3. DO INTERNATIONAL HUMAN RIGHTS DOCUMENTS APPLIED IN YOUR COUNTRY REPRESENT MINIMUM STANDARDS THAT ARE ALREADY PROVIDED OR THE MUST-REACH AIMS? ARE THERE ANY REGULATIONS IN YOUR LEGAL SYSTEM ABOVE INTERNATIONAL HUMAN RIGHTS STANDARDS?

3.1. Professor Dr. Carmen Thiele - Germany	*The ECHR provides vaguely the same standard as the Grundgesetz (German constitution with human rights code). The ECHR und the EU- Charter on Fundamental Rights are binding law in Germany due to certain provisions in the Grundgesetz (Art 1 II, Art 59 II GG). They also have to be considered, when the German human rights provisions are interpreted.*
3.2. Professor Juliano Benvindo - Brasil	*According to the Brazilian Constitution (art. 5, § 3), international human rights documents, once approved by Congress according to the rules of constitutional amendments, are deemed as constitutional amendments: "...international human rights treaties and conventions which are approved in each house of the national congress, in two rounds of voting, by three fifths of the votes of the respective members shall be equivalent to constitutional amendments."* *In the case of not being approved according to such a rule, but by simple majority, the Supreme Court has already ruled that it has supralegal status, which means that, in case of a conflict with an ordinary legislation, the international treaty prevails.* *In any case, there is naturally a gap between many of clauses of international treaties establishing minimal standards and what occurs in reality. Some areas Brazil has already achieved the so-called minimal standards, but there are a plenty of international treaties Brazil has signed which are currently just must-reach aims, and not yet a reality.*
3.3. Catherine Willis-Smith/LL.M Candidate – South Africa	*South Africa is party to a number of International Human Rights documents/treaties. One of these is the International Covenant on Economic, Social and Cultural Rights (the ICESCR). While South Africa signed the Covenant in the 1990s it was only ratified in 2015.* *The South African Constitution (Constitution of the Republic of South Africa 1996) speaks of the 'progressive*

	realisation' of rights in the Bill of Rights (Chapter 2 of the Constitution). The following is an example thereof: Section 26: Housing – '(1) Everyone has the right to have access to adequate housing. (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.' Therefore, our Constitution does place an obligation on the State to 'progressively realise' the right through 'reasonable legislative and other means' but there is no minimum standard required. Furthermore, in terms of sections 26 and 27, the Constitution provides the right to have access to such things as adequate housing and healthcare services. To have access to these rights means that the State must create the system so as to allow everyone in time to be able to enjoy that right. This can be contrasted with the right to housing, healthcare, etc. which immediately entitles the holder to these things. Therefore, the language of our Constitution departs from the language of the ICESCR which speaks of a person's right to certain socio-economic rights. It is clear that the provisions of the ICESCR, which also establish a 'minimum core' concept, are more onerous than the South African Constitution's Bill of Rights. *Furthermore, in the case of Mazibuko and Others v City of Johannesburg and Others (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC) ; 2010 (4) SA 1 (CC) (8 October 2009), the Constitutional Court (our apex court) held that, following cases such as Government of the Republic of South Africa and Others v Grootboom and Others [2000] ZACC 19; 2001 (1) SA 46 (CC); 2000 (11) BCLR 1169 (CC) and Minister of Health and Others v Treatment Action Campaign and Others [2002] ZACC 15; 2002 (5) SA 721 (CC); 2002 (10) BCLR 1033 (CC) the courts have 'rejected the argument that the social and economic rights in our Constitution contain a minimum core which the state is obliged to furnish, the content of which should be determined by the courts'. [Mazibuko para 53]* *This case dealt with the right to water (included as part of section 27 of the Constitution) and the court held that the*

	'obligation requires the state to take reasonable legislative and other measures progressively to achieve the right of access to sufficient water within available resources. It does not confer a right to claim "sufficient water" from the state immediately'. [Para 57] *It has therefore been held by our highest court on a number of occasions that South Africa, while party to the ICESCR, does not prescribe to the 'minimum core' concept of socio-economic rights but instead the State is obliged to 'take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of these rights'.*
3.4. **Dr. Jur. Marton SULYOK - Hungary**	*By definition, IHR standards in PIL represent minimum standards. They have been created by the international community as a lowest common denominator for all MS. (Being minimum standards does not mean that they are already provided – to answer an important turn of the first question.* *Based on the logics of the "principle of national protection" (first argued by the Solange decision of the Federal Constitutional Court in Germany, 1974) if the level of protection should be higher for a right in the national constitution than in an IHR norm this would trigger the proceedings of the HCC (checking the conformity of national and international law with each other).* *The answer to the part of the question whether there are "any regulations in your legal system above international human rights standards" hugely depends on the hierarchy of legal norms in a country and on the model of adoption of public international law. Hungary follows a dualistic system, therefore international treaties and conventions containing IHR norms have to be ratified and them implemented into national law. The implementation of PIL IHR norms usually takes place on the level of laws (Acts of Parliament or Government Decrees) – cf. Article T) of the Fundamental Law on the hierarchy of legal norms (1. Fundamental Law, 2. Acts of Parliament, 3. Government Decree, etc.)*

3.5. **Benjamin Danpullo, LL.M - Nigeria**	*Yes, the I.H.R documents represent minimum standards. The regulations in my countrys legal system, emanate from the those international human rights documents*
3.6. **Professor Dr. THIO Li-ann - Singapore**	*Singapore adopts the policy of ratifying human rights treaties whose standards it considers are already met in Singapore law eg. CEDAW, CRC, CRDP, CERD.* *Singapore government tends to focus more on "results" and "human development" than human rights standards. One may ask: do you want a house (which most Singaporeans have) or a right to a house?* *There are no socio-economic rights in the Singapore constitution.*
3.7. Prof. Dr. iur Yiren Lin - Taiwan	*Bitte sehen Sie Frage 8.*
3.8. **Dr. Sri Wahyun Kadir - Indonesia**	*The government have done it already, because Indonesia is heading towards as a welfare state even though Indonesia is currently still in the developing country stage. But of course there is still a minimum standard that is not achieved, if this is faced with the vastness of the Indonesian state which is far from the center of government, although with the autonomous government system for each province, but there is still much that must be done by the government, especially meeting the needs of the right education, work and so on. The State of Indonesia is an archipelago which is spread geographically and becomes an obstacle in the fulfillment of minimum rights. With the current democratic governance system in the form of representation, especially by granting broad autonomy rights to each Province, however the problem of the extent of the territory is still an obstacle. This makes the fulfillment of people's basic rights not in good management.* *Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?* *Yes, There is, it's the right to life, for example, abortion is still legally prohibited unless it is justified by a doctor, so the right to life is highly valued. Even though the abortion*

