

5. ARE THERE VALUES AND ISSUES IN YOUR COUNTRY THAT ARE NOT COVERED BY HUMAN RIGHTS DOCUMENTS BUT NEED TO BE PROTECTED UNDER THE CONCEPT OF HUMAN RIGHTS?

<p>5.1. Professor Dr. Carmen Thiele - Germany</p>	<p>(-)</p>
<p>5.2. Professor Juliano Benvindo - Brasil</p>	<p><i>There are certainly human rights that are not covered by human rights documents and need to be protected under the concept of human rights. This happens, especially, in what is currently deemed as human rights based on the new developments which were not foreseen or understood as such at the time of the Constituent Assembly in 1987-1988. This is because, as mentioned before, the Brazilian extensive, broad and open bill of rights and the fact that Brazil joins some important international human rights documents fill much of the possible gap na eventual value or an issue might bring. Most of the time Courts will interpret such values or issues as if they were embraced by a more general enumerated human rights, especially in a context where the Constitution easily allows for such an avenue.</i></p>
<p>5.3. Catherine Willis- Smith/LL.M Candidate – South Africa</p>	
<p>5.4. Dr. Jur. Marton SULYOK - Hungary</p>	<p><i>Not to my knowledge, although the answer would largely depend on the definition of ‘human rights documents’.</i></p>
<p>5.5. Benjamin Danpullo, LL.M - Nigeria</p>	<p><i>There are no values that are not covered by human rights laws in my country. In fact, Nigeria is one of the countries in the world with sufficient and many laws, but just has a problem of adherence and respect of the laws especially by government officials.</i></p>
<p>5.6. Professor Dr. THIO Li-ann - Singapore</p>	<p><i>Probably the rights of migrant workers and the rights of the unborn.</i></p>
<p>5.7. Prof. Dr. iur Yiren Lin - Taiwan</p>	<p><i>Gibt es in Ihrem Land Werte und Themen, die nicht durch Menschenrechtsdokumente abgedeckt sind, sondern unter dem Begriff der Menschenrechte geschützt werden müssen?.</i></p>

<p>5.8. Dr. Sri Wahyun Kadir - Indonesia</p>	<p><i>Problems for prisoners with severe penalties with an imprisonment system that puts them away from their families. In the fulfillment of human rights, this matter does not become the main focus because it involves severe legal actions. In this case, the prisoner is still a human being who has roots in family life and still has hope to continue their lives. However, the root of the family was uprooted from them because the placement of the prison was far from the family. The far prison is done by the government to protect the community.</i></p>
<p>5.9. Professor Marina Calamo Specchia - Italy</p>	<p><i>No.</i></p>
<p>5.10. Josef Martin Zielinski Flores - Peru</p>	<p><i>Actually, at this time there are problems to apply properly - basically for material reasons - all constitutionally protected rights. The problem in the field of human rights in our country is not the rules, but their application.</i></p>
<p>5.11. Dr. Martín Risso Ferrand - Uruguay</p>	<p><i>Although the standards of protection of human rights in Uruguay are usually among the best in Latin America, the State is included in the situation of an underdeveloped country with the corresponding budgetary limitations.</i></p> <p><i>Economic, social, cultural and environmental rights, for budgetary reasons, are not fully satisfied in reality.</i></p> <p><i>For example, a) in terms of health, although the coverage reaches the entire population, the service could be better and there are problems with the provision of high-cost medicines; b) in education, and despite a 100 percent literacy rate, some problems are appreciated; and c) the economic housing for the most unprotected sectors is where the greatest complications appear.</i></p> <p><i>Finally, there is a very serious problem with the prisons (they are overcrowded, there is internal insecurity, etc.) that cannot be attributed to budgetary reasons, but to poor management.</i></p>
<p>5.12. Professor Dr. Shinar Adam - Israel</p>	<p><i>Israel's basic laws don't explicitly protect social and economic rights, freedom of speech, freedom of association, and freedom of religion. They are all derived from the constitutional right to dignity, which means partial protection.</i></p>
<p>5.13. Assist. Professor Sombhojen Limbu - Nepal</p>	<p><i>I can tell one thing human rights determined with ability of country status in term of culture, religious, and tradition, social, economic including many more grounds. Some basic establish principles of human rights have already recognized in my country. However I could not say my country is champion to respect the rest of values of human</i></p>

