

# 5th Conference on Human Rights

Human Rights and Human Security in Asia during the COVID-19 Pandemic

24 - 25 November 2021







# Contents

Welcome from the Conference Convenors	2
About the Conference	3
Program Overview	4
<a href="#"><u>Plenary Speakers</u></a>	6
<a href="#"><u>Plenary Session Abstracts</u></a>	10
<a href="#"><u>Panel Sessions 1</u></a>	15
<a href="#"><u>Panel Sessions 2</u></a>	22
<a href="#"><u>Panel Sessions 3</u></a>	28
<a href="#"><u>Panel Sessions 4</u></a>	35
<a href="#"><u>Panel Sessions 5</u></a>	42
<a href="#"><u>Panel Sessions 6</u></a>	49
<a href="#"><u>Maps</u></a>	55

# Welcome from the Conference Convenors

Welcome to the 5th Conference on Human Rights, co-hosted for the first time by the University of Jember's Centre for Human Rights, Multiculturalism and Migration (CHRM2) and the Sydney Southeast Asia Centre (SSEAC), at the University of Sydney, Australia.

This conference plays a very important function, every year bringing together researchers from around Southeast Asia, and indeed the world, to grapple with the challenges and opportunities associated with human rights in the region.

Of course, it would not be possible for us to hold the conference without the generous financial and in-kind support of our sponsors, including CHRM2 and SSEAC, but also the National Commission on Human Rights (KOMNAS HAM), the Department of Gender Studies (PSG) at the University of Jember, the ASEAN Intergovernmental Commission on Human Rights (AICHR) Indonesia, and the Indonesian Consortium for Human Rights Lecturers (SEPAHAM Indonesia). Support from these and other sources has enabled us to make the conference accessible in terms of cost, but also to directly support several of our speakers.

We would also like to take this opportunity to acknowledge the work of our respective teams, which have both played a such an important role in organising the conference.

Finally, we trust that you will enjoy this opportunity for intellectual exchange in and beyond the conference sessions, but also to renew old academic friendships and make new ones!



**Dr Al Khanif**

Director, Centre of Human Rights,  
Multiculturalism and Migration  
The University of Jember



**Professor Michele Ford**

Director, Sydney Southeast Asia Centre  
The University of Sydney

## About the Conference

The 5th Conference on Human Rights provides a platform for academics, human rights activists and practitioners to explore current human rights issues in Southeast Asia.

The COVID-19 outbreak has changed the world. In the name of the nation state's health and sovereignty, some countries have adopted strict policies to tackle the pandemic, which also violate basic rights. The right to work, freedom of expression, freedom of information, freedom of assembly, minority and vulnerable rights are some of the most troubled rights during the pandemic. In some developing countries, human rights matters are even more complicated, mixed with authoritarianism, poverty, marginalisation, and populism. Countries in Asia provide some striking examples.

To respond to those matters, the Centre for Human Rights, Multiculturalism and Migration (CHRM2) at the University of Jember, Indonesia; the Sydney Southeast Asia Centre at the University of Sydney, Australia; the Indonesian Consortium for Human Rights Lecturers (SEPAHAM Indonesia); the National Commission on Human Rights (KOMNAS HAM); and the ASEAN Intergovernmental Commission on Human Rights (AICHR) Indonesia are delighted to organise the 5th Conference on Human Rights. The conference is expected to become an academic platform to share ideas and experiences from academia, practitioners, civil society organisations, and governments in Asia and beyond.

## Conference Convenors

### **Dr Al Khanif**

Director, Centre of Human Rights, Multiculturalism and Migration (CHRM2)  
The University of Jember  
[al.khanif@unej.ac.id](mailto:al.khanif@unej.ac.id)

### **Professor Michele Ford**

Director, Sydney Southeast Asia Centre  
The University of Sydney  
[michele.ford@sydney.edu.au](mailto:michele.ford@sydney.edu.au)

## Sponsors

- Centre for Human Rights, Multiculturalism and Migration (CHRM2), University of Jember
- Sydney Southeast Asia Centre, University of Sydney
- National Commission on Human Rights (KOMNAS HAM)
- Department of Gender Studies (PSG) University of Jember
- ASEAN Intergovernmental Commission on Human Rights (AICHR) Indonesia
- Indonesian Consortium for Human Rights Lecturers (SEPAHAM Indonesia)

# Program Overview

## Pre-conference activities: Tuesday 23 November 2021

Time (WIB)	Activity	In-person location	Zoom link
09.00-10.00	Academic writing workshop Section 1. Professor Grace Chang	Room 1. 3rd-floor Auditorium Building,	<a href="https://unej.id/academicwriting1">https://unej.id/academicwriting1</a>
13.00-14.00	Academic writing workshop Section 2. Professor Michele Ford	University of Jember	<a href="https://unej.id/academicwriting2">https://unej.id/academicwriting2</a>

## Day 1: Wednesday 24 November 2021

Time (WIB)	Activity	In-person location	Zoom link
08:00-10:00	Welcome and Plenary I: <i>A Decade of Human Rights Governance in ASEAN</i>	Room 1. 3rd-floor Auditorium Building, University of Jember	<a href="https://unej.id/plenariesdate24">https://unej.id/plenariesdate24</a>
10:00-10:10	Break		
10:10-11:50	1.1 – Justice and rights of indigenous and local people	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH511">https://unej.id/ConfH511</a>
	1.2 – The migrant experience during COVID-19	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH512">https://unej.id/ConfH512</a>
	1.3 – The refugee experience during COVID-19	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH513">https://unej.id/ConfH513</a>
	1.4 – Religion, human rights and conflict	Room 1. 2nd-floor Auditorium Building	<a href="https://unej.id/ConfH514">https://unej.id/ConfH514</a>
11:50-12:40	Lunch		
12:40-14:00	2.1 – States and human rights in the face of COVID-19	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH521">https://unej.id/ConfH521</a>
	2.2 – Disability, health and human rights	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH522">https://unej.id/ConfH522</a>
	2.3 – Religion, politics and rights	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH523">https://unej.id/ConfH523</a>
14:00-14:10	Break		
14:10-15:50	3.1 – Pandemic politics in Indonesia	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH531">https://unej.id/ConfH531</a>
	3.2 – Perspectives on violence and human rights	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH532">https://unej.id/ConfH532</a>
	3.3 – Regional responses to human rights	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH533">https://unej.id/ConfH533</a>
	3.4 – Human rights and online technology	Room 1. 2nd-floor Auditorium Building	<a href="https://unej.id/ConfH534">https://unej.id/ConfH534</a>
15:50-16:00	Break		
16:00-17:00	Plenary II: <i>Strengthening the Affirmation Policy on Women's Representation Towards the 2024 Indonesian Election</i>	Room 1. 3rd-floor Auditorium Building, University of Jember	<a href="https://unej.id/plenariesdate24">https://unej.id/plenariesdate24</a>

## Day 2: Thursday 25 November 2021

Time (WIB)	Activity	In-person location	Zoom link
09:00-10:40	4.1 – Media and human rights	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH541">https://unej.id/ConfH541</a>
	4.2 – Human rights through a gender lens	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH542">https://unej.id/ConfH542</a>
	4.3 – Local communities and human rights	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH543">https://unej.id/ConfH543</a>
	4.4 – Government, employment, and human rights	Room 1. 2nd-floor Auditorium Building	<a href="https://unej.id/ConfH544">https://unej.id/ConfH544</a>
10:40-10:50	Break		
10:50-11:50	Plenary III: <i>Land, Natural Resources and Environmental Rights in Indonesia</i>	Room 1. 3rd-floor Auditorium Building, University of Jember	<a href="https://unej.id/plenariesdate25">https://unej.id/plenariesdate25</a>
11:50-12:50	Lunch		
12:50-14:20	5.1 – Government policy and protection	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH551">https://unej.id/ConfH551</a>
	5.2 – Infrastructure, development, and human rights	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH552">https://unej.id/ConfH552</a>
	5.3 – State responses to COVID-19 (1)	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH553">https://unej.id/ConfH553</a>
	5.4 – State responses to COVID-19 (2)	Room 1. 2nd-floor Auditorium Building	<a href="https://unej.id/ConfH554">https://unej.id/ConfH554</a>
14:20-14:30	Break		
14:30-15:50	6.1 – Criminal justice	Room 1. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH561">https://unej.id/ConfH561</a>
	6.2 – Education, awareness and personal well-being	Room 2. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH562">https://unej.id/ConfH562</a>
	6.3 – Advocacy for human rights	Room 3. 3rd-floor Auditorium Building	<a href="https://unej.id/ConfH563">https://unej.id/ConfH563</a>
15:50-16:00	Break		
16:00-17:00	Plenary IV: <i>Indonesian Criminal Justice on Trial: The Wongso Case</i> Closing Remarks by Professor Simon Butt (The University of Sydney) and Dr Iwan Taruna (The University of Jember)	Room 1. 3rd-floor Auditorium Building, University of Jember	<a href="https://unej.id/plenariesdate25">https://unej.id/plenariesdate25</a>

# Plenary Speakers

## **Titi Anggraini**

**Association for Elections and Democracy / Perkumpulan untuk Pemilu dan Demokrasi (PERLUDEM)**

Titi Anggraini is currently the Advisory Board Member of the Association for Elections and Democracy or Perkumpulan untuk Pemilu dan Demokrasi (PERLUDEM), an NGO engaged in the research and advocacy of elections and democracy in Indonesia. Titi previously was a Member of the Elections Supervisory Committee at the central level for the 1999 general election. In the 2006-2008 Titi worked with Rehabilitation and Reconstruction Body for Aceh-Nias or BRR Aceh-Nias in managing legislative strengthening program at the tsunami affected areas throughout Aceh-Nias. In 2017, Titi was recognized as a Democracy Ambassador by International IDEA for her work in promoting free, fair, and democratic elections.

