

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

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### Article Info

#### Article history:

Received Jun, 2023

Revised Jun, 2023

Accepted Jun, 2023

#### Keywords:

Comparative

Domestic Legislation

International Human Rights

Southeast ASEAN

### 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

**Sibylle Scheipers**



## **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

**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

**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

**The Structural Origins of Revolution in Africa** Vernon Damani Johnson, 2003 Johnson political science Western Washington U examines the way that external material and ideological forces structurally condition the possibilities and consequences of revolution in Africa during the post World War II era The pursuit of global hegemony by the United States and the Soviet Union their formal support for self determination and racial equality European ideas of liberalism and international disagreement about the economic and political directions independent nations should take are all discussed Case studies include Kenya Cameroon Algeria Portuguese Africa and South Africa Annotation c 2003 Book News Inc Portland OR booknews com

***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 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

**International African Bibliography**, 2003 **International Human Rights, Decolonisation and Globalisation**

Shelley Wright, 2003-09-02 Covering a diverse range of topics case studies and theories the author undertakes a critique of the principal assumptions on which the existing international human rights regime has been constructed She argues that the decolonization of human rights and the creation of a global community that is conducive to the well being of all humans will require a radical restructuring of our ways of thinking researching and writing In contributing to this restructuring she brings together feminist and indigenous approaches as well as postmodern and post colonial scholarship engaging directly with some of the prevailing orthodoxies such as universality the individual self determination cultural relativism globalization and civil society 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

*Popular Political Culture, Civil Society, and State Crisis in Liberia* John Charles Yoder, 2003 This work focuses on deeply embedded political values that are shared by the vast majority of Liberia's population Its conclusions are that Liberian politics failed because of civil society's illiberal overemphasis on stability and order at the expense of tolerance and accountability

*Peace Watch*, 1994

Rethinking Islam and Human Rights Ozcan Keles, 2023 In Rethinking Islam and Human Rights leading Islam and human rights scholar Ozcan Keles examines how social movement practice unknowingly and unintentionally produces Islamic knowledge on human rights i.e change in both scriptural reinterpretation and societal disposition through a focus on the interaction between the two

*Citizenship Law in Africa: 3rd Edition* Manby, Bronwyn, 2016-02-02 Few African countries provide for an explicit right to a nationality Laws and practices governing citizenship effectively leave hundreds of thousands of people in Africa without a country These stateless Africans can neither vote nor stand for office they cannot enrol their children in school travel freely or own property they cannot work for the government they are exposed to human rights abuses Statelessness exacerbates and underlies tensions in many regions of the continent

*Citizenship Law in Africa* a comparative study by two programs of the Open Society Foundations describes the often arbitrary discriminatory and contradictory citizenship laws that exist from state to state and recommends ways that African countries can bring their citizenship laws in line with international rights norms The report covers topics such as citizenship by descent citizenship by naturalisation gender discrimination in citizenship law dual citizenship and the right to identity documents and passports It is essential reading for policymakers attorneys and activists This third edition is a comprehensive revision of the original text which is also updated to reflect developments at national and continental levels The original tables presenting comparative analysis of all the continent's nationality laws have been improved and new tables added on additional aspects of the law Since the second edition was published in 2010 South Sudan has become independent and adopted its own nationality law while there have been revisions to the laws in Cote d'Ivoire Kenya Libya Mali Mauritania Namibia Niger Senegal Seychelles South Africa Sudan Tunisia and Zimbabwe The African Commission on Human and Peoples Rights and the African Committee of Experts on the Rights and Welfare of the Child have developed important new normative guidance

*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      *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      Religious Legal Traditions, International Human Rights Law and Muslim States Kamran Hashemi, 2008 This book offers an exploration of aspects of the subject Islam and Human Rights which is the focus of considerable scholarship in recent years predominantly from Western scholars Thus it is interesting and important to have the field addressed from a non Western perspective and by an Iranian scholar The study draws on Persian language literature that addresses both theological and legal dimensions of the theme The work is also distinctive in that it tackles three areas that have been largely ignored in the literature It undertakes a comparative study of the laws of several Muslim States with respect to religious freedom minorities and the rights of the child The study offers an optimistic vision of the fundamental compatibility of Islam and international human rights standards

## Unveiling the Magic of Words: A Review of "**Sudan Law And International Human Rights Norms Comparative Research**"

In some sort of defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their power to kindle emotions, provoke contemplation, and ignite transformative change is actually awe-inspiring. Enter the realm of "**Sudan Law And International Human Rights Norms Comparative Research**," a mesmerizing literary masterpiece penned with a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve in to the book is central themes, examine its distinctive writing style, and assess its profound impact on the souls of its readers.

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