

Philosophical Foundations and Contemporary Relevance of Human Rights: A Critical Analysis of the Gaza Conflict and Global Digital Surveillance

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Abstract: This article critically examines the philosophical foundations of human rights and their contemporary relevance in light of two pressing global challenges: the Gaza conflict (2023–2025) and the expansion of digital surveillance regimes worldwide. Drawing on natural law theory, utilitarianism, and Kantian deontological ethics, the study explores how classical philosophical traditions continue to inform modern human rights norms while simultaneously revealing their limitations in practice. The Gaza conflict is analysed through a natural law lens to highlight the intrinsic moral wrongness of civilian harm and the erosion of universality due to geopolitical selectivity and power asymmetries. In parallel, the rise of mass digital surveillance is assessed through the tension between utilitarian justifications of collective security and deontological commitments to human dignity, autonomy, and privacy. By engaging international legal instruments, judicial practice, and contemporary policy debates, the article argues that philosophical reasoning remains essential for legitimising human rights claims and exposing contradictions between moral ideals and political realities. Ultimately, it contends that while philosophical foundations provide a powerful normative framework for critique and advocacy, their practical enforcement is constrained by realpolitik and technological dominance, underscoring a persistent paradox at the heart of the modern human rights system.

Keywords: Human Rights Philosophy; Natural Law and Human Dignity; Gaza Conflict; Digital Surveillance and Privacy; Utilitarianism and Deontological Ethics.

INTRODUCTION

Human rights form a universal moral and legal framework designed to safeguard the intrinsic dignity and equality of all individuals. Emerging from centuries of intellectual evolution, they reflect a synthesis of philosophical, religious, and political thought that upholds the sanctity of human life, liberty, and justice. The natural law tradition, dating back to the Stoics and later refined by thinkers such as Thomas Aquinas and John Locke, posits that certain rights are inherent and inalienable, grounded in human reason and moral order rather than positive enactments of the state. In contrast, utilitarian and deontological theories advanced by philosophers like Jeremy Bentham, John Stuart Mill, and Immanuel Kant shift the discussion toward the moral calculus of consequences and the duty-based rationale for respecting individual autonomy. Together, these schools of thought form the ethical foundation upon which the modern human rights regime is built, linking moral imperatives to the codified guarantees in international law.

In the contemporary world, the interpretation and application of these philosophical foundations are continuously tested by complex socio-political

realities. The Gaza conflict (2023–2025), for instance, starkly exposes the tension between the moral universality of human rights and their selective enforcement in international relations. While natural law would demand the protection of innocent life and the upholding of justice irrespective of political alliances, realpolitik and geopolitical interests often dictate responses, undermining the moral authority of human rights institutions. Similarly, the global expansion of digital surveillance challenges the balance between collective security and individual privacy, revealing how utilitarian reasoning prioritizing the “greater good” of state security can conflict with Kantian notions of human dignity and autonomy. These examples illustrate how human rights discourse remains caught between philosophical ideals and the pragmatic considerations of power, technology, and governance.

This essay critically examines how philosophical foundations particularly those rooted in natural law and utilitarian/deontological reasoning shape contemporary debates and responses to human rights violations. It argues that while these intellectual traditions continue to offer a vital normative framework for moral critique and international advocacy, their practical influence

on enforcement remains constrained by political selectivity, technological asymmetry, and competing conceptions of the public good. Ultimately, the enduring tension between moral philosophy and political practice underscores a central paradox of the modern human rights system: that universal ideals can inspire profound global consensus yet falter when confronted by the realities of unequal power and technological control.

PHILOSOPHICAL FOUNDATIONS OF HUMAN RIGHTS

The concept of natural law traces its origins to classical philosophy, particularly the writings of Aristotle and Cicero, and was later refined by Christian theologians like Thomas Aquinas. For Aquinas, human law derives legitimacy only when aligned with the moral law an expression of eternal reason accessible through human rationality. He famously argued that an unjust law, being contrary to natural law, “is no longer a law but a perversion of law”. Early modern thinkers such as Hugo Grotius and John Locke secularised natural law by locating rights in human nature rather than divine command. Locke’s assertion that every individual possesses natural rights to “life, liberty, and property” formed the philosophical backbone of modern constitutionalism and, later, international human rights law.

