

Oslo, 18 April 2017

## **HUMR5145 - Human Rights in Asia**

### **Spring 2017 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 a maximum of 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. There is a stark contrast between Southeast Asian States engagement with the international human rights regime, and the domestic sphere of implementation. The neat and orderly proceedings before the United Nations Human Rights Council belie the complexity of the legal, political and practical implementation of human rights. The failure to implement human rights is often blamed on a “lack of political will”. Is this an adequate explanation? What are some of the underlying causes for a failure of adequate implementation of human rights at the domestic level and how can these situations be addressed?
2. The ‘Asian values’ discourse, which has its roots in the 1997 economic crisis affecting several countries in Asia, is based on emphasizing several principles including ‘respect for authorities and for elders’, ‘family and community values’, ‘emphasis on an individual’s duties to society, to work and to discipline’, ‘the quest for consensus and harmony’, and ‘the primacy of economic development over individual freedoms’. Some of the objectives served by this discourse include (a) preserving hierarchies and the political, social and economic status quo; (b) repressing the diversity and aspirations of society as well as its underpinning struggles for power; (c) legitimizing authoritarianism; and (d) weakening the voices of dissent (political opponents, civil society, indigenous peoples and the international community). While the use of this discourse has waned in more recent years, some countries still employ some of these arguments in the international arena, before

international mechanisms of human rights monitoring, including the UN treaty bodies and the Universal Periodic Review procedure. What would be an adequate response to the ‘Asian values’ discourse from a universalist perspective? Feel free to focus on one or more of the principles mentioned above.

3. In Asia, as in other places around the world, the victims of abuses arising from business activities, including those committed by extractive industries, rarely obtain justice. Some of these serious human rights abuses include land-grabbing, environmental pollution, child labour, and lack of respect for labour rights and standards. Countries affected by these phenomena include China, India, the Philippines and Indonesia, and throughout the Southeast Asian peninsula. In the most closed countries such as Laos, Burma and Vietnam, victims who dare to complain are harassed and their actions are criminalised by security or anti-defamation laws. Protecting individuals from abuses committed by non-State actors is a ubiquitous problem for many countries. Such abuses are the result of the State’s failure to act (e.g. failure to protect persons from violence during demonstrations) or of its inability to arrest and try alleged perpetrators or to guarantee access to justice for victims. How can such accountability issues be adequately addressed nationally or internationally? Feel free to focus on a particular type of abuse in a specific country context, or address the issue from a broader regional perspective.
4. Asia’s lack of a specific regional human rights instrument or mechanism puts the continent in a rather unique position. Europe, Africa, and the Americas all have regional human rights protection systems, albeit quite different in terms of access, enforcement mechanisms, remedies, and levels of compliance by States. Asian States, with the exception of the member states of ASEAN, have never seriously considered the creation of a regional human rights mechanism. How should an optimal regional human rights system for Asia look like? In devising such a system you are encouraged to take into account among others considerations of feasibility, adequate level of human rights protection, and the enforcement mechanism’s efficiency.
5. Women and children constitute the majority of victims in human trafficking throughout Asia. Victims are abducted, tricked, raped, or sold into sexually or economically

exploitative situations for the profit of recruiters, traffickers, and crime syndicates. Once trapped in these abusive situations, the victims often are transported across national borders, where they become illegal immigrants. Consequently, it is nearly impossible for them to seek help. Some victims may be forced into military service with terrorist groups or even local governments, particularly in areas closer to the Middle East where governments may be more concerned about the stability of their own rule than in ensuring respect for human rights. What are some of the domestic and international responses to this very problematic situation? Discuss the adequacy and effectiveness of these initiatives.