	event also happened, but always faced with the law. This indicates that the basic right of human rights, namely the right to life, is highly valued. Although in fact, this example does not really represent the answer above, because actually the fulfillment of standard human rights here still has a lot to be fought for. The problem of unemployment, the problem of educational equality, environmental problems are basic problems that still need to be fought for. Perhaps because of the vastness of geography, and many diversity of culture.
3.9. Professor Marina Calamo Specchia - Italy	*Italy has ratified the most important international documents protecting human rights: the Universal Declaration of Human Rights of 1948, the two Pacts on Civil and Political Rights and on the Economic, Social and Cultural Rights of 1966 and above all the European Convention of Human Rights of 1950, the 1951 Convention Relating to the Status of Refugees. These rules come under Italian law through the laws of execution and are applied by the judiciary as laws of the State. It is not uncommon for the legislator to take responsibility for reinforcing the internal protection standards by expressly regulating the cases contained in international documents: this happened, for example, with the discipline of torture that was envisaged as a specific crime with art. 613-bis of the Penal Code introduced by law n. 110/2017.*
3.10. Josef Martin Zielinski Flores - Peru	*All legislation on human rights in our country is in accordance with international treaties on the subject signed by the State. In any case, what I could point out is that although our legislation is very respectful of the dignity of the person, the material conditions of our nation often prevent the true enjoyment of these rights by important human groups in our country, especially the poorer and excluded.*
3.11. Dr. Martín Risso Ferrand – Uruguay	*The constitution has a catalog of minimum rights and minimum protection standards. That is, you can add more rights and improve protection standards, but not the opposite. In the inter-American Human Rights System the solution is the same. Sometimes the highest standards of protection are those of International Law but most of the times, the highest standards are provided by internal*

	provisions. The most favorable rule is always applied. With the preference guideline for regulations, within the constitutional block of human rights, the normative hierarchy or the origin of the source of the provisions ceases to have an impact.
3.12. **Professor Dr. Shinar Adam – Israel**	*Domestic law is superior to international law, unless it is a treaty that has been incorporated into domestic law. Most of the human rights documents are included, in substance, in Israel's basic laws and various statutes.*
3.13. **Assist. Professor Sombhojen Limbu – Nepal**	*Nepal has a signature party to International Human Rights Conventions, Covenants, Declaration to ensure such provisions. Many of such provisions have already incorporated in the Constitution and other respective laws. We have National Human Rights Commission, Women Rights Commission, National Dalits Rights Commission, Indigenous People Commission, Police Cells, Non-Government Organizations and International Human Rights Organization. They can monitor situation of human rights in Nepal and give time and again suggestion to respect human rights. At the same time they would actively involve for campaign to recognize human rights under local laws and enforce effectively.* *We have many local laws which have particularly drafted/influenced by International human rights documents. However we have challenged how to enforce these rights effectively.*
3.14. **Suzan Tavares da Silva –Portugal**	*The Portuguese Constitution, in its article 16, n.º 1, recognizes all fundamental rights from International Human Rights Documents, so they are fully applicable in the Portuguese legal order.*
3.15. **Assist. Professor Zewdu Mengesha - Ethiopia**	*Yes they can be applied. However there are challenges for courts to apply in the litigation. As a matter of principle the FDRE constitution clearly notes that the fundamental rights and freedoms incorporated by the constitution shall be interpreted in a manner conforming to the principles of UDHR, international covenants on Human Rights and international instruments adopted by Ethiopia. The supremacy clause of the constitution will make the*

	constitution above the international human rights standards.
3.16. Dr. Alexander Kim - Russia	*I don't know, because I`m not specialist in law.*
3.17. Prof. Dr. Vasanthi Nimushakavi - India	*International Human Rights Documents represent minimum standards in some cases and in other are must reach aims. The right to equality and non discrimination has been very elaborately discussed which includes the power of State to take special measure for certain sections of society. These are over and above what international human rights documents provide. In other cases such as social and economic rights for example abolition of child labour, or the right to collective bargaining it is still a much reach aim.*
3.18. Massimiliano Buriassi - Italy	*Risp. Obiettivi da raggiungere*
3.19. Professor Dr. Ahmed Aubais Alfatlawi - Iraq	*In accordance with article (15) of the Iraqi Constitution, which states: Everyone has the right to life, security and freedom. No deprivation or restriction of these rights may be made except in accordance with the law and on the basis of a decision issued by a competent judicial body. The Council of Representatives has enacted a number of laws relating to international human rights law, including:* *• The Law of Ratification of the Republic of Iraq on the International Convention against the Taking of Hostages No. 26 of 2012.* *• The Law of Accession of the Republic of Iraq to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment No. 30 of 2008*
3.20. Professor Dr. Hyungnam Kim - South Korea	*Absolutely yes. Already Korean Constitutional Court has applied 'International Covenants on Civil and Political Rights 1966' into concrete constitutional adjudication.*
3.21.	*In the majority of cases, International Human rights documents represent the minimum standards, that are*

Associate Professor Tomáš Ľalík, Ph.D - Roman Lysina, Ph.D Candidate - Slovakia	*already met. There are some particular time limits e.g. in regard of protection of personal liberty. Besides that Slovak Constitution contains a long list of cultural, social and economic rights and freedoms together with rights of national minorities and ethnic groups. I would also mention a right to have an access to a public office that stretches also to a right to hold a public office or prohibition to be recalled from a public office without a legal basis.* *International standards of human right represent the standard level of protection. However, one of the latest decisions of our constitutional court dictates, that principle of protection of human rights and freedom and principle of human dignity are core values of our society and form the substantive core of our constitution. These principles might, in perspective, be of a greater legal power than international human rights standard.*
3.22. **Professor Dr. Mohammad Javad Javid - Iran**	*HR standard mentioned are positive law can be changeable if the agreement on that according to contractialism idea changes. The true Human rights or human natural rights are fixed and truly higher than any law even all other law such divine or jurisprudence and cannon and positive law within a society must be in aligning with Natural Law or natural rights . These law and rights in Declaration of HR are positive contractual that are the minimum and must be in harmony with natural law. Islam and divine law in islam are based on human law and nature which we think Islam accepts the theory of Natural Law. As natural law rooted in human creation by God and then human rights are fact.* *In my idea HR in Universal Declaration is based on contract which possibility of its change is certain from society by society and in different time. But God 's provision is the fixed as he is the creator of the nature and natural law. So islam as the source of law is higher tham any other law. Iran governance is Islamic Republic , so I think it had higher standard which never changed. Although islamhas Sabetat or fixed law and Moteghayarat or changeable.*
3.23.	*Question 3: Relevance of international human rights law*