Natural law theories maintain that rights are inherent, inalienable, and universal, independent of political recognition. This notion profoundly influenced the Universal Declaration of Human Rights (UDHR, 1948), which opens by affirming the “inherent dignity” and “equal and inalienable rights of all members of the human family”. The philosophical strength of natural law lies in its moral universality it offers a normative standard by which positive laws and state practices may be judged. Yet its universalism is also contested, especially by cultural relativists who argue that human rights as articulated in Western thought may inadequately reflect non-Western moral traditions. Critics point out that the modern human rights corpus emerged in a particular historical-cultural context, raising questions about its claim to universality. Debates over “Asian values” and

Islamic human rights, for example, suggest alternative frameworks that prioritize community harmony or divine duties alongside (or above) individual autonomy. Such perspectives do not necessarily reject the substance of human rights but seek to reinterpret them within different moral epistemologies.

In contrast to natural law’s deontic approach, utilitarianism as advanced by Jeremy Bentham and John Stuart Mill grounds rights not in intrinsic moral worth but in their capacity to produce the greatest happiness for the greatest number. Bentham famously dismissed natural rights as “nonsense upon stilts,” viewing them as metaphysical abstractions divorced from practical utility. While Bentham was skeptical of rights-talk, utilitarian reasoning remains deeply embedded in policy debates where human rights intersect with public order, national security, or public health. For instance, limitations on freedom of movement during pandemics or surveillance measures for counterterrorism are often justified through a utilitarian calculus that balances individual liberties against collective safety. In these scenarios, rights may be treated as *prima facie* entitlements that can be overridden if doing so will avert greater overall harm.

Utilitarianism promotes flexibility and contextual judgment, but it also risks legitimising rights restrictions whenever the aggregate welfare appears to demand it. The danger is that minority interests or the rights of the vulnerable can be sacrificed under the banner of the “greater good.” Modern human rights law attempts to mitigate this risk by incorporating proportionality tests a utilitarian-influenced doctrine to ensure that any limitation of a right pursues a legitimate aim and remains necessary and proportionate in a democratic society. Courts applying proportionality (e.g. in assessing emergency measures or speech restrictions) are implicitly weighing consequences: the harm to individual right-holders versus the benefits to society. This reflects a partial integration of consequentialist logic into a rights-protective framework.

Immanuel Kant’s deontological ethics present an alternative that rejects purely outcome-based reasoning. Kant argued that moral duties derive from the categorical imperative notably, the injunction to treat every person as an end in themselves and never merely as a means. This

principle underpins the moral core of human dignity: individuals possess an inviolable worth, and rights flow from the autonomous moral agency of each person, not from social utility. The Kantian view, stressing universal respect for persons, influenced post-World War II human rights architecture. The International Covenant on Civil and Political Rights (ICCPR, 1966), for example, safeguards personal autonomy, freedom of thought, and privacy in terms echoing Kant's concern for human freedom and dignity.

In sum, these philosophical traditions have together shaped the dual moral-legal structure of human rights. Natural law provides foundational legitimacy and a language of universal dignity; utilitarianism contributes pragmatism and a method of balancing competing interests; Kantian ethics fortifies the commitment to individual inviolability. The tensions between these approaches universality vs. relativism, collective welfare vs. individual dignity, duty-based vs. outcome-based justification continue to animate modern interpretations of rights. Contemporary human rights discourse often navigates a path that synthesizes these insights: affirming universal moral principles, while allowing measured flexibility in application, all under a fundamental commitment to the equal worth of persons.

