nowadays are not only civil and political rights but also economic, social, cultural, environmental and increasingly digital aspects of human dignity.

2.1 Human Rights, Constitutionalism and the Rule of Law

By subjecting the exercise of government authority to constitutional limitations, constitutionalism is an essential foundation for human rights protection. Public power must be governed by laws, and democratic governance is based on this principle. The constitutional guarantees of equality, liberty, freedom of expression, privacy, due process and access to justice set rules that governments must keep in mind when forming and implementing public policies. So the rule of law upholds these protections by requiring that governments' decisions have a legal basis and by creating mechanisms to stop arbitrary exercises of power. An accountable state has to be governed by the laws as opposed to unaccountable discretion. And this is even more relevant where government action erodes basic rights. These restrictions in the interest of

public order, national security, public health or economic regulation should be in line with legal and institutional safeguards.

Constitutionalism also requires a genuine separation of powers. Legislative, executive and judicial institutions have different but related functions in the exercise of public authority. Legislatures establish legal and policy frameworks, executive institutions enact them, and courts make decisions on the legality and constitutionality of government action. The effectiveness of these institutions is therefore very much at stake for the protection of human rights and for the accountability of the state.

But the rule of law cannot be only the existence of laws. The laws must be consistent with basic constitutional principles and citizens must be given the means to challenge unlawful governmental behavior. Justice, judicial independence, equality before the law, procedural fairness, and effective remedies are, in other words, the key ingredients of effective rule-of-law governance.

2.2 State Accountability and State Obligations

State accountability is the responsibility of public authorities to justify, explain, and account for their actions and violations. In the context of human rights, accountability is about government not arbitrarily interfering with rights and about the remedies for violations.

Human rights obligations are often defined in terms of three interconnected obligations: respect, protect and fulfil human rights. Respect is a duty which is what the state must take to prevent unjustified interference with individual rights. Protect a right (or a right to rights) by the state and if appropriate private ones. Fulfilling a duty is when the government takes steps to ensure that people are able to enjoy their rights. These obligations show that human rights protection cannot be achieved simply by the non-interference of government. In many areas we need to act positively to protect human rights through legislation, institutional arrangements, social programmes, regulation and access to essential services. As a result, state policy is the instrument through which states have to fulfill their human rights responsibilities. Accountability also has ‘legal and democratic dimensions.’ Legal accountability allows courts, commissions, tribunals, etc. to investigate whether government actions are consonant with constitutional and statutory requirements. Democratic accountability is through elections, parliamentary scrutiny, public participation, independent media, civil society and transparency mechanisms. Both dimensions are necessary because judicial remedies alone cannot solve all forms of policy failure or institutional weakness.

2.3 International Human Rights Framework

The international human rights system has gradually established common standards for the state in relation to its responsibility. The Universal Declaration of Human Rights (1948) provided a foundational document on universal rights and freedoms and greatly influenced the development of international human rights law. It was followed by major international treaties on civil and political rights, economic, social and cultural rights, racial discrimination, discrimination against women, children’s rights, torture, disability rights, and other areas of protection.

The international framework has contributed to the development of the principles of equality, non-discrimination, participation, accountability, effective remedy, and respect for human

dignity. States that are parties to international human rights treaties have legal obligations to protect and implement those rights recognised in those instruments by the terms of the relevant treaty. International human rights law has also made it possible to measure the performance of domestic institutions against international standards that go beyond national law. Reporting mechanisms, treaty-monitoring bodies, international and regional human rights bodies and mechanisms of accountability have also provided ways of evaluating state performance. But international mechanisms are only as effective as domestic implementation and the ability of national institutions to translate international commitments into real protections.

2.4 Human Rights and Public Policy

Public policy is the practical dimension by which government priorities are translated into laws, programmes, regulations, administrative decision-making and institutional practices. Policy decisions affect the distribution of public resources and access to essential services and opportunities and thus have a significant impact on human rights. A human-rights-based approach to public policy requires governments to incorporate principles of dignity, equality, non-discrimination, participation, transparency, and accountability at every stage of the policy process. Human rights must be taken into account not only at the beginning of the process but also in the formulation of policy, the allocation of resources, monitoring, and evaluation of the problem. Such an approach is particularly important for policies affecting vulnerable or marginalised populations. A formally neutral policy may have disproportionately negative consequences for particular groups due to existing social and economic inequalities. Governments who are concerned with human rights need to consider the direct and indirect effects of policy interventions.

The integration of human rights into public policy is also changing the way you think about government responsibility. Policy outcomes can't only be evaluated by economic efficiency, administrative convenience, or fiscal sustainability. They also need to be judged by legality, equality, proportionality, accessibility, participation, and impact on fundamental rights.

2.5 Emerging Dimensions of State Responsibility

There are technological, social, economic, and environmental changes that are expanding the scope of state responsibility. Digital governance and artificial intelligence have opened up new questions regarding privacy, automated decision-making, surveillance, algorithmic discrimination, and the responsibility for technology-enabled government decisions. Climate change, in the same way, has brought environmental policy in the world in terms of human rights and rights in life, health, livelihood, housing, equality, and intergenerational justice to the fore.