Email: [titi@perludem.org](mailto:titi@perludem.org)



## **Professor Simon Butt**

**The University of Sydney**

Simon is currently an Associate Director of the Centre for Asian and Pacific Law at the University of Sydney Law School. Prior to joining Sydney Law School as Senior Lecturer, Simon worked as a consultant on the Indonesian legal system to the Australian government, the private sector and international organisations, including the United Nations Development Programme (UNDP) and the International Commission of Jurists (ICJ). He has taught in over 70 law courses in Indonesia on a diverse range of topics, including intellectual property, Indonesian criminal law, Indonesian terrorism law and legislative drafting. He is fluent in Indonesian.

Email: [simon.butt@sydney.edu.au](mailto:simon.butt@sydney.edu.au)



## **Ahmad Taufan Damanik**

**National Commission on Human Rights / KOMNAS HAM**

Ahmad Taufan Damanik currently is the Chairperson of the National Commission on Human Rights / KOMNAS HAM (2017-2022). He is also a lecturer at the Department of Politics, Faculty of Social and Political Sciences, Postgraduate Studies on Development Studies, and Postgraduate Studies on Sociology, North Sumatera University. Since 2012, he has been a freelance Consultant/Expert Team for Development Planning of North Sumatera Government.

Email: [taufandamanik@yahoo.com](mailto:taufandamanik@yahoo.com)





# Plenary Speakers

**Dr Mathew Davies**  
**Australian National University**

Dr Mathew Davies is a senior lecturer and Head of the Department of International Relations at the Coral Bell School of Asia Pacific Affairs, ANU College of Asia and the Pacific, the Australian National University. His current research examines the intersection of regional order building, human rights and governance in Southeast Asia, paying particular regard to the Association of Southeast Asian Nations (ASEAN). He received his doctorate degree from Australian National University.



**Sandrayati Moniaga**  
**National Commission on Human Rights / KOMNAS HAM**

Sandrayati Moniaga currently is the commissioner of KOMNAS HAM who is in charge on the Study and Research Unit since 2020-2022. Previously, she was the vice chair for external relations of KOMNAS HAM (2017-2020).

Email: [sandram@cbn.net.id](mailto:sandram@cbn.net.id)



**Dr George B. Radics**  
**National University of Singapore**

Dr George B. Radics received his PhD from the Department of Sociology at the National University of Singapore. He currently teaches Law in Society, Selected Topics in Law and Justice, Social Thought and Social Theory, and Sociology of Emotions. After receiving his PhD, Dr Radics studied law at the University of Washington, where he obtained his law degree with a concentration in Asian law. Dr Radics served as a research attorney at the Supreme Court of Guam for two years after graduating from law school. His interests are law and minorities, sociology of the law, criminal law, sociology of emotions, postcolonial studies, and Southeast Asia.



# Plenary Speakers

## **Dr Robin Ramcharan** **Asia Centre**

Dr Robin Ramcharan is the executive director at Asia Centre. He is Professor of International Relations in Bangkok, Thailand. His professional experience spans academia, international relations and the private sector. He has taught and researched on international security, human security, human rights and democracy. He holds a Ph.D and M.A. in international relations from the Graduate Institute of International and Development Studies in Geneva, Switzerland. He also holds an MA from the London School of Economics and Political Science, an LLM and LL.M from the University of London. He was Post-Doctoral Fellow with the Center for International Peace and Security Studies of McGill University and the University of Montreal.



## **Professor Catherine M. Renshaw** **Western Sydney University**

Catherine Renshaw is Professor in the School of Law at Western Sydney University and Director of the Network for Law and Human Rights. Her research focuses on international law, international human rights law, and regional systems for the promotion of democracy and protection of human rights, particularly in Southeast Asia. She has also been a Visiting Scholar at the Centre for International Governance and Justice at The Australian National University. She was Director of an Australian Research Council project based at the Australian Human Rights Centre at the University of New South Wales.



# Plenary Speakers

**Yuyun Wahyuningrum**

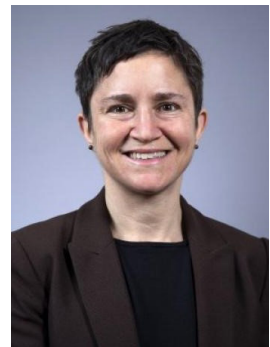
**ASEAN Intergovernmental Commission on Human Rights**

Yuyun Wahyuningrum is a representative of Indonesia to ASEAN Intergovernmental Commission on Human Rights (AICHR) 2019-2021. She is currently pursuing a PhD degree at The Global Governance Law and Social Justice, at the International Institute of Social Studies in The Hague, Erasmus University Rotterdam (2016 – onwards). Prior to that, she received a MA degree in Human Rights, Mahidol University, Thailand, 2007.



**Professor Meredith Weiss**  
**University at Albany**

Meredith Weiss is Professor of Political Science in the Rockefeller College of Public Affairs & Policy at the University at Albany, State University of New York. Her research focuses on social mobilization and civil society, collective identity, elections, and subnational governance in Southeast Asia, especially Singapore and Malaysia. Her books include *Protest and Possibilities: Civil Society and Coalitions for Political Change in Malaysia*; *Student Activism in Malaysia: Crucible, Mirror, Sideshow*; *The Roots of Resilience: Party Machines and Grassroots Politics in Southeast Asia*; and the forthcoming co-authored *Mobilizing for Elections: Patronage and Political Machines in Southeast Asia*, as well as eleven edited or co-edited volumes—most recently, *The Political Logics of Anticorruption Efforts in Asia and Toward a New Malaysia? The 2018 Election and Its Aftermath*.





# Plenary Session Abstracts

## **Plenary I: *A Decade of Human Rights Governance in ASEAN***

### **Paper I: *A Decade of Institutionalizing Human Rights in ASEAN: Progresses and Challenges***

**H.E. Yuyun Wahyuningrum, ASEAN Intergovernmental Commission on Human Rights (AICHR) 2019-2021**

The Terms of Reference (TOR) of the ASEAN Intergovernmental Commission on Human Rights (AICHR) include a provision to allow the body to evolve by review every five years. There were huge expectations from civil society that this process would rectify the lack of a protection mandate for human rights. I argue that the TOR review should not be seen as the only way to enable AICHR to evolve. AICHR's evolution can also be accelerated through the development and implementation of its work plans and projects. Furthermore, the ability of AICHR's country Representatives to recognise political opportunities and to creatively interpret AICHR's TOR have significantly strengthened AICHR's ability to promote and protect human rights in the last ten years. Accordingly, this paper examines AICHR's scope and power as stated in its (unreviewed) TOR and the five-year work plans to promote and protect human rights in the region from 2009 to 2019. This paper applies qualitative data collection combining desk research, interviews with key actors, and my own experiences as a human rights activist advocating for human rights in ASEAN since 2008 and as the Representative of Indonesia to AICHR for 2019-2021.

### **Paper II: *Southeast Asia's Human Rights Institutions and the Inconsistent Power of Human Rights***

**Dr Catherine M. Renshaw, Western Sydney University**

This article argues that continuing ambivalence about the importance of rights in Southeast Asia is not based on a perception that rights are a hegemonic ideological imposition of the West, or on a desire on the part of some states to preserve the ability to treat domestic populations however they wish, unhampered by the constraints of international human rights law. Instead, I contend that ambivalence has to do with uncertainty in the application of rights. I use two case studies (Brunei's introduction of a strict form of Islamic law in 2013; and the attack by Myanmar's military forces on the country's minority Muslim population, the Rohingya, in 2017) to test whether rights in the Association of Southeast Asian Nations (ASEAN) Human Rights Declaration can be specified to an extent that would allow the Declaration to fulfill its role as a common framework for human rights cooperation in Southeast Asia.

### **Paper III: *How Regional Organizations Respond to Human Rights: ASEAN's Ritualism in Comparative Perspective***

**Dr Mathew Davies, Australian National University**

This article builds a framework comparing how different regional organizations respond to human rights. Moving beyond Eurocentric beliefs that organizations either reject or unambiguously adopt rights, I present four categories of response: antagonism, ritualism, supportive, and embracing. I examine these categories conceptually and empirically, providing examples of how different regional organizations exemplify these categories. Next I detail how ASEAN's approach to rights represents ritualism, combining support for human rights institutions without agreement on the moral worth of human rights. ASEAN's ritualism is a product of the requirement to retain traditional commitments to non-intervention while responding to pressure to institutionalize human rights. Ritualism both legitimates human rights and normalizes their violation. Drawing on a comparison with the Inter-American system, I suggest three developments to ASEAN's system that offer a plausible path for improving human rights governance in Southeast Asian regionalism without falling foul of political reality.

## **Paper IV: *SDG 16 and the Human Rights Architecture in Southeast Asia: A Complementary Protection Process***

**Dr Robin Ramcharan, Asia Centre & Mahidol University**

This article submits that the Sustainable Development Goals (SDGs) will serve as a complementary protection process to the ASEAN architecture on human rights. SDG 16—peace, justice and inclusive institutions—is especially pertinent to the advancement of human rights protection in Southeast Asia and is fundamental to the achievement of all other SDG goals. The lynchpin of this complementarity is the ASEAN Intergovernmental Commission on Human Rights (AICHR), which must bridge all parts of the architecture. Complementarity stems from several factors. The SDGs, notably goal 16, created bridges with human rights obligations. ASEAN members resoundingly endorsed the SDGs, including SDG 16, which operates as a dialogue process that states are comfortable with. The SDGs fit with the ASEAN Community Vision 2025, which emphasizes strengthening democracy, good governance, and the rule of law, the promotion and protection of human rights and fundamental freedoms, and combating corruption to raise the standard of living within the region—all elements of SDG 16. ASEAN institutions under the ASEAN Charter are equipped to undertake preventive diplomacy to head off conflicts, a fundamental aim of SDG 16. The ASEAN Intergovernmental Commission on Human Rights can lead on refining the eclectic SDG 16 indicators to better align them with international standards. SDG 16 commits all ASEAN states to creating national human rights institutions. The elaboration of Voluntary National Reports under the SDG monitoring process bears the potential for encouraging participation by stakeholders, especially civil society. Though a potential pitfall, securitization of the rule of law component of SDG 16 is consistent with ASEAN's modus operandi. This article seeks to contribute to the nascent literature on the SDGs and SDG 16 in particular.

