

# The Influence of International Human Rights Instruments on Domestic Legislation: A Comparative Study of Four Countries

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## ABSTRACT

The purpose of this study is to give a comparative analysis of how these countries' legal systems, policies, and practices treat and implement international human rights norms. The methodology of this research utilizes a comparative research design, which combines primary and secondary data collection methods. Primary data was collected through semi-structured interviews with key stakeholders involved in human rights legislation, including government officials, legislators, human rights organizations, legal experts, and academics. This research contributes to the existing literature on human rights legislation in Southeast Asia by providing a comprehensive comparative analysis of the influence of international human rights instruments on domestic legislation. Its findings provide insights into the challenges and opportunities in incorporating human rights standards into domestic law and provide recommendations for strengthening human rights protection in Indonesia, Malaysia, Cambodia and Vietnam.

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## 1. INTRODUCTION

The study of domestic law is still ongoing. The impact of decisions made by regional and UN quasi-judicial agencies and tribunals, and direct implementation of international human rights legislation by national courts, on domestic legal systems in Africa [1]. Relationship between domestic and international law in protecting human rights, especially international law's precedence over domestic law and domestic law's adherence to international legal standards [2]. Domestic human rights reforms and international law have transformed how Canadian courts

understand Canada's duties under the 1951 Refugee Convention and how they use international legal instruments to interpret and apply domestic law [3].

International human rights law's relationship to the core constitutional purpose of human dignity and its influence on good governance through wide structural state restrictions [4]. Globalization's effects on South Korean human rights law, including changes to laws and policies protecting women, children, people with disabilities, refugees, and others due to South Korea's active membership in several human rights treaties and the need to close the gap between

# Sudan Law And International Human Rights Norms Comparative Research

**P. Grimshaw, K. Holmes, M. Lake**



## **Sudan Law And International Human Rights Norms Comparative Research:**

Sudan Law and International Human Rights Norms Mahgoub El-Tigani Mahmoud, 2002      The Codification of Islamic Criminal Law in the Sudan Olaf Köndgen, 2017-11-01 In The Codification of Islamic Criminal Law in the Sudan Olaf Köndgen offers an in depth analysis of the Sudan's Islamized penal codes of 1983 and 1991 their historical political and juridical context their interpretation in the case law of the Supreme Court and their practical application He examines issues that arise in shar'a criminal law including homicide bodily harm unlawful sexual intercourse zin liw rape unfounded accusation of unlawful sexual intercourse qadhaf highway robbery ir ba apostasy ridda and alcohol consumption Drawing on a wide range of primary and secondary sources a large number of previously untapped Supreme Court cases and interviews with judges and politicians Köndgen convincingly explains the multiple contradictions and often surprising aspects of one of the Arab world's longest lasting applications of codified shar'a criminal law Olaf Köndgen won the DAVO Dissertation Prize 2014 for his Ph.D. thesis This extremely well documented study represents a milestone for the discussion of Islamic criminal law in the Muslim world as a whole and in the Sudan especially Olaf Köndgen fills an academic void his work deserves the greatest recognition for its extraordinary quality its thoroughness and systematic approach Prof. G. nter Meyer Johannes Gutenberg University Mainz      Sudan Law and International Human Rights Norms Mahgoub El-Tigani Mahmoud, 2000      *Human Rights* Albert A. Zinnos, 2007 Human rights refers to the concept of human beings as having universal rights or status regardless of legal jurisdiction and likewise other localising factors such as ethnicity and nationality For many the concept of human rights is based in religious principles However because a formal concept of human rights has not been universally accepted the term has some degree of variance between its use in different local jurisdictions difference in both meaningful substance as well as in protocols for and styles of application Ultimately the most general meaning of the term is one which can only apply universally and hence the term human rights is often itself an appeal to such transcended principles without basing such on existing legal concepts The term humanism refers to the developing doctrine of such universally applicable values and it is on the basic concept that human beings have innate rights that more specific local legal concepts are often based Within particular societies human rights refers to standards of behaviour as accepted within their respective legal systems regarding 1 the well being of individuals 2 the freedom and autonomy of individuals and 3 the representation of the human interest in government These rights commonly include the right to life the right to an adequate standard of living the prohibition of genocide freedom from torture and other mistreatment freedom of expression freedom of movement the right to self determination the right to education and the right to participation in cultural and political life These norms are based on the legal and political traditions of United Nations member states and are incorporated into international human rights instruments This new book brings together the latest book literature centred on this crucial topic      *Historical Dictionary of the Sudan* Robert S. Kramer, Richard Andrew Lobban, Carolyn Fluehr-Lobban, 2013 The Republic of the Sudan was long the

largest country in Africa and according to the general consensus also one of the least successful in many ways This was not entirely its fault since it lay along the fault line between Muslim and Christian Africa and between the Nile Valley civilizations and African Sudanic cultures This partly explains the long and bloody warfare waged by the Southerners to achieve independence which they did in July 2011 So this hefty book actually covers not one but two states This fourth edition of the Historical Dictionary of the Sudan does so first through a lengthy and detailed chronology tracing its relatively few successes and numerous failures The introductory essay does an admirable job of putting it all in perspective But the most informative part is the dictionary with now over 700 entries for this fourth edition They deal with important personalities politics the economy society culture religion and inevitably the civil war There are also appendixes and an extensive bibliography

