5th INTERNATIONAL CONFERENCE
ON HUMAN RIGHTS AND PEACE & CONFLICT IN SOUTHEAST ASIA

MAKING IT MATTER:
Empowering Societies for Human Rights and Dignity in Southeast Asia

15-17 OCTOBER 2018
Marco Polo Hotel - Ortigas
Pasig City, Metro Manila, Philippines

CONFERENCE PROGRAMME
5th INTERNATIONAL CONFERENCE
ON HUMAN RIGHTS AND
PEACE & CONFLICT IN
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MAKING IT MATTER:
Empowering Societies for
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Marco Polo Hotel - Ortigas
Pasig City, Metro Manila, Philippines

CO-ORGANIZED BY:
Ateneo de Manila University
Human Rights Center
Miriam College
Department of International Studies
University of the Philippines
Law Center
Institute of Human Rights

SUPPORTED BY:
SHAPE SEA
Strengthening Human Rights
and Peace Research / Education
in ASEAN / Southeast Asia
(SHAPE-SEA) Programme

SWEDEN
Greetings of Peace!

Welcome everyone to the Fifth International Conference on Human Rights and Peace & Conflict in Southeast Asia with the theme Making It Matter: Empowering Societies for Human Rights and Dignity in Southeast Asia.

We, the members of the Southeast Asian Human Rights and Peace Studies Network (SEAHRN), are very pleased that in this, our eighth year of existence, we are able to organise our fifth biannual human rights and peace & conflict conference. Our conferences have taken us from Bangkok (2010), to Jakarta (2012), to Kuala Lumpur (2014), back to Bangkok (2016) and now here, crossing the South China Sea for the first time, in Manila.

Firstly, some thanks are in order. Our partners for this conference are the University of the Philippines Law Center’s Institute of Human Rights, Miriam College-Department of International Studies, Ateneo de Manila University’s Human Rights Center, the Strengthening Human Rights and Peace Research/Education in ASEAN/Southeast Asia Programme (SHAPE-SEA) and the Swedish International Development Cooperation Agency (SIDA). We are so grateful for their hard work and contributions that have made this gathering a reality.

To our all speakers, in particular our distinguished keynote speakers, Judge Raul C. Pangalangan and Kamala Chandrakirana, we thank you for your participation and look forward to hearing, what I am certain will be thought provoking and excellent presentations.
SEAHRN is a network of academic institutions which work in human rights and peace. At the moment we have 23 members from (in alphabetical order) Cambodia, Indonesia, Laos, Malaysia, Philippines, Thailand and Vietnam. We are always looking for more.

Our activities include organising this conference, publishing, organising training for human rights and peace researchers and teachers, organising national seminars and anything else we can think of which is in line with our aspirations to make human rights and peace values a norm in the region via collaboration between scholars. As convenor of SEAHRN, I am tempted to show off, but instead will refer you to our website if you wish to know more about us and our work (www.seahrn.net.)

The theme for our conference this year is “Making it Matter: Empowering Societies for Human Rights and Dignity in Southeast Asia”. The reason we chose it is because human rights and peace have been taking a battering not just in our region but around the world. Voices of the far right and the extremist have been dominating the discourse of public life and it appears that all the developments in human rights and peace, garnered with such difficulty and hardship over the years are being eaten away.

It is of vital importance that human rights and peace defenders reclaim the narrative by pushing the agenda that human rights and a rights-based approach to public life is what will ultimately ensure a better and safer life for us all. We must not allow human rights and peace to be made an irrelevance by the short sighted and the desperate. We must once again show the worth of our values. We must make it matter once more.

Dr. Azmi Sharom,
SEAHRN Convenor
Dear Fellow Human Rights and Peace Advocate,

It is with great anticipation and pleasure that I welcome you to the Fifth International Conference on Human Rights and Peace & Conflict in Southeast Asia here in Manila, the Philippines. With all the challenges to human rights and peace that confront our region at this time, this conference could not have come at a better time to gather kindred spirits and fellow advocates in finding ways to address these.

The theme this year, "Making It Matter: Empowering Societies for Human Rights and Dignity in Southeast Asia," recognizes the imperative for stakeholders, particularly the rights holders, to be aware of their rights, build capacity on how to exercise these, and be involved in matters that affect their lives to ensure that the peoples’ rights and dignity are the heart of governance of our leaders in Southeast Asia. More particularly, conference aims to gather academics, scholars, researchers, graduates and post-graduate students, members of civil society organizations and governments to present and discuss factors that affect the protection of human rights, building of peace, and transformation of conflicts with the penultimate objective of claiming our dignity in Southeast Asia.

The issues that confront us are complex ones, many of which could not simply be addressed in one conference. But as this conference builds on past ones which have continuously discussed these complex problems, this is all our collective contribution, together with our respective governments, in seeking solutions for the betterment of our society.

I further invite all of you to take this opportunity to further build our networks and renew ties with fellow human rights and peace advocates as we have the shared goal of building a culture of human rights for the betterment of our society. May you also find our side events as meaningful as our sessions in understanding and addressing contemporary human rights and peace issues.

In solidarity,

Ray Paolo J. Santiago
Executive Director
Message from Miriam College – Department of International Studies

The Miriam College - Department of International Studies is a proud collaborator of the 5th SEAHRN Conference entitled “Making it Matter – Empowering Societies for Human Rights and Dignity in Southeast Asia”.

What would it take, then, to have empowering societies in the region?

**Empowering societies is about making it safe for people to act collectively.** The region and its people are diverse, and diversity – difference – it often used as a weapon against human rights.

**Empowering societies is about upholding human rights fearlessly.** In our region there remain people who are still deprived of the right to have rights. Meanwhile, those who have rights suffer violations from governments that are supposed to protect these rights.

**Finally, empowering societies is about taking care of each other.** It entails transformative leadership practices that require exactly this – empowerment and care.

Empowering societies will take a relentless academic community and social movement committed to respect for equality, diversity, and difference within and among societies across classes, races, ethnicities, faiths and religions, gender identities, sexualities, and more.

As a Catholic, feminist, educational institution, Miriam College, in partnership with SEAHRN, commits to co-creating an empowering and empowered region for human rights academics and activists. We hope you will as well.

Asst. Prof. Pacita Dechavez Fortin, RSW, MA Chairperson  
Department of International Studies
October 15, 2018

Dear Conference Participants,

Mabuhay!

With much joy and honor, I welcome you to the 5th International Conference on Human Rights and Peace & Conflict in Southeast Asia. On behalf of the Institute of Human Rights (IHR), University of the Philippines College of Law and Law Center, it is my privilege to partner and co-organize this year’s conference with other Philippine academe-based human rights centers.

For close to a decade, the Southeast Asian Human Rights Studies Network (SEAHRN) has conducted biennial conferences with the goal of fostering regional cooperation towards a culture of peace and respect for human dignity. Our theme this year is “Making it Matter: Empowering Societies for Human Rights and Dignity in Southeast Asia” that will focus on pressing human rights issues in the Region. Our speakers will examine various means of achieving inclusive societies in Southeast Asia in light of the present social and political landscape.

We recognize the urgent need for enabling and strengthening civil society as it works with government to protect and promote the human rights of every individual through the development of law and formulation of policy based on human dignity and equality. We are optimistic that this conference will allow for a multi-perspective exchange of ideas on conflict transformation and human rights protection.

Finally, it is my hope that the conference sessions will encourage us to flesh out the varied points of discussions by asking ourselves how they are relevant to us and the society we live in. After all, the significance of this conference hinges on us discerning a connection that strikes home. For instance, as a professor and law practitioner who advocates for women’s and children’s rights, I realize the need for raising collective and individual concerns for the protection of groups that are marginalized and vulnerable to abuses, due to overlapping layers of discrimination on the grounds of gender, age and economic circumstances. By finding our niche and advocating for that particular cause, we underscore the concept of human rights as one rooted in diverse human lives—each equally valuable and indispensable.

I look forward to a dynamic and fruitful three-day conference.

Professor Elizabeth H. Aquiling-Pangalangan
Director
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ABOUT THE CONFERENCE

In organizing this series of international conferences, one of the main aspirations of SEAHRN is to motivate and support scholars, young researchers and activists in contributing to the production of knowledge on human rights and peace studies in Southeast Asia. This Conference opens up space for continued dialogue and exchange of knowledge in order to ensure a dynamic and vigorous debate on contemporary human rights and peace & conflict issues in the region. Over the years, human rights and peace scholars and activists have been reflexively addressing the dynamic changes happening in Southeast Asia and engaging in constructive discussions and debates on the dialectics of human rights and peace and conflict.

This year, the Southeast Asian Human Rights and Peace Studies Network (SEAHRN) is organizing the Fifth International Conference on Human Rights and Peace & Conflict in Southeast Asia with the theme "Making it Matter: Empowering Societies for Human Rights and Dignity in Southeast Asia" at the Marco Polo Ortigas Hotel, Pasig City, Metro Manila, Philippines.

We are pleased that we are holding this conference in the country called as "The Pearl of the Orient," which for long periods of time has been at the forefront of developments in human rights and peace in the region. Our theme this year is "Making it Matter." We chose it because in the world today, human rights have been marginalised in some countries, demonised in others, and ignored completely in too many. It is time to ensure that the past efforts of mainstreaming human rights continue; that the gains of the past 70 years are not lost and that the importance of human rights and peace for the development of all peoples not forgotten. In other words, human rights and peace matter and must be seen to matter, anywhere and at all times.

Our keynote speakers, Judge Raul C. Pangalangan and Kamala Chandrakirana, are prominent Southeast Asians, who have dedicated their lives in working for the promotion and protection of human rights and building of peace. The Conference will also feature 21 parallel panels and 3 plenary panels with at least 70 academic papers to be presented. We are anticipating, at least, 200 participants from the academe, Civil Society Organizations, governments, media, and inter-governmental organizations.
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ABOUT SEAHRN

The **Southeast Asian Human Rights and Peace Studies Network (SEAHRN)** is an independent consortium of scholars from 23 university-based institutions that conduct study programs, education, research and outreach activities on human rights and peace in Southeast Asia. It was established in October 2009, with 14 founding members from 6 Southeast Asian countries, namely, Indonesia, Laos, Malaysia, Philippines, Thailand and Vietnam. SEAHRN is currently convened by Dr. Azmi Sharom of the Faculty of Law, Universiti Malaya, and is co-convened by Atty. Ma. Ngina Gonzaga of the Ateneo de Manila University Human Rights Centre.

SEAHRN envisions a Southeast Asia where the culture and values of human rights and peace are instilled through higher education. Its mission is to build a regional cooperation on human rights and peace and conflict in higher education to contribute to better promotion and protection of human rights of Southeast Asian peoples. It aspires to lend a Southeast Asian voice to human rights discourse and to contribute to the growing knowledge on peace and conflict in the region.

SEAHRN has the following objectives:

1. To strengthen human rights education at the university level in Southeast Asia through faculty and course development
2. To enhance knowledge and develop deeper understanding of human rights in Southeast Asian countries through collaborative research
3. To achieve excellent regional academic and civil society cooperation in realizing human rights in Southeast Asia, and
4. To conduct public advocacy through critical engagement with civil society actors, governments and intergovernmental bodies in Southeast Asia.

SEAHRN has since organized the following:

1. Workshop on Teaching Human Rights (February 2010)
2. First International Conference on Human Rights and Peace in Southeast Asia (October 2010, Bangkok)
3. Workshop on Academic Research in Human Rights and Peace and Conflict (July 2011)
4. Training on Academic Research in Human Rights and Peace and Conflict (October 2011)
5. Second International Conference on Human Rights and Peace & Conflict in Southeast Asia (October 2012, Jakarta)
7. Fourth International Conference on Human Rights and Peace & Conflict in Southeast Asia: Reclaiming Lost Ground (October 2016, Bangkok)

SEAHRN has published its first book entitled Human Rights in Southeast Asia Series I: Breaking the Silence in October 2011, which contained select papers from the First International Conference. Following the Second International Conference, two books were published in the Human Rights and Peace in Southeast Asia series, namely Series 2: Defying the Impasse and Series 3: Amplifying the Voices, containing select conference papers. The Third International Conference published two more books, Series 4: Challenging the Norms and Series 5: Pushing the Boundaries. Series 6: Protecting the Powerless, Curbing the Powerful, a collection of academic papers from the Fourth International Conference, will be launched at this Conference.
SEAHRN MEMBERS

Cambodia  
  Phnom Penh  
  • Faculty of Law and Public Affairs, Pannasastra University

Indonesia  
  Jakarta  
  • Human Rights Center, Faculty of Law, Universitas Indonesia
  Yogyakarta  
  • Center for Human Rights Studies, Islamic University of Indonesia  
  • Center for Southeast Asia Social Studies, University of Gadjah Mada
  Surabaya  
  • Human Rights Law Studies Center, Faculty of Law, Airlangga University  
  • PUSHAM, Universitas Surabaya
  Banda Aceh  
  • Center for Peace and Conflict Resolution Studies, University of Syiah Kuala
  Medan  
  • PUSHAM, State University of Medan

Laos  
  Vientiane  
  • Human Rights Research Center (HRRC), Lao Academy of Social Sciences (LASS)

Malaysia  
  Kuala Lumpur  
  • Faculty of Law, Universiti Malaya  
  • Gender Studies Program, Universiti Malaya
  Penang  
  • Southeast Asia Conflict Studies Network – Universiti Sains Malaysia  
  • Research and Education for Peace, Universiti Sains Malaysia
  Kota Kinabalu  
  • International Relations Programme, Faculty of Humanities, Arts, and Heritage Universiti Malaysia Sabah
5th International Conference
Southeast Asian Human Rights and Peace Studies Network (SEAHRN)
Fifth International Conference on Human Rights and Peace & Conflict
in Southeast Asia
Making It Matter:
Empowering Societies for Human Rights and Dignity in Southeast Asia
Marco Polo-Ortigas Hotel, Pasig City, Metro Manila, Philippines
15-17 October 2018

Conference Schedule
Day 1
(15 October 2018)

0800 – 0900 Registration

0900 – 0930 Opening Session
Dr. Azmi Sharom, SEAHRN Convenor
Grand Ballroom

0930 – 1015 Opening Keynote Speech
Judge Raul C. Pangalangan
Activism Through Law: The Legal Path Transforms the Advocate As Well
Grand Ballroom

1015 – 1045 Coffee Break

Parallel Session A

1045 – 1230
A1 Children Claiming Rights
Aloe Rm.

A2 Political Rights in Southeast Asia
Freesia Rm.

A3 Labour and Migration
Oudh Rm.

A4 Human Rights Defenders and Peace Workers (Special Panel on ASEAN and CSOs)
Verbena Rm.

1230 – 1330 Lunch Break / Prayer Time
Grand Ballroom

1330 – 1500 Plenary Panel 1:
Exploring the Post-Truth World and the Reality of Fake News as a Human Rights Challenge and the Role of Media
Grand Ballroom

Moderator: Lorna Q. Israel, MA
Panelists:
Mr. Pravit Rojanaphruk
Mr. Jahabar Sadiq
Ms. Ellen Tordesillas
Ms. Natashya Gutierrez

1500 – 1530 Coffee Break / Prayer Time

Philippines

Quezon City
- Institute of Human Rights, College of Law, University of the Philippines
- Department of International Studies, Miriam College

Makati City
- Ateneo Human Rights Center, Ateneo Law School

Zamboanga
- Peace and Human Security Center, Western Mindanao State University

Thailand

Bangkok
- MAIDS, Chulalongkorn University

Nakhon Pathom
- Institute of Human Rights and Peace Studies, Mahidol University

Mahasarakham
- Center for the Study of Human Rights and Non-Violence, College of Politics and Governance, Mahasarakham University

Vietnam

Hanoi
- Research Center for Human and Citizen’s Rights, Law Department, Vietnam National University Hanoi

Ho Chi Minh City
- Center for the Study of Human Rights and Citizen’s Rights, Ho Chi Minh City University of Law
Southeast Asian Human Rights and Peace Studies Network (SEAHRN)

Fifth International Conference on Human Rights and Peace & Conflict in Southeast Asia
Making It Matter:
Empowering Societies for Human Rights and Dignity in Southeast Asia

Marco Polo-Ortigas Hotel, Pasig City, Metro Manila, Philippines
15-17 October 2018

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<td>0800 – 0900</td>
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| 0900 – 0930 | Opening Session  
Dr. Azmi Sharom, SEAHRN Convenor  
Grand Ballroom |
| 0930 – 1015 | Opening Keynote Speech  
Judge Raul C. Pangalangan  
Activism Through Law: The Legal Path Transforms the Advocate As Well  
Grand Ballroom |
| 1015 – 1045 | Coffee Break                                 |
| 1045 – 1230 | Parallel Session A  
A1 Children Claiming Rights  
Aloe Rm.  
A2 Political Rights in Southeast Asia  
Freesia Rm.  
A3 Labour and Migration  
Oudh Rm.  
A4 Human Rights Defenders and Peace Workers (Special Panel on ASEAN and CSOs)  
Verbena Rm. |
| 1230 – 1330 | Lunch Break/Prayer Time  
Grand Ballroom |
| 1330 – 1500 | Plenary Panel 1: Exploring the Post-Truth World and the Reality of Fake News as a Human Rights Challenge and the Role of Media  
Grand Ballroom  
Moderator: Lorna Q. Israel, MA  
Panelists: Mr. Pravit Rojanaphruk  
Mr. Jahabar Sadiq  
Ms. Ellen Tordesillas  
Ms. Natashya Gutierrez |
<p>| 1500 – 1530 | Coffee Break/Prayer Time                     |</p>
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<td><em>Aloe Rm.</em></td>
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<td><strong>B2</strong> Children at the Margins</td>
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<td><em>Freesia Rm.</em></td>
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<td><strong>B3</strong> Locating Human Rights in the Palm Oil Industry</td>
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<td><strong>B4</strong> Defending Human Rights</td>
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<td><strong>B5</strong> Inclusive Citizenship or Majoritarian Nationalism? Current Challenges and Good Practices in Myanmar and its States</td>
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<th>Time</th>
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<tr>
<td>18:00-21:00</td>
<td>SEAHRN Human Rights and Peace Series 6: Protecting the Powerless, Curbing the Powerful</td>
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<td><strong>Official Launch</strong></td>
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<td><strong>Moderator:</strong> Professor Dr. Kamarulzaman Askandar</td>
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<td><strong>Panelists:</strong> Mr. Guiamel Alim, Ms. Chalida Tajaroensuk, Dr. Ichsan Malik</td>
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<td>1015 – 1030</td>
<td>Coffee Break</td>
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<td>1030 – 1230</td>
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<td><strong>C2</strong> Protecting Human Rights</td>
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<td><strong>C3</strong> Business and Media</td>
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<td><em>Oudh Rm.</em></td>
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<td><strong>C4</strong> The Bangsamoro Organic Law and Federalism: How can these new forms of governance strengthen human rights and peacebuilding in the Bangsamoro region?</td>
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<td>Women and the ASEAN 2025: Locating the Gender and Human Rights Dimension of the ASEAN Economic Community (AEC)</td>
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1530-1600  Coffee Break/Prayer Time

## Parallel Session E

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<td>Indigenous and Religious Rights</td>
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<td>Remapping and Analysis of Human Rights and Peace Education in Southeast Asia</td>
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1530-1600  Coffee Break/Prayer Time

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### Day 3 (17 October 2018)

<table>
<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>0800-0830</td>
<td>Registration</td>
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<tr>
<td>0830-1030</td>
<td>Plenary Panel 3: Authoritarianism in Southeast Asia</td>
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<td>Grand Ballroom</td>
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<td>Moderator: Dr. Sriprapha Petcharamesree</td>
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<td>Panelists: Dr. Walden Bello  Mr. Pravit Rojanaphruk  Dr. Azmi Sharom  Dr. Deasy Simandjuntak</td>
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<tr>
<td>1030-1045</td>
<td>Coffee Break</td>
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<tr>
<td>1045-1130</td>
<td>Closing Keynote Speech</td>
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<td>Kamala Chandrakirana</td>
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<td>Occupying the Ordinary: Human Rights in the Remaking of Everyday Life</td>
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<td>Grand Ballroom</td>
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<tr>
<td>1130-1200</td>
<td>Closing Session</td>
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<td>1200 onwards</td>
<td>Lunch/Prayer Time</td>
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<td>Grand Ballroom</td>
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</table>
## Parallel Sessions Schedule

### Parallel Session A: 10:45-12:30 (15 October 2018)

| A1 | Children Claiming Rights |  
| Moderator: **Tesa De Vela, PhD** | Aloe Rm, Ninth Flr. |  
|  | |  
|  | Rehabilitating and Empowering Delinquent Children under 10 in Thailand: Approach and Obstacles | **Papontee Teeraphan** |  
|  | A Legal Analysis of Selected ASEAN Declarations and Conventions from a Child Rights Perspective | **Klarise Estorninos** |  
|  | Child labor under tourism growth in Vietnam: between the law and practice | **Huong Ngo** |  
| A2 | Political Rights in Southeast Asia |  
| Moderator: **Azmi Sharom, PhD** | Freesia Rm, Ninth Flr. |  
|  | Criminalising Justice: The use of law on ‘ideological stigmatisation’ for attacking human rights movement in Indonesia | **Herlambang P. Wiratraman** |  
|  | Realization of Freedom of Peaceful Assembly in Vietnam: Possibilities and Challenges | **Le Thi Thuy Huong and Vu Cong Giao** |  
|  | Freedom of Political Expression under Najib Razak in Malaysia | **Mohd Azizuddin Mohd Sani** |  
|  | UNESCO Recommendation on the Status of Higher Education Teaching Personnel: A case study on the level of compliance by the University of Malaya | **Rosli H Mahat, Mohd Zufri Mamat & Rohana Jani** |  

| A3 | Labour and Migration | The Indonesian Migrant Domestic Workers in the Netherlands: The Condition and the Movement  
Nurus S. Mufidah and Amira Paripurna |
| A4 | Human Rights Defenders and Peace Workers (Special Panel on ASEAN and CSOs) | Association of Southeast Asian Nations (ASEAN) Accreditation of Civil Society Organisations: A way to Open or to Limit CSOs Participation  
Hadi Rahmat Purnama |

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Moderator: Huong Ngo, PhD  
Oudh Rm., Ninth Flr.  

Peace for Free Migrant Vietnamese Labor in the Asean Community  
Le Thi Nga  

Chan Chee Khoon and Bindiya Gurung

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Moderator: Phallack Kong, LL.M.  
Verbena Rm, Ninth Flr.  