## **Paper V: *Building Solidarity on the Margins: Seeking SOGIE Rights in ASEAN***

**Dr Meredith Weiss, University at Albany**

The Association of Southeast Asian Nations (ASEAN) Human Rights Declaration (AHRD) declares each person “entitled without discrimination to equal protection of the law”—but clarifies that “regional and national context” still matters. Sexuality and gender identity rights offer a particularly useful lens on the elasticity and power of the AHRD and ASEAN more broadly as a human rights stage. Even as ASEAN acknowledges some rights as universal and inherent, it sidesteps the cultural messiness of sexual orientation and gender identity and expression (SOGIE). I explore the ways in which SOGIE rights advocates in Southeast Asia have made use of ASEAN as a platform through which to validate, extend, or establish a baseline, discourse, and regional community for their advocacy. The ASEAN framework and premise serves as a useful starting point for solidarity among SOGIE activists region-wide—albeit with goals better understood, at least for now, more as expressive than instrumental.

## **Paper VI: *Challenging Antisodomy Laws in Singapore and the Former British Colonies of ASEAN***

**Dr George B. Radics, National University of Singapore**

In 2007, Section 377 of Singapore's Penal Code, a colonial-era law that criminalized sexual activities “against the order of nature,” was removed by Parliament. Section 377A, however, the law specifically criminalizing gay male sex, was kept on the books. Three years later, the first judicial challenge emerged, and after a change in standing requirements, a second challenge followed, both to be ultimately dismissed in 2013. By end of 2018, two new judicial challenges emerged, and by September 2019, another lawsuit was mounted—all three to be heard in November 2019. Despite having survived several constitutional challenges, could Singapore's lawsuits to strike down Section 377A provide guidance or inspiration to similar attempts to repeal 377 or 377A in ASEAN? This article begins by examining the roots behind 377 and 377A and the attempts to repeal these laws in Singapore.



Next, it explores the legal situation in the Southeast Asian nations with similar laws due to their common British colonial histories (Malaysia, Brunei, Myanmar) and discusses the position ASEAN has taken on anti-LGBT (lesbian, gay, bisexual, and transgender) laws in these nations. The article concludes with a discussion on how Singapore's experience, as well as ASEAN human rights mechanisms, can potentially be used to expand and protect the rights of LGBT people in Southeast Asia.

## **Plenary II: *Strengthening the Affirmation Policy on Women's Representation Towards the 2024 Indonesian Election***

**Ibu Titi Anggraini, Association for Elections and Democracy / Perkumpulan untuk Pemilu dan Demokrasi (PERLUDEM), Indonesia**

In 2024 Indonesia will hold elections to elect five positions simultaneously (president, DPR members, DPD members, Provincial DPRD members, and Regency/City DPRD members). This is the second simultaneous election in Indonesia's electoral history, after the first in 2019. Simultaneous elections give rise to their own challenges and complexities, including for women candidates. The results of the 2019 simultaneous elections show that there is an increase in the electability of women in the Indonesian House of Representatives. Breaking the figure of 20.5% and becoming the highest number in the implementation of Indonesian elections. But it is still far from the target of at least 30% women's representation in parliament.

Then, what can be done to increase the electability of women in the 2024 General Election? Is there an affirmation policy that can be chosen to open up more opportunities for women candidates to be elected? What kind of affirmative policy can be made in the midst of a decision by lawmakers who do not want to change the Election Law? This is an interesting point for further discussion.

## **Plenary III: *Land, Natural Resources and Environmental Rights in Indonesia***

**Paper I: *Solving the Agrarian Conflict in the Perspective of Human Rights: The Role of KOMNAS HAM***

**Ahmad Taufan Damanik, National Commission on Human Rights / KOMNAS HAM**

The main provisions of the Law on Basic Agrarian Principles Number 5/1960 state that agrarian nature consists all elements of earth, water and airspace, including the natural resources contained in the territory of Indonesian Republic. Although the land rights are not universal rights, but they are directly correlated to the universal rights such as the right to life, the right to property, rights of social and cultural etc. The land rights are also seen as the main key of human rights, because it is the basis to access food, housing and development.

Referring to international and national instruments of human rights, agrarian conflict should be solved using rights-based approach in order to find peaceful and justice solution. Based on Law 39 /1999 on Human Rights, Komnas HAM has mandates to carry out monitoring and mediation to ensure the fulfilment rights of people. Furthermore, the commission needs to scrutinize all regulations, policies and practices of the state/corporations to ascertain their compliance with human rights standards and norms. This writing would like to explore the experiences of Komnas HAM in solving the complexity of agrarian conflict in Indonesia.

## **Paper II: *Environmental Rights in Indonesia: From Legal Rights to Constitutional Rights***

**Sandrayati Moniaga, National Commission on Human Rights / KOMNAS HAM**

Recognition of the right to good and healthy environment in Indonesian Law began in 1982 through the enactment of Law No. 4 of 1982 on Basic Environmental Act. The 1982 Law provides legal basis for people participation, including environmental non-governmental organizations (NGO), in environmental management. The first environmental litigation was by WALHI (the largest environmental NGO forum in Indonesia) conducted in 1988 on the issuance of environmental permit for a pulp and paper company in North Sumatera. WALHI lost the substance of its litigation. However, the Central Jakarta Court recognizes their legal standing for the environment. The 1982 Law was revised in 1997 and later in 2009. An interesting development of the law on human rights in Indonesia began in 1997 began when the Peoples' Assembly (Majelis Permusyawaratan Rakyat or MPR) issued a Decree No. XVII of 1997 on Human Rights and included an article of the right to good and healthy environment. The inclusion of environmental right to the human rights law regime continued in the Law No. 39 of 1999 on Human Rights and strengthened in the Amended 1945 Constitution. The paper will elaborate the development of the law processes, discuss the influencing factors and implications to environmental rights protection.

## **Plenary IV: *Indonesian Criminal Justice on Trial: The Wongso Case***

**Professor Simon Butt, The University of Sydney**

After a televised trial in 2016, Wongso was convicted of murdering her friend Mirna Salihin, by putting cyanide in her Vietnamese coffee at an upmarket café in Jakarta, Indonesia, and sentenced to 20 years' imprisonment. The police could obtain only limited evidence against Wongso, leaving prosecutors unable to determine the cause of Salihin's death, much less convincingly prove that Wongso was the perpetrator. By contrast, the defense mustered significant exculpatory evidence. I argue that the judges took an uncritical view of the prosecution evidence and ignored the defense case. Throughout the investigation and trial, Wongso was not accorded the presumption of innocence, partly because of Indonesia's flawed or absent formal legal infrastructure for arrests, detentions, searches and disclosure of prosecution evidence to the defense. It is also because highly prejudicial press coverage before and during trials is not prohibited and because judges lack professionalism. All this suggests a strong need for reform – not only to Indonesia's criminal procedure law, but also to the way it is applied in practice. However, this seems unlikely for the foreseeable future, meaning that unfair trials, such as Wongso's, will probably continue in Indonesia, as they have in the 75 years since Indonesia's independence in 1945.

**Panel Sessions 1**  
**Wednesday 24 November**  
**10:10–11:50 (WIB)**



## Panel 1.1 – Justice and rights of indigenous and local people

Access to justice for indigenous peoples and “Petuanan Rights”

*Dr Reveny Vania Rugebregt*

Uncertainty of the Right to Health during the COVID-19 Pandemic

*Ms Evtia Rosiyanti Ramadhani*

Indigenous people's food security during the COVID 19 pandemic

*Dr Wattimena J.A.Y.*

Discrimination against Papuan ethnic minority groups: A human rights perspective

*Mr Lian Aprilian Sumodiningrat*

## Panel 1.2 – The migrant experience during COVID-19

Ensuring the rights of Vietnamese migrant workers in the context of the COVID-19 pandemic

*Dr Thi Hong Yen Nguyen*

Impact of COVID-19 on Macau's migrant worker population

*Mr Michael Gallo*

Legal protection for Indonesian migrant workers in informal sectors during the COVID 19 Pandemic

*Ms Luthvi Febryka Nola*

Our Singapore sojourn: Experiences of migrant Indian workers during COVID-19

*Ms Parvathy C., Hari Hara Sudhan Ramaswamy, Professor Manimekalai N.*

## Panel 1.3 – The refugee experience during COVID-19

Analysing equal access to the COVID-19 vaccine for refugees and illegal migrants in Indonesia

*Dr Erna Dyah Kusumawati*

Rohingya refugee camp conditions: Another step towards deteriorating human rights during COVID-19

*Mr Md. Adnan Mashruzzaman*

Discourses of human security in COVID-19 pandemic: A Case study of refugees in Indonesia

*Ms Rizky Anggia Putri, Ms Fadhilah Permata Nira, Mr Maula Hudaya*

The right to a healthy life for refugees during the COVID-19 pandemic

*Mr Ayub Torry Satriyo Kusumo*

## Panel 1.4 – Religion, human rights and conflict

Ambivalence of Da'wah and intolerance in the Joint Decree about school uniforms

*Ms Theresia Octastefani*

Addressing religious conflicts: Integrating human rights and conflict resolution approaches

*Dr Zainal Abidin Bagir*

Illegal giving: RA 11479 through the lens of religious freedom, natural law and jurisprudence

*Mr Jochebed “OBED” Dela Cruz*

Mediating religious conflicts in Indonesia

*Mr Ihsan Ali-Fauzi*

## Panel 1.1 – Justice and rights of indigenous and local people

### Access to justice for indigenous peoples and “Petuanan Rights”

*Dr Reveny Vania Rugebregt, Faculty of Law Pattimura University*

*Co-authors: Professor Marthinus Johanes Saptanno, Dr Jantje Tjiptabudy, Dr Victor Juzuf Sedubun*

This paper examines how the state addresses customary law issues in communities advocating for customary law and their “petuanan rights.” While access to justice is a right, not all communities can obtain the justice they desire and laws have the potential to benefit those who are financially privileged. The state continues to prioritise companies and industry over the rights of indigenous people, sometimes even without the correct permit.

