



EXTRATERRITORIAL APPLICATIONS OF HUMAN RIGHTS TREATIES: RECONCILING SOVEREIGNTY WITH UNIVERSALITY

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ABSTRACT

*The question of whether human rights treaties smear beyond a state's borders has developed into one of the most queried deliberations in international law. The human rights commandment was initially built on the idea of territorial sovereignty, which shoulders that states are responsible only for people exclusive their borders. Nonetheless, practice has shown that this impression is too slender. Courts and treaty bodies have progressively recognised that states may also accept responsibility when they exercise power over individuals abroad. The European Court of Human Rights (ECHR), for illustration, once took a very strict view in *Banković v Belgium*,¹ but later moved towards a broader and more practical method in *Al-Skeini v United Kingdom*.² Likewise, the UN Human Rights Committee³ and the Inter-American system⁴ have long known that a state's human rights obligations can extend to circumstances where it has authority or control over individuals, even external its territory. These variances in approach disclose thoughtful breaches between regional and universal systems, and boost tensions with authoritative states like the United States, which frequently reject the impression of extraterritorial obligations on grounds of sovereignty and safety. At the same time, expanding duties is seen as dynamic to prevent accountability gaps, safeguard the universality of rights, and protect individuals in contemporary cross-border situations such as fortified conflicts, drone combat, or relocation controls. This article uses doctrinal, comparative, and analytical methods to examine how far-flung these obligations encompass, the tests they face,*

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¹ *Banković and Others v Belgium and Others* App no 52207/99 (ECtHR, 12 December 2001).

² *Al-Skeini and Others v United Kingdom* App no 55721/07 (ECtHR, 7 July 2011).

³ Human Rights Committee, *Lopez Burgos v Uruguay* (Communication No 52/1979, UN Doc CCPR/C/13/D/52/1979, 29 July 1981).

⁴ Inter-American Commission on Human Rights, *Coard et al v United States* (Case 10.951, Report No 109/99, 29 September 1999).

and how states might reunite sovereignty with universal human rights fortification in today's globalised world.

Keywords: Extraterritoriality, Human Rights Treaties, Jurisdiction, Sovereignty, Accountability Gaps.

INTRODUCTION

The credence that human rights commitments sojourn at the edge of a state's borders has always been troubled. In exercise, states project power far beyond their terrain through foreign military actions, cross-border surveillance, and the intervention of migrants at sea. When people are damaged in these conditions, the noticeable question arises: do the state's human civil rights obligations still apply, or do they become extinct the moment its actions cross into overseas soil?

Human rights treaties were conscripted in an epoch when territorial authority was at the centre of international law. The International Covenant on Civil and Political Rights (ICCPR) imitates this outlook. Article 2(1) says that states must esteem and ensure rights to people "within (their) territory and subject to (their) jurisdiction."⁵ Numerous governments seized this to mean that duties were firmly territorial. But over time, courts and monitoring bodies began to examine this supposition. They have questioned instead whether "jurisdiction" can also cover situations where a state has authority or control over individual's external to its boundaries.⁶

The answer matters. It regulates, for instance, whether relatives of drone attack victims can seek justice, whether migrants pushed back at sea can invoke treaty rights, or whether detainees in foreign prisons run by occupying powers fall under human rights protection.⁷ The European and Inter-American systems have played leading roles in rethinking jurisdiction, though not always reliably. Some states, like the United States, Israel, and Russia, continue to push back, underlining security concerns and sovereignty.

This article looks thoroughly at these tensions. It uses doctrinal analysis, compares how diverse legal systems approach the issue, and judgmentally replicates the justifications for smearing

⁵ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 2(1).

⁶ Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Rep 136, [109]–[111].

⁷ Hirsi Jamaa and Others v Italy App no 27765/09 (ECtHR, 23 February 2012).

rights beyond borders. It also weighs the foremost criticisms, formerly putting forward endorsements for a more feasible balance between sovereignty and universal human rights.

DOCTRINAL FOUNDATIONS OF EXTRATERRITORIALITY

Human rights treaties were initially written with a robust provincial outlook. The drafters presumed that obligations would be knotted to the terrestrial margins of the state. This is crystalline from the manuscript of significant instruments. The International Covenant on Civil and Political Rights (ICCPR), for example, articulates that each state is obligated to respect and safeguard rights to “all entities within its territory and subject to its jurisdiction.”⁸ The collective reference to territory and jurisdiction has activated decades of dispute: does it mean both circumstances essentially must be met, or does jurisdiction stand on its own?