	<p><i>rights. It can determine based on our social desire, citizen capacity and awareness of political freedom.</i></p> <p><i>Definitely I would appreciate most of principle of human rights are equally important but It could difficult to comply a country to enforce or introduce in their local laws.</i></p> <p><i>I would tell you we have many agendas such as women rights, indigenous people rights, disable people rights, farmer, child rights, animal rights etc. we have been doing a lot of effort to establish their dignity, liberty and secure rights though all rights rely on to the ability of state economic sustainability.</i></p>
<p>5.14. Suzan Tavares da Silva –Portugal</p>	<p><i>I can't remember any example of a not covered human right.</i></p>
<p>5.15. Assist. Professor Zewdu Mengesha - Ethiopia</p>	<p><i>I don't think</i></p>
<p>5.16. Dr. Alexander Kim - Russia</p>	<p><i>I don't know, because it's not my field.</i></p>
<p>5.17. Prof. Dr. Vasanthi Nimushakavi - India</p>	<p><i>There are no specific human rights documents that address the question of caste or intersectionality of caste with gender or disability or sexual orientation. Caste based discrimination is a big challenge in India and needs to be addressed centrally by the convention on racial discrimination but it not. Similarly, the question of intersectionality of caste and gender and other categories needs attention.</i></p>
<p>5.18. Massimiliano Buriassi - Italy</p>	<p><i>Risp. No. Vi sono molte norme a tutela dei diritti umani e delle minoranze. Purtroppo, nonostante esistano norme a tutela dei diritti umani, si verificano episodi di soprusi ed abusi in danno delle minoranze (carcerati, extracomunitari ecc). Anche nell'ambito lavorativo, pur essendo sussistenti norme a tutela dei diritti dei lavoratori, queste non vengono applicate e rispettate. Si pensi allo sfruttamento del lavoro, fenomeno dilagante nel sud italia, alla paga oraria troppo bassa, al caporalato ecc. È perciò necessario che il concetto di diritti umani supplisca tali lacune.</i></p>
<p>5.19.</p>	<p><i>One of the values that remain largely unprotected is the right to rehabilitate persons who have been issued arrest warrants and then</i></p>

<p>Professor Dr. Ahmed Aubais Alfatlawi - Iraq</p>	<p><i>released for lack of sufficient evidence, or those who have been sentenced.</i></p> <p><i>The problem is there is no legal system that protects those whose rights have been violated, without a legal basis for detention or imprisonment without being restitution.</i></p>
<p>5.20. Professor Dr. Hyungnam Kim - South Korea</p>	<p><i>No. Actually international human rights document will cover every case in Korea.</i></p>
<p>5.21. Associate Professor Tomáš Ľalík, Ph.D - Roman Lysina, Ph.D Candidate - Slovakia</p>	<p><i>I am not aware of an issue or value, that would require additional protection under the notion of human rights and is not, at the same time, protected by human rights documents. The Constitutional Court usually employs generous reading of rights.</i></p>
<p>5.22. Professor Dr. Mohammad Javid Javid - Iran</p>	<p><i>Of course yes. We believe HR designed by the west and through the western values and its own specific experience in its philosophy. Iran and Asia have a deep and ancient history with greater values must be seen and regarded. So possibility of a value based declatation according to the values of Asian even with vast diverse value has been ignored by the HR traties designer. Though muslim countries had influence on designing and moderating some Articles . But it is surely values of east that philosophy origins there , must have been regarded. Of course, international documents of human rights these days have been impacted by the culture of west but donot forget that all documents are the result and fruit of an only unique narrative of fundamental rights and natural rights of human being. However, this much also sounds sufficient and enough. Ignoring human religion backgrounds and historical records of <u>them in</u> the east esp Mesopotamia seems the very annoying issue. For instance , see the charter of human rights of Cyrus the great in ancient Iran or the charter of Medina in time of Prophet of islam in order to ponder and grasp human rights has a deep rooted background even older than the western interpretation of it.</i></p>
<p>5.23. Professor Dr. Adrienne Stone - Australia</p>	<p><i>Questions 5–7, 10–12: Challenges to human rights protection in Australia</i></p>

There are a range of challenges to the protection of human rights in Australia. The issues mentioned below are some of the most pressing, but the list is by no means exhaustive.