Aries A. Arugay  

States’ Resistance to International Human Rights Law in ASEAN: The Dynamic Roles of Civil Society Organisations  
Yuyun Wahyuningrum
**Parallel Session B: 15:30-17:30 (15 October 2018)**

<table>
<thead>
<tr>
<th>Session</th>
<th>Title</th>
<th>Speakers</th>
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</table>
| B1 | Remembering Gross Violations | Wiji Thukul And The Struggle for Human Rights in Post-Authoritarian Indonesia  
**Muhammad Febriansyah**  
Collective Memories of the Filipino Youth on the Human Rights Violations during the Marcos Regime  
**Ma. Rhea Gretchen A. Abuso**  
ASEAN Silence Speaks Towards Genocide  
**Nurul Masyithoh**  
Listing, Memorialization, and Human Rights Violation Victims in the Philippines  
**Miguel Paolo P. Reyes** |
| B2 | Children at the Margins | Street Connected Children and the Right to Refuse “Rescue”  
**Catherine Scerri**  
Children Refugees At Jamaah Ahmadiyah Conflict in Lombok Center District, West Nusa Tenggara  
**Achmed Sukendro, Iswandi Khairy Ramen**  
Children at Risk of Statelessness and the Constraints to Citizenship  
**Mary Anne K. Baltazar, Ayesah Uy Abubakar, Wan Shawaluddin Wan Hassan** |
| B3 | Locating Human Rights in the Palm Oil Industry | Working Precariously: Will UNGPs Help Plantation Workers?  
**Rully Sandra**  
Looking Towards Indonesian Palm Oil Industries: Social and Environmental Problems  
**Elia Isnawati**  
Anatomy of A Labour Complaint in the Palm Oil Industry – A Case Study  
**Ravindaran Krishnan** |
| B4 | Defending Human Rights | Legal Aid Services for Criminalization of Human Rights Defenders  
**Mohammad Syaiful Aris**  
The Challenges of Human Rights Defenders and Other Activists in Cambodia and Vietnam  
**Kim Khorn Long**  
The Right to Freedom of Association of Human Rights Defenders in the Kingdom of Cambodia  
**Boravin Tann** |
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<th>Session</th>
<th>Title</th>
<th>Speaker</th>
<th>Institution</th>
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<tbody>
<tr>
<td>B5</td>
<td>Inclusive Citizenship or Majoritarian Nationalism? Current Challenges and Good Practices in Myanmar and its States</td>
<td>Dr. Deasy Simandjuntak</td>
<td>Associate Fellow, ISEAS- Yusof Ishak Institute</td>
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<td>Ms. Phy Zin Aye</td>
<td>PhD student, Institute of Human Rights and Peace Studies, Mahidol University</td>
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<td>Mr. Nbyen Dan Hkung Awng</td>
<td>Director, Kachinland School of Arts and Sciences (KSAS), Humanity Institute, Myanmar</td>
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<td>Mr. Nickey Diamond</td>
<td>Myanmar Specialist, Fortify Rights</td>
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Organized by the Minority Network

Moderator: Ingvill Thorson Plesner, PhD

Grand Ballroom, Seventh Flr.
### Parallel Session C: 10:30-12:30 (16 October 2018)

<table>
<thead>
<tr>
<th>C1</th>
<th>Intersections of Rights and Sexuality</th>
<th>Gender Equality and SRHR for Sustainable Peace</th>
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<tbody>
<tr>
<td>Moderator:</td>
<td>Joel Mark Barredo, MA</td>
<td>Biplabi Shrestha</td>
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<tr>
<td>Aloe Rm,</td>
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<td></td>
<td>Self-Care and Personal Well-Being Concept in Security and Protection Mechanism for Women Human Rights Defenders (WHRD): Case of Indonesian Lesbian, Bisexual, Queer (LBQ) Women and Transgender Female to Male Activist</td>
<td>Vica Krisilia Larasati</td>
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<td></td>
<td>Same-Sex Marriage: Breakthroughs in Asia</td>
<td>Douglas Sanders</td>
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<td>&quot;Ibu Jusniarti&quot; The Narrative of Woman Fisher Confronts with the Industrialization Regime of Agrarian Resources in Mahakham Tengah (A Note from the Field, Action-Research in Liang Buaya Village, East Kalimantan</td>
<td>Rassela Malinda</td>
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| Moderator: | Sriprapha Petcharamesree, PhD         | Jonathan Liljeblad                             |
| Freesia Rm,|                                      |                                               |
| Ninth Flr. |                                      |                                               |
|            | Asian Values and Human Rights: A Concurrent Vietnamese Perspective | Ngo Huong                                      |
|            | The Right of Access to Justice in A Socialist Country: Reflection on the Vietnamese Context | Vu Cong Giao and Hoang Bich Ngoc               |
|            | Consumer Rights as Human Rights in Indonesia: Challenge and Possibility | Ria Setyawati                                  |

| C3         | Business and Media                    | A Survey of Laws and Jurisprudence in the Philippines on Businesses and Digital Human Rights |
| Moderator: | Nathalina Naibaho, LL.M.               | Froilyn Pagayatan                              |
| Oudh Rm,   |                                      |                                               |
| Ninth Flr. |                                      |                                               |
|            | Regulating Social Media: New Challenges of Freedom of Expression and Right to Privacy in Southeast Asia | Wahyudi Djafar                                  |
|            | The Everlasting Conspiracy of Media Business and Political Party and its Impact to the Press Freedom in East Java, Indonesia | Aloysia Vira Herawati                           |

| C4         | The Bangsamoro Organic Law and Federalism: How can these new forms of governance strengthen human rights and peacebuilding in the Bangsamoro region? | Atty. Raissa Jajurie, Bangsamoro Transition Commission |
| Moderator: | Ayesah Uy Abubakar, PhD                | Hon. Amihilda Sangcopan, AMIN Party-list, Philippine Congress |
| Verbena Rm,|                                      | Mr. Gandhi Kinjiyo, Mindanews                  |
| Ninth Flr. |                                      |                                               |
|            | Atty. Mary Ann Arnado, Federalism Movement |                                               |
|            | Mr. Gandhi Kinjiyo, Mindanews          |                                               |
|            |                                               |                                               |
### C3
**Business and Media**

**Moderator:** Nathalina Naibaho, LL.M.

_Oudh Rm., Ninth Flr._

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<tr>
<th>Title</th>
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### C4
**The Bangsamoro Organic Law and Federalism: How can these new forms of governance strengthen human rights and peacebuilding in the Bangsamoro region?**

**Moderator:** Ayesah Uy Abubakar, PhD

_Verbena Rm, Ninth Flr._

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### Parallel Session D: 13:30-15:30 (16 October 2018)

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<tr>
<th>Session</th>
<th>Topic</th>
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<tbody>
<tr>
<td><strong>Weaving Women’s Voices in Southeast Asia (WEAVE)</strong></td>
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<tr>
<td>Moderator: <strong>Prof. Elizabeth Aguiling-Pangalangan</strong></td>
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<td><strong>Verbena Rm, Ninth Flr.</strong></td>
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| **Panel Discussion 2: Understanding Women’s Economic Integration in the ASEAN: Two Differing Perspectives** |
| Discussant 1: The ASEAN Perspective (ASEAN Business Cooperative Forum or representative from Department of Trade and Industry – ASEAN Economic Community) |
| Discussant 2: The Indigenous Women Perspective |
### Parallel Session E: 1600-17:30 (16 October 2018)

<table>
<thead>
<tr>
<th>Session</th>
<th>Topic</th>
<th>Presenter(s)</th>
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</table>
| **E1** | Peace and Conflict Transformation | Empowered for Peace: Social Work as A Benign Counterforce to Violent Extremism in the Philippines  
*Roweno Cinco*  
**The Promise of Reconciliation: The Limits of Amnesty Law in Post-Conflict Aceh**  
*Harison Citrawan*  
**Revolutionary Peace: The Transformation of Non-State Actor Groups from Revolutionary Leaders to Peace Leaders**  
*Ayesah Uy Abubakar and Kamarulzaman Askandar* |
| **E2** | The Rights of Refugees | Rohingya influx in Bangladesh: Need for a Human Rights approach to Environment  
*Khair Mahmud*  
**Common Regional Mechanism on Forced Migration and Refugee Protection in ASEAN: Challenges and Prospect**  
*Irawati Handayani*  
**Urban Asylum Seekers and Refugees in Bangkok: A Case Study on the Somali Community**  
*Giulia Guzzetti* |
| **E3** | Indigenous and Religious Rights | The Pitfalls in the Implementation of the Indigenous Peoples Rights Act  
*Raymond Marvic Baguilat*  
**Environmental Rights of the Indigenous People in context of Cambodia**  
*Mao Kimpav* |
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<tr>
<td>Social Economy Approach to Shi’ah and Sunni Conflict in Puger – East Java</td>
<td>Honest Dody Molasy and Noril Camelia</td>
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<td>Religious Freedom and the Democratization’s Double-Edge</td>
<td>Jaclyn L. Neo</td>
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<td>E4 Remapping and Analysis of Human Rights and Peace Education in</td>
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<td>Southeast Asia</td>
<td>Peace Education in Myanmar</td>
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<td>Organized by SHAPE-SEA’s Research Team on the Remapping and Analysis</td>
<td>May Thida Aung</td>
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<td>of Human Rights and Peace Education in Southeast Asia</td>
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<td>Moderator: Joel Mark Barredo, MA</td>
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<td>Patricia Rinwigati Waagstein</td>
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OPENING KEYNOTE SPEAKER
Judge Raul C. Pangalangan
*Activism Through Law: The Legal Path Transforms the Advocate As Well*

15 October 2018
9:30-10:15
Grand Ballroom

Raul C. Pangalangan is a Judge of the International Criminal Court at The Hague. He taught Constitutional Law and Public International Law at the University of the Philippines College of Law, where he became a Professor and Dean. Aside from UP, he has also taught at the Harvard Law School (visiting professor), and at the Hague Academy of International Law (Lecturer and as Director of Studies). He also taught in the Philippine Judicial Academy, the official training institute for Filipino judges. He contributed to Triffterer's Commentary on the Rome Statute of the International Criminal Court, and has delivered the Keynote at the Salzburg Seminar on International Criminal Law. Judge Pangalangan was also a Philippine Delegate to the 1998 Rome Conference to establish the International Criminal Court.

Before he came to the Court, he also chaired the Bantay Katarungan (Sentinels of Justice), a group of public interest lawyers that filed test cases in human rights and anti-corruption. He has argued leading cases in constitutional law and international law before the Philippine Supreme Court and international arbitration bodies. His expertise has also been tapped by the International Committee of the Red Cross as an international humanitarian law expert, and in 2006, successfully challenged, before the Supreme Court, the illegal arrests made under a state of emergency. He also worked with Sir Elihu Lauterpacht CBE QC in establishing the Administrative Tribunal of the Asian Development Bank.

Judge Pangalangan received his Master of Laws (LL.M) and Doctor of Juridical Science (S.J.D.) from Harvard Law School, and his Bachelor of Arts (A.B.) cum laude and LL.B. from the University of the Philippines. At Harvard, he was a Clyde Ferguson Fellow at the Human Rights Program and a John D. and Catherine T. MacArthur scholar the Center for International Affairs. He won the Laylin Prize in international law for his LL.M. thesis and the Sumner Prize in international peace for his S.J.D. dissertation. He holds the Diplôme of the Hague Academy of International Law.
CLOSED KEYNOTE SPEAKER
Kamala Chandrakirana
*Occupying the Ordinary: Human Rights in the Remaking of Everyday Life*

17 October 2018
10:45-11:30
Grand Ballroom

Kamala Chandrakirana is an Indonesian feminist and advocate for human rights, justice, and democracy. She led Indonesia’s National Commission on Violence against Women, as Secretary General (1998-2003) and Chairperson (2003-2009). In November 2017, she completed 6.5 years as a mandate holder in the UN Human Rights Council’s Working Group on discrimination against women in law and practice. For Asia and the Pacific, she is co-founder of the Urgent Action Fund for Women’s Human Rights Asia and Pacific and the Asia Pacific Women’s Alliance on Peace and Security. With feminist Muslims, she co-founded Musawah, a global movement for equality and justice in the Muslim family, and co-initiated Indonesia’s National Congress of Women Ulama (KUPI). Kamala served twice on ad hoc presidential task forces: to address migrant workers on death row abroad (2011) and to investigate the death of Munir, a human rights defender (2005). At Indonesia for Humanity, a human rights fund and women’s fund, she is Chair of the Board of Directors. In ELSAM, Indonesia’s human rights think tank, she is the Board’s Vice Chair. Currently, she coordinates a national coalition (KKPK) of 50+ human rights organizations and victim/survivor groups advocating for truth and justice for past human rights violations.
PLENARY PANEL 1:
EXPLORING THE POST-TRUTH WORLD AND THE REALITY OF FAKE NEWS AS A HUMAN RIGHTS CHALLENGE AND THE ROLE OF MEDIA

15 October 2018
13:30-15:00
Grand Ballroom

The rise and ease of using the internet and accessing different social media platforms has revolutionized the way the information is shared, spread and interpreted. Mainstream media is not the only source of news and information anymore, seeing the increased access to alternative sources online. This access to information and platforms has proved to be a powerful catalyst for change, but also a powerful tool for propaganda and information manipulation.

Presently, threats emerge not only in the form of censorship, but also in the form of "fake news," or those factually wrong information that mislead and manipulate the public. These are manifested in politics and policies across countries in the Southeast Asian region that have led to societal fragmentation and political polarization.

This plenary panel seeks to highlight the challenges and impacts of "fake news" on fundamental principles of human rights and the rule of law. More importantly, it will discuss the role of media in adapting to these changes and complementing these developments to ensure accountability and responsive efforts to uphold rights despite and in-spite of regulation.

Moderator:
Lorna Q. Israel, M.A, Department of International Studies, Miriam College

Panelists:
- Pravit Rojanaphruk, Senior Staff Writer and Columnist at KhaosodEnglish.com
- Jahabar Sadiq, The Malaysian Insider
- Ellen Tordesillas, Filipino Journalist
- Natashya Gutierrez, Southeast Asia Correspondent, Rappler
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- Natashya Gutierrez, Southeast Asia Correspondent, Rappler
PLENARY PANEL 2:
CONFLICT TRANSFORMATION

16 October 2018
8:30-10:15
Grand Ballroom

Conflict transformation has been described as “a complex process of constructively changing relationships, attitudes, behaviours, interests and discourses in violence-prone conflict settings. Importantly, it also addresses underlying structure, cultures and institutions that encourage and condition violent political and social conflict.” (Berghof, 2012) It implies “a deep transformation in the institutions and discourses that reproduce violence, as well as in the conflict parties themselves and their relationships. It corresponds to the underlying tasks of structural and cultural peacebuilding.” (Ramsbotham et.al. 2011) To many, it is a significant comprehensive step beyond conflict resolution as it targets the root causes of the conflict by transforming issues, contexts, structures, group and personal behaviors and attitudes, while ensuring the sustainability of peace through proper implementation of the transformative processes. The roles of all stakeholders including civil society actors are important in ensuring the success of this process. Civil society actors especially are in a good position as they empower the people at the grassroots level to contribute to cultural and structural peacebuilding throughout the process.

Southeast Asia has seen the existence of various types of conflicts. This panel will focus on some of these conflicts including a particular conflict termed as “protracted social conflict” or PSC by Edward Azar and which possesses the following ingredients as among the sources of conflict – communal contents, deprivation of human needs, governance and state’s role, and international linkages. Questions will be asked in regards to how these conflicts have been addressed and transformed. The panelists, including the moderator, are all experienced Peacebuilders and Conflict Transformers working on the ground on various conflict issues in the region including in the Southern Philippines/Bangsamoro area, Southern Thailand/Patani, as well as Ambon and Aceh, in Indonesia. They will reflect upon their personal experiences in transforming these conflicts situations by addressing the following questions:

1. What is the most important aspect of conflict transformation?
2. How do we transform relations and structures of relations between conflict parties?
3. Is institutional transformation necessary for peace?
4. What is the role of civil society organisations in this process?
5. What are the major challenges that we have to face in this transformation process, and how do we overcome them?

Moderator:

Professor Dr. Kamarulzaman Askandar, Universiti Sains Malaysia and SEACSN; Malaysian Representative to the Advisory Board of the ASEAN Institute for Peace and Reconciliation (AIPR)

Panelists:

- Mr. Guiamel Alim, Chairperson, Consortium for Bangsamoro Civil Society (CBCS), Philippines
- Ms. Chalida Tajaroensuk, Chairperson, People’s Empowerment Forum (PEF), Thailand
- Dr. Ichsan Malik, Chairperson, Ichsan Malik Center (IMC) & National Defense University, Indonesia
PLENARY PANEL 3:
AUTHORITARIANISM IN SOUTHEAST ASIA

17 October 2018
8:30-10:15
Grand Ballroom

Around the world there is a definite sense that there is a rise of the far right and authoritarian governments. Human rights values are being pushed aside for nationalist and racist philosophies. Even when these forces are not actually in power, their rise in popularity has meant that they are influential over those who are in power. This is particularly shocking because it is happening in countries which have traditionally been regarded as defenders of human rights (at least within their own borders if not abroad).

In Southeast Asia, we are used to authoritarian regimes. However, ten years ago there was a feeling that perhaps we are progressing as a region. With the signing of the ASEAN Charter in 2007 and the ASEAN Human Rights Declaration in 2012, for the first time the governments in this region accepted, at least in principle, the values of human rights, democracy and the rule of law.

It would seem that such optimism was premature. Since 2012, Thailand is under military rule; the president of the Philippines has effectively destroyed all semblance of due process; and the euphoria of an elected civilian government in Myanmar has been totally tainted by a once human rights icon refusing to even acknowledge the genocide that is happening within her nation’s borders.

There has been some good news. A regime that lasted over 60 years in Malaysia was peacefully overthrown by the most mundane of activities; a general election. And most countries in the region have ratified the major human rights conventions. Yet, these seem to pale in comparison to the undeniable fact that authoritarianism is alive and well. In fact, what is even more worrying is that in places such as the Philippines and Myanmar, these governments that have earned the opprobrium of the world are in fact actually quite popular.

To help us untangle this issue, we have a special plenary panel consisting of experts from all over the region. This promises to be an interesting and important panel for we must understand a phenomenon in order to effectively deal with it. Guiding this discussion will be eminent human rights scholar Sriprapha Petcharamesree.

Moderator:

Dr. Sriprapha Petcharamesree, Programme Chair, SHAPE-SEA

Panelists:

- Dr. Walden F. Bello, Professor of Sociology at the State University of New York at Binghamton
- Mr. Pravit Rojanaphruk, Senior Staff Writer and Columnist at KhaosodEnglish.com
- Dr. Azmi Sharom, Associate Professor, Faculty of Law, Universiti Malaya
- Dr. Deasy Simandjuntak, Associate Fellow, ISEAS- Yusof Ishak Institute
Parallel Sessions
Abstracts
CHILD LABOR UNDER TOURISM GROWTH IN VIETNAM: BETWEEN THE LAW AND PRACTICE

Ngo Huong

Vietnam becomes the attractive location for tourism in Southeast Asia. The growth of tourism is planned for 11–12% annually for period 2011-2020. Vietnam received 7 millions of foreign tourism inbound (2015) and 36 millions of domestic tourists. Tourism industry grows strongly in Asia and Pacific at 4.9% in 20 years (UNWTO, 2013). The growth of tourism brings certain economic benefits to the economy, but it might create potential negative impact on culture, environment and social problems (Mowforth & Munt, 2009; Scheyvens, 2002; Smith, 1989; Telfer & Sharpley, 2008). The possible impact of tourism is exploitation of children. In one way, tourism attracts children to participate in tourism activities or related services for earnings, either in informal and formal ways (Bliss, 2006; UNICEF, 2012). Children become more vulnerable and force to drop out school when they join the tourism and services (Bliss, 2006; Sánchez Taylor, 2010; UNICEF, 2012). When children are exposed to work for earning or tied up with the involuntary activities, which may form child labor or forced or exploitation of the child for labor. Children who join the to work in tourism related service may also come from rural to urban or tourism hubs or they themselves can be street children. Vietnam commits in ILO convention no. 182 on elimination of all forms of child labor based on the vulnerability of children and so limit the form of work which may have negative effect on children. Several laws have been developed, including Law on Children 2016, Law on Prevention and Control of Human Trafficking 2011, Law on Tourism 2017 etc. However, in informal sectors, such as voluntary participation by children or forced participation in tourism related activities outside the formal labor contract setup, or in street, this seems remain to be gaps in understanding the driving forces and problems of children. This research aims to draw gaps in policies and protection mechanism on children who take part in the forms of labor in the work under tourism related activities with focus on informal sector including street children. From the analysis of current legal framework and policies in Vietnam on protection of child against all forms of child labor, the study first contest whether the current legal framework can sufficiently stop child labor in tourism related activities and then if not, what other measures could be formulated. The study include survey to children group in selected urban or tourism areas including Sapa, Hanoi, and Hue through over 60 case stories of working street children who engaged in (voluntary or non-voluntary) in the work under tourism related activities to identify the situation of vulnerability of children and find out to what extent protection measures have been taken.

The paper includes four parts: (i) Trend in Tourism in relations to child engagement in economic activities (ii) Legal review on child protection against child labor in informal sector and in tourism industry (iii) Findings on vulnerability of working children with focus on street children (iv) Implications and recommendations on strategies to address problems of working children in tourism related activities.

Ngo Huong is a human rights and development expert in Vietnam. Her PhD is in Human Rights and Peace Studies from Mahidol University (Thailand). She holds Masters degrees in Public International Law (LLM) and Human Rights (M.Phil.) from the University of Oslo, and in Development Management from the Asian Institute of Management, Philippines. Dr Ngo currently is lecturer in human rights law at the School of Law, Vietnam National University, Hanoi. Contact: nmhuongvn@gmail.com

1Strategy for tourism development to 2020, vision to 2030. Decision no 2473. QĐ-Ttg. 2011
2the field work is supported by SHAPE SEA as part of research project on impact of tourism on children in Vietnam and Myanmar 2017-2018.
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A LEGAL ANALYSIS OF SELECTED ASEAN DECLARATIONS AND CONVENTIONS FROM A CHILD RIGHTS PERSPECTIVE

Klarise Estorninos

ASEAN is an intergovernmental organization that was formed fifty years ago through the 1967 ASEAN Declaration. Several years after, however, ASEAN passed several Declarations and a Convention (hereinafter to be collectively referred to as ‘instruments’) on children’s rights. The CRC was ratified by all ten ASEAN Member States and domestically, children’s rights were being more included in national laws. Regionally, however, there is no single comprehensive instrument containing the rights of the child in ASEAN. This paper aims to provide a legal analysis of selected ASEAN instruments that are specifically related to or contain substantive provisions on children’s rights. It examines the extent to which these instruments are consistent with ASEAN Member State’s international legal obligations found in the CRC. It also looks into whether these instruments cover the common and existing child rights issues that the ASEAN Member States face. It assumes that ASEAN, similar to the African, European, and Inter-American human rights systems, will eventually have a court and that these instruments will be the basis of possible child rights violations. It further explores whether a comprehensive regional child rights treaty is needed (e.g., the African system) or whether the CRC and the current regional human rights instruments and bodies are enough (e.g., in the European or Inter-American system) to promote and protect children’s rights in ASEAN. The general finding from the study is that the selected ASEAN instruments are incomplete in covering the legal obligations of ASEAN Member States in the CRC and in addressing the issues that ASEAN children are facing. The selected Convention and Declarations cover almost all rights found in the CRC except eight (8). The CRC rights that were left out are the best interests of the child in art. 3, parental guidance and evolving capacities in art. 5, identity in art. 8, non-separation from parents in art. 9, family reunification in art. 10, protection from abduction in art. 11, freedom of association in art. 15, and the review of treatment in art. 25. The provisions in the ASEAN instruments that contain CRC rights are not completely deviant from the CRC. Nevertheless, the lack of a key fundamental principle such as the best interests of the child, contributes to this incompleteness.