This research adopts normative empirical methods to explore how policy makers and legislators may support customary law for local communities and create new models for natural resource exploration activities that impact the right of indigenous peoples to their land, to ensure that they are not arbitrarily and negatively by development. I also argue that the drafting and passing of laws related to customary ownership and entitlement must be accelerated.

### Uncertainty of the Right to Health during the COVID-19 Pandemic

*Ms Evtia Rosiyanti Ramadhani*

For over a year, countries all over the world have been fighting the Covid-19 pandemic. Efforts ranging from social distancing to the provision of vaccines have been made, but these have not succeeded in reducing the spread of disease. Several people have taken advantages of this situation in negative ways, such as in the case of Kuala Namu Airport’s antigen testing. This study uses a library research method and statutory approach, finding that the government is still relatively lenient in handling the pandemic, especially handling related crimes, creating concerns about the health environment in Indonesia. This is a violation to the Article 28 H paragraph (1) of the 1945 Constitution, which states that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to obtain health services.

### Indigenous people’s food security during the COVID 19 pandemic

*Dr Wattimena J.A.Y., Pattimura University*

The Corona Virus 19 pandemic is a frightening phenomenon. One containment strategy carried out by countries around the world, including Indonesia, is to lock down the population and restrict movement between regions. This situation and condition will have an impact on the fulfillment of the necessities of life, including the supply of food. This paper focuses on how these restrictions will affect access to food for indigenous peoples where locally sourced, traditional foods, are not sufficient to fulfil basic needs. According to the Law on Food (No. 18 of 2012) quality, nutritious, food must be available in sufficient quantities and at a price that is affordable. However, in the COVID-19 pandemic situation, indigenous peoples may face difficulties in accessing this. In addition, indigenous communities face additional pressure in meeting demand for food if their natural resources are exploited for industry. This paper will shed light on this situation and discuss these dilemmas.

### Discrimination against Papuan ethnic minority groups: A human rights perspective

*Mr Lian Aprilian Sumodiningrat, Gadjah Mada University*

*Co-author: Jihan Arsyah Nabila*

Protection from discrimination for vulnerable minority groups is guaranteed in the Constitution, laws, and several international conventions that have been ratified by Indonesia, including: ICCPR, ICERD. However, cases of violence involving ethnic Papuans are often ignored by the state. This paper presents a socio-legal study, considering statutes and a review of non-legal aspects to analyse the reality of what is happening to ethnic Papuan minority groups. This research shows that legal protection for minority groups in Papua has not been maximized. The recommendation of this study is that the Government uphold legislation and enforce the law against perpetrators of discrimination and violence aimed at Papuan ethnic groups. The paper stresses that human rights must be respected, protected and fulfilled by the State.

## Panel 1.2 – The migrant experience during COVID-19

### Ensuring the rights of Vietnamese migrant workers in the context of the COVID-19 pandemic

*Dr Thi Hong Yen Nguyen, Hanoi Law University*

*Co-author: LLM Tran Thi Thu Thuy, Hanoi Law University*

The COVID-19 outbreak in December 2019 has become a global challenge seriously affecting the development of different economies around the world. Despite being a “bright star” in managing the COVID-19 pandemic, Vietnam has also suffered extreme consequences due to the impacts of the pandemic. More than 5,000 migrant workers have had to return home, facing the risk of losing their jobs and income. In addition, Vietnamese migrant workers who stay abroad face difficulties such as health risks, increasing underemployment rates, declining income, as well as discrimination, prejudice and xenophobia. Discussing the legal and practical issues of ensuring the rights of Vietnamese migrant workers in the context of COVID-19, the presentation analyses (i) the current situation and the main impacts of COVID-19 on Vietnamese migrant workers; (ii) Vietnamese regulations related to the rights of migrant workers and worker protections during the pandemic and (iii) recommendations for the implementation of policies and laws to ensure the rights of Vietnamese migrant workers in similar circumstances.

### Impact of COVID-19 on Macau’s migrant worker population

*Mr Michael Gallo, United Nations University Institute in Macau*

*Co-author: Dr Hannah Thinyane*

The Macau SAR government has successfully implemented stringent measures to contain the spread of COVID-19 making it one of the safest cities in the world, going more than one year without a single case of local transmission. However, Macau’s economy, which is highly dependent on tourism and gaming, has simultaneously experienced a deep recession and prolonged border closures that carry significant implications for the vulnerabilities of non-resident migrant workers who comprise nearly half of the active labour force. Macau has a complex and varied labour migration landscape, which includes workers who migrate internally from mainland China and others who come from abroad predominantly from Southeast Asian countries like the Philippines, Indonesia, and Vietnam. Migrant workers who have had their permits expire or contracts terminated during the pandemic have faced numerous challenges including limited repatriation flights and a new law that requires such individuals to leave Macau first, then return to seek a new permit. In this paper we use Macau as a case study to illustrate the unique policy challenges that arose in the local context as a result of COVID-19 and their impacts on the human security and human rights of migrant workers.

### Legal protection for Indonesian migrant workers in informal sectors during the COVID 19 Pandemic

*Ms Luthvi Febryka Nola, The House of Representatives of the Republic of Indonesia*

Indonesian Migrant Workers (IMWs) in informal sectors have face more risks than their counterparts in formal sectors. Domestic workers, in particular, are at risk as it is challenging for Indonesian government representatives to monitor or supervise their situations. This can be seen from the frequent problematic reports made about the conditions and treatment of these workers. For this reason, studying IMWs in the informal sectors and how to protect them during the COVID-19 pandemic is necessary. This paper is based on normative legal research, using descriptive-qualitative analysis, and demonstrates that the IMWs in the informal sectors are greatly affected by the COVID-19 pandemic, ranging from vulnerability infected to the virus, increasing workload, unfair treatment, to job uncertainty. To that end, the protection of IMWs in informal sectors must be a government priority, including a moratorium on migration to a number of countries and providing healthcare equipment and facilities for those already overseas. However, such efforts face a number of obstacles including health protocol restrictions, limited human resources and funding. Such obstacles can be overcome by increasing the role of attaches and the presence of more Social Security Administrator for Health in migrant-receiving countries.



## **Our Singapore sojourn: Experiences of migrant Indian workers during COVID-19**

*Ms Parvathy C., Bharathidasan University*

*Hari Hara Sudhan Ramaswamy*

*Professor Manimekalai N.*

Singapore has been dubbed the safest place to live according to the recently released Bloomberg COVID resilience ranking (Zee Media Bureau, 2021). A Government of Singapore report indicates that 47% of all migrants tested positive for COVID-19 prevalence (Ministry of Health Singapore, 2020). However, despite having tested positive, many migrants were not asked to maintain social isolation, nor were they provided with the facilities to do so (Illmer, 2020). Illmer adds that many human rights entities were not surprised at the rise in positive COVID-19 cases within the migrant community. Just when the country was ready to celebrate the completion of a year's lockdown, further lockdowns were announced after 17 recovered workers tested positive for COVID-19 (Reuters, Aravindan, & Lin, 2021). Following this outbreak Singapore's 300,000 migrant-workers hailing mostly from South Asia and China have been confined to their dormitories for over a year (McDonald, 2021). This paper aims to qualitatively investigate the human rights violations that migrant Indians underwent in Singapore during COVID-19. The paper addresses the lacuna of studies dedicated to migrant rights violation in Singapore.

## **Panel 1.3 – The refugee experience during COVID-19**

### **Analysing equal access to the COVID-19 vaccine for refugees and illegal migrants in Indonesia**

*Dr Erna Dyah Kusumawati, Universitas Sebelas Maret Surakarta*

The COVID-19 pandemic has severely impacted all countries regardless of their economic status. Until April 2021, the worldwide statistic recorded around 149 million infection cases. With limited resources to produce the vaccine, there are still challenges ahead, one of which is the fair distribution of the vaccine. These challenges are exacerbated at the domestic level. By analysing relevant international human rights instruments, this article investigates the existence of international obligations to provide equal access to the vaccine, especially for the vulnerable groups of refugees and illegal immigrants. Further, this article critically examines the Indonesian policies and legislation relating to access to health services for the two groups. This will be explored through a literature review and in-depth interviews with relevant officials. The human rights analysis will be useful for assessing vaccinations measures in Indonesia, assisting to mitigate future challenges and provide suggestions to the government.

### **Rohingya refugee camp conditions: Another step towards deteriorating human rights during COVID-19**

*Mr Md. Adnan Mashruzzaman, Institute of Human Rights and Peace Studies , Mahidol University*

*Co-author: Ms Laila Sumaiya*

Around 830,938 Rohingyas entered Bangladesh during 2017, with 35,519 Rohingyas already settled in two registered refugee camps. the Bangladeshi government refers to these refugees as Forcibly Displaced Myanmar Nationals(FDMN). These new FDMN arrivals took shelter in 32 newly built camps in Bangladesh, where they have been strategically denied access to basic rights and protection. Rather they have been treated as illegal migrants, which has had negative implications for their human rights situation. Trapped inside the barbed wire-fenced camps, the recent COVID-19 has worsened the situation with new government restrictions limiting the work of humanitarian organizations to stop the spread of COVID-19. This paper will explore the broader impact of COVID-19 at these refugee camps. This paper draws upon on human rights organizations' reports, institutional documents, and scholarly and news articles to explore the present situation of Rohingya refugees in these camps.