Professor Dr. Adrienne Stone - Australia	*Australia is a dualist system, so international law does not have direct effect in Australian domestic law. Rather, international law only has domestic effect if Parliament passes a statute incorporating international law into domestic law. Accordingly, as a matter of domestic law the government is required to comply with international human rights norms only to the extent that those norms have been enacted into Australian law. Australia has enacted several statutes that purport to give effect to international human rights standards. Conversely, however, the federal Parliament also has power to enact laws that violate international law, a tool that it has used, in recent times, in response to judicial decisions that interpret the law in ways that it deems undesirable. For example, a provision of the Migration Act 1958 (Cth) states that '[f]or the purposes of section 198, it is irrelevant whether Australia has non-refoulement obligations in respect of an unlawful non-citizen'.* *But international human rights law does play an important subsidiary role: as mentioned above, there is a presumption that statutes must be interpreted in accordance with the rules of international law. This rule of interpretation has been very important in the context of refugee litigation, where it has been used in a series of cases to produce implied restrictions on power conferred on the government by statute with respect to asylum seekers.*
3.24. Professor Dr. Mark Tushnet - USA	*The United States takes the position that most rights guaranteed under international human rights law are equallt or better protected under the U.S. Constitution, but that there are some international human rights the protection of which would violate the U.S. Constitution (the primary but not sole example being regulation of hate speech).*
3.25. Professor em. Dr. iur Reinhard Mußgnug – Germany	*The Human Rights Guarantees of the German Basic Law correspond with the relevant International Human Rights Documents, especially with the European Convention for*

	the Protection of Human Rights and Fundamental Freedoms.
3.26. **Professor Dr. Mabid Ali Mohammed Al-Jarhi - Egypt**	*Human rights in Egypt are not observed at any level. The military rule has only one priority is to rule a subservient people.*
3.27. **Assoc. Professor Dr. Patrick Emerton - Australia**	*International human rights instruments are applied in Australia in two main ways: they form a basis for parliamentary scrutiny of proposed legislation at the national level and in some sub-federal parliaments; and they are incorporated in part into ordinary legislation, creating civil causes of action that are generally adjudicated via process of private conciliation/mediation.* *These modes of application tend to mean that the rights set out in those instruments are "must reach" aims rather than bare minimums.*
3.28. **Professor Dr. Hajer Gueldich - Tunis**	*The Tunisian Republic has signed, since its independence and especially since the 2011 revolution, a series of International treaties and optional protocols, including the abolition of the death penalty, the fight against torture and the protection of all persons against enforced disappearances.* *Other treaties relative to children's rights and women's rights were signed and ratified too.* *These treaties place Tunisia on the path of joining the list of advanced democratic countries, guaranteeing and protecting human rights in all their illustrations.* *We have come far along since 2011 into the path of dedication and fight for human rights in Tunisia. Having said that, the democratic transition witnessed by our country is great but can be improved so far.* *Generally speaking, there are no regulations in our legal system above international human rights standards, even if the religion of the majority of Tunisians is Islam.* *Some provisions in our Penal code are still to be excluded to align our legal system with global human rights. These provisions, such as the article 230, is above human rights that protect the right to choose freely your gender and*

	sexual orientations, since it prohibits homosexuality and puts individual with homosexual orientations up to penalties and imprisonment. *Since Tunisia is a country where the main religion is Islam, that doesn't allow homosexuality, the fight is not easy to removing the penalties of homosexuality and it still persists.* *Another provision of the same code, prohibits sexual relations between consenting adults outside the matrimonial scope if were discovered by the law enforcers, and might even be qualified as secret prostitution.* *A commission of legal experts and eminent Professors is working on the reform of the Penal Code to align it to International standards of Human rights and liberties.*
3.29. **Asst. Professor Narender Nagarwal - India**	*Ans: Yes, International Human Rights Law applied in India. India is under the obligation to respect all international covenants, conventions, declaration, and treaties. India's Supreme Court has also cited provisions of international human rights in its numerous judgments. Unfortunately, with all tall talks of code of international human rights, India's human rights record has to lay itself open to charges of the double standard. In spite of many human rights law and criminal laws, the record of the government to protect the human rights of vulnerable, oppressed and minorities especially the Muslims has been remained dismal. Justice is yet to be delivered to those who lost their beloved in the countless communal massacre in India, unfortunately, major sufferer community is Muslims. India has a long history of communal clashes, religious violence and state crime against the Muslims, but hardly anyone punished. Take the example of Gujarat Genocide of 2002, where more than five thousand (unofficially, as data suppressed by the provincial government) were brutally killed and hardly anyone punished. The Supreme Court had ordered for transfer the cases out of the state to ensure fair trial but nothing happened as all the accused (mostly political parties' leaders) finally got scot-free, that too when many media and press have tangible evidence in the form of video conversation, document and electronic*

	pieces of evidence. The problem of Indian legal system is that we have so many good laws but implementation machinery has remained with the hands of politicians.
3.30. Professor Gerd Oberleitner - Austria	*Austria is a party to all major international human rights agreements, and under the constitution, the norms of international law including human rights law are part of the law of the land, even though not all are directly applicable. The European Convention on Human Rights is also constitutional law in Austria and directly applicable. Austria is bound by European Union law, including the Charter on Fundamental Rights.*
3.31. Professor Dr. Adnan Oweida - Jordan	*Human rights in my country's legal system are the best, because they are based on cultural heritage and the Islamic religion that gave women better rights than Western laws. However, the problem in my country in violation of the rulers and judges of these laws, for example in my country law gives women the right to spend whether or not they work They are guaranteed by the father, brother or husband*
3.32. Dr. Andres Cervantes Valarezo - Ecuador	*The Ecuadorian Constitution of 2008, being an extremely recent text, incorporates the premises and concepts of the most relevant human rights treaties. In fact, the constitution itself recognizes that in the event that international instruments provide better guarantees of fundamental rights, they will be immediately applied by any public authority and will prevail even over the constitution (Art.424). Indeed, the Ecuadorian constitution contains regulations that have not been included in human rights treaties. For example, there is no international treaty that regulates amnesty power. However, the constitution of Ecuador prohibits amnesty in crimes against humanity, war crimes, genocide and even crimes against public administration (Arts. 80, 120). Of course, there are pronouncements of international courts such as the Inter-American Court of Human Rights or the UN Covenant on Civil and Political Rights in this regard. However, in the absence of an international treaty, it is still a sign of progress. Another issue that deserves to be*