APPLICATION TO CONTEMPORARY CONTEXTS

The philosophical foundations of human rights rooted in natural law, utilitarianism, and deontology find their real test in the moral and political crises of the modern world. Abstract principles such as human dignity, equality, and autonomy are constantly challenged by conflicts, technologies, and power dynamics that strain their universality and enforcement. Two contemporary contexts vividly illustrate this tension: the Gaza conflict (2023–2025), which exposes the fragility of moral absolutes amid war and geopolitics, and the global rise of digital surveillance, which redefines the balance between collective security and individual freedom. Together, these cases reveal how philosophical reasoning continues to shape human rights discourse not merely as theoretical reflection but as a critical lens through which to evaluate the moral integrity and

legitimacy of global practices in law, governance, and technology.

THE GAZA CONFLICT (2023–2025) – NATURAL LAW AND HUMAN DIGNITY

The protracted conflict in Gaza has once again underscored the moral crisis at the heart of international law. Since the renewed hostilities in 2023, thousands of Palestinian civilians including women and children have been killed amid widespread bombardment, and humanitarian access to the besieged enclave has been severely restricted. These events implicate fundamental rights under both international humanitarian law (IHL) and international human rights law: most starkly, the right to life (ICCPR Article 6) and the prohibition of collective punishment (Article 33 of the Fourth Geneva Convention). Indiscriminate or disproportionate attacks in densely populated areas, and tactics such as blocking food, water, and medical supplies, raise prima facie violations of the laws of war and basic human rights.

From a natural law perspective, such acts are intrinsically wrong because they offend the inherent dignity and equal worth of all human beings principles that transcend any political or military calculus. Natural law asserts that human life possesses intrinsic value that cannot be traded off or willfully sacrificed for strategic gain. Accordingly, the deliberate targeting of civilians, indiscriminate bombing of residential areas, or the infliction of collective suffering to weaken an adversary, constitute moral wrongs irrespective of any claimed justification. Certain core norms (e.g. the prohibitions of genocide and torture) are considered jus cogens or peremptory norms in international law a concept very much in line with natural law thinking that some values admit no derogation. The universal and erga omnes character of these obligations means all states have a duty to uphold them and can be held accountable for egregious breaches.

Yet, the persistence of impunity in the Gaza situation reveals the fragility of moral universality when confronted with geopolitical power. The United Nations Security Council has been paralyzed, with key resolutions calling for ceasefire or protection of civilians vetoed due to political alliances. This exemplifies the positivist dilemma: in a world of sovereign states, enforcement

of human rights and IHL depends on political consent and power dynamics, not on moral reason alone. While natural law theory insists that moral duties bind even the most powerful actors, legal positivism reminds us that “law” is what is posited and enforceable and in practice, international mechanisms to hold violators accountable remain weak. The Gaza conflict exposes a disjunction between moral legitimacy and legal effectiveness. Despite clear moral and legal norms prohibiting the killing of non-combatants and requiring humanitarian relief, those norms have been selectively observed or ignored in pursuit of military and political objectives.

Natural law also highlights the principle of common humanity the idea that all sides to a conflict are bound by a fundamental moral obligation to preserve innocent life. In theory, this principle should foster an impartial concern for victims irrespective of their identity. In practice, however, universality is undermined by selective empathy and partisan narratives that dehumanize certain groups. The language of “collateral damage” or the portrayal of civilian populations as complicit with their militant rulers erodes the moral absolutes natural law would impose. The clarity of natural law reasoning thus serves as a critical lens to challenge the asymmetries and double standards of contemporary humanitarian discourse. It insists that no cause can justify atrocities or the abandonment of civilians to starvation or despair a stance echoed by independent human rights observers urging that both Israeli and Palestinian leaders be held accountable for war crimes. Indeed, the ongoing calls for accountability for instance, international inquiries and proceedings before the International Criminal Court (ICC) are driven by an appeal to universal principles of justice that owe much to natural law ideals. However, achieving justice has proven elusive, as realpolitik often shields those responsible. The Gaza case therefore demonstrates both the enduring moral appeal and the limited practical authority of natural law. It continues to inspire the rhetoric of human rights and demands for accountability, yet its realization remains hostage to the exigencies of power politics.