The European Convention on Human Rights (ECHR) is expressed somewhat inversely. Article 1 necessitates states to “secure to everyone within their jurisdiction” the rights and freedoms in the Convention.⁹ The nonappearance of the term “territory” has unlocked the door to an extensive analysis, and the European Court of Human Rights (ECtHR) has fought with its connotation ever since. In the same way, Article 1 of the American Convention on Human Rights (ACHR) uses the formula “all persons subject to their jurisdiction,” without a territorial limit.¹⁰

In practice, the term “jurisdiction” has developed into the dominant crux. Some researchers claim that it refers only to lawful authority inside a state’s territory, while others argue that it can also mean status quo, where a state has operative control over people or places beyond its borders.¹¹ UN treaty bodies have often leaned towards the latter view, emphasising that jurisdiction follows power, not just geography.¹²

The debate basically turns on two contending approaches: the spatial model and the personal model. Underneath the spatial approach, dominion is triggered as soon as the state has effective

⁸ International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171, art 2(1).

⁹ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (adopted 4 November 1950, entered into force 3 September 1953) 213 UNTS 221, art 1.

¹⁰ American Convention on Human Rights (adopted 22 November 1969, entered into force 18 July 1978) 1144 UNTS 123, art 1.

¹¹ Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (OUP 2011) 47–49.

¹² Human Rights Committee, General Comment No 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant (26 May 2004) UN Doc CCPR/C/21/Rev.1/Add.13, para 10.

control over a zone, such as through occupation or military presence.¹³ Under the personal approach, jurisdiction arises when a state exercises authority or supervises over an individual, even outside its own border, for instance, through arrest, detention, or targeted operations.¹⁴ Both models have been acknowledged on distinct occasions by international law courts and bodies, but the deficiency of a constant standard has created vagueness.

Researchers point out that restricted reading destabilises the universality of human rights, while excessively broad reading risks stretching obligations beyond what states ever consented to.¹⁵ This tug-of-war amid sovereignty apprehensions and universal shield is at the heart of extraterritoriality debates. Undeniably, the conscripting history of the ICCPR

displays that approximately few states fought expansive interpretations, dreading that their overseas demeanour, including military interventions it might be scrutinised under human rights law.¹⁶

These doctrinal selections matter. If jurisdiction is secured only to territory, then states could commit serious abuses in a foreign country with no accountability under human rights regulation. If it shadows control or authority, then human rights obligations travel with the state wherever it acts. The rest of this article explores how courts and institutions have responded to this pressure in practice.

JURISPRUDENCE ON EXTRATERRITORIAL APPLICATION

The question of whether human rights compulsions range beyond borders has been most dynamically tested in courts. Over the preceding two decades, a patchwork of findings from the International Court of Justice (ICJ), the European Court of Human Rights (ECHR), and the Inter-American Court of Human Rights (IACHR) have progressively moulded the deliberation. The jurisprudence displays both progress and inconsistency. Although courts nowadays admit that obligations may encompass extraterritorially, they disagree on how far this goes and under what circumstances.

¹³ Ralph Wilde, 'Triggering State Obligations Extraterritorially: The Spatial Test' (SSRN, 2007) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1032874.

¹⁴ Sarah Miller, 'Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction under the European Convention' (2010) 20(4) EJIL 1223, 1226–1227.

¹⁵ Cedric Ryngaert, *Jurisdiction in International Law* (2nd edn, OUP 2015) 214–216.

¹⁶ Michael Dennis, 'Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation' (2005) 99 AJIL 119, 122–123.

INTERNATIONAL COURT OF JUSTICE (ICJ)

The ICJ first lectured on extraterritoriality in *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (2004). The Court apprehended that the International Covenant on Civil and Political Rights (ICCPR) applies to acts of a state “in the exercise of its jurisdiction outside its own territory.”¹⁷ It excluded Israel’s argument that the Covenant did not apply to occupied territories, underlining that human rights obligations do not vanish in situations of fortified conflict.¹⁸

This reasoning was reiterated in *Armed Activities on the Territory of the Congo* (2005). The Court held that Uganda, as an occupying power, had obligations under both human rights law and humanitarian law to the extent it controlled in the Democratic Republic of Congo.¹⁹ The ICJ emphasised that “territory” was not the pivotal factor. What signified was the exercise of authority or control. These judgements recognised a strong underpinning for the idea that human rights treaties track a state’s power, not just its borders.