	highlighted is that the Ecuadorian Constitution recognizes nature or "Pacha Mama" as a subject before the law and not as an object of it, which does not occur in the scope of international treaties.
3.33. Asst. Professor Dr. Manal Totry-Jubran - Israel	*No I don't think so, I believe international treaties regard larger scope of rights.* *No there are not.*
3.34. Dr. Maria Paula Garat - Uruguay	There is no explicit regulation. However, doctrines such as conventionality control and human rights block ("bloque de derechos humanos") were developed and were also mentioned by the Uruguayan Supreme Court.
3.35. Professor Luis G. Francheschi - Kenya	*Article 2 of the Constitution of Kenya – Supremacy of this Constitution* *This Constitution is the supreme law of the Republic and binds all persons and all State organs at both levels of government.* *No person may claim or exercise State authority except as authorised under this Constitution.* *The validity or legality of this Constitution is not subject to challenge by or before any court or other State organ.* *Any law, including customary law, that is inconsistent with this Constitution is void to the extent of the inconsistency, and any act or omission in contravention of this Constitution is invalid.* *The general rules of international law shall form part of the law of Kenya.* *Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution.* *Article 2(5) of the Constitution incorporates the general rules of International Law in the Courts of Kenya. In Kenya Section of The International Commission of Jurists v Attorney General & another, the Court held that in applying International Law principles pursuant to Article 2(5) of the Constitution, the High Court in Kenya clearly has jurisdiction … under the principle of universal jurisdiction… Universal jurisdiction is the jus cogens obligation under international law. Jus cogens is defined*

	as "a peremptory norm of general international law" accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character. They render void any other peremptory rules which come in conflict with them. The Court further stated that Kenya as a state is bound by Customary International law which it cannot contravene. "Violating customary international law is intentionally violating fundamental rules of international public policy. This would be detrimental to the international legal system and how that system and the society it serves defines itself." *Further, Article 2(6) implies the transition of Kenya from being a dualist State under the repealed Constitution into becoming now a monist State. However, the Constitution failed to contain instructions on the process for signature and ratification of treaties. It neglected to define the power to ratify, which we must say, from a Constitutional practice, it is a grave omission and it makes Kenya's Constitution the first one to become monist with no instructions whatsoever on ratification. This omission also implied an unrestrained legislative power in the hands of the executive, through the principle of executive residual functions, whereby the executive could now legislate through the manipulation of the treaty making power.* *Once this abeyance was in place, the gap had to be filled through subsidiary legislation as it was done by the enactment of the Treaty Making and Ratification Act, 2012. The Treaty Making and Ratification Act No. 45 of 2012 redressed this omission and put in place an appropriate process of approval prior ratification with relevant checks and balances.* *However, we must point out that there has been a widespread misunderstanding of the nature of a dualism and monism. In July 2011, during the Treaties Bill discussion sessions held at the Kenya Institute of*

	Administration in Nairobi, some participants argued that Kenya was still a dualist State and that Article 2(6) should be read in the light of Article 51(3) (b). However, this view confuses ratification of a treaty, the act of ratifying a treaty, with approval of ratification, which is an internal act. Even when Parliamentary approval may be called ratification, it should not be confused with the actual treaty ratification. *Furthermore, monism/dualism does not depend on ratification processes but rather on the manner in which incorporation or domestication of a treaty takes place. In monist systems, treaties become law of the land automatically, even if they are not always self-executing or immediately operative. Dualism, on the other hand, is not directly related to the approval the legislature usually grants before ratification, which may also be there in a monist system. Rather, it rests on the requirement of having statutory law being passed by Parliament before giving any legal internal effect to an already ratified treaty. This means that in dualists systems there is no possibility of giving internal effect to treaties unless they are translated into a statute that is passed by Parliament.* *The question is then settled, not by looking at the parliamentary approvals required by the Treaty Making and Ratification Act, but rather by looking at the following fact: Does Kenya need to transform a ratified treaty into an Act of Parliament in the same fashion as it did in the past with, for example, the Geneva Conventions Act? If the answer is yes, then Kenya is dualist. If not, Kenya is monist.* *We may say it in another way: Are ratified treaties, even when subjected to parliamentary approval prior ratification, part of the law of Kenya under the Constitution and therefore they need no further legislation by Parliament? If the answer yes, Kenya is monist. If not, Kenya is dualist.*

	In my opinion, Article 2(6) of the Constitution is clear in this regard. Any ratified treaty is part of the laws of Kenya 'under' the Constitution. Therefore, Kenya is monist and it places any ratified treaty as law of Kenya <u>under</u> the Constitution. There is also a relevant case, where the Court applied directly an international convention which contradicted the local Bankruptcy Act. See Zipporah Wambui Mathara, Bankruptcy Cause No.19 of 2010, in the matter of Bankruptcy Act Chapter 53 of the Laws of Kenya [2010] eKLR, where Justice Koome asserted that 'by virtue of the provisions of Article 2(6) of the Constitution of Kenya 2010, International Treaties, and Conventions that Kenya has ratified, are imported as part of the sources of the Kenyan Law. Thus the provision of Article 11 of the International Covenant on Civil and Political Rights which Kenya ratified on 1st May 1972 is part of Kenyan law…' and it was applied to free Zipporah Mathara from civil jail for unpaid debts. *It may also be important to note that the Constitutional Bill of Rights in Kenya is regarded and praised as progressive, comprehensive and people centered, with special emphasis on economic, political, social, civil and cultural rights. The Bill of Rights could be said to be at par with the highest standards of international human rights instruments.*
2.36. **Professor Hugh Corder - South Africa**	*IT ISA DIFFICULT TO GIVE A COMPLETE AND AUTHORITATIVE ANSWER TO THIS QUESTION, WITHOUT A GREAT DEAL OF ADDITIONAL WORK: BUT IT SHOULD BE NOTED THAT SECTIONS 231 AND 232 OF THE CVONSITUTION RECOGNISE THE BINDING EFFECT OF INTERNATIONAL AGREEMENTS, SUBJECT TO CERTAIN COMDITIONS, AS WELL AS CUSTOMARY INTERNATIONAL LAW, ON SOUTH AFRICAN LAW. I THINK THAT AS A GENERAL STATEMENT IT COULD FAIRLY BE SAID THAT SOUTH AFRICAN CONSTITUTIONAL LAW HAS DEVELOPED IN MOST INSTANCES BEYOND THE MINIMUM STANDARDS SET OUT IN INTERNATIONAL HUMAN RIGHTS LAW.* *Are there any regulations in your legal system above international human rights standards?*

	YES, AS MENTIONED, THERE ARE SEVERAL INSTANCES OF DOMESTIC LAW EXCEEDING THE STANDARDS OF INTERNATIONAL HUMAN RIGHTS LAW.
2.37. Asst. Professor Umar Rashid - Pakistan	*Ans) The Pakistani Courts have been very generous in their interpretation of Constitutional rights, and do interpret those rights in line with international treaty obligations of Pakistan. The only exception being rights that may conflict with Islamic principles. Thus Islamic principles are considered the highest source of law, above even the Constitution, which is interpreted in light of Islamic principles.*
2.38. Assist. Professor Simon Alexander Wood - Malaysia	*international human rights are not a minimum standard and are seldom applied. Malaysia has ratified very few treaties. Article 5 of the constitution protects the rights to life and liberty this has been interpreted by some courts in a creative and liberal way beyond the original intent which was limited purely to criminal procedure. However other courts have disagreed with this liberal interpretation*
3.39. Professor Merris Amos-UK	*The professor has chosen not to publish her answers.*
3.40. Ştefan Bogrea - PhD student at human rights law / Advocate - Romania	*The Romanian Constitution enshrines that international Human Rights treaties have priority over internal laws if they are more favorable to the individual. If internal laws are more favorable in a particular case, the Constitution states that they should be applied in that case. Consequently, while International Human Rights Documents are minimum standards, sometimes they are applied directly, sometimes not, depending on the situation.*
3.41. Asst. Professor Dr. Cristina Tomulet - Romania	*According to Article 20 of the Romanian Constitution, constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the convenants and other treaties Romania is a party to (1). Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the*