GLOBAL DIGITAL SURVEILLANCE AND PRIVACY UTILITARIAN VS DEONTOLOGICAL ETHICS

In the digital age, the proliferation of surveillance technologies has redefined the boundaries of privacy and autonomy. States and corporations now deploy sophisticated tools such as facial recognition, big data analytics, and spyware (e.g. the NSO Group’s notorious Pegasus malware) ostensibly to enhance security, efficiency, or even public health. The exposure of the Pegasus spyware used by several governments to monitor journalists, activists, and dissidents and the expansion of China’s Social Credit System illustrate the growing tension between technological utility and personal freedom. In liberal democracies too, mass surveillance capabilities have expanded, especially in the wake of 9/11 and subsequent terrorist threats. Government programs revealed by whistleblowers like Edward Snowden showed that agencies were collecting bulk communications data of millions of citizens, justified by appeals to national security. These developments raise profound questions about the ethical limits of surveillance in a society that purports to respect human rights.

A utilitarian justification often underpins such practices: mass surveillance is defended as necessary to prevent terrorism, combat crime, or manage crises (such as pandemics) for the greater good of society. By maximizing collective security or other societal benefits, authorities claim that temporary or targeted intrusions on individual rights serve a higher public interest. The logic echoes Bentham’s vision of the Panopticon the ideal of an all-seeing monitor to maintain social order and deter wrongdoing through the threat of constant observation. Indeed, during the COVID-19 pandemic, several countries introduced contact-tracing apps and movement tracking, explicitly balancing privacy against the imperative to save lives. While utilitarian reasoning can lend itself to such flexible responses, it also erodes the moral boundaries that human rights seek to preserve. If the “greater good” becomes an absolute trump card, the individual may cease to be regarded as an end in themselves and instead becomes a mere instrument of policy. In extreme cases, a surveillance state justified by public welfare can

mutate into totalitarian social engineering, as some argue is foreshadowed by China's nascent Social Credit System (which rewards or punishes citizens based on their perceived social trustworthiness). That system's motto "allow the trustworthy to roam everywhere under heaven while making it hard for the discredited to take a single step" embodies a starkly utilitarian social vision, one that subordinates individual freedom to an algorithmic notion of the collective good.

A Kantian–deontological critique exposes the moral flaws in unfettered surveillance. Kantian ethics insist that respect for autonomy and human dignity is categorical and not to be compromised by appeals to utility or expedience. Each person has a right to a realm of privacy to thoughts, communications, and personal life that should not be invaded simply because doing so might produce some security benefit. Surveillance, especially when pervasive and non-consensual, risks treating individuals as means to an end (the end being social control or risk management), rather than as ends in themselves. The right to privacy, enshrined in Article 17 of the ICCPR, reflects this deontological commitment to personal autonomy and the integrity of the individual. In its General Comment No. 16 on Article 17, the UN Human Rights Committee stressed that even measures taken in the name of security must not be arbitrary or unlawful intrusions into privacy, and that states should adopt safeguards to ensure technology is not misused to undermine rights. Similarly, the concept of human dignity in constitutional and international law has been used to place limits on surveillance practices that turn persons into objects of constant monitoring. German constitutional jurisprudence, for example, has derived from human dignity a right to "informational self-determination," protecting individuals from excessive data collection by the state.

International responses to digital surveillance reflect an ongoing struggle between utilitarian pragmatism and deontological restraint. On one hand, many governments (authoritarian and democratic alike) continue to expand their surveillance powers, invoking public order, health, or national security. On the other hand, there is pushback in the form of legal frameworks emphasizing human-centric oversight and accountability. The European Union's General Data Protection Regulation (GDPR) (2016)