Klarise Estorninos, a child rights lawyer, is the Director of the Child Rights desk of the Ateneo Human Rights Center based in Ateneo de Manila University in the Philippines. She handles the planning and implementation of the programs of the desk, which aims to provide access to justice for children. She was the recipient of the Roberto A. Gana Service Award when she graduated from Ateneo Law School in 2011. She earned her LLM degree in Advanced Studies in International Children’s Rights from Leiden University in the Netherlands where she graduated cum laude and valedictorian. She is also part of the faculty of the Ateneo Law School where she teaches children’s rights, human rights, family conflict and dispute resolution, and street law.
Thailand has enacted laws concerning juveniles committing delinquency since 1951. This has made a significant change in Thailand criminal justice. Since then, the authorized organs, such as judge in Juvenile and Family Court, public prosecutor, inquiry official, have hardly performed their duties. While the juvenile justice seems working well, it cannot be denied that currently, the age of the delinquent is dejectedly decreased 10 or below. Whether what causations are, this is a problem Thailand facing nowadays. According to Thai Criminal Code, Section 73, those, who are 10 years old or below, committing a delinquency, they would not be put through the juvenile justice system. The committing child, however, would be enforced under the Child Protection Act B.E. 2546. Under that law, the child must be assessed by a farewell officer, in this stage, the child will be preliminarily investigated for the facts relating to family, relation, and their behaviors. In case of necessity to protect the child’s farewell by taking them to a farewell protection place, those background report and the opinion will be afterward sent to the Permanent Secretary of Ministry of Social Development and Human Security or the authorized officer or the Governor depending on where the child lives. The Permanent Secretary of Ministry of Social Development and Human Security or authorized officer or the Governor then has the power to choose the measures to protect the farewell of the child. The law ruling this procedure has critically caused at least 2 important problems. Firstly, the person, the Permanent Secretary of Ministry of Social Development and Human Security or authorized officer or the Governor, who is in charge to make a decision whether the child should be put to the farewell protection place, has heavy duties. This causes an additional duty to them indeed. When the huge numbers of the cases go to those, perhaps their ability to make a decision effectively is less. And secondly, the understanding of the governor might also be less in the cases, because they have varied jobs. This obstacle could cause the process to rehabilitate the delinquent children less effectively.

Mr. Papontee Teeraphan is a law lecturer at Thaksin University, Thailand. He graduated his Bachelor of Laws at Dhurakijpundit University, Thailand and immediately continued his Master of Laws (Public Law) there. After his degrees achievement, he went to study overseas, in Australia. He was admitted to study the Master of Laws (International) in La Trobe University, Melbourne, Australia. After the graduation in 2012, he was employed to be a law lecturer, which he has afterward taught classes of Juvenile Delinquency and Family Case in every following year. Interestingly, his main research field is Juvenile Delinquency and Juvenile Justice. In 2017, his research proposal was accepted by the National Research Council of Thailand for “An Approach to Development of Law concerning Criminal Record of Juvenile”. He believes that anything in future is put in the youths’ hand.
Parallel Session A2
Political Rights in Southeast Asia
10:45-12:30 (15 October 2018)

Freesia Rm.
CRIMINALISING JUSTICE
THE USE OF LAW ON 'IDEOLOGICAL STIGMATISATION'
FOR ATTACKING HUMAN RIGHTS MOVEMENT IN INDONESIA

Herlambang P. Wiratraman

Ideological stigma, especially ‘communism’, has been still taking place significantly in the country in Indonesia’s post-Soeharto. This relates to 1965-1967 massacre against member of communist party and its sympathiser. Such stigmatisation has been also used into the justice system, especially by using the court for attacking human rights groups, individuals, or those who defending rights. Even, the stigma had been effectively used to suppress human rights activism, especially dealing with two most risky human rights violation issues in decentralised Indonesia: anti-corruption and opposing excessive natural resources exploitation. By using a socio-legal study, this article takes the latest and most controversial case of Heri Budiawan als Budi Pego vs. The State of Republic of Indonesia in Banyuwangi (2017). This case departs from the role of public authorities who had been using ‘communist article’ under Indonesia’s Penal Code for the first time since its enactment, especially targeting environmental defenders. They have been opposing gold mining company operation in Tumpang Pitu hill, Banyuwangi (East Java). The case has been much influenced by political commodification, for not only gaining public support in local politics, but also maintaining collective memory of the ‘dangerous of communist’ for the country. How has ideological stigma of communism been playing role in law and justice system? And, what does it mean for Indonesia democratisation in the context of 20 years after authoritarian regime.

Dr. Herlambang P. Wiratraman is Senior Lecturer at Constitutional Law Department and Director of the Center of Human Rights Law Studies (HRLS), Faculty of Law Universitas Airlangga. His major research includes Constitutional Law, Constitutional Comparative Law, Human Rights, Law and Society, and Press Freedom. He graduated Master of Arts on Human Rights and Social Development at Mahidol University (2006) and PhD in Law at Van Vollenhoven Institute, Leiden Law School (2014). He was previously a visiting researcher/lecturer at Graduate School of International Development, Nagoya University (2015), Vietnam National University Law School (2017), Center for Asian Legal Studies NUS Law School (2017), Sydney Myer Asia Center, Faculty of Arts the University of Melbourne (2017) and Norwegian Center for Human Rights (NCHR) Faculty of Law, University of Oslo (2018). He also served as a Chairperson of the Indonesian Association of Legal Philosophy (AFHI, 2013-2014) and the Indonesian Lecturers Association for Human Rights (SEPAHAM Indonesia, 2014-2017). Currently he serves as Steering Committee of Southeast Asian Human Rights Studies Network (SEAHRN).
REALIZATION OF FREEDOM OF PEACEFUL ASSEMBLY IN VIETNAM: POSSIBILITIES AND CHALLENGES

Le Thi Thuy Huong and Vu Cong Giao

Freedom of Peaceful Assembly is recognized as a basic human right in international human rights law and constitutions of most nations. It is considered an essential element of democracy and has a significant impact on the enjoyment of other human rights. In Vietnam, freedom of peaceful assembly has been enshrined in all constitutions, including the earliest version of Constitution 1946 and the latest version of Constitution 2013. Freedom of assembly in Vietnam is largely interpreted as the right to protest. However, the law on demonstration has been delayed for over decades and this prevents the citizens to exercise their legitimate right to participate in peaceful assembly, for example to demonstrate and organize opinion meetings. Current economic and social pressures related to conflicts in land rights and labor rights placed the government in an urgent need of law reform in this important area. This paper provides an overview of perception and development of freedom of peaceful assembly in modern history of Vietnam. The author analyses current policy and law related to the implementation and management of freedom of peaceful assembly in the country. Upon review of the applicable provisions of Vietnam’s current law system and the draft law on demonstration, in comparison with the international standards on freedom of peaceful assembly, the author points out the incompatibility of the national law and examines possibilities and challenges for enhancement of freedom of peaceful assembly in Vietnam in coming years.

Le Thi Thuy Huong is currently a Ph.D. candidate at the Faculty of Law, Hanoi National University. Her research interests have been focusing on freedom of peaceful assembly and association, civil society and inclusive growth. Having a M.A. degree in International Human Rights Law and a B.A. degree in International Law, she has obtained good combined knowledge and experience in governance, rule of law, and human rights. She has also equipped with sound knowledge and experience in international relations and development with different stakeholders from 20 years working at a government’s agency, an INGO, a Nordic Embassy, and a US-based private international development company. Vu Cong Giao is one of experienced local experts in human rights, constitutional and anti-corruption laws in Vietnam. He has been doing research and teaching those laws since 1996. Giao is now in the position of the Head of the Department of Constitutional and Administrative Laws under the School of Law, Vietnam National University Hanoi. He has finished and coordinated hundreds of research projects, workshops and conferences on human rights, constitutional and anti-corruption laws since 1998. Giao is the person initiated and played the key role in establishing programs and teaching human rights and anti-corruption laws (in both undergraduate and master levels) in the School of Law, Vietnam National University Hanoi, which are both the first of its kinds in Vietnam.
Prime Minister of Malaysia, Najib Tun Razak admitted that race and religious issues are critical in Malaysia, and stressed that ‘(We need) political management (which) includes race relations. If we can refrain from uttering words or committing acts which can offend other races, then temperature-raising incidents can be avoided’. Under this condition, it is justifiable by the government to restrict free expression. However, many question the intentions of the Malaysian government in restricting free expression. Vitit Muntarbhorn argues that many ASEAN governments, particularly the Malaysian government under Barisan Nasional (BN) and United Malay National Organization (UMNO), restrict political and civil rights not to promote prosperity, but ‘to perpetuate the longevity of the regime in power’. Chandra Muzaffar laments that: "southern elites deprive their people of their basic human rights...The arbitrary exercise of unlimited power which is not checked by strict adherence to the principles of accountability must lead inevitably to the suppression of the masses”. Najib is becoming more repressive after the 1MDB scandal and challenged for power by his former mentor Dr. Mahathir Mohamad and his former deputy premier Muhyiddin Yassin. It seems ironic when Malaysia has the Article 10 of the Federal Constitution that protects people’s right to free expression, but there are many laws such as the Sedition Act (SA), Anti-Fake News Act and Communication and Multimedia Act (CMA) that limit the people’s right to free expression. Parliament in Malaysia is not supreme. The Constitution supplies the ultimate yardstick against which every law can be measured. This paper will address the contemporary perspective of freedom of expression during the current premiership of Najib Razak. Main discussion is about whether restrictive laws are essential for political stability, racial harmony and economic prosperity or they are just used as tools for the government to cling in power and restrict any political contestation and people’s mobilization against it. Finally, this paper will analyze laws newly introduced especially under Najib and how their impact to the current practices of free expression.

Mohd Azizuddin Mohd Sani, PhD is Professor of Politics and International Relations at the School of International Studies (SOIS), Universiti Utara Malaysia (UUM). He received his doctoral degree in politics and international relations from Keele University, United Kingdom. Mohd Sani was the Dean of SOIS, UUM. He was also Visiting Fellow at the Institute of Southeast Asian Studies (ISEAS), Singapore and Visiting Professor at the National Institute of Development and Administration (NIDA), Bangkok, Thailand. He is currently the columnist of international affairs for the Malay-language newspaper “Berita Harian” since 2012. He has also published his works in many international journals such as Japanese Journal of Political Science, Philippine Political Science Journal, Journal of Contemporary Asia, and Asian Journal of Political Science on topics such as political theory, contemporary political Islam, media politics, human rights, democratization and Malaysian politics.
UNESCO RECOMMENDATION ON THE STATUS OF HIGHER EDUCATION TEACHING PERSONNEL: A CASE STUDY ON THE LEVEL OF COMPLIANCE BY THE UNIVERSITY OF MALAYA

Rosli H Mahat, Mohd Zufri Mamat & Rohana Jani

Currently, the most authoritative document on the rights and obligations of the universities and their academics is the UNESCO Recommendation on the Status of Higher Education Teaching Personnel. It outlines the responsibilities and obligations of the state, universities, academics and society in maintaining a healthy academic environment. It has eight main components such as; academic freedom, academic obligations, university autonomy, university obligation, university accountability, collegiality, security of tenure, and employment rights. The Recommendation was passed by the UNESCO general assembly in 1997. It carries an obligation for the member states to implement the Recommendation. Malaysia supported the Recommendation during the general assembly. Thus, Malaysian universities must comply with the Recommendation requirements, though it is not mandatory. The objective of this study is to look at the level of compliance of one such university in Malaysia. The University of Malaya was chosen for this study. It is the first university to be setup in Malaysia. It is a premier university and always comes top in university rankings. It has a long history of academic activism. If there are any university in Malaysia that would be in compliance with the UNESCO Recommendation, it would be the University of Malaya. Beside looking at the level of compliance, this study will also try to find the reasons for such a score. How much do the academics know about their academic rights and obligations? Is there an atmosphere of fear among the academics? Are the academics oppressed? Finally, this study will try to look for ways for the University of Malaya and other Malaysian universities to increase their level of compliance. The idea of being a world class university should be on having a high level of compliance with the UNESCO Recommendation and not on getting high university rankings.

Rosli H Mahat is a retired associate professor from the University of Malaya. He has been an academic activist, trying to improve the academic rights in the universities. He has held various positions in academic organisations such as president of the University of Malaya Academic Staff Association (PKAUM) and founding chairman of the Malaysian Academic Association Council (MAAC). Currently, he is the secretary of the Malaysian Academic Movement (MOVE). Mohd Zufri Mamat works at the Department of Science and Technology Studies, University of Malaya. Rohana Jani is affiliated with the Department of Applied Statistics, University of Malaya.
Parallel Session A3
Labour and Migration

10:45-12:30 (15 October 2018)

Oudh Rm.
In the Southeast Asian region, the migration landscape is overwhelmingly characterized by temporary labor migration, which links major labor-exporting countries (Indonesia, Philippines, Myanmar) with high-volume destination countries such as Malaysia, Singapore, Thailand, and Brunei. In Malaysia, refugees and asylum-seekers currently total about 150,000, ninety percent of whom are from Myanmar (of whom, two-fifths are Rohingyas, one-third Chins). Numbers of Acehnese, southern Filipinos, Sri Lankans, Vietnamese, Cambodians have declined markedly as hostilities in the source countries subsided. By comparison, documented migrant workers are more than 10-fold in numbers (1,950,327 in 2016, Min. Human Resources). As for undocumented migrants, a 2011 amnesty exercise registered 1,303,126 persons, a lower bound for a figure which is believed to rival and very likely exceed the figure for documented migrant workers. [Malaysia (2016): pop 31.7 million; local labor force 14.8 million]. Malaysia is the largest destination country for labor migrants from Nepal. Within Malaysia, Nepali workers constitute the second largest nationality group of documented labor migrants (566,184 in 2015). The manufacturing sector absorbed 71 percent of these workers, while the services sector employed another 21 percent. In 2015, 463 deaths involving Nepali nationals were reported to the Embassy of Nepal in Kuala Lumpur. 82 percent of these fatalities were medically certified by Malaysian government doctors who performed post-mortems on the deceased. Based on the causes of death reported in the post-mortems, our preliminary analyses revealed that cardiovascular deaths accounted for 100/448 fatalities. Of the 100 cardiovascular deaths, 56 occurred among factory workers, 17 among general workers, and 5 among security guards. The second most frequent cause of death, suicide by hanging, accounted for 60/448 deaths. We should note that the overwhelming majority of these fatalities (>90 percent) were aged between 20-40 years. This annual tally of fatalities is a fairly complete data-capture but a definitive demonstration of excess mortality (whether all-cause mortality or disease-specific mortality) is nonetheless constrained by an uncertain magnitude of healthy-worker/healthy-migrant effects which complicate meaningful comparisons against baseline mortality rates. Once this is resolved, we will proceed with follow-up investigations into contributory factors to what is currently perceived as excess mortality.

Chan Chee Khoon is a health policy analyst at the University of Malaya. He graduated from the Harvard School of Public Health with a Doctor of Science degree in epidemiology (1991). In 2004-2005, he was a Nippon Foundation API senior fellow at Kyoto University. Elected to a two-year term on the inaugural Executive Board of the International Society for Equity in Health, he has also served on the editorial advisory boards of International Journal for Equity in Health, Global Health Promotion, Global Social Policy, and Oxford Bibliographies in Public Health. He has also authored and reviewed chapters for Global Health Watch (volumes 1-3). His current research interests include health systems in transition, migration, rights and health, and environmental health. In 2017/18, he was a grantee of the research grants programme of SHAPESEA. Bindiya Gurung is the Office Secretary of the Embassy of Nepal in Kuala Lumpur, Malaysia. She designed and maintains the database of fatalities occurring among Nepali nationals in Malaysia.
PEACE FOR FREE MIGRANT VIETNAMESE LABOR IN THE ASEAN COMMUNITY

Le Thi Nga

Transnational migrant workers are not a rare phenomenon in the world and in Vietnam. The International Labor Organization estimates that 175 million immigrants in the world today, about half workers. In recent years, the number of Vietnamese citizens to ASEAN countries to working is increasing. This is the case where Vietnamese citizens come to another country in the form of traveling or studying, but they stay in abroad to finding a long-term job illegally. Vietnamese migrant labors face many problems in their living from cultural, religious, linguistic to illegal residence in abroad. This is more exacerbated status for migrant workers who are working in high risk areas such as the sex industry. Moreover, they lack an opportunity to access their rights recognized by law. This paper aims to identify the legal framework and institutional vulnerabilities that guarantee the rights of migrant workers from Viet Nam to the ASEAN countries.

Since 1990 Ms. Le Thi Nga has been working as the senior lecturer and researcher at the Law Faculty of Hue University (now is the University of law, Hue University), Vietnam. The main researchs that she is interested in are: Human rights, conflict management, rule of law. Having over 25 years of experience in researching and teaching, she had articles published in domestic professional journals and international journals which focusing on the human rights. On the other hand, she has researched projects on women's rights, the issue of street children in Central Vietnam, the migrant labor and violence against women. In 2016, she completed two research projects: children conflict with the law in central of Vietnam and challenges in exercising political rights of women of Cotu and Taoi in Thua Thien Hue province. She is continuing the lecture and research activities in Vietnam and Asian countries.
THE INDONESIAN MIGRANT DOMESTIC WORKERS IN THE NETHERLANDS: THE CONDITION AND THE MOVEMENT

Nurus S. Mufidah and Amira Paripurna

Today, the demand for domestic worker has increased worldwide, particularly in developing countries, and the number has been aggregating even in developed countries. Nevertheless, domestic work is still unrecognized and unregulated. Many domestic workers suffer from being underpaid and remain unprotected. In other words, domestic work is taking place invisible from the economy. The reason why domestic work is still unrecognized in the economy is because the employers and the domestic workers, both do not pay taxes and social security benefit. Indonesia is one of the sending countries for migrant domestic workers (MDW’s) from Southeast Asia. The Middle East and Asian countries such as Saudi Arabia, Qatar, Egypt, Hongkong, Taiwan, Malaysia, Singapore and South Korea are the primary destination of these migrant workers. Roughly 75 percent of all documented Indonesian migrant workers are women, with the vast majority working as domestic workers. Despite death threats, torture and inhumane conditions, total remittances in 2014 reached $8,55 billion. Hence, Indonesia kept its position as the third-largest recipient of remittances in Southeast Asia after the Philippines and Vietnam. This paper will focus on the condition of Indonesian domestic migrant workers in the Netherlands. In particularly, it aims to explore their working condition and their movement. This paper will also provide analysis of immigration status and labor rights problems related to Indonesian domestic workers in the Netherlands as well as their movement. Moreover, to analyze the case study, this research will use social movement theory. This paper consists of three parts, the first part describes introduction and the general situation of domestic workers in Europe; the second part discusses the working condition of the Indonesian domestic migrant workers, the triggered factors of the flow of Indonesian migrant workers in the Netherlands, which include historical, economic and globalization aspects.

Nurus. S. Mufidah holds a master degree in Labour Policies Globalisation from Kassel University and Berlin School Economic and Law Germany. For most of her career, she focuses on labor law. She has working experiences with various civil society organizations, including trade unions, social and women’s movements. Her specialist skills and expertise are in applied policy research, analysis and policy advocacy, legal drafting, capacity building and program management, workplace negotiation and mediation. Before joining BWI (Better Work Indonesia), she worked at MAMPU Program: Australia-Indonesia Partnership for Gender Equality and Women’s Empowerment as Parliamentary Stream Officer. Amira Paripurna is a faculty member of Universitas Airlangga, Surabaya, Indonesia, as well as a researcher at Human Rights Law Studies (HRLS) Faculty of Law, Universitas Airlangga. She teaches for Bachelor of law program, Master of law program at faculty of law, as well as Master of Police Science at Postgraduate School, Universitas Airlangga. Before joining as a faculty member, she served the community at Women and Children Crisis Center in Jember, Indonesia. Her subjects and major research interest include criminal law, policing terrorism, international human rights law, criminal justice system, political crime, juvenile justice, criminology and victimology. She holds a Ph.D. from School of Law, University of Washington, USA (2017). Part of her educational background included completing an LLM at the University of Utrecht, in the Netherlands, specializing in International Criminal Justice and Human Rights Law; a Bachelor of Laws degree (LLB) at the Airlangga University specializing in Criminal Law.
Parallel Session A4
Human Rights Defenders and Peace Workers (Special Panel on ASEAN and CSOs)

10:45-12:30 (15 October 2018)

Verbena Rm.
Participation of civil society organisations (CSOs) in ASEAN from legal scholarship has received little attention. ASEAN has put participation of civil society as one of the important issue in the ASEAN Charter, since ASEAN declared itself as a ‘people oriented’ organization. ASEAN has established different mechanisms to involve CSOs, although there is no clear mandate under the ASEAN Charter. ASEAN has established the Guidelines on Accreditation of Entities Associated with ASEAN and the Guidelines on Accreditation of Civil Society Organisations. In diplomacy, ASEAN also recognized three layers of diplomacy which referred to the three distinct tracks of engagement. Under this ASEAN tracks of diplomacy, the participation of CSOs are fell under the track 2 and track 3 which both have different ways of engagement. the relationship between civil society organisations (CSOs) with ASEAN are not always a smooth ride. The intense relation of CSOs according to the assessment made by ASEAN Civil Society Conference/ASEAN Peoples’ Forum (ACSC/APF) from 2005-2015, “individual ASEAN member countries have consistently resisted and vacillated with regard civil society participation and engagement.” This article analyse the accreditation of CSOs in ASEAN based on the Guidelines on Accreditation of Entities Associated with ASEAN and the Guidelines on Accreditation of Civil Society Organisations. This article will ASEAN member states’ policy toward CSOs. This article will critically discuss the Guidelines on Accreditation of Entities Associated with ASEAN and the Guidelines on Accreditation of Civil Society Organisations, as a method for ASEAN to give an accreditation, which might limit the CSOs engagement with ASEAN. The article also will analyse whether the ASEAN member states’ policy toward CSO gives influence to ASEAN engagement with CSOs.