However, the ICJ has stopped short of setting a single assessment for dominion. Its pronouncements show liveness but also leave space for states to contend about parameters. Critics note that the Court avoids spelling out whether jurisdiction is primarily personal, spatial, or a hybrid of both.²⁰

EUROPEAN COURT OF HUMAN RIGHTS (ECHR)

The ECHR has technologically advanced the most comprehensive jurisprudence on extraterritoriality, though its case law has been far from reliable. The starting point is *Banković v Belgium* (2001), where the Court adopted a restrictive approach.²¹ It held that NATO’s midair bombing of a Serbian television station during the Kosovo battle did not result the fatalities within the jurisdiction of the respondent states. The Court rationalised that the Resolution was “essentially regional” and could not be pragmatic globally without undermining its structure.²²

¹⁷ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion) / [2004] ICJ Rep 136, / [109]–/ [111].

¹⁸ *ibid*

¹⁹ *Armed Activities on the Territory of the Congo (DRC v Uganda)* / [2005] ICJ Rep 168, / [178]–/ [180].

²⁰ Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (OUP 2011) 72–73.

²¹ *Banković and Others v Belgium and Others* App no 52207/99 (ECtHR, 12 December 2001).

²² *ibid*

This slender view was well along softened. In *Al-Skeini v United Kingdom* (2011), the Court recognised that UK military personnel in Basra, Iraq, exercised authority and control over entities, which was adequate to bring those individuals beneath UK jurisdiction.²³ The Court set out two focal principles: first, jurisdiction ordinarily resembles territory; second, exemptions exist when a state exercises effective control over an area (spatial model) or authority over an individual (personal model).²⁴

The *Al-Jedda v United Kingdom* case, decided in the same year, further established that a state hindering an individual overseas assumes human rights obligations.²⁵ Later, in *Hirsi Jamaa v Italy* (2012), the Court protracted jurisdiction to migrants intercepted on the high seas.²⁶ Here, the personal model of jurisdiction was fundamental: Italy exercised authority over the migrants once they were on Italian vessels, even outside territorial waters.

The Court's later judgments, like *Georgia v Russia (II)* (2021), demonstrate how politically delicate these cases can be. The Court of law recognised Russian jurisdiction in expanses of operative military control but declined to extend it to "active hostilities," reflecting a cautious line.²⁷ Overall, the ECHR has relocated from Banković's inflexibility, but it still attempts to limit the extraterritorial reach of the Convention to sidestep overburdening states.

INTER-AMERICAN COURT OF HUMAN RIGHTS (IACHR)

The Inter-American structure has gone supplementary than Europe. In *Coard v United States* (1999), the Inter-American Commission apprehended that US activities in Grenada fell under its human rights obligations.²⁸ The Commission hassled that jurisdiction ascends anyplace a state exercises authority over people, regardless of place.

This perceptive was strongly inveterate in the *Advisory Opinion on the Environment and Human Rights* (2017). The IACHR held that states have responsibilities not only to people within their borders but also to those external who are pretentious by transboundary

²³ *Al-Skeini and Others v United Kingdom* App no 55721/07 (ECtHR, 7 July 2011) / [131].

²⁴ *ibid*

²⁵ *Al-Jedda v United Kingdom* App no 27021/08 (ECtHR, 7 July 2011) / [85].

²⁶ *Hirsi Jamaa and Others v Italy* App no 27765/09 (ECtHR, 23 February 2012) / [74].

²⁷ *Georgia v Russia (II)* App no 38263/08 (ECtHR, 21 January 2021) / [126].

²⁸ *Coard and Others v United States* Case 10.951 (IACHR, 29 September 1999) / [37].

environmental harm.²⁹ This marked a key step forward by connecting extraterritoriality to global challenges such as pollution and climate change.

UNITED NATIONS TREATY BODIES

The Court's approach imitates a broader vow to universality. Unlike the ECHR, which balances sovereignty concerns, the IACHR prioritises protection. Scholars argue that this stance makes sense in a region with prevalent cross-border military and environmental impacts, but opponents question whether it jeopardises overstretching states' obligations.³⁰

Outside jurisdictional bodies, UN treaty committees have unswervingly read human rights treaties as applying extraterritorially. The Human Rights Commission in General Comment No 31 avowed that states must deference and ensure Covenant rights to all individuals subject to their power or effective control, even outside their borders.³¹ Correspondingly, the Committee Against Torture has found jurisdiction wherever a state exercises "custody or physical control."³²

While these interpretations are not obligatory in the same way as court rulings, they employ convincing authority and often influence domestic and regional jurisprudence.

