



**NATIONAL UNIVERSITY HANOI**  
**SCHOOL OF LAW**

**COURSE SYLLABUS**  
**Đề cương môn học**

**MASTER  
PROGRAMME  
ON HUMAN  
RIGHTS  
LAWS**

**Thạc sỹ Pháp  
Luật về Quyền  
con người**

**COHORT**

**2017-2019**

**CAL 6030**

*Human rights in ASEAN*

**Quyền con người  
trong khu vực  
ASEAN**

**With the support of  
Australian Government  
through Aus4Skills**

## NỘI DUNG MÔN HỌC/ COURSE SYLLABUS

Mã/Course code	CAL 6030
Tên Course title	Human Rights in ASEAN
/# of credits	2 credits
Số thời gian lên lớp / Lecturing hours	In class: 5 lectures x 3 hours= 15hours  1 seminars x 3 hours = hours
Time	25 – 29 May 2018
Name of course instructors/lecturers	Dr Sriprapha Petcharamesree, Institute of Human Rights and Peace Studies, Mahidol University, Thailand  Dr Ngo Huong, Law School, VNU-SL Dr La Khanh Tung, Law School, VNU-SL
Ngôn ngữ Language conduct	English/Vietnamese

### 1. Mục tiêu đào tạo/ Course objective

Môn học này dự định giúp học viên:

1. Hiểu được rõ về cấu trúc kinh tế, xã hội, văn hoá của các nước trong ASEAN để thúc đẩy và bảo vệ quyền con người
2. Cung cấp cho học viên các công cụ khái niệm và pháp lý để phân tích các tình huống nhân quyền của ASEAN
3. Khuyến khích học viên nhận diện các yếu tố ảnh hưởng đến thúc đẩy và bảo vệ quyền con người trong khu vực để có thể đánh giá và nhận xét về việc thúc đẩy thực hiện các tiêu chuẩn quốc tế về nhân quyền trong khu vực

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- Học phần này sẽ tập trung vào cấu trúc kinh tế, chính trị và xã hội và những thay đổi lớn của ASEAN.
- Khoa học đư arab ứctranhto àndiện và đầy đủ về tình hình nhân quyền củ akhuv ưc.
- Mối quan hệ giữa cấu trúc chính trị củ acáccquốcgia và tình hình v ềnhân quyền.
- Thể chế hoá luật nhân quyền ở ASEAN và cáccquốcgia ASEAN baogồmviệcthành lậpj cơchếnhân quyềnkhuv ưc.

The course will focus on the political, economic and social structures and major changes in Southeast Asia (SEA). A comprehensive overview of human rights situation in the region as well as the States in SEA. The link between these structures and human rights situation. Institutionalization of human rights laws in ASEAN and ASEAN Member States including the establishment of the regional human rights regime.

#### Prerequisites

- Strong interest in area studies, Asia and Southeast Asia in particular
- Having law or political science, international relations, sociology back ground would be an asset.
- Being able to participate in the discussions

#### 3. Criteria for Evaluation and Exam:

- Student is requested to analyse the ASEAN Human Rights Declaration- 30 %
- Each student is to prepare an essay on one of the issues regarding human rights in ASEAN. The paper is about 1500-2000 words in length. (Submit within one month after the end of the course) – 50 %

- Each student is expected to read the materials and participate actively in the class – 20 %

The assessment of paper will be based on the following criteria;

- Clarity of the theme, purpose and rationale of the paper;
- Relevance and sufficiency of the literature consulted
- Appropriate use of theories or concepts to frame the study;
- Appropriate use of the data and methods;
- Clarity of tables and figures (if any);
- Appropriate interpretation of the findings including soundness and internal consistency of reasoning and arguments advanced;
- Clarity of the paper's organisation and structure;
- Clarity and conciseness of writing

**Course paper:/ Assignment:**

(to be provided)