## **Discourses of human security in COVID-19 pandemic: A Case study of refugees in Indonesia**

*Ms Rizky Anggia Putri, Universitas Gadjah Mada*

*Ms Fadhillah Permata Nira*

*Mr Maula Hudaya*

Indonesia is willing to accept the arrival of refugees to its territory. Although it has not yet ratified the 1951 Refugee Convention and the 1967 Protocol of the United Nations High Commissioner for Refugees (UNHCR), Indonesia has issued Peraturan Presiden Nomor 125/2016 on international refugees. This demonstrates some commitment to protecting the humanitarian values contained in the Preamble of Undang-undang Dasar 1945 and Pancasila. However, the COVID-19 pandemic has the potential to change the Indonesian government's treatment of refugees. Indonesia has prioritised the safety of its citizens, giving rise to potential neglect of the rights of refugees. Indonesia's burden in handling refugees during the pandemic is further exacerbated by the unresponsiveness of UNHCR and the International Organization for Migration (IOM). Therefore, this paper analyses what actions the government should take with a top-down approach to guard the concept of human security, especially in the field of health security, for refugees in Indonesia.

## **The right to a healthy life for refugees during the COVID-19 pandemic**

*Mr Ayub Torry Satriyo Kusumo, Faculty of Law Universitas Sebelas Maret Surakarta*

*Co-authors: Professor Jamal Wiwoho, Associate Professor Emmy Latifah*

All kinds of people have been affected by the ongoing COVID-19 pandemic, including refugees. Refugees' right to live a healthy life has been compromised by limited access to health services, COVID-19 testing and vaccinations. Offers insights into the protection of refugees' right to a healthy life and how states can protect it. This is a qualitative study, based on a literature review of selected relevant academic and grey literature (newspapers and other periodicals). The study finds that there are ongoing challenges and obstacles in protecting the right for healthy life for refugees during the pandemic, and greater international commitment is required to ensure refugees are protected from negative health consequences.

## **Panel 1.4 – Religion, human rights and conflict**

### **Ambivalence of Da'wah and intolerance in the Joint Decree about school uniforms**

*Ms Theresia Octastefani, Universitas Gadjah Mada*

*Co-authors: R. Ratnawati, Eka Zuni Lusi Astuti, Bayu Mitra A. Kusuma*

This paper investigates the influence of da'wah and intolerance in public institutions that impact personal autonomy by policing dress. It considers the case of a non-Muslim student in Padang, Indonesia, who felt forced by their school to wear a hijab (Islamic headcover) and analyses the government response to this particular situation. The government responded by issuing a Joint Decree (SKB) of three ministers about educational uniforms and attributes, which countered this situation by guaranteeing religious freedom amongst education staff and students. The study shows that the time span between the case appearance and the SKB issuance was extremely short-less than two weeks. The SKB has been controversial, with some parties seeing it as an effort to secularize education, while others view it as highly appropriate because of growing intolerance in Indonesia. Regardless of the pros and cons, the issuance of the SKB has been effective in guaranteeing the religious freedom of all education personnel and preventing ambivalence from da'wah, which has been distorted and resulted in intolerant behaviour.

### **Addressing religious conflicts: Integrating human rights and conflict resolution approaches**

*Dr Zainal Abidin Bagir, Universitas Gadjah Mada*

*Co-authors: Fahmi Shahab, Raditya Darningtyas*

Following Indonesia's democratization in 1998, the formal guarantee of human rights was strengthened through Constitutional amendments and new laws and regulations. However, conflicts based on religious identity have

become more prevalent over the past two decades, including large-scale communal violence as well as smaller, but more frequent, inter- and intra-religious disputes over houses of worship or blasphemy allegations. Such problems have been addressed using rights-based approaches, in which human rights, especially freedom of religion or belief, play a central role. This paper reflects upon developments in this space and argues that resolving religious conflicts must acknowledge the guarantee of rights. Conflict resolution should make use of more varied approaches, paying attention to both interest-based and rights-based approaches. This paper relates this issue to theoretical debates on tensions between human rights, critiques of religious freedom, and the re-emergence of human dignity as an international priority, as evidenced by the 2018 Punta del Este Declaration on Human Dignity for Everyone Everywhere.. Special attention will be given to mediation as a form of conflict resolution and to explore how it can find a place within the Indonesian legal framework on governance of religion.

### **Illegal giving: RA 11479 through the lens of religious freedom, natural law and jurisprudence**

*Mr Jochebed "OBED" Dela Cruz, Polytechnic University of the Philippines College of Law (PUP College of Law) and Far Eastern University Institute of Technology (FEU TECH), Manila*

This paper offers both jurisprudential and theological perspectives on the discussion of law, religion, and state power to prohibit the provision of material support to anyone considered a terrorist under RA 11479 or the Anti-Terrorism Act of 2020 (ATA). This law was enacted during the COVID-19 pandemic, adding to other human rights concerns as the Philippines has adopted a highly militarized response to the pandemic. Underlying assumptions in this paper are: 1) that the State has the right to protect itself and its people; 2) religious freedom is a simply a constitutional means to protect people from the excessive involvement of the State but it cannot be used for anything that has an element of bad faith; and 3) there must be a balance between the State's interests and religious liberty. In this paper, the following questions are addressed: 1) How are sections 12 and 13 of the ATA different from other crimes against national security, public order, and humanity? 2) How is religious freedom affected by the ATA? 3) How may the giving of material support to others, on the basis of religious freedom, be validly prohibited by the state through the law?

### **Mediating religious conflicts in Indonesia**

*Mr Ihsan Ali-Fauzi, Pusat Studi Agama dan Demokrasi (PUSAD), Yayasan Paramadina*

*Co-authors: Mr Husni Mubarak, Mr Siswo Mulyartono, Mrs Imelda Putri*

In recent years, Indonesia has experienced a deterioration in religious freedom and a concomitant rise in religious discrimination. This has both degraded Indonesia's international reputation as a tolerant Muslim-majority nation and harmed citizens' rights to practice their beliefs freely. An increasingly popular strategy to address accusations of discrimination for government, including the Indonesian Human Rights Commission, and civil society groups, is mediation. But this approach has its challenges. First, some scholars and practitioners have been skeptical that value-loaded religious conflicts can be resolved through mediatory processes. Secondly, some critics claim that mediation has, in fact, exacerbated discrimination against religious minorities. This paper will discuss these two problems. We suggest that religious conflicts can be addressed through appropriate mediatory processes. We propose that the appropriate mediatory processes would align with human rights ideals. In the empirical part of this paper, we will discuss the experience of Interfaith Harmony Forums (FKUB) in resolving religious conflict through mediation, based on PUSAD Paramadina's database, and draw some lessons from this case.

**Panel Sessions 2**  
**Wednesday 24 November**  
**12:40–14:00 (WIB)**

## Panel 2.1 – States and human rights in the face of COVID-19

COVID-19, emergency law and human rights protection in Indonesia

*Mr Muhammad Bahrul Ulum*

The criminalization of human rights in the time of COVID-19: The Malaysian Emergency Ordinance 2

*Dr Haezreena Begum Abdul Hamid*

Curfew policy in Aceh: The response to COVID-19 and the implementation of Islamic Law

*Ms Fadlia Faradilla, Ms Ismar Ramadani, Ms Siti Nur Zalikha*

Prioritizing public order over public health in the Philippines

*Ms Catherine Nicole Lopez*

## Panel 2.2 – Disability, health and human rights

Reflections on the sociocultural experiences of the Deaf community

*Ms Dian Karinawati Imron*

Policies and rights in mental rehabilitation institutions during the COVID-19 pandemic

*Ms Isneningtyas Yulianti*

RASA MESRA: Innovation in voting to support the political rights of the blind

*Mr Windu Darajat*

Indonesia's Legal Policies Amid Covid19: Balancing Religious Freedom and Public Health

*Ms Cekli Setya Pratiwi*

## Panel 2.3 – Religion, politics and rights

Our Life is Yours: the Illusory Relationship between the West and Political Islam in Indonesia

*Ms Megan J Ulrich*

Analysing Qanun in Aceh: Status, substance and impact on vulnerable and minorities populations

*Dian Andi Nur Aziz*

The role of Interfaith Women's Forum in preventing intolerance via social media

*Ms Indah Wulandari*

The Bangsamoro Transition in the Philippines: Pre and post COVID-19 pandemic complexities

*Mr Mohamadan Abdulkasan*



## Panel 2.1 – States and human rights in the face of COVID-19

### COVID-19, emergency law and human rights protection in Indonesia

*Mr Muhammad Bahrul Ulum, University of Jember*

*Co-author: Mr Sholahuddin Al-Fatih*

COVID-19 has resulted in a global health crisis and shocked both global and domestic economies. This situation had forced many states to apply a state of emergency to combat the spread of this dangerous virus. Indonesia has adopted similar measures to those applied by other states, using emergency law to address the COVID-19 situation. This paper examines the Indonesian government's issue of emergency regulations and presidential decrees (in lieu of law) in response to COVID-19. Given that such an emergency law provides the President with power under national exigency, the government regulation in lieu of law is regarded as a legislative shortcut that contributes to constitutional regression, particularly under the discourse of the emergence of Indonesia's Neo-New Order against a backdrop of illiberalist propaganda that exploits concepts of gotong royong (mutual cooperation). Consequently, other substantial aspects, such as the government's responsibility to protect human rights are ignored, including the right to health. This attitude, motivated by prioritizing economics over human health, is embedded in the emergency laws and affirms the government's lack of commitment in combating the virus while protecting human rights.