COMPARATIVE OBSERVATIONS

Taken as a whole, jurisprudence shows a steady corrosion of the impression that rights end at the boundary. The ICJ and IACHR slender towards a comprehensive view, focusing on control over individuals or territory. The ECHR, by contrast, has shifted from a restrictive stance in *Banković* to a more balanced, but still cautious, model that recognises extraterritorial jurisdiction in exceptional cases.

This absence of uniformity creates uncertainty. Victims of drone attacks, offshore pushbacks, or foreign occupations may be endangered under one system but left without remedy under another.³³ The proportional picture shows that while extraterritorial application is now accepted

²⁹ Advisory Opinion OC-23/17 on the Environment and Human Rights (IACHR, 15 November 2017)

³⁰ Thomas Antkowiak, 'A Dark Side of Virtue: The Inter-American Court and Reparations for Indigenous Peoples' (2013) 25 *Duke J Comp & Intl L* 1, 19–20.

³¹ Human Rights Committee, General Comment No 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant (26 May 2004) UN Doc CCPR/C/21/Rev.1/Add.13, para 10.

³² Committee Against Torture, General Comment No 2: Implementation of Article 2 by States Parties (24 January 2008) UN Doc CAT/C/GC/2, para 16.

³³ Yuval Shany, 'Taking Universality Seriously: A Functional Approach to Extraterritoriality in International Human Rights Law' (2013) 7 *L & Ethics Hum Rts* 47, 52–55.

in principle, its scope remains contested. Courts struggle to equilibrium universal protection with fears of judicial overreach into foreign policy and military affairs.

COMPARATIVE AND ANALYTICAL PERSPECTIVES

Observing transversely diverse human rights systems, one theme stands out: there is no single, decided decree on extraterritoriality. As a supernumerary, courts and bodies approach the matter through their personal institutional histories, political backgrounds, and ideas about the determination of human rights law. A comparative look shows three discrete models: the ICJ's cautious but principle-driven line, the ECHR's restrictive-to-flexible evolution, and the IACHR's openly extensive approach. Each imitates a brawl amid universality and sovereignty, protection and pragmatism.

ICJ VERSUS REGIONAL COURTS

The ICJ has taken a principled approach by upholding that human rights treaties apply wherever a state exercises jurisdiction. But its verdicts remain thin on functioning detail. In *Wall and Armed Happenings*, the Court made strong statements about obligations following control, yet it avoided spelling out an accurate test.³⁴ This indistinctness is double-edged. On one hand, it gives states less room to repudiate obligations outright. On the other hand, it leaves them free to contest scope in politically delicate cases.

By dissimilarity, the ECHR has manufactured a far more comprehensive body of case law, largely because individuals can bring cases unswervingly before it. But that detail has come at a price: irregularity. The leap from *Banković's* restrictive reading to *Al-Skeini's* acceptance of both spatial and personal models shows a Court pulled between principle and political pressure.³⁵ States party to the ECHR, many of them involved in overseas armed manoeuvres, pushed back hard in contradiction of an expansive reading.³⁶ The Court's jurisprudence often reflects compromise: broad enough to avert unconcealed gaps, but narrow enough to avoid allegations of "global jurisdiction."

³⁴ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)* / [2004] ICJ Rep 136, / [109]–/ [111].

³⁵ *Al-Skeini and Others v United Kingdom* App no 55721/07 (ECtHR, 7 July 2011) / [131]–/ [133].

³⁶ Yuval Shany, 'Taking Universality Seriously: A Functional Approach to Extraterritoriality in International Human Rights Law' (2013) 7 *L & Ethics Hum Rts* 47, 54.

The IACHR, by contrast, has had more freedom to encircle universality. In *Coard* and its 2017 Advisory Opinion, it openly professed that jurisdiction trails authority over persons, even in ecological contexts.³⁷ Unlike Europe, Latin America's regional court has faced less pressure from powerful states to leash in extraterritorial scope. This difference suggests that institutional context shapes doctrine: where states are robust enough to resist, courts habitually compromise.

SOVEREIGNTY VERSUS UNIVERSALITY

At the sentiment of all these cases lies a vital tension: is international human rights law meant to be universal, or is it still tethered to the classical idea of territorial sovereignty? States often invoke sovereignty to resist extraterritoriality, quarrelling that applying treaties overseas undermines the rights of the territorial state and stretches obligations beyond consent.³⁸ Yet universality, the awareness that rights belong to all humans, irrespective of borders, pulls the law in the conflicting direction.