	Constitution or national laws comprise more favourable provisions (2). *As it is obvious from Article 20 of the Romanian Constitution presented above, constitutional provisions concerning human rights will be interpreted in accordance with the international human rights documents that Romania has ratified. This means that international human rights treaties have the same legal force as the Constitution. According to paragraph (2) of the same article, if inconsistencies exist between the treaties in question and national laws, the treaties will prevail, which means that they have a higher legal force than national laws. The only exception to this rule regards the situation when the Constitution or the national laws comprise more favourable provisions than the international documents.* *Accordingly, from a legal point of view, it is possible that the Constitution or national laws could comprise more favourable provisions than those included in the international documents and this is true regarding some specific rights. So legally speaking and from the perspective of the European Court of Human Rights, international human rights treaties and the European Convention of Human Rights should represent only minimum standards regarding the protection of human rights. The national Parliament is by no way prevented from creating higher standards in this field by adopting legislation.* *However, from a practical point of view, the reality is that in Romania the standards enshrined in human rights treaties represent only must-reach aims regarding most of the fundamental rights. This is proved, for example, by the high number of violations of the European Convention found against Romania by the European Court of Human Rights. In 2018, 71 judgments finding at least one violation against Romania were given by the European Court, which demonstrates that there is a high disparity between the legal enshrinement of the human rights and their effective protection in Romania.* *With the exception presented above, namely when the Constitution or the national laws comprise more favourable provisions than the international documents,*

	there are no other regulations above international human rights standards.
3.42. Professor Dr. Mahendra P. Singh - India	*The interpretation and implementations of International Human Rights (IHR) documents is a matter of both complex, and to a certain extent, obscure. A perception that IHR may have a distinct legal character has generated interests in the must reach aims. This perception of a specified aim gives human rights documents a special relevance in legal systems. In the Indian context attempts have been made to apply IHR as the must reach aims. The recent enactments of the Mental Health Care Act, 2017 and The Rights of PersonsWıth Disabilities Act, 2016 show the relationship between our legal system and international human rights law is self contained. However, to delve into the question whether our legal system is above the international regime is predominantly a matter of interpretation.*
3.43. Professor Dr. Stephanie Wattier - Belgium	*S.W.: There is no minimum standards fixed by Belgian Law. However, Belgium – as member of the European Union – is bound by several minimum standards imposed by European Union Law (e.g.: freedom of movement and residence for persons in the EU).*
3.44. Dr. Malika Tastanova M. Narikyev - Kazakhstan	*The professor has chosen not to publish her answers.*
3.45. Professor Dr. Jasna Baksic - Bosnia and Herzegovina	*U Ustavu BiH pored priznavanja prava na uživanje najviših standard u zaštiti ljudskih prava, Evropske konvencije za zaštitu ljudskih prava I fundamentalnih sloboda koja ima direktnu primjenu u pravnom sistemu BiH I uživa status iznad svakog drugod prava te 15 ostalih međunarodnih dokumenata za zašttitu ljudskih prava koji čine dio Ustava BiH stvarnost BH društva karakterizira nemogućnost uživanja I zaštite priznatih prava.* *BiH je politički podijeljena između probosanskih I separatističkih politika. Krajnje pojednostavljeno rečeno*

	probosanske snage se zalažu za jaču centralnu državu i njene ovlasti, za reintegraciju BH društva . Separatističke politike se zalažu za dalje etničke teritorijalne podjele pod koje se mogu podvesti zahtjevi za trećim entitetom koji znači relvitaliziranje ratne paradržavne tvorevine Herceg-Bosna ili za promjenama Izbornog zakona u kojem bi se hrvatski predstavnici birali iz kantona sa hrvatskom većinom. Hrvatske stranke te zahtjeve pravdaju zahtjevom za jednakopravnošću . To u izvedbi znači etničku podjelu BiH na entitet sa srpskom većinom što je sada Republika Srpska (preko 80%su etnički Srbi) a sadašju Federaciju BiH podijeliti na dva entiteta, jedan sa hrvatskom a drugi sa Bošnjačkom većinom. U vremenu političke krize separatistički se zahtjevi zaoštravaju do pominjanja otcjepljenja Republke Srpske. Sadašnje političke structure imaju podršku plitičkog zagreba (hrvatske stranke) I brograda (srpske stranke). *Kao posljedice takvih poitika na terenu imamo ugrožavanje manjina od dominantne većine. Ugrožavanje ide od zabrane nacionalne grupe predmeta I imenovanja bosanskog jezika (ime zvaničnih jezika bosanski, hrvatski I srpski su ustavne kategorije) u entitetu Republika Srpska do odvajanja djece u osnovnim I srednjim školama (Federacija BiH) . U odvojenim školoma, zvanim dvije škole pod jednim krovom učenici uče po različitim programima. U hrvatskim školama po hrvatskom program (program Republike Hrvatske) a u bošnjačkim po bosanskim programima. Imajući u vidu ratnu prošlost BiH jasno je da su uče različite historije, jezici, književnost I culturea što je na fonu razgradnje BiH. Etnička dvojenost, smanjena mogućnost komunikacije, govor mržnje na društvenim mrežama I u medijima ne stvara atmosferu u kojoj je moguće uživati ljudska prava. U realnosti postoji dvostruku građanstvo I to prvog reda sa svim pavima dominantne većine I drugo sa reduciranim pravima etničke manjine. U uživanju I zaštiti građanskih, političkih, ekonomskih, socijlnih I kulturnih prava stvarnost je daleko ispod standard ustavnih normi.*
3.46. Assist. Professor Dr. İwona	*Polish government claims that we meet the highest standards in the field of human rights protection. It can be*