### The criminalization of human rights in the time of COVID-19: The Malaysian Emergency Ordinance 2

*Dr Haezreena Begum Abdul Hamid, University of Malaya, Kuala Lumpur, Malaysia*

The COVID-19 pandemic has led policy makers to devise stringent procedures to manage the crisis. In Malaysia, A Movement Control Order was implemented on 18 March 2020 as a preventive measure to control the spread of the virus. This included mandates on social distancing, travel restrictions, quarantine, and case isolation. To enforce such restrictions, the government relied heavily on law enforcement and the criminal justice system. While such restrictions are said to be effective in flattening the curve of infection, it has also given rise to the creation of colonial-era laws such as the Emergency Ordinance 2. This Ordinance aims to control the spread and circulation of fake news relating to the COVID-19 pandemic through various media platforms to prevent panic, stress, confusion, and anger among the public. However, there are fears that this Ordinance is open to manipulation and can be used by the state as a tool of repression and to detain people with dissenting political views. This paper will discuss the implications of the Emergency Ordinance 2 and how this law can be used to restrict individual liberty in the name of public health.

### Curfew policy in Aceh: The response to COVID-19 and the implementation of Islamic Law

*Ms Fadlia Faradilla, Universitas Syiah Kuala*

*Ms Ismar Ramadani*

*Ms Siti Nur Zalikha*

This paper discusses the ongoing implementation of caning as a punishment in Aceh, even during the COVID-19 pandemic. The hypothesis of this paper is that the government demonstrates a double standard in its approach to crowd control and prohibition policies. Although the government has issued a ban on the community to congregate, but in the implementation of caning the government actually attracts and encourages people to assemble in public places to observe the public spectacle of caning. The research focuses on Banda Aceh, drawing from a literature review and interviews. The results demonstrate that the Aceh government continues to implement Islamic law and caning, even though this particular method of punishment undermines public health and safety by encouraging crowds, claiming that caning in open spaces does not contravene health protocols.

### Prioritizing public order over public health in the Philippines

*Ms Catherine Nicole Lopez, IDEALS, Inc.*

Since the onset of the COVID-19 pandemic, the Philippine government has employed aggressive, brutal, and militaristic measures to address the public health crisis and maintain order. This paper examines case studies

illustrative of these government interventions and subsequent human rights violations. The paper recommends actions that promote and protect human rights in the Philippines in the context of the pandemic. The case studies were gathered by a team of lawyers formed to respond to these incidents. The cases were classified as human rights violations if there was an act or omission committed by persons acting in an official capacity and/or state agents, including warrantless arrests pursuant to quarantine-related violations, infliction of harm, and state negligence in protecting vulnerable groups. The resulting cases showed violations of due process, freedom of expression, and access to justice, serving as a microcosm of the national situation. The policy recommendations borne out of the case studies are a) strict compliance with time limits for inquests, b) release of detainees with charges not requiring preliminary investigation, c) utilization of judicial statements for excessive penalties, d) raising the quantum of evidence for filing criminal charges, and e) community engagement by law enforcers.

## Panel 2.2 – Disability, health and human rights

### Reflections on the sociocultural experiences of the Deaf community

*Ms Dian Karinawati Imron, Ministry of Villages, Development of Disadvantaged Regions and Transmigration*

The living experiences of members of the deaf community have gained attention within the context of understanding disability and social inclusion, and as members of a minority language group. The study examines the sociocultural experiences of the deaf community in their daily life, understanding their experiences and rights in order to determine their sense of self and as citizens. The discussion includes observations on interaction, access, rights, and the opportunity for self-development in social and cultural spheres. The study adopts a phenomenological approach, drawing on semi-structured interviews, participative observation and document reviews. Data was drawn from the deaf community in Lampung and D.I. Yogyakarta. The findings generate several reflections on: a) the real sociocultural barriers that exist and the need to address these barriers, b) questions about how to design new approaches for rights awareness, c) opportunities for capacity development linked to welfare enhancement, d) promoting sign language as a means for further social engagement and recognition of cultural diversity and e) the important role of family and local organizations.

### Policies and rights in mental rehabilitation institutions during the COVID-19 pandemic

*Ms Isneningtyas Yulianti, Kementerian Sosial RI and Komnas HAM*

*Co-author: Mr Mochamad Felani*

Persons with Mental Disabilities (PMD) are a seriously vulnerable group in the COVID-19 pandemic. Lack of awareness, information and government capacity mean that the needs of PMD have not been accounted for in COVID-19 policies. PMD who live in rehabilitation centres have seemingly been unable to access social assistance and the implementation of COVID-19 health protocols has been lax. Occupants of such homes are more vulnerable to catching and transmitting COVID 19 because they have not had access to health support and, moreover, these homes have continued to take in PMDs during the pandemic. There is additional stigma attached to PMD, with a general perception that PMD pose a risk to the greater public if allowed to leave these homes as their behaviour in public spaces is assumed to be unpredictable and difficult to manage. This paper will discuss the protection of PMD in rehabilitation centres during the COVID-19 emergency. The government, which is expected to provide protection to all its citizens, including PMD, is largely absent in protecting and supporting PMDs in these environments, as well as PMD outside the institutions.

### RASA MESRA: Innovation in voting to support the political rights of the blind

*Mr Windu Darajat, Panti Pelayanan Sosial Disabilitas Sensorik Netra Penganthi Temanggung*

*Co-author: Adoniati Meyria Widaningtyas*

In Indonesia there are approximately 3.5 million blind people. Most blind people in Indonesia live in vulnerable, underdeveloped and poor conditions due to restrictions, barriers, difficulties, and the reduction or elimination of their rights. Of the existing number, 80% already had the right to vote in the 2019 elections. However, blind people have not been able to participate in elections in accordance with the principles of LUBER - honest and Fair.

They often required assistance from others in casting their votes as the voting papers were not legible to them. This is prone to fraud and manipulation. The RASA MESRA innovation is a ballot template that helps the blind in punching ballots without the need for assistance from other people. RASA MESRA is designed to be easily oriented by blind people. The button provided on RASA MESRA will provide an audio explanation according to the writing on the ballot papers. With the existence of RASA MESRA, people with blind sensory disabilities can independently determine their voting rights, reduce fraud and manipulation of votes, and guarantee equal rights of persons with disabilities in accordance with the principles of LUBER.

### **Indonesia's Legal Policies Amid Covid19: Balancing Religious Freedom and Public Health**

*Ms Cekli Setya Pratiwi, Mahidol University*

The Covid19 pandemic, which cannot be predicted when it will end, has forced States to promulgate various legal policies to restrain public activities, including limiting or prohibiting people to exercise their right to religious freedom or beliefs (FORB in the public sphere and imposing a repressive sanction. International Human Rights Law (IHRL) regulates the standard limitation of FORB, but the Government of Indonesia struggled to balance between respecting FORB and protecting public health, especially in the emergency of Covid19. While the Government orient to protect public health, new violations of FORB add more backlog on the unresolved cases. Through the Human Rights-Based Approach and case studies, three essential principles of FORB, namely the principle of non-discrimination, the principle of proportional restriction, and the principle of non-coercion in religion, will be analyzed qualitatively to assess, first, the extent to which legal policies in Indonesia amid Covid19 are compatible with IHRL. Second, the extent to which these legal policies impact the right to religious freedom of the people. Third, how should the legal policies in the Covid-19 era be formulated so that the State can balance the protection of public health and religious freedom?

## **Panel 2.3 – Religion, politics and rights**

### **Our Life is Yours: the Illusory Relationship between the West and Political Islam in Indonesia**

*Ms Megan J Ulrich*

In January 2021, a Twitter thread published by an American woman living in Bali, went viral. One erroneous claims made by Ms. Gray was that Bali hosted an “LGBT” friendly environment. The backlash of these Tweets exposed issues with the status of LGBT rights within Indonesia. One is how foreigners are afforded more rights than Indonesians because of the economic benefits they bring. Another is how the Indonesian government, and even ordinary citizens, view the Indonesian LGBT community. Islamist groups took the fall of the New Order regime as an opportunity to gain prominence in Indonesian politics and since 2016 there has been a rise in anti-Western and anti-LGBT rhetoric by Indonesian political actors. This rhetoric frames the LGBT community as a form of Western neo-Imperialism, and is used as a tool by Indonesian politicians to cement themselves as moral guardians of “traditional” Indonesian and Islamic values. While scholars and researchers have separately researched Western perceptions of Bali and the effects of Islamization on Indonesian politics, these two phenomena have rarely been studied in close contrast. This paper will analyse these false perceptions between Western tourists and Indonesian politicians, addressing the question of which groups are harmed by these narratives.

### **Analysing Qanun in Aceh: Status, substance and impact on vulnerable and minorities populations**

*Dian Andi Nur Aziz, Mimin Dwi Hartono, Ade Angelia Yusniar Marbun, KOMNAS HAM*

The Helsinki Agreement between Aceh Freedom Movement (GAM) and Indonesian Government not only intended to end the long conflict and inequality but was also a legal mechanism, giving authority to the Acehnese to maintain and govern their own province, as well as protect Acehnese citizens from human rights abuses. Unfortunately, since the agreement, legal and political policies in Aceh have turned the opposite way. Qanun is one example of this. As part of the Islamic legal system, Qanun may be enacted to govern Muslims. Yet, the implementation of Qanun should also consider human rights norms. Since its enactment in 2006, renewed in 2014, the Qanun has had a serious impact on the protection of human rights in Aceh, especially for vulnerable

groups and minorities. Based on this issue, this paper analyses how the substance of Qanun should be adjusted to better meet international human rights standards. It also examines the extent to which the substance of Qanun can be implemented without violating human rights. These two questions are addressed in our proposed recommendation of the need for a more harmonious dialogue between Qanun and human rights.