The ECHR's vacillation captures this tension well. *Banković* leaned heavily on sovereignty, stressing the Convention's "regional" nature.³⁹ Nonetheless, in *Hirsi Jamaa*, the Court of law could not ignore that a virtuously territorial reading would leave refugees on the high seas with no shield at all.⁴⁰ In the same way, the ICJ's denial to accept Israel's argument in the *Wall* demonstrations that sovereignty cannot act as an armour for rights violations in occupied territories.⁴¹

FRAGMENTATION AND INCOHERENCE

The comparative picture also reveals a delinquent of fragmentation. Fatalities of drone strikes in Yemen, intercepted migrants in the Mediterranean, and communities harmed by transboundary contamination may all fall under different regimes with different tests. A person under US custody in Guantanamo would be enclosed under the IACHR's approach but

³⁷ Advisory Opinion OC-23/17 on the Environment and Human Rights (IACHR, 15 November 2017) / [104]–[107].

³⁸ Michael Dennis, 'Application of Human Rights Treaties Extraterritorially in Times of Armed Conflict and Military Occupation' (2005) 99 AJIL 119, 122.

³⁹ *Banković and Others v Belgium and Others* App no 52207/99 (ECtHR, 12 December 2001) / [80].

⁴⁰ *Hirsi Jamaa and Others v Italy* App no 27765/09 (ECtHR, 23 February 2012) / [74].

⁴¹ *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion)* / [2004] ICJ Rep 136, / [111].

excluded under Banković-style reasoning.⁴² This inconsistency undermines the credibility of human rights law, generating what scholars call “accountability gaps.”⁴³

Some argue that this fragmentation is unavoidable in a decentralised international system.⁴⁴ But others see it as a political choice: courts sometimes slender their rulings to avoid conflict with powerful states. The ECHR’s reluctance to encompass jurisdiction during “active hostilities,” as in *Georgia v Russia (II)*, is a case in point.⁴⁵ Instead of a principled line, the Court crafted a pragmatic border designed not to overstep into military concerns.

TOWARDS A FUNCTIONAL READING

A logical way to cut through these contradictions is to implement a functional method: human rights obligations should follow the purpose a state performs, not the geography of where it acts.⁴⁶ When a state arrests, detains, or allocates a person, it is exercising authority; consequently, obligations should be ascribed. When it inhabits land, it is effectively a government there again, and obligations should attach. This approach aligns with the IACHR’s stance and with the Human Rights Committee’s view in General Comment No. 31.⁴⁷

The functional reading also avoids absurd results. It averts a situation where the same offensive act, say, torture, would be illegal in London but lawful if committed by the same state in Baghdad. Still, states resist this interpretation because it raises uncomfortable accountability queries about military operations, border control, and counter-terrorism.⁴⁸

COMPARATIVE LESSONS

Observing across organisations, three lessons stand out. First, the ICJ’s broad but imprecise line shows the value of principle, but also the danger of leaving gaps. Second, the ECHR illustrates how judicial compromise can water down consistency. Third, the IACHR validates

⁴² Marko Milanovic, *Extraterritorial Application of Human Rights Treaties: Law, Principles, and Policy* (OUP 2011) 103–105.

⁴³ Ralph Wilde, ‘Human Rights Beyond Borders: A European Perspective’ in F Coomans and MT Kamminga (eds), *Extraterritorial Application of Human Rights Treaties* (Inters entia 2004) 389, 394.

⁴⁴ Cedric Ryngaert, *Jurisdiction in International Law* (2nd edn, OUP 2015) 221.

⁴⁵ *Georgia v Russia (II)* App no 38263/08 (ECtHR, 21 January 2021) / [126].

⁴⁶ Yuval Shany (n 36) 61–62.

⁴⁷ Human Rights Committee, General Comment No 31: Nature of the General Legal Obligation Imposed on States Parties to the Covenant (26 May 2004) UN Doc CCPR/C/21/Rev.1/Add.13, para 10.

⁴⁸ Sarah Miller, ‘Revisiting Extraterritorial Jurisdiction: A Territorial Justification for Extraterritorial Jurisdiction under the European Convention’ (2010) 20(4) EJIL 1223, 1235–1237.

the potential of a universalist method, though one that may be politically unsustainable if adopted globally.