Mr. Purnama is Ph.D Researcher at Vrije Universiteit, Amsterdam, Netherland under the LPDP Scholarship, by Indonesian Government. He received LLB from Faculty of Law, Univeristas Indonesia and LLM from the Washington College of Law, American University at Washington, D.C, under USAID Scholarship. He has training and research on international trade law, human rights and international humanitarian law. Mr. Purnama is a of International Law and Human Rights, Faculty of Law, University of Indonesia since 2004. He is the Chair of Human Rights Center. He is a member of Southeast Asia Human Rights Study Network (SEAHRN) and member ASEAN University Network –Human Rights Education. He previously worked as Chair of Research Committee for SHAPE-SEA funded by Swedish International Development Cooperation Agency (SIDA), Trade Lawyer for Indonesia Trade Assistance Project, funded by United States Agency for International Development (USAID).
STRANGE BEDFELLOWS, ADVERSARIES, OR PARTNERS? ASSESSING CIVIL SOCIETY’S ENGAGEMENT IN ASEAN COMMUNITY BUILDING (2000-2015)

Aries A. Arugay

The pursuit of a more people-oriented ASEAN has led the organization to adopt and commit to principles, mechanisms, and institution geared toward a more inclusive community Southeast Asian nations. ASEAN member-states pledged to involve more stakeholders, particularly those that represent the diversity of social and political sectors Southeast Asia is known for. Over the past fifteen years, a burgeoning regional network of civil society organizations (CSOs) have emerged to critically engage ASEAN in addressing issues such as human rights, democracy, environmental degradation, poverty, and threats to human security. This paper traces the evolution of the relationship between ASEAN as an intergovernmental organization with CSOs and analyzes the challenges of deepening this collaborative partnership. It argues that the normative and institutional limitations of ASEAN, the lack of familiarity of CSOs with the character of the regional entity it engages with, and the strong veto powers of its member-states are influencing the strained relationship between them. This paper focuses on the multiple occasions of interface between ASEAN governments and CSOs in the last decade as well as other informal mechanisms (i.e. track two channels) where engagement between them occurred. It also examines actual positions made by CSOs on issues in the region, their perceptions of ASEAN leadership, the progress of community-building, and its ability to include their inputs in policymaking through an opinion survey. By way of conclusion, the study provides some policy recommendations in improving ASEAN-CSO relations with the objective of improving its post-2015 Community-Building process.

Aries A. Arugay is Associate Professor of Political Science and Co-Convenor of the Strategic Studies Program of the Center for Integrative and Development Studies at the University of the Philippines in Diliman. He teaches undergraduate and graduate courses on comparative politics, international relations, research methodology, and political thought. He was previously a visiting fellow at the Institute of Security and International Studies (Thailand), Universidad Mayor de San Simón (Bolivia), Department of Government and International Relations-University of Sydney, Jeju Peace Institute (South Korea), and the National Institute of Defense Studies (Japan). He serves as Senior Editor of Asian Politics & Policy and Associate Editor of the Philippine Political Science Journal. He obtained his PhD in Political Science from Georgia State University in Atlanta as a Fulbright scholar and his MA and BA (cum laude) in Political Science from the University of the Philippines-Diliman.
STATES' RESISTANCE TO INTERNATIONAL HUMAN RIGHTS LAW IN ASEAN: THE DYNAMIC ROLES OF CIVIL SOCIETY ORGANISATIONS

Yuyun Wahyuningrum

Despite the fact that the state is the functional subject of international norms (law, system, order), the relationship between the two remains dynamic. State often resists the international normative order that is perceived as unjust. This paper is situated in the context of regionalism project in the Association of Southeast Asian Nations (ASEAN). While the focus on states resistance to international norms of human rights law in ASEAN is understudied, the role of civil society in the dynamics of the states' resistance to international human rights law is largely unknown. As a result, the picture of international norms on human rights and their effects on state behaviour in the context of regionalism is incomplete. This paper, therefore, aims to explores the origin of such initiative, its formation, activities, participation in regional events related to human rights and challenges to the promotion and protection of human rights in ASEAN. In assessing the role of civil society organisations in the state's resistance to international human rights law in ASEAN, this paper examines the process of human rights institutionalisation in ASEAN from the period of 2009 to 2013. This paper analyses the data from text, discourses, interview notes to some key relevant actors and the author's personal recollection in engaging ASEAN in the said period. The examination reveals the different roles of civil society organisations in ASEAN to states' resistance to international human rights law. Some organisations insisted that the ASEAN member states should comply with international human rights law, and the rest was sympathetic with the states' resistance to international law. The later was categorised as GONGOs (or Government-Operating Non-Government Organisation). They were formed and/or mobilised by some of the ASEAN member states to represent the country at the regional forums related to human rights, participate in regional debates on human rights in ASEAN and to convey the position that is supportive to the governments'. This paper observes that motivated by the intention to pluralise policy-making process and in compliance with the 'people-oriented' strategy of regional governance, some ASEAN member states mobilised GONGOs aiming at minimising possible contestation over their human rights positions and national interests.

Yuyun Wahyuningrum is the PhD Researcher at the International Institute for Social Studies (ISS) in The Hague of the Erasmus University Rotterdam. Her research deals state resistance to international human rights law in the context of ASEAN regionalism. She was previously a visiting fellow at the Asia-Pacific Centre on Responsibility to Protect at Faculty of Political Science at the University of Queensland, Brisbane, Australia. She obtained her MA on Human Rights and Development from Mahidol University Thailand in 2007. She has spent almost twenty years working in different NGOs, which half of it was dedicated for ASEAN's advocacy. She was the Team Leader of Regional EU-ASEAN Dialogue Instrument on Human Rights Facility (READI HRF) to support ASEAN's integration agenda for the period of August 2015 – January 2017. While doing her PhD, she maintains her work to provide advises to Human Rights Working Group (HRWG) as Senior Advisor on ASEAN and Human Rights, and to the ASEAN Parliamentarians for Human Rights (APHR), the Southeast Asian Initiatives for Human Rights Governance and Accountability (SIHRA), and Weaving Women Voices in Southeast Asia (WEAVE). In 2016-2017, she also worked as a consultant for the Southeast Asian National Human Rights Institutions Forum (SEANF). Her writing often appears in The Jakarta Post (Indonesia), NewsDesk Asia (The Philippines), Bangkok Post, and The Nation (Thailand).
States’ Resistance to International Human Rights Law in ASEAN: The Dynamic Roles of Civil Society Organisations

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Parallel Session B1
Remembering Gross Violations
15:30-17:30 (15 October 2018)
Aloe Rm.
COLLECTIVE MEMORIES OF THE FILIPINO YOUTH ON THE HUMAN RIGHTS VIOLATIONS DURING THE MARCOS REGIME

Ma. Rhea Gretchen A. Abuso

The election of Rodrigo Duterte to the presidency and the narrow loss of the son of the dictator, Ferdinand Marcos, to the vice presidency during the 2016 national elections in the Philippines begged the question: how could Filipinos, who already experienced a bloody and violent regime, choose to elect national leaders widely associated with human rights violations? This paper attempts to address this question by presenting the Marcos regime from the perspective of the generation that did not directly experience the period through in-depth interviews with Filipino college students from key cities in the Philippines. In doing so, this paper provides a compelling description of the Marcos regime as transmitted to them by significant social institutions in Philippine society. Findings of the study show that how the Marcos regime should be regarded, whether a violent past or an ordinary policy implemented in the 1970's, is not fully settled. However, the study also revealed that the youth consider the social institution of education as most trustworthy in talking about the Marcos regime and human rights in general. The study therefore provides direction on where the Philippines can start in correcting misconceptions about Marcos’s martial law and the meaning of human rights.

Gretchen Abuso is a tenured instructor at the Department of Sociology and Anthropology of Xavier University. This study was conducted through the research grant from Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia (SHAPE-SEA). She may be contacted through mabuso@xu.edu.ph
LISTING, MEMORIALIZATION, AND HUMAN RIGHTS VIOLATION VICTIMS IN THE PHILIPPINES

Miguel Paolo P. Reyes

Through the lens of memory studies, this paper seeks to contribute to studying the relationship of listing human rights violation victims, particularly those who were victimized by members of the state’s repressive apparatuses; the responses of the state to these lists, including the release of “counter-lists”; and victim memorialization, with the lists at times literally becoming features in commemorative monuments. Specifically, it will examine such lists that were drawn up by human rights advocates and journalists—as well as the published and unpublished refutations of these lists by the state—within the administrations of Ferdinand Marcos (1965-1986) and the incumbent president, Rodrigo Duterte, in the Philippines. For the former, the sources that will be examined include the publicized lists by groups such as Task Force Detainees of the Philippines and the counter-lists included in state-funded publications such as Five Years in the New Society and a lengthier unpublished list drawn up by the military included in the files of the Presidential Commission on Good Government; the state-provided lists include direct refutations of (or feeble/cryptic notations on) the lists made by advocates, but are rarely utilized for their intended function—i.e., the defense of the Marcos regime from accusations of a state-wide torture/killing/enforced disappearance policy—after Marcos was deposed. However, because of sometimes conflicting policies of the state on financially compensating the Marcos regime victims, listing has become a contentious exercise even for those who side with the victims. Meanwhile, under the Duterte administration, publicized lists such as The Philippine Daily Inquirer’s discontinued “kill list” of drug-related killings and the lack of counter-lists so far—only aggregated numbers of “deaths/homicides under investigation”—released by the state, will be contextualized within the confusion of statistics on the ongoing Philippine “War on Drugs,” showing how lists can potentially fail as a means of victim memorialization when names are highlighted less than contending totals of dead victims. In short, this paper looks at human rights violation lists as a form of codified collective memory, which can fail to be adopted at a national scale through state intervention or the discontinuance of documentation beyond listing.

Miguel Paolo P. Reyes is a University Research Associate at the Third World Studies Center, College of Social Sciences and Philosophy, University of the Philippines Diliman. He is an associate editor of Kasarinlan: Philippine Journal of Third World Studies. He has done research on Philippine democratization and authoritarianism (particularly under the regime of Ferdinand Marcos), state propaganda (particularly during the Marcos regime) and the memorialization of those killed in mass protest actions in the Philippines.
ASEAN SILENCE SPEAKS TOWARDS GENOCIDE

Nurul Masyithoh

Lately Human Rights and Genocide became viral in social media, and not only that, Rohingya issues often became headline in international news which boiling Southeast Asians country. Many public opinion in ASEAN argue that ASEAN as organization itself needed to gave embargo to Myanmar, or even expel Myanmar out from being an ASEAN country. This research however not being focused in Rohingya issues, because honestly genocide issues too happen in other ASEAN country member, such as in Philippines and Indonesia. The author viewed over all of the issues of humanitarian security include of genocide is the one of the part of conflict transformation. In this paper the focus of study is about why awareness to defy or resisting genocide in ASEAN region doesn’t flourish? And why is anti-genocide idea cannot be ingrained in ASEAN society collective consciousness?.

International news even claimed that ASEAN tend to be quiet in issues such as Human Rights or Humanity, in particular like the Rohingya ethic issues in Myanmar. Those many cases about humanitarian conflicts should be answered with peace building concept, during the conflict still exist, peace building concept will explain more the recognition of human rights as a tool to resolve any conflicts and examine the factors of transformation between norm and value of ethic. ASEAN itself is a regional entity that bound not only the region but also country member relationship, so ASEAN society needs to have the same value perception and collective consciousness even if we need to underline that value or norm often not absolute.

Nurul Masyithoh is student of International Relations at Jember University. In my time being a student I had many things that spark many interesting thing in my journey of studying in International Relation studies, one of which in particular is Feminism and specifically to conflict transformations and make a peace building that happen in Asia and Southeast Asia. Following many issues that sprout out in few last years had been my passion and while I am following it there is also a passion to see the problem that arises in many conflicts of humanitarian issues, saw a solution that could offer an answer which will satisfy people need both in transformations conflict and make a peace building by collective consciousness in this South East Asia. This is the reason I strongly want to came to The Fifth International Conference on Human Rights and Peace & Conflict in Southeast Asia.
WIJI THUKUL AND THE STRUGGLE FOR HUMAN RIGHTS IN POST-AUTHORITARIAN INDONESIA

Muhammad Febriansyah

In Indonesia, various state crimes committed by the New Order regime (1966 - 1998) were revived after the fall of Suharto. The role of human rights violation victims, intellectuals and NGOs is essential in directing public opinion to look at the history beyond the influence of those in power. Certain figures who had been victim to the cruelty of the regime emerged as a symbol of defiance and a reminder to the current government who wants to resolve such cases. Wiji Thukul who was a victim of enforced disappearance in 1998 have emerged as the most prominent figure in the struggle for finding solutions to the question of human rights violations in the past. This study will discuss the emergence of the Wiji Thukul figure as a symbol of resistance against the New Order regime and as a human rights activists in post authoritarian Indonesia. At the beginning, he was only known as a poor village poet. But after the reformation, the personage of the village poet was transformed into a symbol of resistance, human rights defender, and was immortalized. The question is, among many victims of forced disappearances and human rights violations of the New Order regime, why Wiji Thukul is the only one that stood out and often highlighted as a reminder? This study aims to analyze the processes behind the transformation of the image of a village poet Wiji Thukul into a symbol of resistance. I argue, the description of Thukul as a fighter is socially constructed by activists and media campaigns due to the existence of human rights issues that could not be resolved by the governments after the New Order. To realize this, they deliberately raise the image of heroism where poverty, victimization from the regime, and the suffering endured during Thukul’s life became an integral part of the imaging process.

Dr. Muhammad Febriansyah currently a political science lecturer at School of Social Sciences, Universiti Sains Malaysia, Penang. After completing his PhD at Institute of Malaysia and International Studies (IKMAS), National University of Malaysia, he appointed as a lecturer at School of History, Politics and Strategy, (2013-2015) at the same university. He was also a visiting research fellow at Institute of Asia Pacific Studies (IAPS), University of Nottingham, Malaysia Campus (2016-2017). His research interests are in the area of cultural politics, youth politics, and social movement, mainly in Malaysia and Indonesia. His upcoming book on art and resistance in New Order Indonesia which shed light on Wiji Thukul art and political activities will be published by Gadjah Mada University Press, Yogyakarta in 2019.
Children at the Margins

15:30-17:30 (15 October 2018)

Freesia Rm.

In any conflict, even though it is not an actor or cause of conflict, women and children are always victims. The children have the most painful suffering in a conflict. This paper will provide an overview of communal conflict between Ahmadiyah jamaah and the community of Central Lombok West Nusa Tenggara. Conflict in addition to causing violence but also expulsion from residence. The victim fled out of his residence. Victims of conflict include children. Children in addition to experiencing violence also participate displaced. Refugees in addition to resulting breaking the environment where the playground is also a place of school. Living in an environmentally and socially unhealthy refugee, increasing the impact of conflict is not only a problem but also a lack of education or school. In programs to help refugees it is necessary to think about the fulfillment of the rights of disconnected children such as education, play and health facilities if children are ill.

Dr. Achmed Sukendro was born at 1968 in East Java, Indonesia. He finished Diploma of Nursing Malang Nursing Academy 1990, after graduating nursing diploma he became a Indonesia Health Army Corps, Bachelor's Law Degree from Al Azhar Islamic University West Nusa Tenggara 1998, Magister Of Communication Sciences Dr Soetomo University Surabaya 2008, Doctor of Humaniora Sciences/Anthropology Universitas Gadjah Mada Yogyakarta 2015, Since 2017 until now he lecturer at Peace and Conflict Resolutions Program Studies Indonesia Defense University, his research interest on the themes of conflict, terrorism, radicalism, peace and war. He is members of Indonesia Anthropology Association, International Committee Military Medicine. Dr Achmed Sukendro can be contacted via achmed.sukendro@idu.ac.id, achmedsukendro@gmail.com. Iswandi Khairy Ramen was born in 1985 in Lombok, Indonesia. He earned a Bachelor's degree from the Department of Political and Government Sciences, Hasanuddin University, Makassar in 2007. After graduating until 2017 he became a civil servant in the Central Lombok district government. He is currently studying postgraduate studies in the Asymmetric Warfare program, Indonesian Defense University. Iswandi Khairy Ramen can be contacted via wendypribadi85@gmail.com. Interest in his research on the themes of conflict and radicalism.
CHILDREN REFUGEES AT JAMAAH AHMADIYAH CONFLICT IN LOMBOK CENTER DISTRICT WEST NUSA TENGGARA

Achmed Sukendro, Iswandi Khairy Ramen

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CHILDREN AT RISK OF STATELESSNESS AND THEIR CONSTRAINTS TO CITIZENSHIP

Mary Anne K. Baltazar, Ayesah Uy Abubakar, Wan Shawaluddin Wan Hassan

Malaysia ratified the Convention on the Rights of the Child (CRC) in 1995 and accordingly, crafted the Child Act of 2001 to fulfil its obligations under the CRC. However, the ratification of the CRC came together with several reservations, with some being lifted throughout the years while the reservation on Article 7 on name and nationality remains. This research demonstrates how the right to identity is a prerequisite to achieving other basic rights of children and should be addressed as a first step in mitigating the issue of undocumented and stateless children in Sabah. While this group may be aptly categorised as undocumented Filipinos and not as stateless, they, however, are also effectively at-risk of statelessness. Today, these children face many challenges in accessing basic rights in Malaysia, one of which is not having a legal identity. The right to identity poses a huge impact on the child’s access to basic rights, such as education and healthcare. This paper will discuss the causes, constraints and mitigating factors that children at-risk of statelessness and non-documentation confront on a daily basis. The study takes a qualitative approach using questionnaire surveys, focus group discussions and key informant interviews. The research is focused on children of Filipino descent and who are found in various Alternative Learning Centres (ALCs) or informal schools located in three geographical locations in Sabah, Malaysia, namely, the urban centre of Kota Kinabalu, the highland areas of Keningau and in the coastal town of Sandakan. A human rights-based approach is mainly used in understanding this social issue. The preliminary study in Kota Kinabalu and Keningau reveals that almost all children and parents acknowledge the importance of identification documents in their access to education, jobs and security. However, issues such as no proof of marriage, child born at home and parents’ unclear citizenship status are some of the reasons that deter children from being eligible to legal documentation. While the Malaysian government has shown effort in offering birth certificates to all children, most children in this study have only been able to acquire birth certificates with “non-citizen” status, thus still leaving the children stateless and unable to access basic rights.

Pursuing her MA in International Relations at University Malaysia Sabah, Mary Anne Baltazar has more than eight years of experience in human rights and non-profit work. She is the youngest member in the Senior Management Team of Good Shepherd Services. Her leadership and charisma has been recognised locally as well as internationally. In 2013, she was selected to represent Malaysia in the Community Solutions Program, a professional leadership development program for the best and brightest community leaders worldwide in USA. In 2014, she was selected to represent Malaysia for the Young South East Asian Leadership Initiative with an audience with President Barrack Obama during his official visit to Malaysia. In the same year, she presented her paper for the Symposium of Young People against Slavery with the presence of Pope Francis. In 2016, she was awarded the Outstanding Young Person of Sabah Award by JCI and in 2017 she received the Vocational Award by the Rotary Club of Kota Kinabalu. Ayesah Uy Abubakar is Senior lecturer at the Universiti Malaysia Sabah, Malaysia (email add: ayesah@ums.edu.my). Wan Shawaluddin Wan Hassan is Senior lecturer at the Universiti Malaysia Sabah, Malaysia (email add: lawahs@mail.com).
STREET CONNECTED CHILDREN AND THE RIGHT TO REFUSE “RESCUE”

Catherine Scerri

In urban centers in the Philippines and all over the world, the street is vital to the lives of children who rely on it as a source of livelihood, peer support, refuge and recreation. A variety of factors push and pull children onto the street with extreme poverty often a driving structural cause. Far from being a homogenous group, ‘street children’ are from diverse circumstances and backgrounds, uniquely motivated and challenged. The most typical societal response to the presence of children on the streets and in public places is to remove them. Such responses are typically motivated either by concerns about welfare or by a desire to suppress delinquency. In the Philippines the decades-old practice of ‘rescue’ of street children swings between welfare and repression, frequently within a single operation. The child’s willingness to be rescued is systematically rendered irrelevant, with most ‘rescues’ being carried out against the will of the children involved based on an idea that street children have ‘thin agency’. This paper will explore how the recent UN General Comment 21 on Children in Street Situations gives strength to the argument that street-connected children have the right to refuse being ‘rescued’.

Catherine Scerri graduated from Bachelor of Arts and Bachelor of Laws with Honours from Monash University in 2001 and from the Masters of Human Rights Law at the University of Melbourne in 2018. In 2003, she completed her articles of clerkship at Allens and was admitted as a barrister/solicitor of the Supreme Court of Victoria, Australia. In 2003 Catherine moved to the Philippines where she was employed as the Development Manager at Bahay Tuluyan Foundation Inc. Catherine has been the Deputy Director of Bahay Tuluyan since 2011. Bahay Tuluyan is a children’s rights organization working to prevent and respond to abuse and violence against children. Catherine’s research, advocacy and teaching has focused particularly on the challenges facing Filipino children in street situations in their pursuit of their fundamental human rights.
Parallel Session B3
Locating Human Rights in the Palm Oil Industry

15:30-17:30 (15 October 2018)

Oudh Rm.
LOOKING TOWARDS INDONESIAN PALM OIL INDUSTRIES:
SOCIAL AND ENVIRONMENTAL PROBLEMS

Elia Isnawati

Palm oil is one of the biggest contributors in Indonesia’s national income. However, this benefit turns out as threats as the industries need a proper amount of land to grow the palm oil trees and fulfill the huge demand. This paper discusses how the palm oil industries that contribute in Indonesia’s economic growth could harm the communities and environment. Many of the palm oil industries didn’t manage the agricultural land properly. Most of industries use trees burning method to clean up the area quickly. This method then produce smokes that harm human’s respiratory and disrupt human’s activities. Also at some cases, the legal contract of owning the land with the government were usually not coordinated with the indigenous people that been living in the area for years. This could lead into new society problems and conflicts that broke the human rights principal. The cases from Sumatera, Kalimantan, and Papua are the examples of how palm oil industries is harmful. Indeed, palm oil industries holds a big role in Indonesia’s national income and helps development. However, on the other side it caused deforestation and harm the communities that lead them to the human rights issues.

