

FOCUS ON ASIA:

HUMAN RIGHTS



FOCUS ON ASIA: HUMAN RIGHTS



FOCUS ON ASIA: HUMAN RIGHTS



© 2019 3G E-learning LLC 90 Church Street FL 1 #3514 New York, NY 10008 United States of America www.3ge-learning.com email: info@3ge-learning.com

Authored and Edited by 3G E-learning LLC, USA

ISBN: 978-1-68094-830-1

All rights reserved. No part of this publication maybe reproduced, stored in a retrieval system or trans- mitted in any form or by any means, electronic, mechanical, photocopying, recording, scanning or otherwise without prior written permission of the publisher.

This book contains information obtained from highly regarded resources. A Wide variety of references are listed. Reasonable efforts have been made to publish reliable data and information, but the authors, editors, and the publisher cannot assume responsibility for the legality of all materials or the consequences of their use. The authors, editors, and the publisher have attempted to trace the copyright holders of all material in this publication and express regret to copyright holders if permission to publish has not been obtained. If any copyright material has not been acknowledged, let us know so we may rectify in any future reprint. Registered trademark of products or corporate names are used only for explanation and identification without intent to infringe.

Notice: Registered trademark of products or corporate names are used only for explanation and identification without intent of infringement. Case Studies and/or Images presented in the book are the proprietary information of the respective organizations, and have been used here specifically and only for educational purposes. Although care has been taken to check accuracy of formulas and procedures, the detailed methods should be tested further on a small scale before being adopted commercially.

For more information visit about 3G E-Learning LLC and its products, visit www.3ge-learning.com

Table of Contents

	Preface	vii
Chapter 1	Introduction: Human Rights in Asia	1
	Introduction	
	Human Rights in Ethics, Law and Social Activism	
	References	12
Chapter 2	Asian Values and Perspectives on Human	
	Rights: Universality, Relativism, or	
	Exceptionalism?	13
	Introduction	13
	Definition	
	History of Asian Values	
	The Waxing and Waning of "Asian Values"	
	References	
Chapter 3	Asia Pacific Human Rights Mechanism	
Gnapter 5	Submission	35
	Introduction	
	Defining the 'Asia-Pacific' Region	
	Australia Should Not Be Perceived 'The Leader' of a Move Towards A Mechanism	
	Interdependence and Indivisibility of Human Rights	
	References	
Chapter 4	Protecting Human Rights in	
Chapter 4	Southeast Asia	53
	Introduction	
	Overview of Human Rights Protection in Southeast Asia	
	Domestic Implementation of Human Rights	
	National Human Rights Institutions	
	Regional Mechanisms	
	The Role of Non-Government Organizations (NGOs)	
	References	84

Chapter 5	Regional and International Human Rights Protection System	85
	Introduction	00
	Asia and The International System	
	How The International System Influences Human Rights Protection In Asia	05
	References	110
Chapter 6	Access to Justice for Migrant Workers	
	in South-East Asia	111
	Introduction	111
	Research Methodology	114
	Normative Framework	
	Research Limitations	118
	Legal Framework and Operation of Complaint Mechanisms	120
	Malaysia	124
	References	138
Chapter 7	Human Rights in Central Asia and	
	North-East Asia	139
	Introduction	130
	Human Rights in Central Asia	140
	References	100
		190
	Index	191

Focus on Asia: Human Rights

Despite the shift from authoritarian to democratic or semi-democratic forms of government in Asia, human rights abuses are rife. Although Asian states have ratified a large number of international human rights conventions, the violation of human rights and unequal application of and access to the law are common across the region. Citizens and migrants face arbitrary detention, torture, disappearance and death at the hands of state, para-state, and other actors. One must bear in mind that all human beings are susceptible to this because simplification and evaluative judgment are part of the categorization process that is essential to intellectual functions. It is equally important, however, to not relinquish judgment entirely by reasserting the universal nature of human dignity and of the rights that protect it. This is the crucial aim of the philosophy of human rights. Frequently, what is perceived as a cultural trait is nothing more than concealed domination. Human rights are a means of contesting the idea that inequalities are the natural state of things.

In this book, we will study the types of human rights prevalent in Asia today and what institutional, political and social structures permit for their perseverance. We will know what types of abuses occur despite the efforts of governments to eliminate them and what types are encouraged through government inaction, or tacit or explicit encouragement or abuse. We will also study new the new strategies of redress that have emerged, including the growth of human rights organisations and transitional justice processes and the development of links between international and local organisations. Topics and countries emphasized will vary from year to year, but will include East, Central, Northeast, and Southeast Asia.

The topic of Human Rights in Asia is one that includes a vast number of states, international governmental organizations, and non-governmental organizations. All these institutions contribute a range of services and perspectives towards human rights, covering topics including the enforcement, monitoring, and criticisms of human rights in Asia. There is no single body that covers all of human rights in Asia; as such a diverse and widespread region requires a number of institutions to properly monitor the multitude of elements that fall under the scope of human rights.

This book also discovers the political drivers behind both recent regional and country-based changes to the recognition, promotion and protection of rights.