Wroblewska - Poland	*said that Poland has ratified the most important international human rights documents. However, the reality differs from political declarations, so it seems that international documents should be viewed as must-reach aims. In 2016 the Human Rights Committee expressed concern, among others, about non-application of the Act on equal treatment (2010), an increase in hate-motivated violence, the liquidation of the Council on Counteracting Xenophobia and Racism a large number of illegal and dangerous abortions, detaining foreigners in guarded centers, denying foreigners access to the asylum procedure, and legislative proposals compromising freedom of expression. Currently, the rulers are openly boycotting the 2015 ratified by Poland Convention on preventing and combating violence against women and domestic violence. For example, the President of the Republic of Poland A. Duda in 2017 stated that "the polish regulation on violence is very good, it works, is enforced. Adopting additional regulations is unnecessary, because it works in Poland. Therefore, we no longer have to commit to anything else. " In addition, he said in relation to the Convention "first of all - not to apply".*
3.47. Professor Kwadwo Appiagyei-Atua - Gana	Most of the human rights provisions in the country's constitution constitute the minimum standard to the international human rights provisions. I do not know of any regulations which are higher than the international human rights standards.
3.48. Paidamwoyo Mukumbiri - Zimbabwe	*International human rights law standards presents the highest standard not the minimum. The Zimbabwean legal system is dualist in nature and therefore all laws ratified do not automatically become law. So some of the international human rights principles are not domesticated*
3.49. Professor Dr. Helen Irving - Australia	*Australian human rights (anti-discrimination) law (as in previous answer) attempts to give effect to international law standards. It does not directly include aspirational goals.*

3.50. Dr. Faridah Jalil - Malaysia	*Yes.* *Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?* *The Constitution is above the international human rights standard. Since Malaysia subscribes to dualist theory under International Law, domestic law is regarded as higher than International Law. However, if Malaysia is a signatories to any international law documents, the Court will give regards to the obligation under the documents signed.*
3.51. Dr. Tatiana Khramova - Russia	*See Article 17 of the Constitution of Russia: fundamental rights are interpreted in the light of international standards. The Constitutional Court applies them in most cases. But there are exceptions (when it considers that the Constitution offers a better protection of fundamental rights, like in the case of Konstantin Markin, Judgment of the ECtHR, 22 March 2012, Judgment of the Constitutional Court of Russia of 6 December 2013).* *Also there occur conflicts between the Russian Constitutional Court and the ECHR: Anchugov and Gladkov v. Russia (ECtHR), Judgment of 4 July 2013: prisoners should not be denied the right to vote. But Judgment of the Constitutional Court of Russia of 19 April 2016 No 12-P: Russia does not implement this Judgment of the ECtHR because of an explicit constitutional ban for the prisoners to vote.*
3.52. Eduardo G. Esteva Gallicchio - Uruguay	*In Uruguay, the rights included in international human rights treaties or in human rights declarations set minimum standards that can be exceeded by internal provisions.* *In my country, some rights recognized by the Constitution, can be considered to give greater protection than that resulting from International Human Rights Law. An example: in terms of health: Article 44, paragraph 2, of the Constitution, compared with article 10 of the Protocol of San Salvador or with article 12 of the UN Covenant on Economic, Social and Cultural Rights: "The State will*

	provide free means of prevention and assistance only to the destitute or lacking sufficient resources".
3.53. Dr. Aldana Rohr - Argentina	I would say that one of the consequences of the constitutional status given to certain International Human Rights Instruments is the incorporation of human rights standards. The constitutional provision states "*in the full force of their provisions",* which means that to ensure the effectiveness of international instruments, local authorities should apply them in accordance with the interpretation given to them by human rights bodies in the exercise of their contentious or advisory jurisdiction. Besides this, I would highlight that human rights law instruments should always be interpreted following the principle "pro personae"[1]. This principle was explained by the Inter American Court of Human Rights in these terms: "*Hence, if in the same situation both the American Convention and another international treaty are applicable, the rule most favorable to the individual must prevail. Considering that the Convention itself establishes that its provisions should not have a restrictive effect on the enjoyment of the rights guaranteed in other international instruments, it makes even less sense to invoke restrictions contained in those other international instruments, but which are not found in the Convention, to limit the exercise of the rights and freedoms that the latter recognize*[2]. This principle represents what has been called the "most favored individual clause"[3]. At the regional level, the Inter- American Court of Human Rights has developed a doctrine, "the conventionality control", which was explained in these terms "*The Court is aware that domestic judges and courts are bound to respect the rule of law, and therefore, they are bound to apply the provisions in force within the legal system. But*

[1] See Pinto, Mónica, El principio pro homine. Criterios de hermenéutica y pautas para la regulación de derechos humanos, p. 163.

[2] Advisory Opinion oc-5/85 of November 13, 1985 compulsory membership in an association prescribed by law for the practice of journalism (arts. 13 and 29 American Convention on Human Rights), §52)

[3] See Nikken Pedro, El concepto de los derechos humanos. Available at http://iidh-webserver.iidh.ed.cr/multic/UserFiles/Biblioteca/IIDH/2_2010/NivelEspecializado/Material_Educativo/Concepto_DDHH.htm.

	when a State has ratified an international treaty such as the American Convention, its judges, as part of the State, are also bound by such Convention. This forces them to see that all the effects of the provisions embodied in the Convention are not adversely affected by the enforcement of laws which are contrary to its purpose and that have not had any legal effects since their inception. In other words, the Judiciary must exercise a sort of "conventionality control" between the domestic legal provisions which are applied to specific cases and the American Convention on Human Rights. To perform this task, the Judiciary has to take into account not only the treaty, but also the interpretation thereof made by the Inter-American Court, which is the ultimate interpreter of the American Convention"[4].

[4] I/A Court H.R., Case of Almonacid Arellano et al. v. Chile. Preliminary Objections, Merits, Reparations and Costs. Judgment of September 26, 2006. Series C No. 154, para. 124.

3.54. Roman Schuppli - Switzerland	*The Swiss legal system is embedded in a network of International Human Rights Documents. At the European level, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) of 4 November 1950, drawn up and signed within the framework of the Council of Europe, has gained central importance. The ECHR contains a catalogue of minimum human rights standards, but has also provided (and still provides) important impulses for the development of the Swiss catalogue of fundamental rights. This development is particularly fuelled by the "living instrument"-doctrine of the ECtHR, which allows the Court to interpret the Convention on an updated understanding through the application of a dynamic-teleological interpretation.* *The ECtHR's line of jurisprudence was of very much importance for the development of procedural guarantees in the Swiss Confederation. It initially led to considerable legal and institutional innovations in criminal proceedings and later also in public law proceedings. In particular, the ECHR had a considerable influence on the expansion of the control of administrative acts and on the creation or consolidation of independent administrative courts at cantonal and federal level, thus shaping not only the legal system but also the institutions entrusted with its execution. More recently, the importance of the ECHR for Swiss public procedural law has tended to decline: The establishment of a comprehensive guarantee of legal recourse (Art. 29a of the Federal Constitution), the differentiation of procedural guarantees on the occasion of the total revision the Federal Constitution in 1999 (Art. 29-32 of the Federal Constitution) and, finally, the comprehensive revision of the procedural decrees in civil, criminal and public law have substantially increased the level of procedural protection, so that in the meantime the ECHR fell back to its intended function of a common European minimum standard.* *(Partly an excerpt from KIENER REGINA/RÜTSCHE BERNHARD/KUHN MATHIAS, Öffentliches Verfahrensrecht, 2. Ed., Zürich/St. Gallen 2015)*