### **The role of Interfaith Women's Forum in preventing intolerance via social media**

*Ms Indah Wulandari, Komnas HAM*

This article discusses the role of an interfaith women's forum in preventing intolerance through peaceful communication on social media. There is the women's movement known as Srikandi Lintas Iman, consisting of women from various religions in Indonesia (Islam, Christianity, Catholicism, Hinduism, Buddhism and Confucianism) who aims to address issues that impact peace and promote diversity. This research looks at how this group is campaigning to effectively prevent intolerance through the use of social media. This research was conducted using qualitative methods with a phenomenological approach, and based on online interviews. The results discuss the experiences of Srikandi Lintas Imam, their approach to a peaceful message campaign, and the use of social media as a campaign tool. The paper reflects on the efforts of large interfaith forums in working together to promote diversity and tolerance in Indonesia.

### **The Bangsamoro Transition in the Philippines: Pre and post COVID-19 pandemic complexities**

*Mr Mohamadan Abdulkasan, Bangsamoro Transition Authority*

The Bangsamoro Transition Authority (BTA) is currently serving as the interim regional government of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) in lieu of the ratification of the Bangsamoro Organic Law (BOL). It replaces the now-defunct Autonomous Region in Muslim Mindanao (ARMM). The newly founded government is experimental in the Philippine context, as it embraces a parliamentary-democratic system. The interim government has been facilitating the transitional work, but has faced a range of challenges including complexities in socio-political integration, reorganisation of government institutions, economic and developmental reforms, as well as the curtailment of the allocated transition fund from the Central Government. A three-year transition period, the most condensed transition to date, was already ambitious but the unexpected emergence of the COVID-19 pandemic has increased the magnitude of the challenge. This paper examines and analyses on the maturities and complexities of the Bangsamoro Transition, encompassing the pre and post COVID19 pandemic.

**Panel Sessions 3**  
**Wednesday 24 November**  
**14:10–15:50 (WIB)**



### Panel 3.1 – Pandemic politics in Indonesia

'Do No Harm' principle in Indonesia's disaster management during the COVID-19 pandemic

*Ms Riski Marita Eka Saputri*

Conceptualizing business and human rights within Indonesia's Ranham in Jokowi era

*Mr Majda El Muhtaj*

Jokowi's consistency in weakening democracy and failures in the pandemic response

*Ms Asfinawati Ajub*

Human rights perspectives on Indonesia's COVID-19 pandemic-related policies

*Mimin Dwi Hartono*

### Panel 3.2 – Perspectives on violence and human rights

Ending the cycle of violence? Structural violence and the roles of transitional justice in Aceh

*Ms Sri Lestari Wahyuningroem*

Feminist perspectives on Gender Based Violence (GBV) amidst the COVID-19 pandemic

*Mr Pertiwi Andhini Citra and Ms Raudhotul Khairiyah Angkat*

Domestic violence fallout from the COVID-19 pandemic in Bangladesh

*Ms Monidipa Saha*

The urgency of a data protection law to address online Gender Based Violence (GBV) in Indonesia

*Ms Annida Aqiila Putri*

### Panel 3.3 – Regional responses to human rights

Southeast Asia Regional Human Rights Mechanism: Obstacles and Opportunities

*Mr Haris Agung Setyawan*

Myanmar, political turmoil and the future of human rights in Southeast Asia

*Mr Novriest Nau*

International politics, diplomacy and human security in the COVID-19 pandemic

*Ms Samti Wira Wibawati*

Indonesian diplomacy during the Rohingya Crisis under Joko Widodo

*Ms Yuli Ari Sulistyani*

### Panel 3.4 – Human rights and online technology

Defendant's rights during online criminal proceedings in Indonesia

*Mr Gede Aditya Pratama*

Right to forget and press freedom for online media in Indonesia

*Mr Renald Markus Sinaga*

The COVID-19 pandemic and space for digital democracy: Opportunity or Threat?

*Mr Ferdian Ahya Al Putra*

Internet shutdown in Papua: A human rights perspective

*Mr Manunggal Wardaya*

## Panel 3.1 – Pandemic politics in Indonesia

### **'Do No Harm' principle in Indonesia's disaster management during the COVID-19 pandemic**

*Ms Riski Marita Eka Saputri, NHRI Republic of Indonesia*

*Co-author: Ms Lidya Corry*

Disaster, both natural and non-natural, has a significant impact on the protection of human rights. Disaster creates abnormal situations, often making people more vulnerable to human rights violations. In such circumstances, the principle of 'do no harm' needs to be applied in disaster management, so that any secondary impacts that jeopardize human rights can be avoided. The principle of 'do no harm' means that policy makers must avoid exposing people to additional risks through their actions. Indonesia has its disaster management regulation, namely Law No.24/2007 on Disaster Management. This study focused on two questions: how the principle of 'do no harm' has already been applied in the Law on Disaster Management and what are the challenges for implementing the principle of 'do no harm' in disaster management in Indonesia, especially during Pandemic COVID-19.

### **Conceptualizing business and human rights within Indonesia's Ranham in Jokowi era**

*Mr Majda El Muhtaj, Universitas Sumatera Utara*

*Co-authors: Professor Saidin Saidin, Professor Suhaidi Suhaidi, Dr Mirza Nasution*

The United Nations Guiding Principles on Business and Human Rights (UNGP on BHRs) was adopted by the United Nations in 2011. The UNGP is important for strengthening and coordinating three key pillars, namely state, corporations and civil society. Indonesia has committed to incorporating the UNGP into regulations and policies. During the first Joko Widodo administration 2014-2019, the National Action Plan on Human Rights (Ranham) was enacted by Presidential Regulation No. 75/2015 to establish the human rights strategy and associated actions. In 2018 that regulation was amended to address business and human rights (BHRs) issues through Presidential Regulation No. 33/2018. The Ranham has instructed government agencies to conceptualize and implement BHRs, but Indonesia still faces several obstacles to ensure the implementation of UNGP in business activities. This article analyses the development of BHR's policies in Indonesia using the UNGP and other documents, both international and regional, related to business and human rights instruments, while also reviewing Indonesia's Ranham in the Jokowi era.

### **Jokowi's consistency in weakening democracy and failures in the pandemic response**

*Ms Asfinawati Ajub, YLBHI, The Foundation of Indonesia Legal Aid Institute*

A prevalent criticism of COVID-19 responses by governments is tendency towards undemocratic mechanisms and ignoring human rights. For example, Government Regulation in Lieu of Law 1/2020, related to handling the COVID-19 pandemic and threats linked to the pandemic that endanger the national economy and the stability of the financial system. Another example is the Omnibus Law on Job Creation which continued even while the pandemic was happening. In fact, there is a consistent pattern in Jokowi's policies, namely focusing on the business-economy, which reveal a penchant for running of the country in undemocratic ways. These policies include clauses that 1) hamper civil liberties such as freedom of thought, assembly, opinion, expression, belief, 2) use a security approach, including expanding the authority and involvement of the security and defence apparatus, 3) ignore existing laws or forming new laws with undemocratic elements 4) weaken opposition and 5) misuse the issue of pluralism. Undemocratic policies have increased in 2019 and continuing through to 2020 and 2021.

### **Human rights perspectives on Indonesia's COVID-19 pandemic-related policies**

*Mimin Dwi Hartono, KOMNAS HAM*

President Joko Widodo has issued a regulation declaring the COVID-19 pandemic a national health emergency. The implications of this regulation include human rights restrictions, such restricting the right to assembly, right to education, right to worship, freedom of expression, and right to free movement. This policy is technically regulated by the relevant ministry and/or regional head, prohibiting activities that involve mass gathering for

either institutional or personal interests, and asking people to work or study from home. The limitations on human rights are regulated in Article 70 and Article 73 of the Human Rights Law which state that restrictions are possible among others for the benefit of the nation. More specifically, Article 21 of the ICCPR stipulates that restrictions on rights can be imposed in the interests of public safety and protection of public health. This paper examines human rights restriction in Indonesia due to the COVID-19 pandemic using the Komnas HAM's Standard Norms and Regulations (SNP) and offers recommendations so that COVID-19-related policies do not offer opportunities to violate human rights.

## **Panel 3.2 – Perspectives on violence and human rights**

### **Ending the cycle of violence? Structural violence and the roles of transitional justice in Aceh**

*Ms Sri Lestari Wahyuningroem, UPN Jakarta*

One of the main objectives of transitional justice projects is to bring accountability and ensure the non-recurrence of violence. However, some evidence highlight that violence often takes place in different forms even when mechanisms of transitional justice are in place. One reason for this is that marginal attention is given to such mechanisms and to addressing structural violence in societies affected by conflict. In Aceh, Indonesia, peace has provided an opportunity to adopt and implement a Truth and Reconciliation Commission to deal with violence inflicted during the three decades of conflict between the Aceh Free Movement and the Indonesian government. Aceh has had a long history of violence prior to this conflict with the Indonesian government, and bears the risk of new forms of violence emerging in the future. My paper will look at the potential for the Aceh TRC to reduce structural violence by investigating how the historical and socioeconomic underpinnings of armed conflict are addressed in their work. I argue for the necessity of an alternative transformative justice approach in their work, and critically analyse the prevailing social structures and power relations on which the TRC is founded.