Lack of a national bill of rights

As mentioned earlier, Australia lacks a comprehensive statutory or constitutional bill of rights. In this respect, it stands in contrast to the nations with which it is often compared. While there has been intermittent support for the idea — for example, in 2009 the National Human Rights Consultation Committee published a report recommending the enactment of a national bill of rights — a bill of rights is not a current political priority. The lack of such an instrument means that the courts' ability to occupy a central role in rights protection is limited.

Rights of Indigenous Australians

The constitutional recognition of Indigenous Australians is the principal constitutional reform movement currently on the political agenda. The proposed constitutional amendment has two elements: (1) an Indigenous Voice to Parliament, directed to ensuring that Indigenous Australians have a voice in laws that would affect them, and (2) a Makarrata Commission, which is intended to facilitate treaty-making and to permit truth and reconciliation.

Indigenous Australians are subject to various forms of discrimination. As mentioned, they are the most incarcerated racial group in the world. Further, their outcomes lag far behind national averages: the national government's most recent 'Closing the Gap' report states that Indigenous child mortality rates, school attendance rates, life expectancy, literacy and numeracy, and employment rates remain well behind national standards.

People seeking asylum

Australia has some of the world's strictest immigration laws. In particular, the Australian Human Rights Commission argues that Australia's immigration detention regime breaches the right to be free from arbitrary detention because it fails to 'provide a robust and transparent individual assessment mechanism to determine whether the immigration detention of each person is necessary, reasonable or proportionate'.

	<p><i>Australia detains many people seeking asylum offshore, on Manus Island, Papua New Guinea and until recently in Nauru, under memoranda of understanding with the Papua New Guinea and Nauru governments. Australia’s treatment of these detainees has been harshly scrutinised by international organisations.</i></p> <p><i>LGBTQI rights</i></p> <p><i>The national Parliament passed legislation permitting same-sex marriage in 2017. But there remain several issues in relation to the treatment of LGBTQI Australians. One such issue is the ability of people to change their legal sex. In most Australian jurisdictions, a person may change their sex in the birth register without having undergone any surgical interventions. Other states are currently considering whether to follow suit, or instead to require sex reassignment surgery as a prerequisite to changing one’s sex for legal purposes. Another issue is the position of transgender and gender-diverse people to participate in sports together with the gender with which they identify. In one high-profile case, a women’s professional sports league denied a trans woman the right to participate in the competition.</i></p> <p><i>Freedom of speech and religion</i></p> <p><i>There is considerable debate regarding whether Australian law unduly abridges the rights to free speech and free exercise of religion. One object of concern is the Racial Discrimination Act 1975 (Cth)’s prohibition on acts that are reasonably likely to ‘offend, insult, humiliate or intimidate’ another. Free speech advocates have suggested that the provision goes too far insofar as it denies the right to speak in a manner that might be regarded as merely offensive and no more. More recently, the termination of a prominent Christian rugby player’s contract after he published material on Instagram that was derogatory to the gay and lesbian community has given rise to arguments about the extent to which employers should be able to control their employees expression of opinions, religious and otherwise. Following this controversy, the national government announced that it would introduce a religious discrimination bill into Parliament.</i></p>
<p>5.24. Professor Dr. Mark Tushnet - USA</p>	