**4. Course schedule/ Lịch học**

**Comment [HN1]:** to be revised

No	Time	Name of lecture	Lecturer
1	25 May 2018 17:30 – 20:30	Lecture 1: Introduction to Southeast Asia	Dr. Petcharamesree Dr Ngo Huong
2	26 May 2018 9:00 – 12:00	Lecture 2: Southeast Asia and the international human rights discourse and standard	Dr. Petcharamesree Dr Ngo Huong
3	26 May 2018 14:00 – 17:00	Lecture 3: An examination of human rights situation in SEA and its dynamics	Dr. Petcharamesree Dr Ngo Huong
4	27 May 2018 9:00 – 12:00	Lecture 4: Development of ASEAN human rights regime at national level	Dr. Petcharamesree Dr La Khanh Tung
5	27 May 2018 14:00 – 17:00	<b>Lecture 5:</b> ASEAN human rights regime and the protection and promotion of human rights in Southeast Asia.	Dr. Petcharamesree Dr La Khanh Tung

6	28 May 2018 17:30 – 20:30	Seminar – Human rights in ASEAN/SEA : An examination of its progress.	Dr. Petcharamesree Dr La Khanh Tung
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### Required Readings

1. Basic texts of a) the Bangkok Declaration of 1967 b) the ASEAN Charter c) the ASEAN Roadmap for the ASEAN Community (2009-2015), d) the Terms of Reference of the ASEAN International Commission on Human Rights (AICHR), e) the Terms of Reference of the ASEAN Commission on the Protection of the Rights of Women and Children, f) the ASEAN Human Rights Declaration (all documents are available on ASEAN Website);
2. ASEAN, ASEAN 2025 :Forging Ahead Together, <http://www.asean.org/storage/2015/12/ASEAN-2025-Forging-Ahead-Together-final.pdf>;
3. Vatikiotis, Michael,(1996) , Political Change in Southeast Asia: Trimming the Banyan Tree, London, Routledge.
4. Gerard Clarke, The Evolving ASEAN Human Rights System: The ASEAN Human Rights Declaration of 2012, Northwestern Journal of International Human Rights, Volume 11|Issue 1|Article 1|Fall 2012,<http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1154&context=njihr>
5. SripraphaPetcharamesree, The ASEAN Human Rights Architecture : Its Development and Challenges, The Equal Rights Review, Vol 11, 2013, <http://www.equalrightstrust.org/ertdocumentbank/Sriprapha%20Petcharamesree%20ERR11.pdf>
6. Donald K. Emmerson, Will the Real ASEAN Please Stand Up? Security, Community, and Democracy in Southeast Asia, [https://aparc.fsi.stanford.edu/sites/default/files/Emmerson\\_04\\_05\\_2005.pdf](https://aparc.fsi.stanford.edu/sites/default/files/Emmerson_04_05_2005.pdf)
7. Sen, Amartya, (1997), Human Rights and Asian Values, 16th Morgenthau Memorial Lecture on Ethics & Foreign Policy.
8. Le HoaiTrung, Deputy Minister of Foreign Affairs, Building an ASEAN Community by 2015 for peace, sustainability, development, towards the people , National Defense Journal, March 20 2015, <http://tapchiqptd.vn/en/theory-and-practice/building-an-asean-community-by-2015-for-peace-sustainability-development-towards-the-people/7142.html>
9. Muntarbhorn, Vitit, (2013), Unity in Connectivity? Evolving Human Rights Mechanisms in the ASEAN Region, MartinusNijhoff Publishers, Lieden.

10. Petcharamesree, Sriprapha, The Human Rights Body : A Test for Democracy Building of ASEAN, International Idea for Development and Electoral Assistance, February, 2009.
11. OHCHR, The major regional human rights instruments and the mechanisms for their implementation,  
<http://www.ohchr.org/Documents/Publications/training9chapter3en.pdf>
12. Li-ann Thio, Implementing Human Rights in ASEAN Countries: "Promises to keep and miles to go before I sleep", Yale Human Rights and Development Journal, Volume 2, Issue 1,  
<http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1008&context=yhrdj>

#### Recommended Readings

1. Bauer, J. And Bell D., (1999), The East Asian Challenges for Human Rights, Cambridge University Press, Cambridge.
2. Burdekin, Brian (2007), National Human Rights Institutions in the Asia-Pacific Region, Martinus Nijhoff Publishers, Leiden.
3. OHRSD, (2009), Towards an ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, The Working Group for an ASEAN Human Rights Mechanism, Manila.
4. SEAHRN, (2011), Breaking the Silence, Human Rights in Southeast Asia, Series I, Sacan Media, Bangkok.
5. SEAHRN, (2013), Defying the Impasse, Human Rights in Southeast Asia, Series II, Sacan Media, Bangkok.
6. SEAHRN, (2013), Voicing the Marginalized, Human Rights in Southeast Asia, Series III, Sacan Media, Bangkok.
7. Viti Muntarbhorn, (2002), Dimensions of human rights in the Asia-Pacific Region, Office of the National Human Rights Commission of Thailand, Bangkok, 2002.
8. Working Group for an ASEAN Human Rights Mechanism, (2003) ASEAN and Human Rights, A Compilation of ASEAN statements on human rights, Manila. New version (2017) will be provided.
9. Human Rights in Southeast Asia