Human Rights in Africa James T. Lawrence, 2004 The existence of human rights helps secure the peace deter aggression promote the rule of law combat crime and corruption and prevent humanitarian crises These human rights include freedom from torture freedom of expression press freedom women's rights children's rights and the protection of minorities The book surveys the countries of Africa and is augmented by a current bibliography and useful indexes by subject title and author

**Sharia, Muslim States and International Human Rights Treaty Obligations** Nisrine Abiad, 2008 This research undertaken from a comparative perspective with a view to identifying any patterns followed by Islamic countries in making declarations and reservations to the main international human rights treaties measures and analyzes to what extent Sharia affects the ratification and implementation of human rights norms by Muslim States An analysis of the various roles of Sharia reveals different approaches in the use of Islamic considerations by Muslim States At an international level Sharia has always been used upon the ratification of international human rights treaties to limit the scope of the State's engagement Internally however some recent examples of legislative amendments and judicial activities demonstrate that Sharia is and can be used to achieve a better translation of human rights norms into domestic practice

**State and Religion in the Sudan** Mahgoub El-Tigani Mahmoud, 2003 This work focuses on the deep roots of Sudanese intellectual history It covers the modern struggles in liberalism secularism and Islamic politics that are manifest in law politics and gender issues that captivate and orient the prevailing debates in troubled Sudan

*International African Bibliography*, 2003

**State-Religion Relationships and Human Rights Law** Jeroen Temperman, 2010 This book presents a human rights based assessment of the various modes of state religion identification and of the various forms of state practice that characterize these different state religion models This book makes a case for the recognition of a state duty to remain impartial with respect to religion or belief in all regards so as to comply with people's fundamental right to be governed at all times in a religiously neutral manner As this book demonstrates through the various case studies there is increasing interest and concern at the manner in which questions concerning the enjoyment of the right to the freedom of religion or belief bear upon key questions concerning the governance of democratic society Issues raised involve matters concerning employment education expression

association and more generally the interface between religion and political life The existing literature often traces these concerns back to the need to consider the place of religion in contemporary society but leaves matters there Another body of academic literature explores the theoretical dimensions of that relationship but fails to connect it to the practice of states in order to test out the propositions which are the product of these reflections The great virtue of this work is that it seeks to unite these various enterprises and engages head on with the challenges which this produces The aim is to demonstrate and illustrate the key contention that there is an emergent right to religiously neutral governance and that this is incompatible with the continuation of systems which offer preference to particular forms of belief system religious or otherwise A chief virtue of this book is that it works through the consequences of this claim in a fearless fashion posing challenges for those states which continue to use their legal frameworks to offer support directly or indirectly for historical dominant or favoured forms of religion or belief It challenges received assumptions and by driving the logic of contemporary human rights thinking to the foundations of state religion relationships performs a valuable service for those engaging with this most difficult and timely of questions Malcolm D Evans Professor of Public International Law University of Bristol

Anthropology of Law in Muslim Sudan, 2018-04-03 Anthropology of Law in Muslim Sudan analyses the hybridity of law systems and the plurality of legal practices in rural and urban contexts of contemporary Sudan shedding light on the complex relation between Islam and society It is the outcome of the international research program ANDROMAQUE Anthropologie du Droit dans les Mondes Musulmans Africains et Asiatiques funded by the French ANR Agence National de la Recherche between 2011 and 2014 Crossing two disciplinary perspectives anthropology and law the present volume contains original fieldwork data on contemporary urban and rural Sudan Focusing on two major domains land property and courts several case studies demonstrate the relevance of an approach based on legal practices to underline first the plurality and hybridity of law systems and the relative role of the Islamic reference in Sudanese society and secondly the reshaping of legal behaviors and norms after the breaking point of South Sudan s independence in 2011 Contributors are Zahir M Abdal Kareem Azza A Abdel Aziz Musa A Abdul Jalil Munzoul M A Assal Mohamed A Babiker Yazid Ben Hounet Barbara Casciarri Baudoin Dupret Philippe Gout Enrico Ille

Peace Watch, 1994 **Women's Rights and Human Rights** P. Grimshaw, K. Holmes, M. Lake, 2001-03-20 This international collection of historical work explores the breadth and creativity of women s struggles for human rights citizenship and social justice across the world It brings together twenty contributions by scholars in women s history whose work reflects the global reach of the International Federation for Research in Women s History In addition to presenting studies by well known scholars in the United States and Europe the book is distinctive in also bringing the work of scholars from regions such as South and East Asia and the Pacific to the attention of an international audience