3.55. Dr. Ljubomir Frckoski – Macedonia	*The Professor has send a book.*
3.56. Assoc. Professor Juan Pablo Beca F. - Chile	*They represent minimum standards. They are already provided in almost all rights, but there are some exceptions. I don't think there are regulations above international standards.*
3.57. Professor Simon Rice - Australia	International Human Rights Documents in Australia have no formal significance. Australia's is a dualist system; even when Australia is a party to a treaty, the terms of the treaty have no domestic effect unless they are formally given effect by executive or legislative action. Australia has given little explicit effect to its human rights treaty obligations. Australian laws that give some effect to some treaty obligations, and aspects of Australia's laws may operate above international human rights standards, but that is not a matter of formal record or even relevance. Whether Australia's treaty obligations affect state conduct is discretionary and highly variable, often on the basis of political party policy. Australia's treaty obligations are a rhetorical tool for non-government human rights advocates.
3.58. Dr. Renata Bedö - Hungary	
3.59. Damir Banović - Bosnia and Herzegovina	I would say both. They are minimum human rights standards in the Bosnian Legal System already provided, but also must-reach aims. It depends on the nature of particular standard. Article II of the Bosnian Constitution is devoted to human rights and fundamental freedoms stating that "Bosnia and Herzegovina and both Entities shall ensure the highest level of internationally recognized human rights and fundamental freedoms. A list of additional human rights agreements (15 human rights documents) to be applied in Bosnia and Herzegovina is provided by Annex I. Moreover, the European Convention for Human Rights together with its Protocols is part of the Bosnian Constitution. According to Art. II.2 the Convention "shall

	apply directly in Bosnia and Herzegovina" and "shall have priority over all other law". The Constitutional Court of Bosnia and Herzegovina in one of its decisions defined that the Convention indeed has priority over all other law, but not priority over the Constitution. Having in mind that the constitutional system of Bosnia and Herzegovina includes (formally and substantially) the most important human rights declaration and conventions, our system and the Constitutional Court have not developed some new standard that would encompass a human right standard that goes beyond international human rights framework.
3.60. Dr. Lilla Berkes, PhD candidate) - Hungary	In general, International Human Rights Documents are considered in the practice of the Constitutional Court to be a minimum standard for the enforcement of fundamental rights but this doesn't mean that the Constitutional Court necessarily follows the interpretation of international courts in its practice. Also, the text of the Basic Law of Hungary[5] is mainly the same as of those human rights documents. However, there are some differences: there is a due process requirement for administrative procedures[6], or some special cases for restricting freedom of expression which aims to protect minority groups.[7]
3.61. Professor Dr. iur. Jorge León - Peru	Los tratados de derechos humanos, y las decisiones que han interpretado dichos tratados son considerados como parámetro de control de las normas internas y como "mínimos" de los contenidos a garantizar de los derechos por parte del Estado. En cuanto al nivel de su cumplimiento, se debe señalar que existe un Plan Nacional de Derechos Humanos 2018-2021 del Ministerio de Justicia y Derechos Humanos del Estado Peruano con el objetivo de desarrollar políticas a favor de 13 grupos

[5] http://njt.hu/translated/doc/TheFundamentalLawofHungary_20190101_FIN.pdf

[6] Basic Law Article XXIV section (1) Everyone shall have the right to have his or her affairs handled impartially, fairly and within a reasonable time by the authorities. Authorities shall be obliged to state the reasons for their decisions, as provided for by an Act

[7] Basic Law Article IX section (5) The right to freedom of expression may not be exercised with the aim of violating the dignity of the Hungarian nation or of any national, ethnic, racial or religious community. Persons belonging to such communities shall be entitled to enforce their claims in court against the expression of an opinion which violates their community, invoking the violation of their human dignity, as provided for by an Act

	que requieren una especial protección en el marco de los Tratado de Derechos Humanos ratificados por el Perú. Respecto, a algún sistema legal por encima de los estándares internacionales de derechos humanos, se puede mencionar el caso de la indemnización por error de sentencia judicial que en el Pacto Internacional de Derechos Civiles y Políticos (artículo 10) alcanza únicamente en caso de haber sido condenado con una sentencia firme por error judicial. Sin embargo, la Constitución Política del Perú también prevé la indemnización por detenciones arbitrarias (artículo 139.7).
3.62. Professor Thierry Rambaud – France	An article was sent by the Professor.
3.63. Mario Campora - Melisa Szlajen - Argentina	In my opinion, most of human rights instruments are written in a way that allows the states ratify and apply them and also, to adapt the treaties to the changes over time. Because of that, usually it is necessary that the organs with competence to interpret that instruments make standards to understand how to apply them. One example is the Interamerican Human Rights Court. The article 64 of the American Convention of Human Rights allow the member states of the Organization to consult the Court regarding the interpretation of the Convention or other treaties concerning the protection of human rights[8]. If the states don´t respect and apply this standards may be responsible because of violate their international obligation. Fortunately, apart from the National Constitution we have others constitutions and laws that guarantee the human rights. The Constitution of Buenos Aires City establish in chapter nine, articles 36 to 38 the gender equality and takes the obligation to make publics politics to modify stereotyped sociocultural patterns according "Belem Do Para" Convention[9]. In the same way, in 2009, the congress approve Law 26.485 of integral protection for prevention, sanction and elimination of violence against woman[10]. In article 3 the law establish that the rights protected are the ones recognized by the Convention to eliminate discrimination against women, the Interamerican

[8] Art. 64, American Convention of Human Rigths, adopted at San José, Costa Rica, 11/22/1969, at the Interamerican Specialized Conference on Human Rights, entry into force 07/18/1978.
[9] Arts. 36 to 38 Buenos Aires City Constitution.
[10] http://servicios.infoleg.gob.ar/infolegInternet/anexos/150000-154999/152155/norma.htm