<p>5.25. Professor em. Dr. iur Reinhard Mußgnug - Germany</p>	<p><i>No.</i></p>
<p>5.26. Professor Dr. Mabid Ali Mohammed Al-Jarhi - Egypt</p>	<p><i>The single issue in Egypt is that the neither the executive nor the judiciary branch of government cares about human rights. The press is also controlled by government.</i></p>
<p>5.27. Assoc. Professor Dr. Patrick Emerton - Australia</p>	<p><i>This is a controversial question in Australia because the analytic framework of international human rights is quite contested, especially by many mainstream political actors of the centre and centre-right.</i></p> <p><i>There are a number of pressing issues in Australia which could easily be framed as human rights questions: the status and wellbeing of Indigenous peoples, access to housing, and equality of access to education are probably the three most pressing internal matters; and the treatment of asylum seekers is the most pressing external matter.</i></p> <p><i>In Australian political debate the internal matters are normally framed as social policy questions rather than human rights ones; the asylum seeker question is often framed (by those sympathetic to refugees) as a matter of compassion or national shame rather than in human rights terms. At least in part this is because of the limited purchase of human rights discourse in Australian political debat.</i></p>
<p>5.28. Professor Dr. Hajer Gueldich - Tunis</p>	<p><i>No legal system is perfect.</i></p> <p><i>As explained in the answer of the question number 3, we are still struggling with some issues.</i></p> <p><i>We are rather more fighting a mentality, an established culture here in Tunisia.</i></p> <p><i>For example, the LGBT (lesbian, gay, bisexual and transgender) rights are not protected by our legal system. The LGBT individuals are still persecuted in Tunisia.</i></p> <p><i>Sexual reassignment is not protected by the law in cases other than birth defects and while still infants. The cohabitation between different sex genders is not protected too.</i></p> <p><i>But recently, a Tunisian ruling was in favor to alter gender officially on the civil status, which validates the role of our jurisdictions the enforce values and human rights standards.</i></p>

	<p><i>Again, it is a question of changing mentality before changing the rules that seem to be prior.</i></p> <p><i>Tunisians have to accept each other's differences.</i></p>
<p>5.29. Asst. Professor Narender Nagarwal - India</p>	<p><i>Ans: Yes, there are many issues in India that are not covered by the human rights documents that needs to be protected under the umbrella of human rights such as State crime, compensatory justice to the victims of such state crime, mob lynching, hate crime, religious intolerance, tackling prejudice reporting and fake news in the print, television and social media i.e. media violence. In the recent past, there have been countless instances of false accusation, stigmatization, unfounded reportages and unsubstantial stories targeting minorities especially the Muslims by the mainstream media that shown the community in a bad light and tried to associate them with the anti-national activities even before the final outcome of the case. Recently, in Malda (West Bengal) the media coverage of the attack on Kaliachak Police Station by criminals, who happened to be Muslims was given communal overtone and portrayed as if the incident was a national disaster under the influence of Hindu nationalist and their propaganda. But the same media never give the prime coverage to the news of the acquitted Muslims youth who were falsely implicated in terror-related cases such as in the Malegaon blast case, Mecca Masjid blast case, Ajmer blast case, and Mumbai local train serial blast case. It is pertinent to note that Muslims alone are not the victims of a biased media the Dalits, tribals, and other oppressed section have also been facing the same treatment from the biased media. The media has failed to maintain its credibility in the eyes of vulnerable groups i.e. Dalit, Minorities and other oppressed sections of society. You can say, in India, there are no media at all, if we see the shameless record of Indian Media i.e. 141 in International Press Trustworthiness Index. I must say that certain acts of media and news channels possess a grave threat to India's rich composite culture and secularism. Further, the way news channels are working is a matter of grave concern that potential serious threats to the rule of law, freedom of expression, secular ethos, and attempt to undermine the judicial process of the country.</i></p>
<p>5.30. Professor Gerd Oberleitner - Austria</p>	