National security and public emergencies are another important aspect of state responsibility. Democratic governments can take extraordinary measures when there is a serious threat, but those can lead to excessive or prolonged restrictions on individual rights. The central accountability question is in which emergency or security-related measures are considered legal, necessary, proportionate, time-bound, and subject to effective independent oversight.

These developments show that state accountability needs to evolve with the changing nature and function of public power. Traditional mechanisms designed primarily to control conventional administrative decisions may not be effective when government power is

exercised by complex technology, private contractors, automated operations, or emergency governance systems. Modern human rights protection therefore needs such accountability to account for both established and emerging power in the state.

Overall, the conceptual and legal connection between human rights, state accountability, and public policy is the foundation for understanding how democratic institutions actually control and justify how they exercise public authority. In the next section, we discuss the ‘institutional mechanisms of state accountability’ and the role legislatures, courts, administrative bodies, human rights institutions, civil society, media, and participatory mechanisms play in protecting human rights.

3. Institutional Mechanisms of State Accountability

In a democracy, the protection of human rights is not only about the recognition of rights in constitutional and legal structures but also about the existence of entities to hold public authorities accountable. There are multiple formal and informal mechanisms for state accountability which aim to prevent arbitrary exercise of government power and to make compliance with laws and to remedy where rights are violated through legislatures, courts, administrative institutions, independent human rights bodies, transparency structures, civil society, media and public participation. But their efficacy is in large part dependent on institutional independence, accessibility, transparency, adequate resources, and the willingness of public authorities to be auditors of the law.

3.1 Legislative and Judicial Accountability

Legislatures are the most important mechanisms of democratic accountability and are central to the enforcement of executive authority and make laws and public policies. Parliamentary debates, committee investigations, budgetary scrutiny, questions to ministers and legislative review can highlight administrative dysfunction and compel governments to explain their actions. And legislative bodies can also strengthen human rights by providing assurance of a constitutional and international framework that any proposed legislation and policies are in line with international legal guarantees and human rights protections.

But legislative accountability can be less effective when strong executive majorities dilute parliamentary scrutiny or political considerations prevent meaningful examination of governmental conduct. In this case, legislative oversight is dependent on institutional autonomy, access to information, opposition participation and the ability of parliamentary committees to investigate executive action independently.

The judiciary provides another important mechanism for constitutional review and judicial review of decisions of governments. Courts will assess whether executive and administrative decisions are in accordance with constitutional rights, statutory requirements, principles of natural justice and general rule of law and therefore what is required to rule the law. Judicial review is especially important in cases where citizens are not politically powerful and administrative decisions directly affect fundamental rights.

Judicial accountability mechanisms can also provide remedies (compensation, declaratory relief, injunctions and orders that public authorities must look back or correct unlawful decisions). But judicial intervention raises questions about institutional capacity, democratic legitimacy, judicial overreach, and the appropriate boundaries between adjudication and

policymaking. A balanced approach would require courts to respect constitutional rights, but recognize the legitimate role of the elected bodies in government.

3.2 Administrative Accountability and Transparency

Since most decisions of government are made in administrative institutions, administrative accountability is fundamental for the protection of human rights. Licensing, policing, welfare administration, taxation, immigration, public procurement, environmental regulation, and delivery of public services all rely on administrative discretion. Such discretion can lead to arbitrary, biased, or inconsistent outcomes without appropriate protections.

Administrative accountability can be enhanced with clear statutory standards, reasoned decision-making, procedural fairness, internal review, independent tribunals, ombudsman mechanisms, audits, and effective complaint mechanisms. Public authorities must give reasons for decisions that impact people, particularly where such decisions infringe on legally protected rights. Transparency is about administrative accountability. Citizens are unable to challenge decision-making when there is no input on policy formulation, spending, administrative processes, or decision-making criteria. Access-to-information regimes are thus a key democratic tool. Transparency gives citizens, journalists, civil society organisations, and oversight bodies the opportunity to monitor public administration and identify potential misuse of public resources or authority. At the same time, transparency mechanisms should also address legitimate concerns related to privacy, national security, confidential information, and protection of sensitive personal data. The balance between transparency and protecting competing legitimate interests is a very difficult one.

3.3 Independent Human Rights and Oversight Institutions

Independent human rights institutions play a crucial role in bridging the gap between formal legal rights and their practical implementation. National human rights commissions, equality bodies, ombudsman institutions, information commissions, electoral authorities, data-protection authorities, and other specialised regulators can investigate complaints, conduct inquiries, issue recommendations, monitor government conduct and promote rights awareness. The independence of such institutions is fundamental to their credibility. If oversight bodies are financially, administratively or politically dependent on the authorities they are supposed to scrutinise, their ability to hold the state accountable might be much weaker. Transparent appointment procedures, security of tenure, adequate resources, functional autonomy and publicly accessible reporting can all contribute to institutional effectiveness.