	Convention to prevent, sanction and eliminate violence against women and Child Rights Conventions[11]. Like this law our country have a lots of laws to guarantee human rights, the problem is that sometimes the law is not accompanied by public politics or statistics to know what actually happened and to modify and guarantee human rights, so minorities need the judicial branch to achieved them. Here a lot of No Governmental Organizations use what is called strategic litigation. They use a case, that can have one or more actors, to show the state failure and to suggest a solution, a judiciary case turns into a politic accion[12]. One recent example is the case of "Melchor Romero". In that case, the NGO called CELS - where I´ve been voluntary - present a writ of protection in defense of the people that were hospitalized in the psychiatric hospital, "Melchor Romero", because of the systematic violation of their human rights and with the objective of implement the National Law of Mental Health[13]. The violations denounced were, the excessive use of medication, lack of food, lack of right medical treatments, danger in the building and rapes[14]. In 2018, when the ONU´S special narratable of torture come to visit our country said that he was worried about the situation of the Hospital and of the patients that live in not dignify conditions.[15] That was one of the results of the appeal, that an international organization knows the situation and exert pressure. Also it permits to work in a different way, civil organizations and the government work together to make changes and finally this year the government gives 23 million of pesos to achieve outsourcing the inmates[16].
3.64. Dr. Alaa Nafea Kttafah - Iraq	**إذا كان هناك من ذلك هل لك أن تشرح؟** **ج/ طبعا ان الوثائق الدولية المتعلقة بحقوق الانسان تعد واحدة من الاطر القانونية المرسومة لحماية حقوق الانسان وحرياته ، كون هذه الوثائق الدولية تعد وفق الراي الراجح عند فقهاء القانون الدولي ذات اعلوية على**

[11] Art. 3, National Law 26.485, Integral protection for prevention, sanction and elimination of violence against woman, sanction in 2009, the 11 of march, and entry into force the first of april of the same year.
[12] CELS, "La lucha por el derecho" ,Siglo veintiuno editores, Buenos Aires, 2008.
[13] CELS, "El litigio de reforma estructural como herramienta para la implementación de la Ley Nacional de Salud Mental: el caso Melchor Romero y la protección de los grupos vulnerables", 1/12/2016.
[14] *Op. Cit.*
[15] https://www.cels.org.ar/web/2018/04/la-argentina-es-responsable-de-una-generalizada-persistente-y-seria-violacion-de-la-convencion-contra-la-tortura/
[16] https://www.cels.org.ar/web/2019/04/melchor-romero-el-estado-provincial-comprometio-23-millones-de-pesos-para-la-externacion-de-personas-manicomializadas/

	القانون الداخلي للبلد بعد الانضمام اليها التصديق عليها من قبل السلطة المختصة وبمعنى اخر انها تعد جزء من القانون الداخلي بعد تضمينها بقوانين . **في العراق ورد في الدستور العراقي الصادر عام 2005 باب كامل لشرح مفصل للحقوق والحريات الاساسية سواء السياسية والاجتماعية والاقتصادية والعلمية والبيئية ، ولاشك ان التنظيم جاء على مستوى عالى من تصنيف الحقوق والحريات الاساسية ، مع ملاحظة ان بعضها (أي الحقوق) تتطلب تنظيم تشريعي من قبل البرلمان وهي الثغرة والهفوة التي وقع بها المشرع الدستوري عندما اغفل النص على وجود تنظيم الحقوق الاساسية بشكل ملزم بقانون .**
3.65. Professor Silvina Ramirez - Argentina	En general -en Argentina- la regulación jurídica de los derechos humanos responde a los estándares internacionales. Desde ya, ello no garantiza su respeto y cumplimiento, por lo cual existe un alto grado de judicializacicón.
3.66. Agnieszka Bień-Kacała - Poland	*The professor has chosen not to publish her answers.*
3.67. Professor Dr. Claire Breen - Australia	
3.68. Marwan Al-Moders - Bahrain	*The Professor has send articles.*
3.69. Dhia Al Uyun - Indonesia	***Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims?*** *Tidak.* ***Are there any regulations in your legal system above international human rights standards?*** *Hal ini sangat bergantung dengan ratifikasi dan penerimaan masyarakat.* ***If there are, would you please explain?*** *Undang-Undang Republik Indonesia Nomor 19 Tahun 1999 Tentang Pengesahan ILO Convention No.105 Concerning The Abolition of Forced Labour (Konvensi ILO Mengenai Penghapusan Kerja Paksa) Lembaran Negara*

	Republik Indonesia Tahun 1999 Nomor 55 Tambahan Lembaran Negara Republik Indonesia Nomor 3834 *Undang-Undang Republik Indonesia Nomor 20 Tahun 1999 Tentang Pengesahan ILO Convention No.138 Concerning Minimum Age for admission to Employment (Konvensi ILO tentang Usia minimum untuk Diperbolehkan Bekerja) Lembaran Negara Republik Indonesia Tahun 1999 Nomor 56 Tambahan Lembaran Negara Republik Indonesia Nomor 3835* *Undang-Undang Republik Indonesia Nomor 21 Tahun 1999 Tentang Pengesahan ILO Convention No.111 Concerning Discrimination in Respect of Employment and Occupation (Konvensi ILO Mengenai Diskriminasi dalam Pekerjaan dan Jabatan) Lembaran Negara Republik Indonesia Tahun 1999 Nomor 57 Tambahan Lembaran Negara Republik Indonesia Nomor 3836* *Undang-Undang Republik Indonesia Nomor 39 Tahun 1999 Tentang Hak Asasi Manusia Lembaran Negara Republik Indonesia Tahun 1999 Nomor 165 Tambahan Lembaran Negara Republik Indonesia Nomor 3886* *Undang-Undang Republik Indonesia Nomor 1 Tahun 2000 Tentang Pengesahan ILO Convention No.182 Concerning The Prohibition and immediate Action For Ellimination of the Worst Forms of Child Labour (konvensi ILO Nomor 182 Tentang Pelarangan dan Tindakan Segera Penghapusan bentuk-bentuk Pekerjaan Terburuk untuk Anak) Lembaran Negara Republik Indonesia Tahun 2000 Nomor 30 Tambahan Lembaran Negara Republik Indonesia Nomor 3941* *Undang-Undang Republik Indonesia Nomor 19 Tahun 2001 Tentang Pengesahan Convention on the Rights of Persons With Dissabilities (Konvensi mengenai Hak-Hak Penyandang Dissabilitas) Lembaran Negara Republik Indonesia Tahun 2011 Nomor 107 Tambahan Lembaran Negara Nomor 5251* *Undang-Undang Republik Indonesia Nomor 39 Tahun 2004 Tentang Penempatan dan Perlindungan Tenaga*

	Kerja Indonesia di Luar Negeri Lembaran Negara Republik Indonesia Tahun 2004 Nomor 133 Tambahan Lembaran negara Republik Indonesia Nomor 4445 *Undang-Undang Republik Indonesia Nomor 11 Tahun 2005 Tentang Pengesahan International Convenant on Economic, Social and Cultural Rights Lembaran Negara Republik Indonesia Tahun 2005 Nomor 118 Tambahan Lembaran Negara Republik Indonesia Nomor 4557* *Undang-Undang Republik Indonesia Nomor 12 Tahun 2005 Tentang Pengesahan International Convenant on Civil dan Political Rights Lembaran Negara Republik Indonesia Tahun 2005 Nomor 119 Tambahan Lembaran Negara Republik Indonesia Nomor 4558*