Elia Isnawati is a fourth year student in International Relations Science of University of Jember, Indonesia. Her research interest is currently on human security issue, focusing on environment and children rights. Contact her on e-mail: isnawati.elia@gmail.com.
Seven years after the endorsement of United Nations Guiding Principles (UNGPs), palm oil plantation workers are still facing a difficult situation. Basic labour rights of these workers have been recognized in the 1998 ILO Declaration on Fundamental Principles and Rights at Work and the eight core labour conventions, yet these rights are still being violated. Although some efforts have been introduced by different State and non-State actors to reflect their commitment to apply UNGPs, those measures have not touched the workers in the field still working in a precarious condition. More than 60% of plantation workers are still employed as daily worker, it means they do not have job security, some of them their daily wage is sometimes even lower than the minimum wage standard decided by local government. They are not protected from work-related hazards and they sometimes have to bring their children to work in order to meet inhumane daily target or penalties, or wage deduction. In many documented cases, one could conclude that the workers are still facing the same situation like forced labour during colonial era. The Indonesian Human Rights Commission or Komnas HAM has issued a National Action Plan (NAP) on Business and Human Rights in 2017, following the recommendation from the UN Business and Human Rights Working Group. Indonesia is the first country in South East Asia that has issued this NAP. At the same time, the Ministry of Agriculture of Indonesia is leading a process to formulate a National Action Plan on Sustainable Palm Oil. Unfortunately, the latter shows no link with the former. The Government of Indonesia has tried to synchronise the effort to promote UNGPs by appointing a focal point on business and human rights under the Coordinating Ministry of Economic Affairs. Its effectiveness is yet to be seen. As a follow-up of the UNGPs, business actors have also been trying to improve their business practice through business association, for instance the Roundtable Sustainable Palm Oil or Indonesia Global Compact Network. RSPO has a complaint mechanism for any violation committed by their member. While Global Compact, as an older initiative than UNGPs, required its members to submit regular report on their progress based on the 10 Global Compact principles. Have these initiatives improve the workers condition? What could we do next to bring UNGPs more down to earth?

Rully Sandra is a Doctoral candidate from Padjadjaran University, Indonesia, with a scholarship from the Ministry of Finance of Indonesia (LPDP). Her doctoral research will focus on the issue of Business and Human Rights. In 2016, she assisted INFID to develop a training manual on business and human rights to be used by grassroot stakeholders in food and agriculture sector. In 2018, she assisted Indonesia Global Compact Network to develop a BHR Training Manual for business actors. Previously, she was working as a program coordinator of the Human Rights Resource Centre for ASEAN (HRRC) until 2015. She got her master degree from University of Utrecht, the Netherlands, majoring in International Human Rights Law and Criminal Justice.
ANATOMY OF A LABOUR COMPLAINT IN THE PALM OIL INDUSTRY
– A CASE STUDY

Ravindaran Krishnan

The Palm oil industry has been in the news for many reasons since the beginning of 2000s. The most traded edible oil in the world has been beset with issues of deforestation, destruction of peat, displacement of local/native communities, land conflicts and social issues in many places in the world. These issues some what prompted the formation of the multi stakeholder organization called the Roundtable on Sustainable Palm Oil (RSPO) in 2004. The RSPO’s main thrust was to enable its grower members through the implementation of a set of principles and criteria to become certified and the oil is then deemed to be Certified Sustainable Palm Oil (CSPO). CSPO means that the oil was produced in a sustainable way and free of the issues highlighted earlier. Principle 6 of the RSPO speaks of Responsible Consideration of Employees and of Individuals and Communities Affected By Growers and Millers Principle 6.5 says – ‘Pay and conditions for employees and for contract workers always meet at least legal or industry minimum standards and are sufficient to provide decent living wages.’ While, Principle 6.6 further states, ‘The employer respects the rights of all personnel to form and join trade unions of their choice and to bargain collectively. Where the right to freedom of association and collective bargaining are restricted under law, the employer facilitates parallel means of independent and free association and bargaining for all such personnel.’ The RSPO has a Complaints System to compel compliance by its members to the Principles and Criteria. Against these backdrop, a coalition of NGOs led by Rainforest Action Network made a complaint against the RSPO member, PT PP London Sumatra Indonesia Tbk in 11 October 2016. The complaint was essentially that this RSPO member was exploiting its workers in breach of its obligations as a RSPO member. The paper will outline the gist of the labour complaint by the NGOs, the workings of the Complaints system of the RSPO and what are the wider implications for the players in the palm oil industry.

Ravin has more than 25 years of corporate experience in diverse industries such as education, insurance, financial services and palm oil. He specialises in the area of employment and environmental law and has a keen interest in socio-economic-legal issues. Ravin holds a law degree from the University of London, a postgraduate diploma in human resource management and an MBA from the University of Newcastle Australia. Ravin is a firm believer in sustainability and conservation. A major part of the last few years, Ravin was the Complaints Manager of the Roundtable on Sustainable Palm Oil and he was instrumental in setting up the Complaints System of the RSPO as we know it today. He was a part of the team that did a field verification of the complaints against growers in Liberia. Investigated and advised the RSPO Complaints Panel and the Board of Governors of the RSPO leading to the suspension of IOI Plantations over clearing of peat in Kalimantan Indonesia. He also played a role in the initial assessment of a land conflict in Papua Indonesia and represented the RSPO Dispute Settlement Facility in major land conflict cases in Indonesia and the Malaysian states of Sabah and Sarawak. Following an influx of complaint cases from Latin and Central America, Ravin has developed an understanding of the underlying causes of palm oil conflicts in these countries. Currently, he is the Grievance Manager of Musim Mas and is part of a team that handles sustainability and supply chains i.e. ensuring compliance with their own Sustainability policy. As a member of the Technical Advisory Committee of the Conflict Resolution Unit, he contributes to the Indonesia Business Council for Sustainable Development (IBCSD)

1 https://www.rspo.org/about
3 https://www.rspo.org/members/complaints
4 https://www.rspo.org/members/complaints/status-of-complaints/view/92
5 https://d3n8a8pro7vhmx.cloudfront.net/rainforestactionnetwork/pages/15889/attachments/original/1467043668/The_Human_Cost_of_Conflict_Palm_Oil_RAN.pdf?1467043668
Parallel Session B4
Defending Human Rights
15:30-17:30 (15 October 2018)
Verbena Rm.
THE RIGHT TO FREEDOM OF ASSOCIATION OF HUMAN RIGHTS DEFENDERS IN THE KINGDOM OF CAMBODIA

Boravin Tann

Cast as an indispensable agent of human rights change, human rights defenders are now striving to promote and protect human rights and fundamental freedoms in Cambodia in light of the recent apprehensive legal development concerning the exercise of their right to freedom of association, namely the law on non-government organizations and on trade unions. This article highlights that the right to freedom of association is of particular essence for human rights defenders as an enabling right to enjoy related or nexus rights as an individual and to serve a prerequisite for their mission to guarantee others' ability to exercise human rights in a democratic society. It explores international and national standards concerning the right and its pre-existing challenges in the context of Cambodia. It argues that the instruments presents several flawed and ambiguous provisions including on criminalisation of non-registered associations, registration procedure, and grounds for suspension and dissolution of association. This article concludes that the adoption of the laws is a regressive legal measure in the respect, promotion, protection and mainstreaming of the right to freedom of association vis-á-vis human rights defenders in addition to the current political climate.

Boravin Tann is a researcher and lecturer at the Center for the Study of Humanitarian Law based at the Royal University of Law and Economics (RULE), Phnom Penh, Cambodia. With two bachelor degrees of Bachelor of Arts (B.A.) in International Studies and Bachelor of Law (L.L.B.), she furthered her legal education at Lund University in Sweden from which she graduated with a Master of Laws (L.L.M.) in International Human Rights Law. She now teaches International Human Rights Law and International Humanitarian Law course. In addition to teaching, she has conducted theoretic research on various topics of international human rights law and human rights in Cambodia. Furthermore, she has also engaged in empirical/field research throughout Cambodia on the topic of transitional justice though victim participation at the Khmer Rouge Tribunal. Her research interests include civil and political rights and labor rights, among others.
THE CHALLENGES OF HUMAN RIGHTS DEFENDERS
AND OTHER ACTIVISTS IN CAMBODIA AND VIET NAM

Kim Khorn Long

The number of killings on human rights defenders and other activists, especially land and environmental defenders still on the rise worldwide. Responsible states failed to prevent the assassination and provide justice for the victims. Therefore, this research paper aims to review law, policy, and institution to find out why the responsible institutions fail to provide security protection for LED in specific or HRD in general in two countries, Cambodia and Viet Nam. Based on extensive literature review, because Security and Safety Protection Policy for HRD not exist in Cambodia and Viet Nam, therefore, it has been seen as the challenges concerning safety and security of the HRD. Such kind of policy, law and measure would play an important role to reduce and address the legal harassment and prevent tragic murder.

Kim Khorn Long is a trainer, consultant, policy maker, and researcher in human rights, humanitarian law; and regional security in energy, military, maritime affair, foreign policy, counterrorism; and election campaigning and advocacy in Southeast Asia. He presented research papers in numbers of international political trainings, workshops, forums and summits in more than twenties countries in Europe and Asia. In 2018, He works for London-based international human rights organization as Regional Researcher for Southeast Asia and the Pacific. He has more than 10-year experiences in research, training, strategic planning and policy development. Since 2017, he was pursuing PhD. Program in ASEAN Studies (Regional Security and Strategic Studies); and in 2016, studied LLM in International Human Rights Law; in 2013, studied MIRs in International Relations and Diplomacy; in 2012, Diploma in Policy Makemanship; in 2011, Political Leadership Diploma at Germany; and in 2007, graduated in BPhil. in Philosophy.
LEGAL AID SERVICES FOR CRIMINALIZATION OF HUMAN RIGHTS DEFENDERS

Mohammad Syaiful Aris

Criminalization is a risk of human rights defenders, when they fight for rights collectively in building their society. Based on Annual Report by Surabaya Legal Aid Institute 2017, there are several cases for the criminalization in East Java. Firstly, labor human rights defenders. A number of worker activists create Facebook Group that is closed to members only. Facebook group is used as a means of communication, consolidation, coordination and discussion among the members of labor organizations. Unfortunately, eight people were reported to police because it is considered to discuss or make a statement which defamatory. Secondly, related to land dispute, farmer activists doing planting around the location of company as symbol protesting against their deprived ancestral lands. 42 citizens and 2 students were arrested by Police and then 11 people were appointed as suspects charged on the prohibition of land use without the authorized license. Thirdly, Mining operation, criminalization cases of residents and activists who reject mining operation has socio-ecological impacts and life-saving effects to the society. The social impacts caused conflict between the community, the company and the state apparatus in the form of repression to society. Protecting human rights defenders or activists from criminalization by providing legal aid services should be consider as the program for government and non-government organization. The legal aid is not only solely based on charity but also must be associated with the political rights of the citizens. The government has an obligation to provide the services. Legal aid is clearly linked to human rights because the fulfillment of human rights is one of the mandates of the Indonesian constitution. Article 28D Paragraph (1) guarantees that every person, including the human rights defender, has the right access to justice in order that their rights to the recognition, guarantee, protection and legal certainty of justice and equal treatment before the law can be realized.

Mohammad Syaiful Aris, is a lecturer at the Constitutional Law Department, Faculty of Law, Universitas Airlangga, Indonesia. He graduated a Master of Laws (LLM) degree in 2014 from University of California (UC) Davis, USA with interest in field study of Constitutional and Administrative Law. He also got his Master of Law (M.H) from Universitas Airlangga in 2009 and Bachelor Degree in Law (S.H) at Universitas Airlangga in 2003 focus on Government Law. As a Former Director of Surabaya Legal Aid East Java in 2005 to 2012, he has experience advocating public cases in court or out of court such as labor, freedom of religion and land dispute. Aris actively wrote books and articles. He passed certification as a mediator by Supreme Court and certification as a lawyer (advocate). In 2017, he has certification as Legal Auditor. His Area of interests are Electoral Law, Human Rights, and Constitutional Law.

1 http://kamtaanakomumbyor.id/2017/12/22/catalu-2017-lbh-surabaya/
Parallel Session B5

Inclusive Citizenship or Majoritarian Nationalism: Current Challenges and Good Practices in Myanmar and Its Neighbor States

15:30-17:30 (15 October 2018)

Grand Ballroom
INCLUSIVE CITIZENSHIP OR MAJORITARIAN NATIONALISM?: CURRENT CHALLENGES AND GOOD PRACTICES IN MYANMAR AND ITS NEIGHBOUR STATES

Organised by the Minority Network

Several countries in South-East Asia are facing challenges of nationalism, often linked to the majority religion. Social media and political statements contribute to stereotypes describing certain religious and ethnic groups as "the other" or "the enemy" that threatens the national cohesion or even security. There are however also initiatives that challenge these tendencies, with the aim to foster inclusive citizenship. The presentations of this panel present analytical frameworks and empirical examples of these different tendencies from Myanmar and neighbouring states.

Moderator:

Dr. Ingvill Thorson Plesner

Speakers:

- **Dr. Deasy Simandjuntak**, Associate Fellow, ISEAS- Yusof Ishak Institute
- **Ms. Phyu Zin Aye**, Ph.D.student, Institute of Human Rights and Peace Studies, Mahidol University.
- **Mr. Nbyen Dan Hkung Awng**, Director, Kachinland School of Arts and Sciences (KSAS), Humanity Institute, Myanmar
- **Mr. Nickey Diamond**, Myanmar specialist, Fortify Rights
Parallel Session C1

Intersections of Rights and Sexuality

10:30-12:30 (16 October 2018)

Aloe Rm.

Conflict prevention, resolution, and peace building are the most pressing issues to address today. The unprecedented crises, scale of destruction, and casualties that result from different forms of conflicts have not only posed myriad of challenges, but also further unveiled the structural inequalities and violence that the world is mired in. While everyone is affected directly or indirectly by conflicts, effects and impacts of conflicts are gendered that affect men and women differently. Men and boys are targeted more for conscriptions while women and girls disproportionately suffer many other costs of conflict that adversely affect their Sexual and Reproductive Health and Rights (SRHR). Women are however not a homogenous group and their experience of conflict can be diverse. Despite this, women and girls' experiences are often undocumented and that they are made invisible at peace negotiation tables at all levels. Though conflicts can also play transformative roles for women providing opportunities to break gender stereotypes, they are expected to resume gender roles in post conflict situation in the pretext of "restoring peace". This leads to gender-blind approaches to peace that are unsustainable and often perpetuate the cycle of violence and conflict. Gender blind approaches ignore, among others, women and girls' SRHR which is already given less attention even in the absence of conflict and more so in the humanitarian settings. Despite existing international instruments and commitments, gender inequality is a major issue and women and girls continue to suffer violation of their Sexual and Reproductive Health and Rights in general and more so in the context of conflict and post conflict situations. Experiences of women's transformation to leadership roles should be consolidated and their gains sustained so that women are not pushed back to their subservient roles to reassert patriarchal ideology when the war is so called 'ended.' The proposed presentation therefore will unpack gendered issues of conflict using examples from ongoing conflict in South East Asia. It will also highlight the importance of ensuring gender quality specially women and girls meaningful participation in decision making process and upholding SRHR as a core to achieving sustainable peace.

Biplabi Shrestha is a programme manager at ARROW (Asian Pacific Resource and Research Centre for Women). Her long involvement and work on women and young people's Sexual and Reproductive Rights (SRR) through ARROW are inspired and informed by the lived realities of women and girls in Asia including countries that are facing conflict or are in post conflict situations. At ARROW, Biplabi manages a programme that aims at building new constituencies for SRR. One of the major focus of the programme is the intersectionality between SRR and conflict and peacebuilding. Biplabi holds a master degree in Gender and Peace Building from University for Peace as a scholar of Asian- Peacebuilding Scholarship Programme.
CONFLICT PREVENTION, RESOLUTION, AND PEACE BUILDING ARE THE MOST PRESSING ISSUES TO ADDRESS TODAY. THE UNPRECEDENTED CRISSES, SCALE OF DESTRUCTION, AND CASUALTIES THAT RESULT FROM DIFFERENT FORMS OF CONFLICTS HAVE NOT ONLY POSED MYRIAD OF CHALLENGES, BUT ALSO FURTHER UNVEILED THE STRUCTURAL INEQUALITIES AND VIOLENCE THAT THE WORLD IS MIRED IN. WHILE EVERYONE IS AFFECTED DIRECTLY OR INDIRECTLY BY CONFLICTS, EFFECTS AND IMPACTS OF CONFLICTS ARE GENDERED THAT AFFECT MEN AND WOMEN DIFFERENTLY. MEN AND BOYS ARE TARGETED MORE FOR CONScriptions WHILE WOMEN AND GIRLS DISPROPORTIONATELY SUFFER MANY OTHER COSTS OF CONFLICT THAT ADVERSELY AFFECT THEIR SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS (SRHR).

WOMEN ARE HOWEVER NOT A HOMOGENOUS GROUP AND THEIR EXPERIENCE OF CONFLICT CAN BE DIVERSE. DESPITE THIS, WOMEN AND GIRLS’ EXPERIENCES ARE OFTEN UNDOCUMENTED AND THAT THEY ARE MADE INVISIBLE AT PEACE NEGOTIATION TABLES AT ALL LEVELS. THOUGH CONFLICTS CAN ALSO PLAY TRANSFORMATIVE ROLES FOR WOMEN PROVIDING OPPORTUNITIES TO BREAK GENDER STEREOTYPES, THEY ARE EXPECTED TO RESUME GENDER ROLES IN POST CONFLICT SITUATION IN THE PRETEXT OF “RESTORING PEACE”. THIS LEADS TO GENDER-BLIND APPROACHES TO PEACE THAT ARE UNSUSTAINABLE AND OFTEN PERPETUATE THE CYCLE OF VIOLENCE AND CONFLICT. GENDER BLIND APPROACHES IGNORE, AMONG OTHERS, WOMEN AND GIRLS’ SRHR WHICH IS ALREADY GIVEN LESS ATTENTION EVEN IN THE ABSENCE OF CONFLICT AND MORE SO IN THE HUMANITARIAN SETTINGS. DESPITE EXISTING INTERNATIONAL INSTRUMENTS AND COMMITMENTS, GENDER INEQUALITY IS A MAJOR ISSUE AND WOMEN AND GIRLS CONTINUE TO SUFFER VIOLATION OF THEIR SEXUAL AND REPRODUCTIVE HEALTH AND RIGHTS IN GENERAL AND MORE SO IN THE CONTEXT OF CONFLICT AND POST CONFLICT SITUATIONS. EXPERIENCES OF WOMEN’S TRANSFORMATION TO LEADERSHIP ROLES SHOULD BE CONSOLIDATED AND THEIR GAINS SUSTAINED SO THAT WOMEN ARE NOT PUSHED BACK TO THEIR SUBSERVIENT ROLES TO REASSERT PATRIARCHAL IDEOLOGY WHEN THE WAR IS SO CALLED ‘ENDED.’ THE PROPOSED PRESENTATION THEREFORE WILL UNPACK GENDERED ISSUES OF CONFLICT USING EXAMPLES FROM ONGOING CONFLICT IN SOUTH EAST ASIA. IT WILL ALSO HIGHLIGHT THE IMPORTANCE OF ENSURING GENDER QUALITY SPECIALLY WOMEN AND GIRLS MEANINGFUL PARTICIPATION IN DECISION MAKING PROCESS AND UPHOLDING SRHR AS A CORE TO ACHIEVING SUSTAINABLE PEACE.

Biplabi Shrestha is a programme manager at ARROW (Asian Pacific Resource and Research Centre for Women). Her long involvement and work on women and young people’s Sexual and Reproductive Rights (SRR) through ARROW are inspired and informed by the lived realities of women and girls in Asia including countries that are facing conflict or are in post conflict situations. At ARROW, Biplabi manages a programme that aims at building new constituencies for SRR. One of the major focus of the programme is the intersectionality between SRR and conflict and peacebuilding. Biplabi holds a master degree in Gender and Peace Building from University for Peace as a scholar of Asian- Peacebuilding Scholarship Programme.
SAME-SEX MARRIAGE: BREAKTHROUGHS IN ASIA

Douglas Sanders

In May, 2017, the Constitutional Court of the Republic of China (Taiwan) ruled that equality principles required the equal recognition of same-sex relationships. The formalities were left to the legislative branch (either the opening of marriage or establishment of a civil unions system). Failing legislative action, Civil Code marriage would be available to same-sex couples. For many years Taiwan has emphasized its commitment to human rights and its active multi-party democracy as making it worthy of international recognition and respect. Leading politicians have promoted LGBTI rights since the late 1990s, and this involved representatives of both the KMT and the DPP, the two major political parties. Taiwan enacted anti-discrimination laws in employment and education, and reformed gender recognition documentation. Local governments register same-sex relations in their household registry systems. Taiwan has active LGBTI advocacy organizations and the largest pride parades in Asia. The long build up over twenty-five years explains the lead role of Taiwan in Asia on recognizing same sex relationships. Litigation in Hong Kong has recognized same-sex relationships for immigration purposes. The QT decision of the Court of Final Appeal in July, 2018, establishes this recognition. The extension of spousal benefits by the Hong Kong government to the legal foreign same-sex partner of a civil servant was upheld at trial, reversed on appeal, and is now before the Court of Final Appeal, which will likely apply the reasoning from its decision in the QT case.

Prof. Douglas Sanders is Professor emeritus, Faculty of Law, University of British Columbia, Vancouver Canada; visiting LL.M. Professor, Chulalongkorn University, Bangkok, Thailand (1999 to 2009); Academic Associate, Institute of Human Rights and Peace Studies, Mahidol University. Professor Sanders is a Canadian citizen, resident in Thailand since 2003. His writings are on indigenous and tribal peoples, cultural minorities and LGBTI issues. Notable articles include Getting Lesbian and Gay Rights on the International Human Rights Agenda, (1996) Human Rights Quarterly; 377 and the Unnatural Afterlife of British Colonialism in Asia, (2009) Asian Journal of Comparative Law, Vol. 4, Issue 1, Article 7.
**“ibu jusniarti” the narrative of woman fisher confronted with the industrialization regime of agrarian resources in mahakam**

*(a note from the field, action-research in liang buaya village, east kalimantan)*

Rassela Malinda

Ibu Jusniarti, A woman fisher spends most of her life living in a river village at one point in Middle Mahakam - an extractive industrial area and a capital expansion of palm oil plantation. Shy, quiet, less experienced in organisation, but always exposed to social-ecology crisis issues and activism happening in her village, are several unique blend of Ibu Jus’s attribute. She is the wife of Pak Wandi and the sister in law of Pak Limpong, both are the most vocal protesters of palm oil expansion in their riverine village, namely ‘Liang Buaya’. Her house - a floating house, often served as a shelter for activists and researchers on mining, gender, agrarian, and conservation issues. It enabled her, to listen, witness, and learn several things about current condition of her living environment. As she was still confronted with patriarchal condition especially related to any decision making on agrarian governance, she remained passive. A story of Liang Buaya might be only small piece of broader narrative about environmental and agrarian injustice in East Kalimantan Province. This province relies on the extractive industries and monoculture plantations to leverage its economy, but finally forced to pay for an expensive social-ecology cost. This paper attempts to examine the experience of Ibu Jus along with the women’s groups in Liang Buaya on dealing with social-ecology crisis and gender inequality in daily dynamics.