Human rights institutions also play an important preventive role. They don't need to merely investigate violations after they happen. They look at proposed legislation, do human rights impact assessments, advise governments, monitor detention facilities, investigate systemic discrimination, advocate for change in policy. This preventive aspect is especially relevant in new areas such as artificial intelligence, digital surveillance, environmental governance and automated public administration.

3.4 Civil Society, Media and Public Participation

State accountability cannot be maintained only through formal state institutions. Civil society organisations, professional associations, academic institutions, community organisations, journalists, and social movements contribute much to monitoring public authority and bringing

rights violations into public debate. An independent media is especially important because investigative journalism can expose corruption, abuse of power, discriminatory policies, and institutional failures that otherwise would be hidden from view. Citizens can take a better view of government performance when they get to know the facts in this way and use their time to participate in the democratic process. So restrictions on journalistic freedom indirectly erode broader accountability mechanisms. Civil society also provides a channel through which communities can express issues that are not adequately represented by traditional political institutions. Public-interest litigation, advocacy campaigns, policy consultations, research reports and community monitoring can increase pressure on governments to respond to rights-related concerns. Public participation is also key to rights-based policymaking. Participation should go beyond formal consultation and give affected people and communities the chance to have a real say in the decision-making process. This is especially important in environmental regulation, land acquisition, urban development, digital governance, and social welfare, where policy decisions may have uneven effects on communities.

3.5 Challenges to Institutional Accountability

Although there are multiple accountability systems in place, institutional challenges remain. Political interference, institutional capture, limited financial resources, bureaucratic resistance, delays in judicial proceedings, lack of access to information, weak enforcement of recommendations, and unequal access to legal remedies can undermine effective accountability.

The growing complexity of governance has presented additional problems as well. Public decisions can now involve private technology companies, contractors, automated systems, international institutions, and complex networks of administrative agencies. It is difficult to determine who actually takes responsibility for a bad decision when a decision is made by agencies and not by one identifiable public official. Digital governance is an especially important example. Automated systems can impact eligibility for public benefits, immigration decisions, policing practices, or allocation of public resources. Where the underlying algorithms are difficult to understand or challenge, traditional mechanisms of accountability may not be effective. This calls for new approaches based on algorithmic transparency, independent auditing, human oversight, explainability, and easy recourse.

The institutional accountability needs to evolve to accommodate changing forms of state power. The goal should not just be to build more oversight structures but also to facilitate coordination among existing mechanisms and to empower people with credible and accessible means of challenging government decisions.

3.6 Towards an Integrated Accountability Framework

A good democratic accountability framework relies on working together with legal, political, administrative, and social mechanisms. Courts don't solve systemic governance failures alone; legislative oversight cannot replace independent judicial review or public action. Accountability is strongest when those are complemented by each other. So an integrated framework should be based on the principles of legality, transparency, institutional independence, participation, proportionality, reasoned decision-making, effective remedies, and continuous monitoring. Human rights need to be considered during the policy process,

from policy development to implementation and evaluation. Oversight institutions need to have the authority and resources to identify systemic issues, and citizens need access to information and resources to prevent them and to take action.

Such an integrated approach is especially important in contemporary democracies, where governments work increasingly under an ever more complicated and policy-oriented structure. And so in order to improve accountability, we need to preserve both constitutional safeguards while developing new institutional systems that will be able to deal with new forms of public power. The effectiveness of these institutional mechanisms ultimately depends on their ability to handle changing human rights issues. So in this section, we discuss the emerging threats to human rights in contemporary democracies, such as digital surveillance, artificial intelligence, national security, socio-economic inequality, migration, environmental problems, and other developments which are changing the relationship of citizens and the state.

4. Emerging Human Rights Challenges in Contemporary Democracies

Today's democracies are in a world of ever more complex times in which technological change, geopolitical instability, environmental degradation, economic inequality and governance change are becoming ever more difficult for human rights protection. While traditional human rights issues such as freedom of expression, equality, due process and protection from arbitrary state action continue to play a role, new issues are being faced, in which the line between public security and technology development, economic development, and individual rights are hard to define. These changes call democratic states to re-examine the way they handle accountability and public policy.

4.1 Digital Surveillance, Privacy and Data Governance

Digital technologies have greatly increased how states collect, store, analyse, and share information about people. Surveillance technologies, biometric identification systems, facial recognition, communications monitoring and large-scale data processing can all have legitimate objectives like crime prevention, national security and public administration. Unfettered and poorly regulated surveillance may also threaten privacy, freedom of expression, freedom of association, and individual autonomy.