*Historical Dictionary of the Sudan* Richard Andrew Lobban, Richard Lobban, Robert S. Kramer, Carolyn Fluehr-Lobban, 2002 The third edition focuses on the period following the rise of Islam in the Sudan in the 14th century the earlier period will appear in a

forthcoming volume on Ancient Nubia with extensive coverage of political events since the civil war and establishment of Islamic Shari'a law in 1983 and the radical Islamic movements of the 1990s In addition to the dictionary itself a chronology maps and lengthy 44 page introduction to the history of the Sudan are provided Two of the authors teach anthropology at Rhode Island College the third teaches African and Middle Eastern History at St Norbert College Annotation copyrighted by Book News Inc Portland OR

Negotiating sovereignty and human rights Sibylle Scheipers, 2013-07-19 Negotiating sovereignty and human rights takes the transatlantic conflict over the International Criminal Court as a lens for an enquiry into the normative foundations of international society The author shows how the way in which actors refer to core norms of the international society such as sovereignty and human rights affect the process and outcome of international negotiations The book offers an innovative take on the long standing debate over sovereignty and human rights in international relations It goes beyond the simple and sometimes ideological duality of sovereignty versus human rights by showing that sovereignty and human rights are not competing principles in international relations as is often argued but complement each other The way in which the two norms and their relationship are understood lies at the core of actors broader visions of world order The author shows how competing interpretations of sovereignty and human rights and the different visions of world order that they imply fed into the transatlantic debate over the ICC and transformed this debate into a conflict over the normative foundations of international society

**The International Legal Protection of Persons in Humanitarian Crises** Dug Cubie, 2017-04-20 The instinctual desire to support those in need irrespective of geographic cultural or religious links is both facilitated and overwhelmed by the extent of information now available about the multiple humanitarian crises which occur on a daily basis around the world Behind the images of devastating floods and earthquakes or massive forced displacements resulting from armed conflicts is the all too real suffering faced by individuals and families From the 2004 Indian Ocean Tsunami to the on going conflict in Syria recent years have seen an increasing debate regarding the international legal mechanisms to protect persons in such humanitarian crises The International Legal Protection of Persons in Humanitarian Crises argues that an *acquis humanitaire* is identifiable through the interconnected web of existing and emerging international regional and national laws policies and practices for the protection of persons caught up in humanitarian crises Indeed the humanitarian imperative to alleviate suffering wherever it may be found permeates various branches of international law and is reflected in the extensive humanitarian activities undertaken by States and other actors in times of armed conflict population displacement and disaster Dug Cubie argues that by clarifying the conceptual framework and normative content of the *acquis humanitaire* gaps and lacunae can be identified and the overall protection of persons strengthened

**Constitutionalism in Context** David S. Law, 2022-02-17 With its emphasis on emerging and cutting edge debates in the study of comparative constitutional law and politics its suitability for both research and teaching use and its distinguished and diverse cast of contributors this handbook is a must have for scholars and instructors alike This versatile

volume combines the depth and rigor of a scholarly reference work with features for teaching in law and social science courses Its interdisciplinary case study approach provides political and historical as well as legal context each modular chapter offers an overview of a topic and a jurisdiction followed by a case study that simultaneously contextualizes both Its forward looking and highly diverse selection of topics and jurisdictions fills gaps in the literature on the Global South as well as the West A timely section on challenges to liberal constitutional democracy addresses pressing concerns about democratic backsliding and illiberal and or authoritarian regimes

**Index to Legal Periodicals & Books** ,2006      **The Emerging Law of Forced Displacement in Africa** Allehone M. Abebe,2016-10-04 As of the end of 2015 there were 40 8 civilians who had been internally displaced by conflicts and effects of natural disasters in various parts of the world Internally displaced persons IDPs are currently the largest group of persons receiving assistance from some of the main international humanitarian organisations With the largest concentration of internally displaced persons IDPs the African continent has been the worst affected region While previously IDPs have largely been neglected under international law the first ever continental binding treaty on internal displacement the African Union Convention on the Protection of and Assistance to Internally Displaced Persons the Kampala Convention entered into force on 6 December 2012 As of January 2016 25 states have ratified the instrument while 40 states have become signatories This book significantly contributes to the study policy making and practice on managing internal displacement by presenting the first major systematic examination of the evolution elements and implementation of the Kampala Convention It explores the responsibility of the state for the protection of IDPs particularly those who are most vulnerable during armed conflicts internal strife natural disasters human rights violations and other circumstances The status of ratification of the Convention is reviewed as well as the steps currently being undertaken by governments to implement the Convention It also analyses the contribution by human rights mechanisms inter governmental bodies and UN peace keeping missions in the implementation of the Convention The book casts the Kampala Convention in broader institutional and normative developments in Africa and beyond It demonstrates how concepts such as responsibility to protect and sovereignty as responsibility have begun to make inroads influencing some of the more progressive instruments adopted by the African Union It also sheds light on the relationship between the Convention and some regional instruments In assessing the effectiveness of the Kampala Convention Allehone Abebe argues that the link between the Convention and initiatives on development human rights and governance in Africa should be fully fostered ,

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