<p>5.31. Professor Dr. Adnan Oweida - Jordan</p>	<p><i>Yes, equality and justice, regardless of gender and color, are lost. The laws in all Middle Eastern countries stipulate the priority of citizenship for all other races in the same country to obtain jobs and receive scholarships. The laws also provide for discrimination in wages between the passport holders and other residents of the same country who perform the same work. The laws also provide for the right of the State to remove the nationality whenever it deems it to be in the interest of the Presidents and protects their positions.</i></p>
<p>5.32. Dr. Andres Cervantes Valarezo - Ecuador</p>	<p><i>No answer recorded.</i></p>
<p>5.33. Asst. Professor Dr. Manal Totry-Jubran - Israel</p>	<p><i>Cant really think of anything.</i></p>
<p>5.34. Dr. Maria Paula Garat - Uruguay</p>	<p><i>I think there are no values uncovered by norms –and to be covered-. As answered before, by article 72 all human rights are covered. However, not all human rights are protected at reality. There are some cases that needs more protection.</i></p>
<p>5.35. Professor Luis G. Francheschi - Kenya</p>	<p><i>Generally speaking, Kenya is quite compliant with international human rights standards from a legal standpoint. Certainly, there are upcoming or new generation rights (personal, environmental, etc.) which are not yet part of international customary law and therefore are also not part of the legal framework of Kenya.</i></p>
<p>2.36. Professor Hugh Corder - South Africa</p>	<p><i>SOUTH AFRICA HAD THE BENEFIT OF LEARNING FORM THE EXPERIENCE AND MISTAKES OF MANY OTHER JURISDICTIONS IN THE DRAFTING OF ITS BILL OF RIGHTS. I WOULD SAY THAT THE BILL COVERS ALMOST ALL RECOGNISED HUMAN RIGHTS.</i></p>
<p>5.37. Asst. Professor Umar Rashid - Pakistan</p>	<p><i>Ans) Yes there are certain values that are not explicitly protected by the Chapter on Fundamental Human Rights in the Constitution, i.e. not explicitly mentioned. For example rights of differently abled persons are not explicitly mentioned in the Constitution, however the Supreme Court has interpreted article 25 (right to equality) to extend Constitutional protection to such people. The same is the case with transgender people, who are not explicitly mentioned in the</i></p>

	<p><i>Constitution, but the Court has interpreted article 14 (right to dignity) and article 9 (right to life) to provide protection to transgender people. There are certain issues that are not protected, primarily those that are considered in conflict with Islamic principles. So for example right to sexuality, and right of homosexuals is not protected in Pakistan.</i></p> <p><i>In addition many values are not protected under the Chapter on Fundamental Human Rights in the Constitution which imposes obligation on the government, but are mentioned in the Chapter on Principles of Policy, which does not impose obligations on the government, just requires that the government acts in accordance with the Policies as far as possible with the resources available.</i></p>
<p>5.38. Assist. Professor Simon Alexander Wood - Malaysia</p>	<p><i>the situation of the majority Malay race is one that is protected by domestic law and human rights such rights are particularly protected under the constitution and also by economic policy</i></p>
<p>5.39. Professor Merris Amos-UK</p>	<p><i>The professor has chosen not to publish her answers.</i></p>
<p>5.40. Ştefan Bogrea - PhD student at human rights law / Advocate - Romania</p>	<p><i>Given the multitude of human rights documents Romania is a party to, I cannot identify such values and issues.</i></p>
<p>5.41. Asst. Professor Dr. Cristina Tomulet - Romania</p>	<p><i>I don't believe there are values and issues in Romania not covered by human rights documents, given the fact that the international human rights treaties are part of the national legal system on the basis of Article 20 of the Constitution and they cover extensively fundamental human rights issues. However, problems exist whenever the state fails to legislate in order to solve particular human rights issues and implement the case-law of the European Court. In some areas, detailed national legislation is needed and the case-law of the European Court cannot be used by national courts to fill legislative voids. For example, in the case of Oliari v. Italy, the European Court set the strong precedent that Council of Europe states that fail to provide same-sex couples with some form of legal recognition (other than marriage) may be in violation of positive obligations under Article 8 of the Convention. In Romania, even though several legislative proposals regarding civil partnerships for same-sex couples were submitted to the Parliament,</i></p>