Rassela Malinda was one of 13 women, grantee of an action-research scholarship program from a research institute on poverty issues, rural reform, agrarian and gender, named Sajogyo Institute. This program aimed to document the group of women living on social-ecology crisis sites, due to the expansion of capital. The experience she obtained from the program, has created her commitment to engage in agrarian, rural and women issues more deeply. Since February 2018, She started her activities as a Policy Advocacy Officer at InDHRRA / Bina Desa (Indonesia Partnership for development of human resources in rural areas), an organization focused on organizing and critical education of rural communities. With more than 40 years of InDHRRA’s experience, she is able to gain deeper learning in rural community and policy level of rural issues. She could be contacted further via rasselamalinda@yahoo.co.id / +6282330238691.

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1 ibu is a term for an adult or married woman
2 Mahakam is The name of river in East Kalimantan, It flows 980 Km, and one of the largest river in Indonesia.
3 Pak is a term for an adult or married man
SELF-CARE AND PERSONAL WELL-BEING CONCEPT IN SECURITY AND PROTECTION MECHANISM FOR WOMEN HUMAN RIGHTS DEFENDERS (WHRD): CASE OF INDONESIAN LESBIAN, BISEXUAL, QUEER (LBQ) WOMEN AND TRANSGENDER FEMALE TO MALE ACTIVIST

Vica K Larasati

The study is designed to get overview on Indonesian Lesbian Bisexual Queer (LBQ) women and Transgender man activism both as individual and collectives in Banda Aceh, DKI Jakarta and Surakarta. In specific to understand key concept on developing security and protection mechanism in personal, organizational and State level, particularly to ensure LBQ women and Transgender man activist’ self-care and personal well-being. The research shows that Indonesian citizen who works to defends Rights of LBQ women and Transgender man communities could not fully address their rights while doing their activism. The research shown two key points that correlated in understanding the importance of self-care and personal well-being concepts within securities and protection mechanism – 1) major events in human rights enforcements and 2) meaning of term that used to describe their activism. Researcher used participatory action research which seeks to change the social and personal dynamics of the research situation so that the research process enhances the lives of all those who participated. Data collected through semi-structured interview, observation, and desk-research. Research participants are key person within LBQ women and Transgender man communities, women organization and Indonesia National Human Rights Institution.

On Human Rights and Peace & Conflict in Southeast Asia

SELF-CARE AND PERSONAL WELL-BEING CONCEPT IN SECURITY AND PROTECTION MECHANISM FOR WOMEN HUMAN RIGHTS DEFENDERS (WHRD): CASE OF INDONESIAN LESBIAN, BISEXUAL, QUEER (LBQ) WOMEN AND TRANSGENDER FEMALE TO MALE ACTIVIST

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Parallel Session C2
Protecting Human Rights
10:30-12:30 (16 October 2018)
Freesia Rm.
ASIAN VALUES AND HUMAN RIGHTS: 
A CONCURRENT VIETNAMESE PERSPECTIVE

Ngo Huong

This paper examines the impact of the ideology of ‘Asian Values’ on the legal norms and practices that frame the recognition and protection of human rights in Vietnam. Specifically, the paper focusses on the extent to which Asian Values has been deployed to discourage the adoption of international human rights norms and practices in the context of Vietnam’s rapid economic development since the mid-1980s. The paper first sketches the adoption of Asian Values in Vietnam’s politics and society. Cultural and political factors that have shaped the conception of human rights are reviewed. Human rights language and norms, as manifest in political ideologies, policies and laws are then analysed, with particular reference to the different versions of Vietnam’s Constitution. It is shown that both the Communist Party of Vietnam (CPV) and the State of Vietnam have clearly articulated Asian Values in formulating their conceptions of human rights. This outcome is argued to result from the fact that Vietnamese political leaders, alike with Lee Kwan Yew in Singapore, the progenitor of Asian Values, have been strongly influenced by Confucian ideals of governance. Confucianism is not, however, the only basis for political ideas in Vietnam. Although Vietnam is a market economy it remains a one-party state controlled by the CPV. The Marxist-Leninist principles on which the current State of Vietnam was based at its inception in 1975 remain intact. This ideology was however layered onto generations of collectivist principles embodied in the dominant agrarian society. The influence of Asian Values, on the recognition of and support for human rights in Vietnam has, however, been largely negative rather than positive, especially in relation to recognising civil and political rights as codified in universal human rights instruments. Thus, the protection and promotion of human rights in Vietnam, going forward, essentially mandates eliminating the influence of Asian Values in the ideology of political leaders and in the wider society.

Ngo Huong is a human rights and development expert in Vietnam. Her PhD is in Human Rights and Peace Studies from Mahidol University (Thailand). She holds Masters degrees in Public International Law (LLM) and Human Rights (M.Phil.) from the University of Oslo, and in Development Management from the Asian Institute of Management, Philippines. Dr Ngo currently is lecturer in human rights law at the School of Law, Vietnam National University, Hanoi. Contact: nmhuongvn@gmail.com.
MORE THAN LAW: THE MYANMAR NATIONAL HUMAN RIGHTS COMMISSION AND A FRAMEWORK TO ADDRESS THE VULNERABILITY OF NATIONAL HUMAN RIGHTS INSTITUTIONS TO LOCAL POLITICS

Jonathan Liljeblad

The Myanmar National Human Rights Commission (MNHRC) is an example of a national human rights institution (NHRI) under the 1993 Paris Principles. Compliance with the Paris Principles is overseen by the Global Alliance of National Human Rights Institutions (GANHRI, formerly the International Coordinating Committee of National Human Rights Institutions), which holds a periodic accreditation review of each NHRI once every five years to assess performance and issue recommendations for improvement. With respect to assessing and supporting the work of NRHIs, previous research on the MNHRC asserted a need for greater consideration of contextual issues facing individual NRHIs. The call for greater consideration of context raises the subsequent need to clarify how context should be addressed in dealing with an NHRI. That is, if the cause of NRHIs accepts the importance of context in supporting their growth, then how should the movement for NRHIs approach the notion of context? This paper is a response to the question that seeks to provide a way of approaching context for NRHIs. The paper uses the MNHRC to construct an analytical framework and illustrate its use in studying the contextual challenges facing an NHRI. As a case study, the discussion follows events in 2016 involving the MNHRC that erupted into an existential crisis for the commission.

Jonathan Liljeblad is currently Senior Lecturer at Swinburne University of Technology near Melbourne, Australia. He holds a PhD and JD from the University of Southern California. His research focuses on rule of law issues tied to human rights and environmental conservation. His field research is in Southeast Asia.
CONSUMER RIGHTS AS HUMAN RIGHTS IN INDONESIAN: CHALLENGE AND POSSIBILITY

Ria Setyawati

Consumer in the distribution chain of goods and or services is often in a weak position and even harmed and oppressed by business actors. Business strategy of undertakings in order to gain the maximum profit, will lead to eliminate consumer welfare. The governance is not like to ignore the consumer welfare. Indonesia has some laws to protect consumer welfare. The protection of consumer welfare in Indonesia has existed in several legal rules, such as Law Number 5 year 1999 on Prohibition of Monopolistic Practices and Unfair Business Competition, and Law Number 8 year 1999 on Consumer Protection. Problems arise if the consumer’s right has to deal with other rights, for example, if the consumer’s right is confronted with Intellectual Property Rights. The rule of law in Indonesia which places Intellectual Property Rights as an exceptional element in unfair competition law that seems to override consumer rights. Intellectual Property Rights receive different treatment when dealing with Human Rights. One case that confronts Intellectual Property Rights with the Freedom of Expression is the case of Darfur. European Union Court of Justice decided to release Nadia Plesner who drew a satirical painting of several well-known brands, one of which is the Louis Vuitton handbag. Apparently there is still a possibility to provide greater opportunities in providing protection to consumers. This paper will examine how the protection of consumer rights in Indonesia and the possibility of making consumer rights as a human right.

Ria Setyawati is a University Lecturer at the Faculty of Law, Airlangga University, Surabaya, Indonesia. She holds degrees from Airlangga University (bachelor and master degree for business law), and Radboud University Nijmegen, the Netherland (Master degree for European Law). Since 2013, she has acted as secretary for Center for Intellectual Property Rights Study of Faculty of Law of Airlangga University, been a member of Private Law Lecturer Association, and also a member of Human Rights Law Studies. Her main research interests include competition law, consumer protection law, insurance law, intellectual property law and private international law. She has tough courses on these and other subjects for bachelor degree. Her research has been published in Yuridika, and proceedings of national seminars of Private Law Lecturer Association. Outside of academia, she has acted as a consultant for both the private and public sectors.
THE RIGHT OF ACCESS TO JUSTICE IN A SOCIALIST COUNTRY: REFLECTION ON THE VIETNAMESE CONTEXT

Vu Cong Giao and Hoang Bich Ngoc

This paper analyzes the current legal framework and practice on access to justice in Vietnam – one of several remained socialism countries in the world. By comparing Vietnam’s law on the right of access to justice with related international human rights standards, the author points out a big gap of the Vietnam’s law in this area, which makes the local victims of human rights violations difficult in seeking for a remedy and reparation. As argued by the author, those weaknesses mainly result from the lack of judicial independence and authoritarian culture that still heavily influences the structure and operations of the political system of Vietnam. The author demonstrated that recently there are some progress in law in protecting the right of access to justice in the country but the change is still limited. As believed by the author, even if the right of access to justice is well protected by the domestic law, this right would unlikely to be fully respected in Vietnam due to the conflict between the secret and absolute nature of the socialist regime and the democratic demands of access to justice.

Vu Cong Giao is one of experienced local experts in human rights, constitutional and anti-corruption laws in Vietnam. He has been doing research and teaching those laws since 1996. Giao is now in the position of the Head of the Department of Constitutional and Administrative Laws under the School of Law, Vietnam National University Hanoi. He has finished and coordinated hundreds of research projects, workshops and conferences on human rights, constitutional and anti-corruption laws since 1998. Giao is the person initiated and played the key role in establishing programs and teaching human rights and anti-corruption laws (in both undergraduate and master levels) in the School of Law, Vietnam National University Hanoi, which are both the first of its kinds in Vietnam. Hoang Bich Ngoc is currently a Ph.D. candidate at the Faculty of Law, Hanoi National University. Her research interests have been focusing on access to justice and the right of access to justice in Vietnam. Having a LLM in International Human Rights Law from UK, she has obtained good combined knowledge and experience in democracy, justice, rule of law, and human rights. She has also equipped with sound knowledge and experience in teaching law and research from 3 years working as law lecturer for the Faculty of Law under Vinh University, Vietnam. She has been teaching human rights and crimilna laws for the Hanoi University of Procuracy.
Parallel Session C3  
**Business and Media**

10:30-12:30 (16 October 2018)

*Oudh Rm.*

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**THE EVERLASTING CONSPIRACY OF MEDIA BUSINESS AND POLITICAL PARTY AND ITS IMPACT TO THE PRESS FREEDOM IN EAST JAVA, INDONESIA**

Aloysia Vira Herawati

The press freedom in Indonesia has been shown various phenomenon in different regions. Some regions show a pleasing condition, while others still show significant pressure on the exercise of the press freedom. The majority stays as the partly-free regions, where problems related to press freedom are still occurring and progress is running quite slowly, including the province of East Java, for two years in a row. One significant indicator that constitutes East Java as a partly-free province is low level of independency of journalists and newsroom in the process of news production. The sub-indicators includes accuracy and balance of news produced by the media company and level of independence from powerful groups. The article breaks down the indicator into a more detailed description, as to explain the sustained connection between the media company and political party. The description consists of observation/research/incident/case related to the above mentioned connection. Later on, the article argues that the sustained connection between media company and political party brings impact to the exercise of press freedom, particularly in the province of East Java. This connection has developed as a conspiracy, and in most cases it becomes the hindrance for the journalists and newsroom to present news truthfully.

Aloysia Vira Herawati was born in Surabaya, Indonesia, on September 8th 1974. After finishing her bachelor degree in English Literature in 2000, she began working as a researcher at Centre for Human Rights Studies University of Surabaya, in 2002. In 2004-2006, she became a recipient for the Australian Development Scholarship to undertake her Master degree on Human Rights Education in Curtin University in Perth, Western Australia. Her interests include human rights education, gender studies, and human rights and environment. Most of her research focus on the social and legal implementation of economic, social, and cultural rights. Recently, she expands her research scope to civil and political rights, namely the right to religion and belief, and right to freedom of expression. For the last two years, she has been involved in Survey on Press Freedom Index, a national-level research project collaborated with the Indonesian Press Council.
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A SURVEY OF LAWS AND JURISPRUDENCE IN THE PHILIPPINES ON BUSINESSES AND DIGITAL HUMAN RIGHTS

Froilyn D. Pagayatan

The worldwide digitalization has brought the issue of human rights protection to the digital platform. As human interaction increasingly shifts online, so do certain human rights (Coccoli, 2017) such as the rights to privacy, expression, and organization. While human rights laws are primarily enforceable against states, such laws have increasingly been applied against non-state actors, such as private businesses (Mare’chal, 2015; 2011 Guiding Principles on Business and Human Rights). In the Philippines, certain laws have been passed which contain provisions mandating private businesses to respect digital human rights. Examples of such laws are the Electronic Commerce Act, Child Pornography Act of 2009, Anti-Photo and Video Voyeurism Act of 2009, Cybercrime Prevention Act of 2012, Data Privacy Act of 2012, and Expanded Anti-Trafficking in Persons Act of 2012. The Philippine Supreme Court has issued decisions involving these laws, such as the consolidated cases of Jose Jesus M. Disini, Jr., et al. vs. The Secretary of Justice, et al. (G.R. No. 203335 dated February 18, 2014) on the constitutionality of the Cybercrime Prevention Act of 2012 and the case of Vivares and Sps. Suzara vs. St. Theresa’s College, et al. (G.R. No. 202666 dated September 29, 2014) on the violation of children’s privacy rights whose pictures were posted on Facebook. This paper aims to identify and discuss the provisions of laws and related jurisprudence in the Philippines that deal with obligations of private businesses pertaining to recognition and respect of digital human rights. The status of implementation of these laws, through government regulations and sanctions as well as relevant judicial decisions and actions, are also examined. Finally, this paper will analyse the Philippine government’s direction in enforcing private business accountability in the respect and protection of digital human rights.

Froilyn P. Doyaoen-Pagayatan is a lawyer who has been specializing in Corporate, Taxation, and Commercial laws for more than 17 years now. She has worked in the Tax Services Group of SGV & Co. and had been a partner in a law firm. She is now engaged in solo legal practice. She is also a faculty member of the University of the Philippines College of Law and the Mapua University School of Business and Management. She is a speaker of the University of the Philippines Law Center Paralegal Training Program and Mandatory Continuing Learning and Education. Atty. Pagayatan graduated from Saint Louis University with a degree in Political Science, Magna cum Laude. She graduated from the University of the Philippines College of Law in 2000 and passed the bar and became a lawyer in 2001. She is a certified Associate Financial Planner (AFP) and is taking up Masters in Business Administration (MBA).
REGULATING SOCIAL MEDIA: NEW CHALLENGES OF FREEDOM OF EXPRESSION AND RIGHT TO PRIVACY IN SOUTHEAST ASIA

Wahyudi Djafar

Social media has given a lot of influences for the democratization development and enjoyment of civil freedom in Southeast Asia, be it at the positive and negative meaning. The high number of penetration of social media users in the region has encouraged such situation. Social media enables their users in the world to exchange information real-time, and their messages are not targeted only at certain individual, but also at public. Having various strength compared to previously-developed conventional media, social media has given a lot of advantages in communication, with the unlimited space and open access to everyone. However, new “freedom” and hope created by social media have generated a number of new challenges in its enjoyment. Most of hoax, fake news, rumor and hate speech are produced by utilizing social media. It has yet counted the problems related to the vulnerability of the users’ personal data protection which has generated various practices of violations against right to privacy. ASEAN’s nations have their own different responses to such situation, which will reduce the important function of social media if it is neglected. Therefore, the legal framework harmonized with the protection principles of freedom of expression and right to privacy must be established. Thus, the “freedom function” of social media will not be eroded, and its use will also not give impacts which will wound the civil freedom itself.

Wahyudi Djafar is a researcher at Institute for Policy Research and Advocacy [ELSAM]-Indonesia. He is responsible for works and researches related to freedom of expression issues, right to privacy, and national security policies. He conducts several works on advocacy research and human rights advocacy, in which he is involved in rights mainstreaming on the policy making process. He regularly monitors the state policies on human rights, and, if necessary, challenge the laws that may harm the protection of rights, to the Constitutional Court.
Parallel Session C4

The Bangsamoro Organic Law and Federalism: How can these new forms of governance strengthen human rights and peacebuilding in the Bangsamoro region?

10:30-12:30 (16 October 2018)

Verbena Rm.
Philippines is showing to the world how a protracted conflict can reach a sustainable peace process. In August 6, 2018 the Bangsamoro Organic Law (BoL) was signed as a landmark legislation establishing a new form of government in the Bangsamoro areas in Mindanao, Philippines. The law paves the way towards the holding of a plebiscite election in January 2019 that will define the areas to be covered in the new autonomous government. On the other hand, the federalism movement is also rapidly developing. The Consultative Committee constituted by President Rodrigo Duterte has submitted a proposed Federal Constitution last July 9, 2018. This proposal is due for discussion both in Congress and Senate. Also, complementing the work of the Consultative Committee is another proposal of a Bangsamoro State Constitution by the All-Moro Convention under the patronage of the Mindanao Development Authority. These developments are opportunities in re-structuring, not only power relations, but most importantly, in ensuring durable peace especially in the Bangsamoro region. In analysing the benefits and costs of the two forms of government, it is important to understand how it potentially contributes to improved governance and participation of Filipinos and Bangsamoros. What mechanisms are in place in the BoL and in the proposed Federalism towards strengthening human rights and peacebuilding? How can these forms of government address the roots of the conflict and provide durable peace? How will BoL and Federalism evolve a sustainable and strong Philippine State?

This panel is a timely venue for discussing the current debate on BoL and Federalism. It is also an opportunity to listen to the views of women who tirelessly contribute to the mission of human rights and peacebuilding in the Philippines.

Moderator:
Dr. Ayesah Uy Abubakar, Universiti Malaysia Sabah (UMS)

Speakers:
- **Atty. Mary Ann Arnado**, Federalism Movement of the All Moro Convention
- **Atty. Raissa Jajurie**, Bangsamoro Transition Commission
- **Hon. Amihilda Sangcopan**, AMIN Party-list, Philippine Congress
- **Mr. Gandhi Kinjiyo**, Mindanews
Parallel Session D1
Right to Health

13:30-15:30 (16 October 2018)

Aloe Rm.

This research aims to compare the advocacy model of Children Living with HIV/AIDS (CLWH) informal — non-professional and formal — non-professional network, represented by Lentera Anak Surakarta (LAS) and Lentera Anak Pelangi Jakarta (LAP) respectively. The characterization of the network was adapted from Lhawang Ugyel conceptual framework on 4 types of social network based on their personnel types and formality. Meanwhile, the comparison was done under the metric of 3 advocacy channels; legislation, political and mobilization process. This research found out that LAS informal — non-professional advocacy model reflected a more dominant usage of legislation and political channel compared to LAP formal — non-professional model since LAS was rising from marginalized society hence they need well lobbying politically and involving in legal drafting. Meanwhile, LAP had shown a more systematic maneuver on the socialization and mobilization channel of advocacy. This was because LAP was formally driven by academia spectrum that could establish systematic maneuvers of CLWH advocacy, thus the engagement with policymaker was less prioritized, even though it was still an important element of its advocacy.

Atin Prabandari is a Lecturer at the Department of International Relations, Universitas Gadjah Mada, Indonesia. Putri Rakhmadhani Nur Rimbawati is a Researcher and Project Manager at the ASEAN Studies Centre, Faculty of Social and Political Sciences, Universitas Gadjah Mada. Dedi Dinarto is a Research Associate with the Indonesia Programme, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore. Irfan Ardhani is a Researcher at the ASEAN Studies Centre, Faculty of Social and Political Sciences, Universitas Gadjah Mada. Muhammad Diaz Kurniawan and Rafyoga Jehan Pratama Irsadanar are Research Assistants at the ASEAN Studies Centre, Faculty of Social and Political Sciences, Universitas Gadjah Mada.
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EX-POLITICAL PRISONERS’ RIGHTS AND THEIR MEDIICO-SOCIAL NEEDS IN BURMA

Than Soe

Trauma/torture impact leads to major disability and even premature death, although accurate identification of trauma survivors is a challenge. Prisoners’ condition is rarely told stories as they are living with fear. Equipping ex-Political Prisoners (ex-PPs) with required confidence to achieve their freedom from fear and rights to live in dignity is crucial. Aim to identify ways and means of violations of human rights on Burmese Political Prisoners; assess ex-PPs’ experience and perception on accessibility of rights; and explore their medico-social status. Cross sectional descriptive/analytical study was carried out (n=68 ex-PPs). Demographic, traumatic history, ex-PPs’ rights, medico-social status, and psychological conditions (defined by Hopkins and WHO-scale) were analyzed. Most ex-PPs suffered ill-treatment from authorities and torture. 47% have experienced in beating to their heads, 18% in suffocation/strangulation, one respondent in near drowning, and 19% lost consciousness. 37% suffered chronic pain. Prison accommodation is over-crowded and most haven’t received basic standard of living (food/clean-drinking water/clothing/bedding). Poor health screening and access to health care is limited. One ex-PP suffered post-traumatic-stress-disorder; and 6% and 15% suffered anxiety and depression. Access to legal assistance is limited. In conclusion, there were widespread human right violations on ex-PPs. Promotion and protection of human rights is instantly needed.