Human rights implications of surveillance are not limited to the collection of personal information. The possibility that people may be continuously monitored can lead to the chilling effect of freedom of expression and participation as people are not sure how information is collected or used, and in a sense, that is, if they are not even aware of how information is being collected or used. Combined data from various sources can enrich the profiles of individuals which could influence government decision making without great transparency and challenge. A rights-compatible approach to digital surveillance must have clear legal authority, legitimate objectives, necessity, proportionality, independent oversight, data minimisation, security safeguards, and effective remedies. Governments need to show that such intrusive surveillance measures are justified by a sufficiently important public purpose and that less intrusive alternatives are inadequate. Accountability is particularly important when surveillance technologies are acquired from private companies or are operated from systems which are difficult for the public to scrutinise.

4.2 Artificial Intelligence and Algorithmic Governance

Artificial intelligence is increasingly being integrated into public administration and government decision-making. Algorithms can be used for fraud detection, public benefit administration, law enforcement, border management, risk assessment, and public resources allocation. While these systems may increase administrative efficiency, they also raise serious issues of discrimination, opacity, accuracy, explainability and responsibility.

Automated decision making can reproduce or amplify biases in historical data. Those affected by algorithmic decision-making may also find it hard to understand what led to a specific decision or how to challenge it. This creates a potential accountability gap when government decision-makers are forced to use complex technological systems as well—the processes in which people and even public officials have to make decisions are not easily understood.

State accountability in algorithmic governance therefore requires significant human oversight of the system and a clear attribution of responsibility. Governments should be able to explain the legal and policy basis for automated decisions and provide individuals with appropriate opportunities for review and correction. Independent testing, impact assessments, transparency requirements, documentation, auditing and accessible grievance mechanisms can strengthen accountability.

The basic principle would be that technological automation does not eliminate the government's responsibility. If an algorithm is used to exercise public authority, the state should still account for the legality and human rights consequences of the resulting decision.

4.3 Freedom of Expression and the Digital Public Sphere

The digital transformation of public communication has generated new opportunities for political participation and access to information while posing new difficulties for freedom of expression. Social media platforms and digital communication networks have become vital platforms for political discussion and journalism, civic mobilisation and public scrutiny of government actions.

At the same time, governments face legitimate concerns in relation to misinformation, incitement to violence, cybercrime, hate speech, and threats to public order. Measures taken to address these concerns may, however, risk censorship or arbitrary restrictions on legitimate expression. The lack of rules and the huge governmental discretion can hurt journalists, activists, political opponents and civil society organisations.

The challenge to democratic policymaking is therefore to differentiate between legitimate regulation of harmful conduct and unjustified interference with freedom of expression. Restrictions should be in line with the law of the land, legitimate purpose, necessity and proportionality. Where government requires removal of online content and digital communication is in place, independent review and transparency are required.

4.4 National Security and Human Rights

National security is one of the most persistent areas of tension between state authority and individual rights. Democratic states have a legitimate responsibility to protect their populations from terrorism, violent extremism, foreign interference, organised crime, and other serious threats. But security measures can involve surveillance, detention, restrictions on movement, restrictions on association, or other forms of interference with individual freedoms.

The expansion of executive powers in times of perceived insecurity can generate long-term accountability issues. Temporary responses may become normalised or remain in effect for longer than their initial justification. Emergency frameworks can also bring about excessive concentration of power, less transparency and weakened judicial or legislative oversight.

Human rights protection does not require governments to ignore genuine security threats. That is, security policies need to be within constitutional and legal boundaries. The principles of necessity, proportionality, non-discrimination, procedural fairness and independent review are fundamental safeguards against arbitrary restrictions. Democratic accountability will be especially important in an environment where national security is used to restrict information about government or to limit the public's scrutiny of government conduct.

4.5 Socio-Economic Inequality and Unequal Access to Rights

Formal recognition of human rights is not enough to ensure equal enjoyment. Socio-economic inequality can substantially affect how much an individual gets to have access to education, healthcare, housing, employment, legal representation, political participation, and other things that are important for the enjoyment of rights.

Economic disadvantage can also restrict access to justice. People with less money may have difficulty accessing legal help, fighting administrative decisions, or pursuing prolonged litigation. So formally equal legal protections can lead to unfair outcomes when institutional barriers are preventing some people from exercising their rights in practice. Public policy therefore has a critical role in addressing structural inequalities. Social protection, affordable public services, non-discrimination measures, affordable legal support and inclusive development policies can all contribute to the development of real equality. Human rights-based policymaking means governments need to not simply consider whether the policy is neutral or not, but how it may disproportionately hurt a specific group.

4.6 Migration, Displacement and Citizenship

Migration and displacement are now major human rights and governance issues. States have the power to control their borders and immigration policies but must act in accordance with human rights obligations. Migrants, refugees, asylum seekers and stateless people may be particularly vulnerable due to insecure legal status, detention, limited access to services and barriers to legal remedies.

Border control policies are increasingly dependent on digital surveillance, biometric systems, automated risk assessment, and the cooperation of a number of government agencies. These developments raise accountability issues where decisions on entry, detention, asylum, or removal are made in complex administrative or technological ways. A rights-based approach requires states to ensure procedural fairness, non-discrimination, access to legal remedies, and protection from arbitrary detention or other unlawful treatment. Public policy ought to also recognize that migration governance involves not only border management but larger issues of dignity, social inclusion, labour rights, family unity and access to essential services.