	<i>none were adopted to this day due to the general reluctance to same sex couples caused by religious mindsets.</i>
5.42. Professor Dr. Mahendra P. Singh - India	<p><i>India is one of the most prominent refugee receiving countries in the world. However, the ad hoc nature of refugee law and practice in India and its failure to define "refugees" as a class of persons and their status, rights and entitlements have affected its human rights standings.</i></p> <p><i>India is not a signatory to the 1951 Convention on Refugees and also the 1967 Protocol. But India's refusal to join the Refugee Convention of 1951 does not absolve it from basic commitment to humanitarian protection of refuge. The fundamental rights such as equality before law, protection of life and liberty, to practice and propagate own religion as enshrined in the constitution of India are fundamental freedoms extended to all persons not just only to Indian citizens. The Indian law as it stands today provides a distorted and incomplete protection to refugees which need to be regulated in accordance with the international humanitarian law.</i></p>
5.43. Professor Dr. Stephanie Wattier - Belgium	<i>S.W.: Nowadays, I would say not really. With the development of medicine, new technologies, etc. however, this question will probably appear in a more obvious way (for instance: do robots have human rights? etc.)</i>
5.44. Dr. Malika Tastanova M. Narikyev - Kazakhstan	<i>The professor has chosen not to publish her answers.</i>
5.45. Professor Dr. Jasna Baksic - Bosnia and Herzegovina	<i>U Bosni I Hercegovini još nisu priznata okolišna prava. Posljedice su mnogostruke od izuzetno visokog stepena zagađenosti gradova u BiH, bespravnih sječa šume , izgradnja hidroelektrana koje narušavaju ili prijete da naruše bio-različitost I eko-sisteme pa do gradnje koja ugrožava snabdjevanje ili kvalitet pitke vode. Sudar neoliberalne ideologije I interesa kapitala sa ljudskim pravima je poseno vidljiv u zemljama sa nedostatkom demokracije I vladavine prava.</i>
5.46. Assist. Professor Dr. iwona Wroblewska - Poland	

<p>5.47. Professor Kwadwo Appiagyei-Atua - Gana</p>	<p><i>One can talk of degrading practices that some women are subjected to when their husbands die (widowhood rites), witchcraft (where certain women are banned from the community for allegedly being labelled as witches by witch doctors) and property rights of spouses.</i></p>
<p>5.48. Paidamwoyo Mukumbiri - Zimbabwe</p>	<p><i>The rights of sexual minorities are not protected. The Constitution outlaws same sex marriage.</i></p>
<p>5.49. Professor Dr. Helen Irving - Australia</p>	<p><i>Australia is a signatory to the UN Convention on the Rights of the Child; the UN Convention on the Rights of Indigenous Peoples; the UN Convention Relating to the Status of Refugees. These Conventions have not yet been incorporated in Australian law. The status of Australia's Indigenous people (the Aboriginal and Torres Strait Islanders) is an ongoing issue: there are many laws (including Native Title Acts) governing their status and conditions, but no direct constitutional recognition or protection. This is a major current issue in Australia, with a campaign at present to change the Constitution to include recognition of the Indigenous people (constitutional change requires a popular referendum). The treatment of people seeking refugee status in Australia is also a major issue in current Australian political debate. There is also a debate, currently, about whether Australia should adopt a Religious Freedom Act. The country is very divided on all of these issues.</i></p>
<p>5.50. Dr. Faridah Jalil - Malaysia</p>	<p><i>In general, the Malaysia Federal Constitution covers almost everything.</i></p>
<p>5.51. Dr. Tatiana Khramova - Russia</p>	<p><i>Yes, a lot of them. Mainly minority rights (sexual minorities, a right to gender identity, same-sex marriage, etc.), but also political rights (mainly freedom of assembly (many violations of European standards), a right to criticize the government (free speech), and others).</i></p>
<p>5.52. Eduardo G. Esteva Gallicchio - Uruguay</p>	<p><i>The existence of articles 72 and 332 of the Constitution determines that, in principle, there are no values and problems not covered. To them are added articles 7 "the inhabitants of the republic have the right to be protected in the enjoyment of their life, honor, freedom, security, work and property" and 8 "All persons are equal before the law, not recognizing another distinction between them but that of talents or virtues".</i></p>

