

**THE EVOLUTION OF HUMAN RIGHTS IN THE CONTEXT
OF PUBLIC LAW REGULATION: HISTORICAL DYNAMICS
AND THE BELARUSIAN PERSPECTIVE**

Xue Shanling,

Mogilev State A.Kuleshov University
(Mogilev, Belarus)

This article mainly discusses the historical evolution of human rights within the framework of public law regulation, highlighting how the development of rights is closely connected to the expanding scope and functions of public legal institutions.

Human rights have always developed within public law, reflecting the gradual expansion of its scope, depth, and institutions. From early customs to modern constitutional and international frameworks, human rights evolved as public law increasingly defined, protected, and enforced individual status. This paper examines four stages - emergence, expansion, internationalization, and Belarusian development - showing that public law regulation provides the essential structure for human rights.

The first stage is the emergence of human rights, which coincides with the origins of public law regulation. Early human societies relied on customary and moral norms that, although primitive, performed the basic regulatory functions later assumed by public law - maintaining order and protecting community members. With ancient Greece and Rome, rights entered the legal sphere through written law, defined citizenship, and public institutions. Concepts such as *ius civile* and *ius gentium* show that rights became part of the legal order rather than mere ethical claims. Thus, from the moment the state began legally regulating social relations, human rights and public law regulation developed as interconnected phenomena.

During the second stage, the expansion of human rights closely followed the institutionalization of public law. Canon law, royal law, and natural law formulated universal limits on political power, reinforced by the Renaissance focus on human centrality. Enlightenment thinkers like Locke, Rousseau, and Montesquieu reshaped public law foundations, later codified in the English Bill of Rights, the American Declaration of Independence, and the French Declaration of the Rights of Man. As Viljoen notes, human rights moved “from an abstract and philosophical sense ... to the manifestation of these claims in positive law”. This stage shows that human rights development was inseparable from the expansion and legal authority of public law regulation.

The third stage of human rights evolution is internationalization, in which public law regulation extends beyond the nation-state. After World War II, the Universal Declaration of Human Rights established a universal moral-legal framework, later reinforced by binding treaties such as the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights. As states integrated these instruments into domestic law, human rights norms began to operate simultaneously at national and international levels. European Parliament research shows that international human-rights instruments increasingly function as positive law across legal systems, and institutionalized mechanisms - courts, monitoring bodies, and treaty-based procedures - create oversight that complements or surpasses domestic frameworks. Moreover, human rights norms are embedded in domestic, transnational, and international structures, enabling continuous evaluation and guidance by international institutions. This stage shows that as human rights entered the global arena, public law regulation expanded accordingly, creating an integrated framework that links national and international legal orders.

The development of human rights in Belarus demonstrates how public law structures directly shape the scope and effectiveness of rights protection. The Statute of the Grand Duchy of Lithuania introduced early limits on state power; the Russian Empire's autocracy curtailed rights; and the Soviet era offered constitutional guarantees without independent enforcement. After independence, the 1994 Constitution incorporated international standards and created judicial and administrative mechanisms for rights protection. This trajectory shows that constitutional design, institutional independence, and the integration of international norms determine the practical realization of human rights.

The evolution of human rights mirrors the expansion of public law from early customs to international treaties, as seen in Belarus where rights' effectiveness depends on public law structures.

List of sources use

1. The evolution of fundamental rights charters and case law: a comparison of the United Nations, Council of Europe and European Union Systems of Human Rights Protection. European Parliament, Directorate-General for Internal Policies. Brussels, 2011, 82 p. // European Parliament. – URL: [https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/432755/IPOL-AFCO_ET\(2011\)432755_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/etudes/join/2011/432755/IPOL-AFCO_ET(2011)432755_EN.pdf) (date of access: 04.11.2025).
2. Viljoen, Frans. A Short history of international human rights law. UN Chronicle, Volume 46, Issue 2, April 2012, pp. 8–13. // UN Chronicle. – URL: <https://www.un-ilibrary.org/content/journals/15643913/46/2/3/read> (date of access: 04.11.2025).