4.7 Climate Change and Environmental Human Rights

Climate change has transformed environmental protection into an increasingly important human rights issue. Extreme weather events, environmental degradation, water scarcity,

displacement, food insecurity, and loss of livelihoods can directly or indirectly affect rights relating to life, health, housing, livelihood, equality and human dignity.

The impact of environmental change is not uniformly distributed. Communities with less economic power and less adaptive capacity may be more exposed to environmental threats, but contribute less to their causes. This raises the question of distributive justice, intergenerational responsibility and the use of public resources. States are therefore under increasing pressure to integrate human rights considerations into environmental and climate policy. Good accountability is through transparent environmental decisions, meaningful participation of affected communities, access to environmental information, effective remedies, and regulation of public and private actors.

4.8 Public Health Emergencies and Exceptional State Powers

Public health emergencies show another area in which governments may have to curb certain individual freedoms in order to protect the common good. It is quite possible to justify even emergency measures of movement restrictions, quarantine requirements, emergency regulations and public gatherings if it is necessary. Emergency powers can also be a source of disproportionate restrictions and weak institutional oversight.

The recent global health emergencies in terms of emergency governance showed how important it is that emergency governance remain subject to legal rules and democratic scrutiny. Emergency measures should have a legal basis, pursue legitimate aims, respond in a proportionate fashion to the threat and be reviewed every few years. They should be accompanied by the necessary safeguards to prevent temporary powers from becoming permanent aspects of governance.

4.9 The Accountability Gap in Emerging Governance

The challenges discussed above indicate a broader shift in state accountability. Today's governance is increasingly digital, involving private contractors, international institutions, complex regulatory systems and automated systems. As a result, responsibility can be shared among multiple actors and people cannot identify who is to blame for a rights-infringing situation. This creates an accountability gap: legal rights may exist in the formal sense, but effective mechanisms to identify responsibility, challenge decisions and seek remedies are not in place. To close this gap, accountability frameworks must be developed alongside new forms of government power. The challenge for contemporary democracies is therefore to strike a balance between government effectiveness and human rights protection. States need to have enough capacity to respond to real security, economic, technological, health and environmental problems but with constitutional checks and balances, independent oversight, transparency, proportionality and effective remedies. Modern democratic governance has to be able to show that new forms of public power are still accountable to the people and communities that are affected by them.

5. Public Policy, State Responsibility and the Accountability Gap

The safeguarding of human rights depends on the ability of the public sector to give meaning to the legal concepts. While constitutional provisions as well as international obligations have their own role, it is the actions of the governments that are responsible for the actual impact of

these rules. Public policy is thus not merely a tool of administration but a vehicle through which state obligations to individuals and communities are fulfilled.

But the complexity of modern government has revealed a serious gap between the declared commitment to human rights and their actual practice. Policies may be legally correct, yet produce outcomes that are unjust or unfair. Similarly, by having wide range of accountability powers, the institutions may still lack independence, resources, data, and enforcement mechanisms to implement them. The above indicates that it is critical to ensure that human rights principles are integrated into public policy in a broader sense.

5.1 Human Rights-Based Approach to Public Policy

To ensure that human dignity and equality and principles of non-discrimination, participatory governance, accountability, and access to justice are put at the core of policymaking, a human-rights based approach is necessary. Such an approach makes it clear that people are not simply beneficiaries of government initiatives but also rights-holders, and their legitimate demands create obligations for the public authorities.

Human rights must be integrally considered during the entire policy cycle. At the stage of policy design, the authorities need to identify the rights at stake in the given policy. Safeguards must also be introduced at the stage of implementation to secure against discrimination or other arbitrary outcomes. Finally, monitoring and evaluation must establish if the policy was implemented as intended and without any unjustified violations of the protected rights.

Finally, this approach entails focused attention to the needs of vulnerable groups. Policies that seem fair and neutral at the general level may have unequal consequences for those affected by poverty, discrimination, displacement, disability or any other form of structural disadvantage. Human rights-based policymaking must combine formal and substantive aspects of equality.

5.2 Accountability in Policy Formulation and Implementation

Accountability is critical before the enactment of a policy, but it does not start with failure. Policy development needs to take into account evidence-based evaluation, consultation with involved stakeholders, openness about the purpose of policy, and its human rights ramifications. Authorities should explain their significant policy choices when the implementation of these policies may limit rights of individuals or seriously affect the particular communities. Increased transparency in decision-making will allow government action to be justified for institutions and population. Furthermore, implementation is as vital as accountability. Well-designed policies could lead to violations of rights in the course of their enforcement due to various reasons, including administrative discretion, lack of financial resources, absence of effective enforcement body, or lack of institutional capability.

Accountability has to happen consistently throughout the entire policy process. Independent auditors, parliament, courts, administrative complaints, public reporting, and active engagement with stakeholders are means of finding out the flaws in implementation and fixing the problems.