The challenge ahead is to move towards greater rationality. Without it, human rights law looks selective, strong where states are weak, but weak where states are strong. For victims, that means justice depends less on belief and more on geography and politics.

SUGGESTIONS AND RECOMMENDATIONS

From the arguments and case law on extraterritorial application of human rights, one thing is understandable: the law is not stable. Courts, treaty bodies, and researchers have often pulled in diverse directions, and states themselves are divided. This ambiguity creates breaks in fortification. With that in mind, a few real-world recommendations can be presented.

Precision in Treaty Interpretation: Human rights treaties should be delivered in a way that replicates their purpose: protecting individuals. States and international courts should avoid excessively narrow readings of “jurisdiction” that decrease defence only to territorial boundaries. As a substitute, there needs to be a clear acknowledgement that when a state has real power over people’s lives—whether by military force, detention, or seizure at sea- it also has human rights obligations. This tactic would not stretch the law outside recognition but simply bring it into line with the opinion that rights follow authority.

Superior Uniformity Across Courts and Bodies: Currently, the European Court of Human Rights, the Human Rights Committee, and the Inter-American organisation use somewhat different tests for jurisdiction. This forms misperception and gives states justifications to repudiate accountability. A more consistent approach, possibly through dialogue among international bodies or explanatory guidance from the UN, would make the system reasonable and more predictable.

Harmonising Sovereignty and Accountability: States often resist extraterritorial application as they dread that it will weaken their sovereignty or obscure military operations. But sovereignty should not mean invulnerability from accountability. A middle pathway can be constructed: international law can recognise that states keep in mind a margin of appreciation in complex security situations, while still necessitating them to defer to essential rights such as life, liberty, and protection from torture whenever they exercise control over entities overseas.

Updating State Practice and National Law: Several states continue to apply human rights obligations in a foreign country only when pressed by courts. In its place, they should build clear provisions into their domestic laws and military handbooks. This practical step would help their agents, soldiers, diplomats, and law enforcement to comprehend their responsibilities before difficulties arise.

Sturdier Remedies and Monitoring: Even when courts announce that rights apply extraterritorially, remedies are frequently sluggish or figurative. International institutions should reinforce monitoring and reporting on overseas demeanour, and states should make sure that victims can access real remedies, not just paper verdicts.

Discovering New Areas Like Cyber and Environment: Finally, as state power progressively operates outside boundaries over digital observation, cyber manoeuvres, and environmental goings-on with cross-border effects, the idea of extraterritoriality must be familiarised. Courts and treaty bodies should be open to applying human rights principles in these areas too, safeguarding that developing forms of state influence do not undermine accountability.

Overall, the aim is not to generate impossible burdens for states but to guarantee that when they exercise power overseas, people under that power are not left deprived of rudimentary rights. Human rights are meant to be universal; the law should replicate that in practice, not just in principle.

CONCLUSION

The entire debate about whether human rights treaties halt at a country's boundaries or stretch beyond them is no longer just a lawyer's puzzle. It's something that directly affects people caught in confrontations, migrants pushed back at sea, or communities facing effluence from actions taken thousands of miles away. For a long time, the trust was simple; rights were tied to territory. But over time, practice has shown that this idea doesn't really hold up when states act outside their borders and still impact lives.

Courts and human rights bodies haven't always decided on how far these obligations go, and that's part of the problem. The International Court of Justice has usually been very careful, almost hesitant, while the European Court of Human Rights has shifted from a strict approach to a more supple one, looking at whether a state controls people or situations. The Inter-American Court has gone even further, saying that modern challenges like cross-border

pollution or environmental mutilation need to be seen through an extraterritorial lens. So, the law is clearly moving, but it hasn't reached a common ground yet.

And here's the actual issue: keeping human rights strictly inside national borders leaves an enormous gap. Think about drone strikes, cyber surveillance, or climate change; none of these respects borders. If states say their responsibilities sojourn at the border, people end up unprotected at the exact moment they need those rights the most. That's not what these treaties were meant for. They were designed to protect human beings, no matter where they stand.

Of course, politics always plays a part. States don't like to perimeter their power, especially when acting outside their territory. But the truth is hard to ignore: when a state projects power beyond its borders, its duties travel with it. The forthcoming of human rights protection depends on courts, researchers, and governments finding more consistency and nerve to say so. It's not about making states powerless, but it's about making sure people don't lose their rudimentary rights just because they're on the wrong side of a border.