5.53. Dr. Aldana Rohr - Argentina	
5.54. Roman Schuppli - Switzerland	<p><i>A look at more recent cantonal constitutions (the cantons are the federal states in the Swiss legal system) reveals further possibilities for development of the Federal Constitution, including, but not limited to, the area of fundamental social rights. This applies, for example, to the right to assistance for victims guaranteed in several cantonal constitutions or to the ban on discrimination enshrined in Art. 15 Constitution de la République et canton de Genève, which is extended to include the aspect of sexual orientation and also includes gender identity, a development that can also be foreseen for the federal constitutional level in view of international human rights standards. (Excerpt from KIENER REGINA, Grundrechte in der Bundesverfassung, in: Verfassungsrecht der Schweiz, 2. Ed., forthcoming)</i></p>
5.55. Dr. Ljubomir Frckoski - Macedonia	<p><i>The Professor has send a book.</i></p>
5.56. Assoc. Professor Juan Pablo Beca F. - Chile	<p><i>Yes. The use of water should be considered a human rights issue. Also the right to receive education. The constitution regulates the right of schools to offer education but not the right of children to recive it, although it is an obligation to attend school.</i></p>
5.57. Professor Simon Rice - Australia	<p><i>As a general observation, I don't think there are values and social issues – where human happiness and dignity are at stake – that are not addressed by international human rights treaties. Australia is not, however, a party to all those treaties and, as I said above, Australia has given little explicit effect to its human rights treaty obligations.</i></p>
5.58. Dr. Renata Bedö - Hungary	
5.59. Damir Banović - Bosnia and Herzegovina	<p><i>I would say, no. They are protected either directly by human rights documents or via interpretation.</i></p>
5.60. Dr. Lilla Berkes, PhD candidate) - Hungary	<p><i>Hungary has ratified almost every international human rights treaties but did not ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence and also there is no national monitoring mechanism regarding the CRPD. However, this doesn't mean that the protection is lower, the acts and regulations covering the obligations of the former document and the</i></p>

	<i>ombudsman is especially focusing on vulnerable groups, among them on persons with disabilities, too.</i>
5.61. Professor Dr. iur. Jorge León - Peru	<i>En el Estado peruano pueden identificarse dos grupos en situación de vulnerabilidad, entre los cuales podemos señalar a: i) las personas mayores; y ii) las personas que se encuentran privadas de su libertad. Con respecto al primer grupo no se cuenta con legislación específica para su protección ni planes o políticas públicas en ejecución a la fecha. Respecto al segundo, las que se verifican en los centros penitenciarios, no se condicen con la dignidad de la persona. Al respecto, cabe indicar que no existen compromisos internacionales en virtud de los cuales el Estado se vea obligado a adoptar medidas internas ya que la Convención Interamericana sobre la Protección de los Derechos Humanos de las Personas Mayores no ha sido ratificada por el Estado peruano, mientras que, en el segundo caso, el único instrumento que establece directrices (Reglas de Mandela) tiene carácter solo de soft law.</i>
5.62. Professor Thierry Rambaud – France	<i>An article was sent by the Professor.</i>
5.63. Mario Campora - Melisa Szlajen - Argentina	<i>Argentina has ratified more than 51 treaties and protocols of human right¹, some of them had constitutional hierarchy (art. 75.22 of the National Constitution²) and the other are above the law (art. 75.24 of the NC³) so it is very difficult not to find a right that is not covered by human rights documents. It doesn't mean that our country respect all the human rights establish in that treaties, like I said in the answer before, our weak institutions make very difficult to implementate and guarantee rights. But what I think is most important is that we and the civil organizations, have tools to guarantee them. Also, the treaties are not the only legal source that exist in international law of human rights⁴. We also have the customary and</i>

¹ <http://www.saij.gob.ar/resultados.jsp?r=moreLikeThis%28id-infojus%2C%20numero-zorma%5E4%2C%20tipo-documento%5E4%2C%20titulo%5E4%2C%20jurisdiccion%2C%20tesauro%2C%20provincia%2C%20tribunal%2C%20organismo%2C%20autor%2C%20texto%5E0.5%29%3Aderechos%20humanos&o=0&p=25&f=Total%7CFecha%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema/Derecho%20internacional/derecho%20internacional%20p%FAblico/derecho%20de%20los%20tratados/tratados%20internacionales%5B2%2C1%5D%7COrganismo%5B5%2C1%5D%7CAutor%5B5%2C1%5D%7CJuridicci%F3n%5B5%2C1%5D%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%Elitica%5B5%2C1%5D%7CTipo%20de%20Documento/Legislaci%F3n/Ley/Tratado&s=fecha-rango|DESC&v=colapsada>

² art. 75.22, Argentinean Constitution.