5.3 Proportionality, Necessity and Reasonableness in Public Policy

The exercise of power in the state often requires finding the correct balance between competing interests. Governments may seek to protect national security, public health, public order,

economic stability, environmental interests, and individual rights at the same time. The problem is that rights cannot necessarily be treated as absolute, nor public interests as unlimited.

The principles of necessity, proportionality, and reasonableness are important analytical instruments for evaluating the limitations imposed by the government. Measures restricting rights must have justification, connection with the goal pursued, necessity to achieve that goal, and no excessive burden on the rights of impacted persons.

The principle of proportionality is particularly relevant today due to technological and administrative capabilities that enable governments to use highly intrusive measures. Therefore, less restrictive means should be chosen if those give a possibility of achieving the same goal with less detrimental effect on individual rights.

Reasoned justification is no less significant than proportionality. A public authority should be able to elaborate on the reasons for choosing a particular policy and the justification of the restrictions on rights and how this measure will influence rights accounting for competing public interest.

5.4 Participation, Inclusion and Democratic Policy-Making

Public engagement is a significant part of rights-based governance. Laws that are not created based on the needs of people in their situations may not reflect social, economic, and political realities. With participation, the legitimacy and effectiveness of policies can be greatly improved.

However, meaningful participation can go beyond providing information to people after a policy has been made. Individuals and communities must actually have good opportunities to be heard and get involved in the process of making decisions. It is especially true in relation to issues touching upon the environment, land-use, city planning, public works, electronic governance, and treatment of vulnerable segments of the population.

Indeed, proper participation will provide more accountability in government activities. This will result from the emergence of many channels which will allow the public to scrutinize the actions of authorities. Public hearings, consultations, public monitoring, public feedback, and participatory practices would facilitate better responsiveness of the authorities. Nevertheless, the representatives of the governmental organizations should approach the process of public engagement very carefully to make sure that it is not just an empty procedure. The public must see how its input is taken into account or why its recommendations are not implemented.

5.5 Technology, Public Administration and New Forms of Accountability

While digitalization of public administration has its benefits, it also poses some barriers as far as accountability is concerned. Digitalization means that government activities will become more efficient, while some administrative work will be automated, thus eliminating the burden and making services more accessible. At the same time, dependence on digital technology may lead to the emergence of different forms of institutional opacity. When government decisions are made with the help of an algorithm, the public may not be aware of the data that was used for making that decision, the methods employed, and how to challenge that decision. Moreover, if public authorities rely on outside technologies, the mechanisms of responsibility may not be clear. Therefore, public policies, in general, must create clear requirements related to

accountability in the context of governance via automation. These requirements can include setting up human supervision, monitoring the documentation of the decision-making process, conducting regular audits, ensuring data protection, instituting the effect assessment, and requiring relevant information about the use of automation in decision-making.

The main principle is that delegating decision-making authority to technology does not transfer responsibility from the state to other bodies.

5.6 Vulnerable Groups and Distributive Justice

Public policy is particularly vital in terms of protecting populations and communities with limited means of economic and political leverage.

Taking a purely formal approach to equality may not suffice in confronting the structural issues that hinder rights realization. As a result of that, distributive justice obliges policymakers to reflect on the allocation of public resources, opportunities, risks, and duties.

Health care, education, housing, social protection, environmental regulation, labor, and infrastructure can have far-reaching consequences for it. Accountability, in this case, should be about the culpability for direct violations of rights and for those policy decisions that are seemingly discriminative or otherwise harmful. Thus, states should assess whether their policy recommendations reinforce inequalities and act accordingly if necessary. This is particularly important in the context of environmental protection and climate change issues.

The communities that are most vulnerable to environmental risks do not always have means to protect themselves or influence the governmental decision-making. Rights-based public policy means procedural engagement and equitable distribution of benefits and burdens related to the environmental policies.

5.7 Strengthening the Policy Accountability Cycle

An effective accountability framework should work throughout the entire policy cycle:

Policy Identification → Human Rights Impact Assessment → Consultation → Policy Formulation → Implementation → Monitoring → Independent Review → Remedy and Policy Revision

The first stage should be to understand the social problem and rights that may be affected. Human rights impact assessment can then be applied to the expected effects in different populations. Consultation allows stakeholders in the affected group to take part in policy development, and transparent formulation allows them to be able to have clear goals and legal frameworks in place.

Administrative institutions should be monitoring and complaint-driven in implementing and have proper mechanisms in place. Independent monitoring and enforcement bodies should be able to periodically revisit the results and identify unintended consequences. Where violations or serious policy failures occur, the affected people should have recourse to remedies. Where existing measures are ineffective, discriminatory, or disproportionate, policy frameworks should be reformed and revised whenever evidence suggests that we have a failure of implementation.

Such a continuous accountability cycle moves governance away from a purely reactive model to a preventive and adaptive model of human rights protection.