Dr Than Soe is a professional with expertise in health, research, public administration, development studies, and institutional strengthening. I am specialized in organizational management and capacity development. As a research secretary of the General Practitioners’ Society (GPS) of the Myanmar Medical Association (MMA), I conduct research training courses for medical and non-medical professionals. As a secretary of the Universal Health Coverage Committee, I facilitate a series of events for General Practitioners including assessment on quality markers among General Practitioners in collaboration with the UK Royal College of the General Practice. I facilitated to develop a 5-year GPS/MMA Strategic Plan (2017-2021) and involved in community outreach programme. I conducted and presented research findings in conferences, and seminars in Burma and beyond. I hold double master degrees in Public Administration and Development Studies; a Bachelor of Medicine and Bachelor of Surgery; and Post-graduate Diploma in Applied Psychology.
PROTECTING OLDER PERSONS’ HUMAN RIGHTS: A STUDY OF HEALTH RIGHTS IN FIVE ASEAN COUNTRIES

Theresa W. Devasahayam, Long Thanh Giang, Ling How Kee, Rossarin Gray, and Hein Thet Ssoe

In the ASEAN region, meeting the health needs of older people is a pressing issue facing governments, given the explosion in the older age cohorts in recent decades. A focus on older people is significant as they are may be denied medical treatment or might end up receiving poorer or inadequate healthcare because of the lack of finances. Based on data from five ASEAN countries, namely Singapore, Malaysia, Thailand, Vietnam, and Myanmar, this paper examines the health rights of older people in relation to accessibility, availability, affordability, and acceptability. While there continues to be the persistence of barriers to healthcare access at the societal and individual levels as well as gaps in the health and healthcare policy and programmatic levels, the findings showed that the current provision of healthcare services does not always guarantee the protection of older persons’ health rights owing to health policies and programmes not clearly being framed from the rights perspective and regarded as an entitlement; instead in the region, if health provision is ensured for the elderly, it is because states treat it as a social welfare issue and therefore make this provision out of moral obligation.

Theresa W. Devasahayam (Associate Faculty, Singapore University of Social Sciences, Singapore); Long Thanh Giang (Associate Professor, Director, Institute of Public Policy and Management (IPPM), National Economics University, Hanoi, Vietnam); Rossarin Gray (Director and Associate Professor, Institute for Population and Social Research (IPSR), Mahidol University, Thailand); Ling How Kee (formerly Associate Professor in Social Work and Social Policy, Universiti Malaysia Sarawak); and Hein Thet Ssoe (Programme Manager (Social Protection and Ageing), HelpAge International Myanmar) worked as a team on a study of the health rights of older persons in five ASEAN countries with funding from SHAPE-SEA, Institute of Human Rights and Peace Studies (IHRP), Mahidol University in 2015-2017. As a result of the study, the book entitled Health Rights of Older People: Comparative Perspectives in Southeast Asia, edited by Giang Thanh Long and Theresa W. Devasahayam was published by Routledge in April, 2018.
This paper aims to critically analyze the challenges to implementing Cambodian laws and policies on gender equality and right to food in order to tackle malnutrition and promote food security for rural women in Cambodia. For that end, this paper highlights the significance of gender equality and right to food in the context of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), Sustainable Development Goals, and Cambodian legal framework. The author is of the view that the implementation of Cambodian laws and policies on gender equality and right to food remains insufficient to promote equal enjoyment of food security for rural women due to various challenges, involving systematic and structural problems. These include the existence of traditional norms — Chbab Srey, that influences the characteristics of rural women to consider themselves more inferior to men, the lack of women representation in public sectors, and inadequate technical knowledge and capacities in implementing gender-sensitive food policies in Cambodia. While critically analyzing those challenges, this paper also suggests changes to address each respective challenge.

Muy Seo Ngouv is a researcher at the Center for the Study of Humanitarian Law, and a law lecturer at Royal University of Law and Economics (RULE). She holds an LL.M. in International Human Rights Law from Lund University in Sweden and an LL.B. from RULE. She conducts legal research and training on various topics relating to humanitarian law, human rights law and fair trial rights. In addition to her research role, she is a lecturer teaching courses of International Human Rights Law, International Humanitarian Law, and Legal Methods in the English Language Based Bachelor of Law Program at RULE. Muy Seo also coaches and trains law students in legal memorial writing and oral pleading in order to participate in the Nelson Mandela World Human Rights Moot Court in Geneva, Switzerland. Her main areas of research include topics of human rights law, fair trial rights, humanitarian law and public international law.
CHALLENGES TO THE IMPLEMENTATION OF POLICIES ON GENDER EQUALITY AND RIGHT TO FOOD IN CAMBODIA

Muy Seo Ngouv

This paper aims to critically analyze the challenges to implementing Cambodian laws and policies on gender equality and right to food in order to tackle malnutrition and promote food security for rural women in Cambodia. For that end, this paper highlights the significance of gender equality and right to food in the context of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), International Covenant on Economic, Social and Cultural Rights (ICESCR), Sustainable Development Goals, and Cambodian legal framework. The author is of the view that the implementation of Cambodian laws and policies on gender equality and right to food remains insufficient to promote equal enjoyment of food security for rural women due to various challenges, involving systematic and structural problems. These include the existence of traditional norms – Chbab Srey, that influences the characteristics of rural women to consider themselves more inferior to men, the lack of women representation in public sectors, and inadequate technical knowledge and capacities in implementing gender-sensitive food policies in Cambodia. While critically analyzing those challenges, this paper also suggests changes to address each respective challenge.

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BARRIERS FOR WOMEN IN ACCESSING HIGHER EDUCATION IN CAMBODIA

Tuy Sophorn

Young women in Cambodia face challenges in accessing higher education. Social norms, financial constraints and other problems are the main root causes in the limitation of opportunities for women to pursue higher education. Social norms of the older generation in Cambodia remain from the past and they often think that it is not necessary for women to pursue higher education. Additionally, most universities are located in cities, thus parents often feel insecure about their daughters studying far away from home. Currently, there is increased enrollment of young women in higher education due to Government action, as it has ratified international conventions and enacted domestic laws. As well, there is government cooperation with NGOs, International organizations and civil society to establish some strategies and action plans to promote and protect gender equality in all sectors. However, nowadays these supports cannot provide access to higher education for young women in all areas. Currently, Cambodia has not yet enacted specific laws to promote the participation of women in higher education. Thus this research explored the opportunities that have been provided to young women to pursue higher education and its challenges as well as some possible solutions, particularly at the university level.

Tuy Sophorn has served as a Librarian at the Center for the Study of Humanitarian Law (CSHL) in March 2017. Before joining the Center, Sophorn was a Manager in charge of Finance, Public Relations and Planning at Faculty of Law and Public Affairs at PUC, from August 2015 to March 2017. Ms. Sophorn was a Manager of Law and Human Rights Resource Center at PUC from 2014 to 2015. Ms. Sophorn was a Librarian at PUC, from 2005 to 2014. She is a master student of Law in International of Human Rights at Paññāsāstra University of Cambodia (PUC). She nearly completes her master thesis, her topic is relating to main challenges for female students to access to higher education. Ms. Sophorn holds a master degree in Management from PUC in 2013.

Hing Vandanet

This paper aims to discuss the relationship between the people and the government in Cambodian Constitution both de jure and de facto. The core assessment is the study of the 1993 Cambodian Constitutional law-making process and whether it accommodates the public participation. Studies conducted on the Constitutional law-making process concluded that public participation is the key relationship between the government and its citizens in addition to the legitimacy of the process. This paper presents that the lack of public participation in the constitutional law-making process jeopardizes the implementation of constitutional rights, in particular, right to participate in the constitutional law review and reform. It is suggested that the concept of public consultation on constitutional law review and reform should be incorporated in Cambodian Constitution.

Ms. Hing Vandanet is a researcher and law lecturer at Center for the Study of Humanitarian Law, Royal University of Law and Economics (RULE). Vandanet teaches human rights law and international humanitarian law (IHL) and coaches RULE’s teams to participate in the Red Cross IHL Moot and Nuremberg Moot Competition. Further, she has provided training on international criminal law, human rights law, and IHL to university students at various Cambodian universities, to legal professionals at the Royal Academy for Judicial Professions and to peacekeepers at National Center for Peacekeeping Force Mine and ERW Clearance. In addition to her teaching role, she has conducted research on various topics relating to constitutional law, civil and political rights and peacekeeping. Vandanet holds a Master of Laws in Human Rights from Hong Kong University and bachelor’s degree of law from RULE.
Parallel Session D3
The Environment and Human Rights
13:30-15:30 (16 October 2018)

Oudh Rm.

GENDER-BASED ANALYSIS ON THE GENDER EQUALITY PRINCIPLE IN THE INDONESIAN ENVIRONMENTAL LAW

Dwi Rahayu Kristianti

Women have little or no access to voice their experiences in the environmental protection and management. This situation is due to the deeply rooted patriarchal culture and poverty which makes women suffer a lot. The Indonesian environmental law is considered gender neutral. However, the government and law enforcement officers do not have an adequate gender perspective to fully interpret the law. Meanwhile, women have actively participated in maintaining the environment. Thus, the gender neutrality in the law is now questioned within the environmental law framework. This question is significant for those who are concerned on the gender neutrality in law which aims to achieve substantive equality. In this paper, I would like first to consider the gender equality principle in the Indonesian law in general and specifically in the Indonesian environmental law. Then, I would like to show that there is still a weak law and lack of will from the government and law enforcement officers to implement gender mainstreaming into environmental law. Furthermore, experiences from other ASEAN countries will be examined to enrich the translation of gender equality in the Indonesian environmental law. I, then analyze ASEAN regional mechanisms with the aim of enhancing the gender perspective in the Indonesian environmental law. I conclude that the strong gender perspective is needed in interpreting the Indonesian environmental law in order to achieve substantive equality.

Dwi Rahayu Kristianti, currently working as Lecturer and Head of Constitutional Law Department at Faculty of Law, Airlangga University, Surabaya, Indonesia. Subjects which mainly taught are Indonesian Constitutional Law, Human Rights, Citizenship, and Legislative Drafting. Graduating from Faculty of Law, Airlangga University (1997), and got Master of Arts (in Women's Studies) from the Flinders University of South Australia (2006). In May 2017, had joined the UN Human Rights Mechanisms Training in Geneva, supported by NCHR and Geneva Academy. Previously, besides teaching also holding the position of the Director of The Centre of Human Rights Law Studies (HRLS) from 2009 -2015. Main research topics are constitutional law, human rights, and gender. Last research are on the concept of gender neutral drafting in local law making in Indonesia, gender analysis in the efforts of eradication of prostitution in Indonesia, and gender equality and justice in the Indonesian Law on Village. Within 2015 -2017, holding the position as Secretary of Sepaham (Serikat Pengajar HAM Indonesia = Indonesian Consortium of Human Rights Lecturers).
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CRAFTING RIGHTS-BASED WATER GOVERNANCE IN THE SOUTHEAST ASIA: STATE, MARKET AND URBAN POOR

Maharani Hapsari, Tadzkia Nurshafira, Husna Wulansari, Marselius Saka, Taradhinta Suryandari

Unfulfilled rights to water are salient issues facing the urbanizing Southeast Asian societies. Specifically in Indonesia, the government fulfills 71.14% access to drinking water, while 28.86% of the population (75,35 million people) are still deprived from such access. Water deprivation increases vulnerability in the absence of law that regulates authorities across different levels of government and the relations between the government and citizens. This absence brings ambiguous response to water commodification that has left urban poor prone to implications of unequal power relations created in unregulated market exchange. In such condition, the research aims to understand cultural political economic context underpinning the failure to fulfill the rights to water for urban poor in Indonesia as a proxy to the Southeast Asian context. The research will analyse the discursive-material dialectics shaping the relations between urban poor as rights holder and the state as duty bearer with various degrees of private sector’s engagement. The proposed questions are: how does the interplay between political economic structure and discourse that shapes water governance include or exclude urban poor from rights to water? How does political agency produce rights claiming politics? This research examines contending imaginaries around the fulfillment of rights to water for urban poor in the Southeast Asia. Adopting cultural political economy approach developed by Bob Jessop (2004, 2014), the production of rights is situated in the discursive-material dialectics involving three evolutionary mechanisms, namely variation, selection, and retention. These mechanisms operate in the interplay of discourses that actively transform the relations among urban poor, the state and the private sector in the existing political economic structure that links them together. On day-to-day basis, these mechanisms also determine how contesting discourses are reproduced, incorporated into individual routines, and institutionally embedded as all actors in the water governance define their positions towards substantive rights fulfillment.

The research took place in Pandeglang District, Banten Province, and Malang District, East Java Province, that represent the bottom- and moderate-level of water accessibility in national level respectively. The research argues there are three political discourses around which rights to water is imagined and is constructed: water as needs, water as responsibility, and water as wants. These imaginaries perceive water as a product of power contestation. It involves political struggles that are taking place at the level of ideas. It is also concerned with how the materialization of such ideas embeds in the relations between the state, citizens and private water providers. In this regard, understanding these discursive-material dialectics are prominent both to inform and to empower all stakeholders in general, and urban poor in particular, of how rights is known, of structures that produce constraints to water rights fulfillment and of agency that emerges out of the gap between the existing and the envisioned alternative water governance.

Maharani Hapsari joined the Department of International Relations, Universitas Gadjah Mada as lecturer since 2005. She obtained her MA degree from Nagoya University, Japan, in 2010 and a Ph.D degree from same university in 2012. Her Ph.D dissertation is titled ‘The Political Ecology of Oil Palm Expansion in Indonesia: Structure and Transformation in a Globalizing World’. Maharani is currently Secretary of the Graduate School of International Relations and is Program Coordinator of UGM-Osaka University RESPECT Satellite Office for Disaster and Humanitarian Action. Her research interest covers politics of global environmental change, disaster and vulnerability, and politics of development. Recent publications include book chapters titled Political Ecology of Human Vulnerability to Merapi Eruption (published by Institute of International Studies, 2017), Sustaining Post-Disaster Community-Based Programs in Indonesia’s Export Driven Industrial Clusters: Cases of Yogyakarta handcraft/Furniture Industries and Tourism-related Services (published by Institute of International Studies, 2017), and Constructing Palm Oil Justice Movements in Indonesia: Citizenship and Collective Identity (published by Yayasan Pustaka Obor Indonesia 2017). Tadzkia Nurshafira has been working as research assistant in the Programme on Humanitarian Action, Institute of International Studies, Universitas Gadjah Mada since early 2017. She obtained her bachelor degree in 2017 from the Department of International Relations, Universitas Gadjah Mada. Her area of interests covers political ecology, politics of global environmental change, critical development studies, urban politics, international relations theory, and economic-social rights. She conducted research on ‘Towards Zero-Waste Society: Communal Waste Management in Ecotourism-Potential Village (Case Study of Jaban Village, Yogyakarta)’ funded by UGM (2018); ‘Crafting Rights-Based Water Governance in the Southeast Asia: State, Market and Urban Poor’ funded by SHAPE-SEA Programme, Mahidol University (2018); ‘Economic Development and Radical Islamic Movement in Yogyakarta’ funded and published by Maarif Institute (2016); ‘Rights to Freedom of Expression, Association, and Assembly in Jakarta, Yogyakarta, and West Java’ funded by The Commission for the Disappeared and Victims of Violence (KontraS) (2016); and ‘Business and Human Rights: Public Assets Privatization in Kupang and Manggarai, East Nusa Tenggara’ funded by KontraS (2016).
The literature shows that good education based on human rights principals helps prepare young learners, who are willing to protect and promote human rights. There have been some initiatives of environmental education from a human right perspective in Asia. Many important human rights documents consider environment as one of the fundamental human rights. The Stockholm proclamation states “Humans have the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and a solemn responsibility to protect and improve the environment for present and future generations”. The United Nations considers safe, clean, healthy and sustainable environment as one of the main human rights obligations. The “2018 Framework Principles on Human Rights and the Environment” by the United Nations stresses on the provision of education and public awareness on environmental matters by all states. Through a small-scale research, three case studies on existing environmental education programs through a human rights perspective will be developed in Thailand, Indonesia and Pakistan. The purpose of the research is to learn if the environmental education programs using a human rights lens can address the shortcomings of the disconnect between the curriculum and practice and to understand if the programs are helping the learners to gain human rights knowledge, attitude and skills and thus understand about the right to environment as a human rights. The research will also review the gender dimension of each program and will look into the gender approach used by the program. Besides the data from three projects, the policy analysis of environmental education in three focus countries will also be carried out. The proposed research will be qualitative in nature and based on case study method. The document analysis and review of existing program reports will be carried out. In addition, the data will be collected from three programs through a questionnaire. The study will help to understand the disconnect between policy and practice related to environmental education as an important aspect of human rights education and will provide the recommendations for improving the environmental education programs in future.

I am a doctoral student, currently enrolled at the University of Technology Sydney (UTS), Sydney, Australia. The focus of my doctoral research is “Human Rights Education”. I have more than 15 years of experience of working on education and human rights projects. I am also selected to participate in “Asia Regional Human Rights Research Initiative” managed by the Raoul Wallenberg Institute (RWI), Sweden. The initiative aims at strengthening analysis of the connections between human rights and the environment, climate change and/or the Agenda 2030 for Sustainable Development. Under the RWI Research initiative, I am conducting a small-scale research study on environment related projects in schools with a human rights perspective. I will develop case studies of three selected projects in Thailand, Indonesia and Pakistan. The findings of the research will help to formulate the implications for the future programs. The study will also inform my main doctoral research.
Organized by Weaving Women's Voices in Southeast Asia (WEAVE)

The ASEAN envisions that by 2025, the economies of the region are fully integrated into the neoliberal world economic order. By then, the ASEAN economy is characterized by free uninterrupted movement of capital, goods, peoples, and services. While it may be argued that economic growth offers greater opportunities for women to be economically empowered, the ugly truth remains. Violence against women and girls in the region persists.

As human rights and gender equality are vital elements of inclusive growth, it is imperative that these are ensured in the AEC. However, a review of literature revealed that studies on this are only few and insufficient. This gap compelled the WLB (Women's Legal and Human Rights Bureau) and Kalyanamitra, both are feminist non-government organizations to conduct a study on "Women and the ASEAN 2025: Locating the Gender and Human Rights Dimension of the ASEAN Economic Community.

This was done in partnership with SHAPESEA (Strengthening Human Rights and Peace Research and Education in ASEAN/Southeast Asia), a collaboration between two academic networks based in Southeast Asia: ASEAN University Network on Human Rights Education (AUN-HRE) and South East Asian Human Rights Network (SEAHRN) that work together in order to improve the human rights and peace situation in ASEAN/Southeast Asia through applied research and education. The research focused on three AEC targets: Trade; food, agriculture and forestry (FAF); and micro, small, and medium enterprises (MSMEs), highlighting the two lower-middle-income economies of the region, which according to World Bank both share promising indicators for rising economies with the Philippines as the fastest-growing economy in Asia, and Indonesia as the largest economy in Southeast Asia.

Adopting the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) or the Women's Convention as a lens in surfacing women's issues related to selected AEC targets, the study centered on issues of women with disabilities; lesbians, bisexual and transgender (LBT) women; and indigenous women. These marginalized women have intersecting and compounded issues as they are also found in different marginalized groups, such as in poor women, women workers, women small food producers, and women in informal economy. The CEDAW espouses the framework of substantive equality which mandates States to provide an enabling environment where women are able to enjoy equally with men in terms of access, opportunity and results of the AEC targets.

The findings of Weaving Women's Voices in Southeast Asia (WEAVE) study revealed compelling women issues that should be addressed in the AEC and also brought about pertinent recommendations to ensure that human rights and gender equality are upheld in the AEC in its quest for economic progress in the region.

2 Asian Journal, 2016
3 WIEF, 2016
WOMEN AND THE ASEAN 2025: LOCATING THE GENDER AND HUMAN RIGHTS DIMENSION OF THE ASEAN ECONOMIC COMMUNITY (AEC)

Organized by Weaving Women’s Voices in Southeast Asia (WEAVE)

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2 Asian Journal, 2016
3 WIEF, 2016
The Weaving Women’s Voices in Southeast Asia (WEAVE) regional workshop generally aims to:

1. Expose AEC’s lack of a human rights-based and gender-sensitive framework and how this deficiency continuously perpetuate discrimination, exploitation, and violation against marginalized women in the region, specifically against women with disabilities; lesbians, bisexual, and transgender women; and indigenous women who at the same time are also women workers, women small producers, and women in the informal economy; and

2. Agree on possible common action or further studies to address compelling women issues that surfaced from the research study.

These workshop objectives shall be achieved through two panel discussions to be conducted as follows:

**Panel Discussion 1: Uncovering the Gender and Human Rights Dimension of the AEC 2025: What the Study Reveals**

Discussant 1: Philippines (Women’s Legal & Human Rights Bureau)
Discussant 2: Indonesia (KALYANAMITRA)

**Panel Discussion 2: Understanding Women’s Economic Integration in the ASEAN: Two Differing Perspectives**

Discussant 1: The ASEAN Perspective (ASEAN Business Cooperative Forum or representative from Department of Trade and Industry – ASEAN Economic Community)
Discussant 2: The Indigenous Women Perspective

Panel of Reactors:
Open Forum
Synthesis
Ways Forward
Parallel Session E1
Peace and Conflict Transformation

16:00-17:30 (16 October 2018)

Aloe Rm.
REVOLUTIONARY PEACE:  
THE TRANSFORMATION OF NON-STATE ACTOR GROUPS FROM 
REVOLUTIONARY LEADERS 
TO PEACE LEADERS

Ayesah Uy Abubakar and Kamarulzaman Askandar

The Provinces of Patani, Yala, and Narathiwat in Southern Thailand and the Bangsamoro-part of Mindanao in Philippines are examples of areas with violent self-determination struggles in the Southeast Asian region. These areas have gone through difficult periods of violence in their histories and finding a “just” solution to their problems is crucial to achieving peace. While attempts have been made to settle the armed conflict, the people of Patani and the Bangsamoro are still struggling to achieve sustainable peace in their homeland. The study argues that the “transformation” of the revolutionary movements in these areas is an important step towards the resolution of the conflict. This transformation can begin from within the revolutionary movement itself. When leaders transform their mindsets, this is usually translated into changed behaviours, actions, approaches, and strategies. It transforms the way they see and do things and ultimately it can even change the end result that they are fighting for. Sometimes, this transformation can be hastened by certain events or occasions, as well as pressure from within the revolutionary movements and general peace movements, or “insiders.” This research takes a stance that if a transformation mindset can result in a revolutionary struggle, it can also result in a transformation for peace process – to achieve a revolutionary peace. It looks at this process in the two case studies and explore the kind of impact that it might have on ending the conflicts. Among the preliminary findings of the research include the crucial roles of movement leaders and their influence on their organizations, the participation of women in the struggle and the impact of a peace process among non-state actor groups in general.

