

## HUMR5145 - Human Rights in Asia

### Spring 2016 semester

Below you will find several topics concerning human rights in Asia. Choose one of them as the departure point for writing your final assignment. This assignment should consist of approximately 5,000 words, including footnotes. Besides stating clearly your research question, you are also strongly encouraged to include a short section on your research methodology.

1. Customs, tradition and religious practices may be obstacles to the realization of human rights for both women and children. How is this dealt with in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and in the Convention on the Rights of the Child (CRC) and the ensuing interpretive practice from the CEDAW-Committee and the CRC-Committee? And how do Asian States respond to issues of human rights protection of women and children when confronted with discriminatory customs, traditions and practices (that may be linked to religion)? Is there a gap between norms, interpretive practice and facts on the ground, and if so, how should we – in your opinion – move forward in order to strengthen the actual protection of human rights for women and children?
2. There are different legal formulas for implementing international legal obligations arising under international human rights law into domestic law. Asian States have adopted different constitutional norms and practices in this regard. Choose one Asian State and analyze the place of international human rights law, both *treaty* and *customary international law*, in its domestic legal system. Has the relationship between domestic law and international law affected the implementation of human rights in this State? To what extent has international human rights law been used in informing the domestic laws and policies concerning human rights? Can you suggest any potential improvements to the process of translating international human rights norms and standards in domestic laws and practices of the State you have chosen?

3. The Asian human rights system is under construction and, unlike the European, African and Inter-American systems, it lacks a legally binding regional human rights convention and enforcement mechanism. What would be a suitable regional human rights enforcement mechanism for Asia? How should a draft Statute for a regional human rights enforcement mechanism in Asia look like? In considering the main elements of such a regional system you can take into account the list of substantive rights to be included, the institutional structure (a two-tier system, Commission and Court – like the African and Inter-American system; or only a human rights court, like the European system), admissibility criteria for accepting individual applications and other elements which you deem to be important for establishing an effective human rights protection mechanism. You can use and compare the advantages and shortcomings of the different regional human right systems in place in ensuring the highest possible standards of human rights protection. Explain why a specific choice you have made would fit better in the Asian context.
4. The Asian Values debate was at its height in the mid-1990s. What was the core of the Asian Values argument, what are the main counter-arguments, and why did this debate fade from 1997/1998 onwards? What is the legacy and effect of the Asian Values debate on human rights discourse today?
5. The unsatisfactory national implementation of human rights is a concern for several Asian States. This state of affairs is reflected among others in the specific Universal Periodic Review reports and in the concluding observations issued by the different UN human rights treaty bodies. Analyze how discordances between international human rights law and domestic legal cultures can contribute or lead to substandard human rights protection in a particular State or more broadly in the region. What have been some of the main achievements and shortcomings in implementing international human rights obligations in the Asian region? Compare and provide examples from one or more Asian States.