5.8 Bridging the Accountability Gap

The accountability gap in modern democracies is when legal rights and institutional commitments are not matched by effective mechanisms of implementation and remedy. Many factors contribute to this gap, such as institutional fragmentation, lack of transparency, limited resources, administrative discretion, technological complexity, political interference, and inadequate access to justice.

To fill this gap, we need to strengthen institutions and processes. Independent oversight bodies should have adequate resources and authority to investigate systemic failures. These institutions and systems should have access to courts and administrative review mechanisms for people affected by government action. Public authorities should provide enough information on policy goals, implementation procedures, and outcomes.

Moreover, governments should increasingly use preventive mechanisms—human rights impact assessments, equality assessments, algorithmic audits, environmental checks, environmental surveys, and participatory policymaking—to prevent any potential rights violations and take action against them. These mechanisms are a way to identify rights concerns before they go on to become systemic violations.

The ultimate aim is to create a model of governance in which accountability is embedded in ordinary policymaking, and not something that's external to that of governance. That's because responsible democratic governance is based on the fact that public power is what happens, and the reality that people should have a voice in it so that people can challenge decisions that are against their rights.

5.9 Towards Rights-Based Democratic Governance

Public policy and human rights have shown that state accountability in itself cannot be achieved by institutional oversight only. We must embed accountability in policymaking in a more fundamental and procedural sense. Government must not only comply with existing legal requirements but also take into account the human rights implications of new policies and technologies.

It is for this reason that contemporary democracies need an accountability framework that is based on constitutional protections, independent institutions, transparent administration, meaningful participation, proportionality, technological oversight, and remedies for the problem. Such a framework can help to ensure that governments have to be held accountable for their abilities and responsibilities.

A rights-based approach ultimately strengthens rather than destroys democratic governance. The accountability to public authorities and its effect on communities and on people's lives through public assessment and independent review makes them more trustworthy and more credible. So we are left to translate these principles into concrete institutional and policy reforms that will strengthen human rights protection in practice.

6. Conclusion and Policy Recommendations

Human rights, state accountability and public policy are all interrelated as aspects of democratic governance. The democratic state now has huge powers to regulate social and economic life, to maintain public order, to ensure national security, to manage technological systems and to tackle environmental and public health challenges. But the expansion of

government power must be accompanied by accountability. The legitimacy of state power is not only in terms of the goals but in terms of the legality, transparency, proportionality, fairness and human rights compatibility of the means through which those goals are pursued.

The analysis demonstrates that constitutional recognition and international protection of human rights are not enough to guarantee good rights protection. The real enjoyment of rights is dependent on the capacity and independence of the institutions responsible to implement and enforce legal protections. Legislatures, courts, administrative bodies, human rights institutions, oversight authorities, civil society, media and citizens all serve in complementary roles in the accountability system. If any of these mechanisms fail, arbitrary decisions will emerge which will affect democratic checks and balances.

The relationship between rights and state power has been more complex in the past. Digital surveillance, artificial intelligence, algorithmic governance, data processing, national security measures, migration controls, climate change, socio-economic inequality and public emergencies have opened up new areas in which traditional accountability mechanisms might be inadequate. These developments demonstrate that accountability must change with government capability. Technology cannot create an institutional environment where responsibility is unclear or people can't be guided and challenged by decisions that affect them. The key finding of the study is that the gap between formal rights and the practice of formal rights is an accountability gap. This gap is most likely to be caused by a lack of institutional capacity, lack of access to justice, political interference, lack of transparency, administrative discretion, weak enforcement in policy making and insufficient consideration of human rights in policy formulation. To fill in this gap one needs to move from reactive accountability, which is to say, from reactive accountability to preventive and continuous accountability in policy formulation.

Public policy should therefore be considered an important tool for fulfilling human rights obligations. Governments should assess the human rights consequences of policies before they get implemented and follow up on their effects after they get implemented. Policies that disproportionately affect vulnerable communities should be particularly focused on. That way, we can go further in terms of substantive equality and ensure that economic efficiency, administrative convenience, or security considerations don't automatically trump fundamental rights.

6.1 Strengthening Constitutional and Legal Safeguards

Democratic regimes need to strengthen constitutional and legal safeguards of public authority. Laws concerning basic human rights must state what cases should lead to such limit of power and comply with legality, necessity and proportionality principles. Laws regulating issues of surveillance, artificial intelligence, data management, emergency powers, migrant policies and national security have to be precise and clear so that excessive bureaucratic discretion is prevented.

6.2 Strengthening Independent Oversight Institutions

Independent institutions are key players in providing government accountability. To effectively carry out their responsibilities, human rights commissions, ombudsmen, data protection, and

regulatory agencies need a high level of financial, administrative, and functional independence from the government.

These institutions' investigation and oversight functions should be guaranteed by transparent appointment mechanisms, necessary funding, and stability of positions, as well as efficient enforcement mechanisms. Moreover, oversight institutions should ensure the opportunity to address problems on a large scale, rather than just considering individual cases.