exemplifies a rights-based approach to data, recognizing privacy and data protection as fundamental rights and imposing strict conditions on data processing, including requirements for transparency and consent. The EU is also moving toward an Artificial Intelligence Act that seeks to prohibit certain "unacceptable" AI practices (like social scoring akin to China's system) and to embed human oversight in high-risk AI decision-making, reflecting a precautionary, dignity-oriented stance. These initiatives echo Kantian respect for the individual by aiming to keep humans "in the loop" and prevent unchecked algorithmic authority over lives. Conversely, authoritarian regimes explicitly defend extensive monitoring by citing social harmony, stability, and even economic development essentially a utilitarian rationale that the benefits of surveillance for society outweigh abstract individual rights. The ethical dilemma intensifies as surveillance capitalism blurs the line between state and corporate power: private tech companies gather enormous troves of personal data to predict and influence behavior, raising issues of manipulation and loss of agency. Philosophically, one may ask: if individuals are constantly being profiled, nudged, and micro-targeted by algorithms (whether for security or profit), does this erode their capacity for autonomous choice the very capacity that grounds their dignity and rights? The Kantian answer is that it certainly can, unless bounded by law and ethical norms.

Thus, the philosophical contest between utilitarianism and deontology continues to define the digital rights landscape. Finding the proper balance between security and freedom in the digital era cannot be resolved by technology alone; it requires a societal conversation about first principles about what it means to be human in an age of datafication. That conversation, in turn, draws upon the centuries-old ideas of Bentham and Kant, playing out anew in legislative chambers, courtrooms, and public debate.

NORMATIVE AND PRACTICAL RELEVANCE OF PHILOSOPHICAL FOUNDATIONS

Despite the growing complexity of global governance, philosophical reasoning remains a vital compass for interpreting and legitimising human rights norms. The language of “dignity,” “universality,” and “autonomy” in international instruments today reflects enduring natural law and Kantian ideals. Likewise, utilitarian considerations are evident in the crafting of limitations clauses and doctrines like proportionality. Far from being esoteric, these philosophies influence real legal outcomes. For example, when courts assess whether a state’s national security measure unjustifiably infringes civil liberties, they are often explicitly applying a proportionality analysis essentially weighing consequences (a utilitarian step) within a framework of protected rights (a deontological structure). The European Court of Human Rights (ECtHR), in cases such as *A. and Others v. United Kingdom*, scrutinised anti-terrorism detention powers by asking whether less intrusive means could suffice and whether the essence of the right to liberty was respected. In doing so, the court balanced utilitarian security concerns against the deontological imperative to uphold individual freedom and the rule of law. Judicial reasoning in such cases frequently weaves together the philosophical strands: acknowledging the state’s goal of safeguarding the populace (utilitarian), but demanding fidelity to certain inviolable values and fair procedures (deontological/natural law).

Similarly, constitutional courts around the world have drawn on philosophical principles in landmark human rights judgments. In India, the Supreme Court’s decision in *Justice K.S. Puttaswamy v. Union of India* (2017) declared privacy to be a fundamental right inherent in the right to life and liberty, explicitly invoking human dignity and autonomy in terms resonant of Kantian ethics.²⁰ The South African Constitutional Court, in cases from *S v. Makwanyane* (abolishing the death penalty) onward, has elevated ubuntu (an African humanist philosophy) and dignity as foundational values, stressing reconciliation,

community, and respect for the individual. Germany’s post-war jurisprudence places human dignity (*Menschenwürde*) at the apex of its constitutional order, an idea that can be traced philosophically to Kant as well as to natural law revulsion at the atrocities of Nazism. These instances illustrate that philosophical principles are not merely academic; they continue to shape the normative legitimacy and methodological tools of human rights adjudication. Judges and lawmakers often turn to philosophical concepts to justify why certain rights are fundamental, why they should prevail over policy expediency, or conversely, why some limitations are acceptable in a democracy.