Dr. Ayesah Uy Abubakar is a Senior Lecturer at the Faculty of Humanities, Arts & Heritage at Universiti Malaysia Sabah. She is also a Research Fellow of the Ethnography & Development Research Unit at the same faculty. Dr. Ayesah is a recipient of the JICA Presidential Recognition Award in 2014 for her work in peacebuilding especially on the Bangsamoro peace process. In the same year, her PhD thesis on “Building Peace in Conflict Affected Communities through the Sustainable Human Development (SHD) Framework: A Case Study on Mindanao” won as Best Thesis at Universiti Sains Malaysia. This thesis turned into a book is a forthcoming publication by Springer and UMS Press by the end of 2018. Prof. Dr. Kamarulzaman Askandar is a Professor in Peace Studies at Universiti Sains Malaysia. He is recently appointed as the Malaysian Representative to the ASEAN Institute of Peace & Reconciliation. Prof. Zam, as he is called, has founded the Southeast Asian Conflict Studies Network (SEACSN) in 1999 together with colleagues from Southeast Asia. It was through this Network that his work on peace education and peacebuilding became more well known. He is also a recipient of the JICA Presidential Recognition Award in 2014 for his contributions to JICA’s peacebuilding goals.
THE IMPACT OF AMNESTY LAW TOWARDS THE PROMOTION OF RECONCILIATION IN POST-CONFLICT ACEH

Harison Citrawan

This article attempts to depict the contribution of amnesty law towards the promotion of reconciliation in post-conflict Aceh. Whilst practically, an amnesty law seems to be alluring for states to take to cease hostility in internal conflicts, it does not apparently bring sustainable peace and reconciliation as a direct implication. In post conflict Aceh, amnesty law for former Gerakan Aceh Merdeka (GAM) combatants; combined with DDR program, exclusive political participation, and empowerment program, appear unable to work in tandem with the embedded power-sharing issue. More than a decade after the peace agreement, the envisioned win/win end of ‘will to empower’ amnesty beneficiaries has been confined by the win/lose arrangement of ‘will to power’ amongst them. In this framework, the GAM amnesty law apparently creates class division among former combatants, to mention: the political-high rank, the economic-low rank, and the non-amnestied group. This class division is essentially utilitarian and counterproductive to the imagined reconciliation. Within the current post-conflict policy, that attempts to apply a developmental-welfare approach towards mainly former combatant, it appears that the future challenge of potential violent conflict reoccurrence should be anticipated by the government.

Harison Citrawan currently serves as a human rights researcher at the Human Rights Research Center under the Ministry of Law and Human Rights, Republic of Indonesia. During the service, he has conducted several studies covering the issues of human rights situation in prison, transitional justice, and social conflict in Indonesia. He obtained master’s degree of law from Rijksuniversiteit Groningen (2010).
EMPOWERED FOR PEACE: SOCIAL WORK AS A BENIGN COUNTERFORCE TO VIOLENT EXTREMISM IN THE PHILIPPINES

Roweno D. Cinco

Social work in the Philippines has long been portrayed as merely constituting a “reaction” to the recurring problem of poverty; moreover, despite the multifarious facets thereof – child welfare, assistance to the elderly, the physically and mentally challenged to community organizing and social action advocacy – it is deemed as a generic practice, responding to concerns as they arise in a given locality. Social work has oftentimes been equated solely with the provision of dole-outs and social workers usually represented in the media in a manner that does not entirely do justice to the profession. It is not surprising, therefore, that Filipinos’ perception towards social work is not one that could entice numerous entrants into the profession. As the public is the chief end user of social work services, how the average man on the street regards social work is crucial not just to accepting the services social workers render but more importantly, the policy positions the latter undergird. That the value of social work in the country remains underrated is best amplified by two anomalies: (1) The persistence of labor contractualization even among registered social workers in the Department of Social Welfare and Development (DSWD), the Government’s primary arm in the provision of welfare services; and, (2) employment in other sectors which do not allow social workers to maximize the breadth of their training. Again, all these could be attributed to the resilient view that the role of social workers is confined to the dispensing of material aid not just to indigents but even derelicts. Shielded from the public’s realization is the fact that the efforts of social workers, especially in conflict-torn areas, significantly contribute not just in keeping the peace but even in countering, albeit in a non-combative way, violent extremism. The 2017 siege in Marawi City has proven that they could be agents of transformative, non-violent conflict resolution. Social workers are unsung heroes of peace. This research paper explains why.

Roweno Cinco is presently affiliated with Kabalikat ng OFW, Inc., a non-government organization assisting distressed Filipino migrant workers. In his capacity as a Case Manager, he has been privy to the sordid tales of abuse overseas Filipino workers have been subjected to by their employers as well as the chicanery of their recruiters. He has also served in the National Government both as an information officer (Population Commission) and as a community development officer (Office of the Presidential Adviser for Special Concerns) – agencies dedicated to grassroots development work. Currently, he is a candidate for a Master of Arts degree in International Studies at Miriam College in Quezon City, Philippines. His research interests include migration, gender studies, Human Rights and International Humanitarian Law, international peace and security and Philippine political law. He graduated with a degree in journalism and has presented papers on contemporary social issues.
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Parallel Session E2
The Rights of Refugees
16:00-17:30 (16 October 2018)
Freesia Rm.
COMMON REGIONAL MECHANISM ON FORCED MIGRATION AND REFUGEE PROTECTION IN ASEAN: CHALLENGES AND PROSPECTS

Irawati Handayani

ASEAN, the regional cooperation in South East Asia (SEA), is facing serious problems of people’s migration. The migration occurs among ASEAN states; and refugees from outside the SEA region enter the region. Most of the refugees fleeing from ASEAN country are triggered by conflicts in their country. Conflicts have forced them to move avoiding prosecution both physical and mentally. Unfortunately, several ASEAN member states have taken steps that seriously threaten the refugee’s basic rights, such as detaining or arresting refugees and, in extreme condition, pushing back or deporting the refugees in need of protection. The situation is getting worse because there is an absence of regional mechanism on refugee protection. Previously, in Asia there was a mechanism called Comprehensive Plan of Action (CPA) which operated in ad-hoc basis, to handle Indo-Chinese refugee during mid-1970s to 1980s in Asia. It has successfully maintained its mandate to resettle refugees as early 1990s. However, SEA region still struggling with migration and refugee issue afterwards, until it was indirectly being affected by Europe’s refugee crisis in 2015. The wave of refugee comes to Asia, the lack of mechanism on refugee protection as well as the absence of guarantee to protect the refugees and their rights under the framework of ASEAN also lead to another challenges for ASEAN member states. This article attempts to elaborate the challenges of refugee protection, particularly in South East Asia and to discuss the possibility of ASEAN to adopt a common regional mechanism in responding the issue of refugees and forced migration.

Irawati Handayani is a lecturer and a researcher at the Department of International Law, the Faculty of Law, Universitas Padjadjaran Indonesia. Bachelor Program, the Faculty of Law, Universitas Padjadjaran (SH); Master of International Human Rights and Humanitarian Law, Raoul Wallenberg Institute Lund University Sweden (LL.M); Doctoral Program, the Faculty of Law, Universitas Padjadjaran (Dr.). The author can be contacted through email address: irawati@unpad.ac.id.

ROHINGYA INFLUX IN BANGLADESH: NEED FOR A HUMAN RIGHTS APPROACH TO ENVIRONMENT

Khair Mahmud

Being an overpopulated country Bangladesh is highly susceptible to climate change and has been grappling with soil erosion, rising sea levels and frequent natural disasters. Beside so many existing problems, its latest worry is the Rohingya influx from the neighboring country Myanmar. The environmental impact of one million refugees is difficult to overstate. The UN Development Program recently released an environmental assessment, identifying 28 risk factors threatening biodiversity and human security over this area. Thousands of acres of national forests were cleared for Rohingya settlement. Also, areas previously inhabited by wild elephants are now barren. The lush, green, hilly landscape has rapidly transformed into flattened stretches of red earth covered in tarp tents as far as the eye can see. The dramatic environmental consequences of this massive migration will last for years affecting people who live inland in Bangladesh and beyond. The paper tries to find the possible human rights approach to the present environmental crisis which would eventually help to maintain regional peace and environmental safety for a long term and also help the two neighboring countries to manage protracted crises in humane and sustainable ways.

Khair Mahmud is Assistant Professor at the Law faculty of Jagannath University and Research fellow at the Raoul Wallenberg Institute of International Humanitarian Law and Human Rights. In 2017 he worked as a researcher of Impunity Watch, in Netherlands. He has been teaching International Criminal Law, Transitional Justice and international Refugee Law in different law schools in Bangladesh. He is currently co-editing a book on Transformative Justice jointly done by Oxford center for transitional justice and the Theatre of Transformative Academy, Geneva. Prior Joining to the Jagannath University, Khair Mahmud was a Lecturer of Law at the University of Rajshahi and Dhaka International University. He holds a bachelor of law degree, an LLM from University of Rajshahi and an Advance Master on Transitional Justice, Human Rights and the Rule of Law from the Geneva Academy of International Humanitarian Law and Human Rights.
On Human Rights and Peace & Conflict in Southeast Asia

COMMON REGIONAL MECHANISM ON FORCED MIGRATION AND REFUGEE PROTECTION IN ASEAN: CHALLENGES AND PROSPECTS

Irawati Handayani

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Thailand is not a party to the 1951 Refugee Convention or its 1967 Protocol. Not only does Thailand not accord any legal status that derives from international law to refugees: under Thai law they are considered illegal immigrants. The aim of the thesis is to consider how and to what extent this factor impacts the livelihood of people who are considered asylum seekers and refugees under international law, by focusing on the situation of the Somali community in Bangkok. Even when they possess a UNHCR certification confirming their refugee status, urban refugees in Thailand are constantly at risk of being arrested and detained in Immigration Detention Centers. They live a difficult life and depend on external assistance. They are constantly at risk of exploitation, subjected to financial stress and unable to access social services for themselves and their children. As a case study, the thesis focuses on the Somali community because it represents one of the largest and most vulnerable urban refugee communities in Bangkok. Many refugees were not aware of how difficult their condition would be in Thailand before arriving in the city. The thesis, through the use of interviews with members of the Somali community in Bangkok, provides an in-depth analysis of the daily problems and challenges faced by Somali urban asylum seekers and refugees.

Born in Italy in 1992. Giulia achieved a High School Degree in Classical Studies in Italy, in 2011. She was then conferred a Bachelor of Arts in International and Diplomatic Sciences at Trieste University, Italy, in 2014. In the same year, she started her Master of Arts in International Relations at Webster University, Thailand Campus. She graduated in June 2016 with a Distinction for her Master’s program and thesis titled “Urban asylum seekers and refugees in Bangkok: a case study on the Somali community”. At Webster, she was the first recipient of the Student Leadership and Service Award and she also obtained the 2015-2016 Academic Award. In July 2016, she has been invited to present her thesis at the International Seminar on Development, Democracy, Human Rights and Peace in Asia held at the Faculty of Political Science, Chulalongkorn University, Bangkok. During her University Program, she worked part time as GMAIR Program Assistant at Webster, assisting students of the Global Program. From May 2015 to February 2016, she volunteered as an intern for Asylum Access Thailand (AAT), in the Community Outreach Team. This INGO provides legal support and representation to persons seeking asylum in refugee status determination proceedings conducted by the UNHCR in Bangkok. After her graduation, she moved back to Italy and started working as a Project Assistant for YouNet, an NGO that implements Erasmus+ projects in Reggio Emilia. The projects are funded by the European Community.
URBAN ASYLUM SEEKERS AND REFUGEES IN BANGKOK: A CASE STUDY ON THE SOMALI COMMUNITY

Giulia Guzzetti

Thailand is not a party to the 1951 Refugee Convention or its 1967 Protocol. Not only does Thailand not accord any legal status that derives from international law to refugees: under Thai law they are considered illegal immigrants. The aim of the thesis is to consider how and to what extent this factor impacts the livelihood of people who are considered asylum seekers and refugees under international law, by focusing on the situation of the Somali community in Bangkok. Even when they possess a UNHCR certification confirming their refugee status, urban refugees in Thailand are constantly at risk of being arrested and detained in Immigration Detention Centers. They live a difficult life and depend on external assistance. They are constantly at risk of exploitation, subjected to financial stress and unable to access social services for themselves and their children. As a case study, the thesis focuses on the Somali community because it represents one of the largest and most vulnerable urban refugee communities in Bangkok. Many refugees were not aware of how difficult their condition would be in Thailand before arriving in the city. The thesis, through the use of interviews with members of the Somali community in Bangkok, provides an in-depth analysis of the daily problems and challenges faced by Somali urban asylum seekers and refugees.

Born in Italy in 1992. Giulia achieved a High School Degree in Classical Studies in Italy, in 2011. She was then conferred a Bachelor of Arts in International and Diplomatic Sciences at Trieste University, Italy, in 2014. In the same year, she started her Master of Arts in International Relations at Webster University, Thailand Campus. She graduated in June 2016 with a Distinction for her Master's program and thesis titled "Urban asylum seekers and refugees in Bangkok: a case study on the Somali community". At Webster, she was the first recipient of the Student Leadership and Service Award and she also obtained the 2015-2016 Academic Award. In July 2016, she has been invited to present her thesis at the International Seminar on Development, Democracy, Human Rights and Peace in Asia held at the Faculty of Political Science, Chulalongkorn University, Bangkok. During her University Program, she worked part time as GMAIR Program Assistant at Webster, assisting students of the Global Program. From May 2015 to February 2016, she volunteered as an intern for Asylum Access Thailand (AAT), in the Community Outreach Team. This INGO provides legal support and representation to persons seeking asylum in refugee status determination proceedings conducted by the UNHCR in Bangkok. After her graduation, she moved back to Italy and started working as a Project Assistant for YouNet, an NGO that implements Erasmus+ projects in Reggio Emilia. The projects are funded by the European Community.
The conflict between the Sunni and Shi’ah has seized the public’s attention all over the world. Indonesia has a long history of mitigating the Sunni–Shi’ah conflict. Of note, one of the instances of conflict in Indonesia occurred in 2015 in Puger-Jember, a remote area on the southern coast of Java. Many overlooked the fact that this conflict was theologically based, though at its heart conflict was triggered by religious difference. This assumption has forced the policy makers to explain the conflict in terms of religious and theological framework only. Three years after the conflict research conducted in the area shows that social and economic factors also played a significant role in the conflict. The Kyai’s internal rivalries and family feuds contributed significantly to the conflict as well. These disputes resulted in the seizure of economic assets and political influence by certain homogeneous groups within the community. This paper argues that in order to resolve the conflict in Puger should be focus placed on fixing the socio-economic issues as opposed to simply addressing the religious issues. The government’s efforts only reduced the conflict temporarily and did not get at the real root of the conflict. This paper is based on qualitative research conducted in Puger-Jember, East Java and employs social-economic variables in its data analysis. The method used in this research are observation and in-depth interviews with stakeholders.

Honest Dody Molasy and Noril Camelia are both affiliated at the Centre for Human Rights, Multiculturalism, and Migration at The University of Jember in Indonesia.
On Human Rights and Peace & Conflict in Southeast Asia

RELIGIOUS FREEDOM AND THE DEMOCRATIZATION’S DOUBLE-EDGE

Jaclyn L. Neo

The right to religious freedom is a well-established human right under international law and is widely included in most constitutions in the world, including in most of Southeast Asia. The right to freedom of thought, conscience, and religion was also included as part of the ASEAN Human Rights Declaration (AHRD) adopted in 2012. In an earlier article, I argued that efforts to advance the right to freedom of thought, conscience, and religion within ASEAN is likely to be hampered by two constraints, one external to the document and one internal to it. The external challenge is that there is lack of a baseline consensus upon which to build a core understanding of the content of the freedom of thought, conscience, and religion due to competing visions of freedom of religion. The internal constraint stems from the various provisions within the AHRD that appears to grant states significant discretion in defining the content and scope of human rights. These constraints limits the AHRD’s potential as a regional human rights instrument. I will build upon these observations and examine three phenomenon within Southeast Asia that have further complicated the advocacy for and protection of religious freedom, namely the rise of populism, religious nationalism, and ethnic division. I examine the impact of these phenomenon on religious freedom and their complex interplay with democratization, thus raising the question how democratization in certain Southeast Asian countries has served as a double-edged sword for human rights protection in the region.

Jaclyn L. Neo is an Associate Professor of Law at the National University of Singapore (NUS) where she specializes in constitutional law and human rights. She was a recipient of two graduate scholarships from NUS under which she completed her Masters of Law (LL.M.) and Doctor of the Science of Law (J.S.D.) at Yale Law School. Jaclyn has delivered papers and lectures by invitation at numerous universities in Malaysia, Germany, the Netherlands, Norway, Chile, and Vietnam, and has been a visiting researcher at several universities including Frankfurt, Münster, and Leiden, and was most recently a Kathleen Fitzpatrick Visiting Fellow at Melbourne Law School. She is the sole editor of a recently published volume on Constitutional Interpretation in Singapore: Theory and Practice (Routledge, 2017) and have served as a guest editor for the Singapore Academy of Law Journal, Journal of Law, Religion, and State, as well as the Journal of International and Comparative Law. Her articles have been published in the International Journal of Constitutional Law (I-CON), Oxford Journal of Law and Religion, Human Rights Quarterly, and the Singapore Journal of Legal Studies. Her article on domestic incorporation of international human rights law in a dualist state won the Asian Yearbook of International Law’s DILA International Law Prize. Between 2014 and 2015, Jaclyn led a ten-country research project with the Human Rights Resource Centre examining the state of religious freedom in ASEAN.
ENVIRONMENTAL RIGHTS OF INDIGENOUS PEOPLE
IN THE CONTEXT OF CAMBODIA

Mao Kimpav

The fast growing of the world economic and the development of human being has been made the living standard of the world citizens more joyful and comfortable, in contrast, the lacking of the attention to the environmental issues are being harm to human being and their rights because human and environment are un-distinguishable. Paying attention to the vulnerable group from environmental impact should be made, specifically, the indigenous people who lives mostly rely on the environment and natural resources. The current development of economic and infrastructure in Cambodia, the Royal Government of Cambodia has been made through the private company to develop and invest on the project. By fact, some of this development projects has made in some communities of indigenous peoples and surrounded area. As consequence such of these actives are being harm to the environment and their living, more importantly the environmental rights of them. The arm of this research is to understand and examine to what extent of environmental rights of the indigenous people in Cambodia context. In order to have concrete understanding about this, it is very crucial to know about environmental rights under international environmental laws and human rights laws, importantly, indigenous people rights. For supporting this, three main questions will be answered: Are the Environmental Rights Human Rights? Does it is considered as indigenous people rights? And how the environmental rights of indigenous people has been applied and practiced in context of Cambodia?

Mao Kimpav holds LL.B from Faculty of Law and Public Affairs, Pannasastra University of Cambodia in 2015. Currently, he is pursuing L.L.M in International Human Rights Law (PUC-RWI) 2017-2019, Faculty of Law and Public Affairs. For short intensive training, Kimpav was selected to attend the Blended Learning Course on Human Rights and the Environment by RWI Office in Lund (online course and face to face workshop in Bangkok, Thailand, May-June 2016). In April 2017, Kimpav was one of a selected participant to attend the research initiative training in Bangkok, Thailand and round table discussion on research methodology in Jakarta, Indonesia, September 2017 by RWI office in Cambodia. He is now doing his exchange study of the L.L.M program at Keio University Law School, Tokyo, Japan. Currently, he is serving as Manager of Law Programs in charge of undergraduate and graduate programs since 2017 under direct supervision of Dean and Assistant in charge the program. Prior promotion to the Manager, he served as assistant manager since 2015. For research interest, Kimpav is interested on Business and Human Rights, environmental rights and Social Security Rights.
THE PITFALLS IN THE IMPLEMENTATION OF THE INDIGENOUS PEOPLES RIGHTS ACT

Raymond Marvic C. Baguilat

Progressively moving forward from the assimilation policies of indigenous peoples (IP), the Philippines adopted, under the 1987 Constitution, a policy that recognizes unique IP rights within the framework of national unity. Carrying on this momentum, a revolutionary law was passed towards social justice for indigenous peoples. The Indigenous Peoples Rights Act of 1997 (IPRA) was legislated to recognize indigenous peoples right to self-determination, to protect their rights over their ancestral domains, and to safeguard them from discrimination. The IPRA had great promise as it emerged after a lengthy national consultation. Yet, 20 years after its passage, the law still appears to be a mirage of indigenous peoples’ aspirations. They remain abused and marginalized, victimized by continuous development aggression and widespread discrimination. The IPRA appears to fall short of its stated purpose. Through a diachronic analysis of responses from Indigenous Peoples social movements, interviews with Indigenous Peoples groups and from former National Commission on Indigenous Peoples, this paper uncovers the limitations that contribute to the IPRA’s failure. Proposals for necessary state actions are then forwarded in the paper to help in the fulfillment of the IPRA’s purpose to promote and protect IP rights throughout the country.

Raymond Marvic C. Baguilat is a member of the Tuwali Indigenous Peoples of Ifugao. He is a law reform specialist for the UP Law Center Institute on Human Rights. He obtained his Juris Doctor (J.D.) degree from the University of the Philippines - Diliman. He also received his Master of Laws (LL. M) degree from the University of Melbourne under the Australia Awards Scholarship (AAS). Raymond also serves as the Corporate Secretary of Alyansa ng mga Abogado ng Bayan (ALAB), an NGO of volunteer lawyers who help defend human rights throughout the Philippines.
Parallel Session E4
Remapping and Analysis of Human Rights and Peace Education in SEA

16:00-17:30 (16 October 2018)

Verbana Rm.

In 2013, the ASEAN University Network - Human Rights Education (AUN-HRE) and the Institute of Human Rights and Peace Studies (IHRP), Mahidol University conducted a study on “The Mapping and Analysis of Human Rights and Peace Education in Southeast Asia”, which was officially launched in 2013. This study provided baseline data of the status of human rights, peace and conflict studies in universities and colleges in the Southeast Asia. Five years after the publication of the report, there were some positive developments on and challenges faced by human rights and peace education in Southeast Asian countries. In order to establish a systematic updating of development in human rights and peace education/studies in ASEAN/SEA states, there is a need for re-mapping and analysis of such education/studies in the region.

In 2018, SHAPE-SEA commissioned a research team to conduct a remapping and analysis of human rights, peace and conflict education in all ASEAN member-states and Timor Leste. The aim is to locating not only the progress made by higher education institutions in the region regarding human rights and peace education but also to identifying the drawbacks found in some countries where democracy is regressing (and/or progressing). Through analysis of course syllabi and curriculum already exist in ASEAN/Southeast Asia countries, the panel will be looking into the political, economic and social contexts in which human rights and peace courses and programs are offered (or not) in different countries. For the SEAHRN Conference, researchers working on Indonesia, Myanmar, Philippines, and Timor Leste will be sharing data that they have gathered and analysed so far on the situation of human rights and peace education in their assigned countries.

Moderator:
Joel Mark Barredo, Regional Researcher

Panelists:
- Patricia Waagstein, Country Researcher for Indonesia
- May Thida Aung, Country Researcher for Myanmar
- Ryan Jeremiah Quan, Country Researcher for Philippines
- Khoo Ying Hooi, Country Researcher for Timor Leste
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