6.3 Integrating Human Rights Impact Assessments into Public Policy

The assessments need to be realized during legislative processes and key policies in the selected country. Hence, prior to approving a policy option, the authorities should conduct an assessment in terms of human rights.

The assessments should be treated not just as a bureaucratic formality, as policy options should be shaped with the help of the assessments. In case of negative implications, it is desirable for decision-makers to take steps to eliminate or minimize their impacts as far as possible.

6.4 Enhancing Transparency and Access to Information

Transparency is among the key aspects of democratic accountability. Therefore, governments need to implement necessary steps to increase access to information about legislative decisions, policymaking, expenditures, administrative operations, regulatory measures, and innovations. One should focus on the idea of transparency in automated decision-making. Citizens should learn about the cases in which automated systems influence the decisions of the government. However, it is necessary to note the fact that transparency needs to be balanced with relevant issues of privacy, personal information, security, and other important confidential matters.

6.5 Establishing Stronger Accountability for Artificial Intelligence

The increasing use of artificial intelligence in public administration requires a particular accountability framework. Governments should ensure that high-impact automated systems are tested, documented, subject to independent auditing, human oversight, and regularly reviewed. Individuals affected by significant automated governmental decisions should have access to meaningful human review and effective remedies. Public officials should also be accountable for decisions made with technology. An algorithmic system should never be procured or operated to escape government responsibility.

6.6 Expanding Public Participation

Public participation needs to be an integral part of rights-based policymaking. It is incumbent on governments to provide affected people and communities with timely access to relevant information and genuine opportunities to participate in policy decisions.

Participation should be particularly enhanced in environmental governance, development projects, land use, digital regulation, social welfare and policies affecting vulnerable populations. The public authorities should also explain how important stakeholder concerns have been taken into account during decision-making.

6.7 Improving Access to Justice and Effective

Remedies Human rights protection requires accessible and effective remedies. Legal protections have limited practical value when individuals cannot afford litigation, face lengthy

procedural delays, lack information about available remedies, or encounter institutional barriers. Governments should increase legal aid, simplify complaint procedures, improve administrative review, and provide timely judicial remedies. Special attention should be given to individuals and communities who have little economic or institutional capacity to challenge government action.

6.8 Protecting Vulnerable Communities and Advancing Substantive Equality

Public policy should move beyond formal equality to substantive equality. Policymakers should review whether what seems to be neutral measures have a disproportionate impact on the poor. Resource allocation, social protection, healthcare, education, housing, environmental policies, and digital public services should be designed to reduce structural inequalities rather than reproduce them. Disaggregated data and impact assessments can assist governments in identifying unequal outcomes and developing appropriate corrective measures.

6.9 Strengthening Environmental and Climate Accountability

Climate and environmental policies should take human rights into account when making decisions. Governments should be transparent, provide access to the right environmental information, with active participation as well as effective remedies for communities impacted by environmental decisions. Environmental accountability should also address the distribution of climate-related risks and benefits. Policies should give particular attention to communities with limited adaptive capacity and ensure that development and climate-transition measures do not disproportionately burden already disadvantaged populations.

6.10 Developing an Integrated Accountability Framework

The previous discussion suggests the need for an integrated model of state accountability based on seven interconnected principles:

**Legality → Transparency → Participation → Proportionality → Institutional
Independence → Effective Review → Remedy**

These principles should be at the heart of public policies. Government authorities should justify large-scale exercises of public power, provide relevant information, consider affected communities, evaluate proportionality, remain subject to independent oversight, and offer effective remedies where rights are adversely affected. A comprehensive framework can also help reduce the fragmentation of contemporary governance. Rather than assigning accountability to courts and individual oversight bodies, responsibility should be shared across complementary institutions and individuals should have a means of challenging state action.

6.11 Final Conclusion

The future of democratic governance is more and more dependent on the ability of states to reconcile effective government with meaningful protection of human rights. Contemporary democracies face legitimate challenges involving security, technological transformation, economic inequality, migration, environmental change, and public emergencies. This is why capable and responsive states are needed but increased governmental capacity in itself should not be an excuse for lax accountability. The main argument of this study is that “human rights

protection and state accountability are not constraints external to effective public policy; they are crucial components of legitimate and sustainable governance.” As a result of the public policy development and implementation that is transparent, fair, and independent, public policy becomes more democratic when it is based on human dignity and equality and is evaluated for all of its impact.

The emerging accountability gap has to be addressed by institutional reform, human rights-based policymaking, technological oversight, meaningful participation, better access to justice, and effective remedies. Contemporary democracies have to ensure that new forms of state power are anchored in established constitutional principles while creating new accountability mechanisms that are appropriate for the changing world of technology and governance. Finally, a democratic state is accountable not only because institutions exist to review its conduct, but because citizens and communities have meaningful power to question, challenge, and seek remedies against the exercise of public authority. To maintain the rule of law and for democracy to be effective and rights-based, citizens, rights, institutions, and public policy must be linked.

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