However, the claim of universality derived from traditional Western philosophies has faced challenges from cultural relativism and non-Western ethical traditions, as noted earlier. The “Asian values” debate, spearheaded in the 1990s by leaders like Lee Kuan Yew, argued that communitarian priorities and socio-economic development goals could take precedence over unfettered individual freedoms reflecting Confucian or collectivist values distinct from the liberal individualism of Locke or Kant. In the Islamic context, scholars and states have sometimes emphasised Sharia-based conceptions of justice and responsibility that do not neatly align with secular human rights instruments, leading to alternative declarations of human rights (such as the Cairo Declaration on Human Rights in Islam, 1990). In sub-Saharan Africa, philosophies like ubuntu inform a more relational understanding of personhood: “I am because we are, and since we are, therefore I am”. This aphorism underscores interdependence and suggests that rights and duties are deeply embedded in community. Such perspectives enrich the human rights discourse by highlighting that the philosophical justification for human dignity and rights can be grounded in multiple cultural narratives. They remind global institutions that dialogue and cross-cultural interpretation are necessary to truly achieve universal human rights that resonate broadly.

Notwithstanding this pluralism, it is notable that many diverse traditions converge on certain core humanistic principles: compassion, justice, respect for life which can serve as a common ground. Philosophical pluralism need not negate universality; rather, it can bolster it by providing multiple reinforcing arguments for the same

fundamental rights. The challenge is ensuring that appeals to culture or “different values” are not misused to justify oppression or denial of basic rights. All too often, powerful states or elites invoke relativism or sovereignty to deflect criticism while cynically using human rights rhetoric in other contexts to advance their interests. Humanitarian interventions have been justified in the name of universal values (e.g. stopping atrocities), yet critics point out they are selective and often align with geopolitical agendas rather than impartial moral duty. Similarly, governments engaging in mass surveillance or harsh security measures frequently justify them as necessary for the public good, while in practice they may be entrenching authority and quashing dissent essentially cloaking utilitarian arguments in a facade of necessity to mask authoritarian control. Such selectivity and hypocrisy undermine the credibility of human rights enforcement. It is here that philosophical reasoning retains its critical potential: it provides standards against which to measure state conduct and exposes when practical policy diverges from professed principle.

In essence, philosophical foundations give human rights both their normative authority and a tool for critique. They underpin the idea that human rights are more than positive law or contingent agreements that they speak to fundamental aspects of the human condition. This moral grounding is what lends human rights their aspirational force, inspiring movements and individuals to demand change even when legal enforcement falters. At the same time, those same foundations supply a yardstick to judge the actions of governments and international bodies. When practice falls short as in the Gaza conflict or in unregulated digital surveillance philosophers, activists, and jurists alike can call out the discrepancy by invoking first principles of humanity and reason. In doing so, they keep alive the vision that law and politics should be guided by ethics.

CONCLUSION

The philosophical foundations of human rights remain indispensable to their legitimacy, coherence, and global resonance. Natural law contributes a sense of moral universality that transcends state boundaries, insisting on the inherent worth of every person. Utilitarian and consequentialist theories illuminate the hard choices and trade-offs involved in realizing rights amidst competing social needs, providing a pragmatic lens to assess when limitations might be justified. Kantian and other deontological perspectives anchor the inviolability of the individual reminding us that justice is ultimately measured by how each person is treated, not merely by aggregate outcomes. Contemporary crises such as the Gaza conflict and the expansion of digital surveillance expose both the resilience and fragility of these ideas. They show that while philosophical principles continue to inspire and guide, their translation into action is fraught with challenges.

Realpolitik and technological power often overshadow moral reasoning, but philosophical discourse continues to shape the interpretation, advocacy, and evolution of human rights. It does so by offering a language to articulate why certain acts (like targeting civilians or subjecting entire populations to constant surveillance) are not only illegal but fundamentally wrong. It also offers a vision of hope: that through reasoned debate and ethical reflection, humanity can correct course and reaffirm commitments to dignity and freedom. The relevance of philosophy lies not merely in abstract justification but in its capacity to inspire critique, guide legal development, and remind us of the moral horizon that positive law alone cannot guarantee. In an increasingly fragmented world, drawing on diverse philosophical traditions Western and non-Western may help reinvigorate the universality of human rights. By recognizing our common humanity through multiple moral languages, we strengthen the foundations upon which a more just global order can be built. The cases of Gaza and digital surveillance, in all their complexity, ultimately underscore a simple truth: human rights rest on choices about values, and those choices are illuminated by the enduring insights of our philosophical heritage.

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