³ art. 75.24, Argentinean Constitution.

⁴ Abramovich, V., Bobino, N y Courtis C., “La aplicación de los tratados de derechos humanos en el ámbito local”, Pinto, M., *El principio pro homine. Criterios de hermenéutica y pautas para la regulación de los derechos humanos*, Buenos Aires, Argentina, 2004, P. 163/4.

	<p><i>the principles of human rights⁵. This plurality of sources make necessary to compatibilize the rights that they protect⁶. The pro homine principle is the guideline standard that may be use because it establish that in human rights law we have to apply the most extend and with extensive interpretation rule because the objective is the person protection⁷. This rule is also recognize in a lot of human rights treaties⁸.</i></p> <p><i>The Interamerican Comision of Human Rights recognize the advances of the state, and in comparison with other regional states Argentina is the one that respect and guarantee the most, also because it is in a better economic position than other countries⁹.</i></p> <p><i>In the other hand, the Commission emphasize the challenges of the state: the law project of collective procediments, the right to protest, sexual and reproductive rights of women, sexual education, the conflicts between native people and the government authorities, the economic situation and how it impacts in the human rights, particularly in the child's rights, the expulsions of migrants and the detention conditions¹⁰. In the same way were the last recommendations of the different committees of United Nations¹¹.</i></p>
<p>5.64. Dr. Alaa Nafea Kttafah - Iraq</p>	<p><i>نعم / هناك ظواهر لا بد من ادراجها تحت عنوان حقوق الانسان وهي حق المواطن في بيئة ومؤسسات خالية من الفساد الاداري والمالي والبيروقراطية وهدر الاموال العامة . اعتقد ان هذا الحق لا بد ان يدرج وبقوة ضمن وثائق الحقوق والنظام العراقي مثلما هنالك حق عكفت الدساتير والقوانين الحالية على حمايته بعد تفاقم مشاكله وهو حق البيئة .</i></p>
<p>5.65. Professor Silvina Ramirez - Argentina</p>	<p><i>En Argentina, a partir de la reforma constitucional de 1994, los tratados internacionales de derechos humanos forman parte del llamado “bloque de constitucionalidad”. En ese sentido, los derechos humanos se encuentran consagrados constitucionalmente, y –al menos normativamente- están protegidos.</i></p>

⁵ *Op. Cit.*

⁶ *Op. Cit.*

⁷ *Op. Cit.*

⁸ *Op. Cit.*

⁹ Interamerican Comision of Human Rights, Anual Report 2018, Chapter IV: Situation of the human rights in the countries, Argentina, 2018, p. 268/9.

¹⁰ *Op. Cit.*

¹¹ Comité de Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares, Observaciones finales sobre el segundo informe periódico de la Argentina, CMW/C/ARG/CO/2, 13 de septiembre de 2019; Committee on Economic, Social and Cultural Rights, Concluding observations on the fourth periodic report of Argentina, E/C.12/ARG/CO/4, 1 November 2018; Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, CRC/C/ARG/CO/5-6, 1 October 2018; Committee against Torture, Concluding observations on the combined fifth and sixth periodic reports of Argentina, CAT/C/ARG/CO/5-6, 24 May 2017 and others.

5.66. Agnieszka Bień-Kacała - Poland	<i>The professor has chosen not to publish her answers.</i>
5.67. Professor Dr. Claire Breen - Australia	
5.68. Marwan Al-Moders - Bahrain	<i>The Professor has send articles.</i>
5. 69. Dhia Al Uyun - Indonesia	<p><i>Iya, permasalahan kekerasan seksual.</i></p> <p><i>Di masyarakat kasus sangat banyak, seperti fenomena gunung es. Sebagian dari masyarakat yang berani berbicara, sebagian lain tidak berani berbicara karena takut di stereotype negative, menjaga nama baik keluarga, ketergantungan ekonomi dan tidak mendapat perlindungan hukum.</i></p> <p><i>RUU Penghapusan kekerasan seksual tidak disahkan pemerintah.</i></p>