Volume 1: [http://shapesea.com/sdm\\_downloads/textbook-human-rights-asia/](http://shapesea.com/sdm_downloads/textbook-human-rights-asia/)

Volume 2: [http://shapesea.com/sdm\\_downloads/human-right-southeast-asia-vol-2-chapters/](http://shapesea.com/sdm_downloads/human-right-southeast-asia-vol-2-chapters/)

#### Other Readings;

- 1. Roadmap for an ASEAN Community 2009-2015, [http://www.asean.org/storage/images/ASEAN\\_RTK\\_2014/2\\_Roadmap\\_for\\_ASEAN\\_Community\\_20092015.pdf](http://www.asean.org/storage/images/ASEAN_RTK_2014/2_Roadmap_for_ASEAN_Community_20092015.pdf)
- 2. ASEAN, ASEAN 2025 :Forging Ahead Together, <http://www.asean.org/storage/2015/12/ASEAN-2025-Forging-Ahead-Together-final.pdf>
- 3. Gerard Clarke, The Evolving ASEAN Human Rights System: The ASEAN Human Rights Declaration of 2012, Northwestern Journal of International Human Rights, Volume 11 | Issue 1 Article 1 Fall 2012, <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1154&context=njihr>
- 4. Sriprapha Petcharamesree, The ASEAN Human Rights Architecture : Its Development and Challenges, The Equal Rights Review, Vol 11, 2013, <http://www.equalrightstrust.org/ertdocumentbank/Sriprapha%20Petcharamesree%20ERR11.pdf>
- 5. Donald K. Emmerson, Will the Real ASEAN Please Stand Up? Security, Community, and Democracy in Southeast Asia, [https://aparc.fsi.stanford.edu/sites/default/files/Emmerson\\_04\\_05\\_2005.pdf](https://aparc.fsi.stanford.edu/sites/default/files/Emmerson_04_05_2005.pdf)
- 6. Le Hoai Trung, Deputy Minister of Foreign Affairs, Building an ASEAN Community by 2015 for peace, sustainability, development, towards the people , National Defense Journal, March 20 2015, <http://tapchiquptd.vn/en/theory-and-practice/building-an-asean-community-by-2015-for-peace-sustainability-development-towards-the-people/7142.html>

### **Seminar: Roles of Civil Society in the establishment of the ASEAN Human Rights Regime**

“ASEAN 2025: Forging Ahead Together” which is the Blueprint for the region until 2025. The concepts of inclusiveness and people oriented-people centred were adopted and repeated throughout the document. The Vision 2025 also emphasizes the promotion and protection of human rights as one of the strategies of the Blueprint.

However, ASEAN is not known for its openness to CSO participation. The seminar will, therefore, examine the roles and participation of CSO not only in the establishment of the ASEAN human rights system but also to assess if, with the concept of inclusiveness and people oriented and people centred, CSO could play a greater role in the promotion and protection of human rights in the region.

#### **Readings**

1. European parliament, Development of the ASEAN Human Rights Mechanism, Briefing



paper, [http://www.europarl.europa.eu/RegData/etudes/note/join/2012/457120/EXPO-DROI\\_NT\(2012\)457120\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/note/join/2012/457120/EXPO-DROI_NT(2012)457120_EN.pdf)

2. [Farid Khan](#) and [RosaliaSciortino](#), ASEAN Governance: Is there a Role for Civil Society?, Heinrich Boll Stiftung-SEA, 16 October 2016, <https://th.boell.org/en/2016/10/20/asean-governance-there-role-civil-society>

3. Toru Oga, Regional human rights mechanism and civil society advocates : A transformation of regionalism and civil society in ASEAN, Malaysian Journal of International Relations, Vol 4, December 2016. Attached here.