### **Feminist perspectives on Gender Based Violence (GBV) amidst the COVID-19 pandemic**

*Mr Pertiwi Andhini Citra, Universitas Pertahanan*

*Ms Raudhotul Khairiyah Angkat*

The COVID-19 pandemic has a wide range of consequences including an increase in Gender Based Violence (GBV). According to UNFPA in 2020, the pandemic has led to 15 million more GBV cases for every three months of lockdown. In Indonesia, Komnas Perempuan, LBH APIK and SAFEnet have suggested an increase of 63% in GBV cases, especially related to domestic violence. In 2021, the online GBV rate even increased up to 300%. This study uses qualitative methods and feminist perspective to analyse GBV during the COVID-19 pandemic and the strategies for dealing with it in Indonesia. The research shows that GBV in Indonesia during the pandemic went up and has a correlation with economical, educational and cultural factors. Accordingly, feminism perspectives can assist in anticipating GBV increases, making women visible by revealing more about GBV cases, and deconstructing socially constructed gender norms. Women's emancipation in the fields of economy and education, as well as good regulation and policy, are needed to address GBV into the future.

### **Domestic violence fallout from the COVID-19 pandemic in Bangladesh**

*Ms Monidipa Saha, American International University-Bangladesh (AIUB)*

The COVID-19 pandemic has placed a substantial strain on mental health, especially in children and women worldwide. Border controls, social isolation, and quarantines have been imposed to mitigate the spread of the virus. The lockdown has been a double-edged sword for women and children in Bangladesh, which implemented movement restrictions on March 26, 2020. Misleading information in the media about COVID-19, social panic, high death rates, and financial insecurities have created a ripple effect for mental health issues. Underage marriage has also increased to ease the financial burden of families. Despite being deemed illegal, some families are using the opportunity to support underage marriages as law-enforcement is preoccupied with the pandemic. Girls in such marriages subject to an increased risk of violence and domestic abuse. The lockdown has made it difficult for victims to access support or to escape from abusers. The COVID-19 pandemic has clearly shown that our public health infrastructure needs to be strengthened, and it is high time to prioritize women's mental health

needs. The government, non-government, community-based organizations, religious leaders, and the media can play a cumulative and holistic approach to building social reform.

### **The urgency of a data protection law to address online Gender Based Violence (GBV) in Indonesia**

*Ms Annida Aqiila Putri, Utrecht University*

The COVID-19 pandemic has exacerbated the rate of online gender-based violence (OGBV) in Indonesia, creating imminent harm to victims. On a larger scale, it endangers women's rights to security, freedom of expression, and to internet access. This is especially the case during the pandemic, where work, school, and other social activities critical for human welfare can only be accessed through the internet. Most cases of OGBV stem from the infringement of privacy, cybercrimes, and data breaches. Such incidents are further encouraged by the lack of comprehensive data protection laws in Indonesia. This article analyses the urgency of data protection laws as a preventive measure against OGBV. Additionally, it assesses the required criteria needed for a data protection law to effectively prevent OGBV and whether the current Indonesian data protection bill has fulfilled such criteria.

## **Panel 3.3 – Regional responses to human rights**

### **Southeast Asia Regional Human Rights Mechanism: Obstacles and Opportunities**

*Mr Haris Agung Setyawan, Indonesia National Commission on Human Rights*

Regional human rights mechanisms play a significant role in monitoring, promoting, and protecting human rights in many regions in the world and among member states of regional associations. The Southeast Asia region has its own regional human rights mechanisms through the ASEAN Intergovernmental Commission on Human Rights (AICHR) under the Association of South East Asia Nations (ASEAN). Recent circumstances in Myanmar in early 2021 have led to growing concern about the fulfillment of human rights in ASEAN and mechanisms respond to breaches of human rights. This paper explores the obstacles and opportunities from the AICHR, namely how the "ASEAN way" interferes with the effectiveness of AICHR and the opportunities that may arise in relation to AICHR working with several national human rights institutions across the region.

### **Myanmar, political turmoil and the future of human rights in Southeast Asia**

*Mr Novriest Nau, Satya Wacana Christian University*

Politics, democracy and human rights are central themes in Southeast Asia regional interactions. In practice, ASEAN countries do not have a convergence of vision because the interests of member vary considerably. Recently, the Myanmar government faced political unrest resulting in numerous human rights violations against civilians. This article argues that this situation has occurred as the consequence of ASEAN, which on many occasions is merely a 'talk shop,' enabling human rights violations committed by the national governments of member states. ASEAN member countries need to formulate practical policies and impose joint and unilateral sanctions against fellow member countries if they commit dire human rights abuses. This paper also argues that the COVID-19 phenomenon has strengthened the opportunities for national governments to manage civilian behavior, allowing repressive policies to occur such as during the Myanmar junta government's coup. This paper will end with a discussion on the relevance of the long-lasting non-interference principle of ASEAN. It suggests that the vision of making Southeast Asia a prosperous, peaceful and friendly region has failed to materialize because of the firm individual country policies, supported by ASEAN's principle of non-interference.

### **International politics, diplomacy and human security in the COVID-19 pandemic**

*Ms Samti Wira Wibawati, Universitas Padjadjaran*

*Co-author: Mr Zulfikar Dilahwangsa*

COVID-19 has raised awareness about the importance of human security amongst policymakers in the international community and in national governments. National security cannot be separated from human security. This paper focuses on the rise of human security awareness due to the multidimensional nature and global scope

of human security and human rights in the context of the COVID-19 pandemic. This paper hypothesizes that international politics and diplomacy are a suitable means for promoting human security, such through bilateral and multilateral action to promote suitable policy and regulation. Using theory of security in the context of human security and neorealist perspectives, this paper draws on both scholarly and policy literature, and interviews. The results show that human security remains highly contested in the international sphere and individual states remains the most important actors in protecting human security, despite global power structures and inter-state systems.

### **Indonesian diplomacy during the Rohingya Crisis under Joko Widodo**

*Ms Yuli Ari Sulistiyani, Media Pandu Bangsa*

*Co-author: Ms Marina Ika Sari*

The crisis involving Rohingya and Rakhine ethnic groups in Myanmar has been an international concern since 2012. The Rohingya crisis in Myanmar involves human rights violations, which have developed into a large-scale humanitarian crisis. Since 2012, Myanmar's government has not been willing to address the issue. As a trusted ally of the Myanmar government, Indonesia's government has an important role to play in the crisis. This study analyses Indonesian diplomacy in providing assistance to the Rohingya, especially during President Joko Widodo's administration. The results of the study show that the Indonesian government conducts bilateral, regional, and multilateral diplomacy in assisting to address the Rohingya crisis. Moreover, the Indonesian government also facilitates Rohingya refugee arrivals in Indonesia and builds synergies with NGOs and civil society to provide humanitarian assistance for the Rohingya.

## **Panel 3.4 – Human rights and online technology**

### **Defendant's rights during online criminal proceedings in Indonesia**

*Mr Gede Aditya Pratama, Universitas Bhayangkara Jakarta Raya*

In early 2020, Indonesia was hit by COVID-19, affecting all aspects of public life including judicial institutions. Criminal proceedings that were supposed to be held in public trials, according to the Indonesian Criminal Procedure Code, were shifted online with judge, prosecutor, lawyer, and the defendant in separate places. Even though the Indonesian Supreme Court have enacted Circular Letter No. 1 in 2020 to regulate the proceedings during the COVID-19 pandemic, there are ongoing criticisms of online trials, especially regarding the fulfillment of defendants' rights, which can be violated with online trials. The rights of the defendant to be heard equally, to consult with their lawyer during proceedings, to be tried without undue delay, and the right to present witnesses and experts and ask questions of that witnesses and experts are all jeopardised by the online format. This research explains the course of the online criminal proceedings and assess whether the defendants' rights had been fulfilled during online trials.

### **Right to forget and press freedom for online media in Indonesia**

*Mr Renald Markus Sinaga, Sentra Studi Hak Asasi Manusia (SES-HAM)*

*Co-author: Dr Manunggal Wardaya*

The right to be forgotten is an individual's right to have irrelevant electronic data and/or electronic information erased by an electronic system administrator. This right is an evolution of the right to privacy, which affords the opportunity to be free of the shadows of the past. Since its adoption through Article 26 of Law No. 19/2016, this right has been debated. The formulation of the article on the right to be forgotten is too broad and does not provide clear expectations for online media press companies in the definition of an "electronic information system operator." Additionally, exercising the right to be forgotten will erase and/or delists electronic information on the internet and limit the information available and accessible to the press. The above issue raises the question, does the right to be forgotten hamper press freedom in seeking and processing information? Can the right to be forgotten be applied to erase online media press coverage? How do human rights law, both international and national, view this phenomenon?



## **The COVID-19 pandemic and space for digital democracy: Opportunity or Threat?**

*Mr Ferdian Ahya Al Putra, Universitas Gadjah Mada*

*Co-author: Mr Zia'ulhaq As Shidqi*

To reduce the spread of COVID-19, the government has introduced various social restrictions. However, these restrictions affect democratic processes in Indonesia. The prohibition on crowds limits the mobilization of the public to express their opinions. Responding to this, many people have turned to digital platforms as a space for democratic debate and dissent. This research will focus on the impact of the pandemic on the digital democracy space. The results show that there has been an increase in actions related to freedom of expression carried out through digital platforms. For example, the Kamisan Action, which is usually held in front of the state palace, has moved to an online platform, and members of Malang Independent Journalists Alliance (AJI) regularly participate in virtual demonstrations which were previously held in the press room of Malang's Legislative Office. However, this action faces challenges due to unclear and inconsistent regulations and inconsistent regulations surrounding online expression.

## **Internet shutdown in Papua: A human rights perspective**

*Mr Manunggal Wardaya, Faculty of Law UNIVERSITAS JENDERAL SOEDIRMAN*

On 21 August 2019, the Indonesian government blocked the internet connection in the provinces of Papua and West Papua. The action was taken following riots in several districts, not long after a racial incident which took place in Malang, East Java. The Minister of Communication, Rudiantara, and Coordinating Minister for Politics Law and Security, Moeldoko, explained that the shutdown was undertaken for security reasons. The blockade lasted for two weeks, making the two provinces temporarily out of digital reach to the outside world. Human rights groups and media organizations questioned the validity of the government's explanation, worried that absence of the internet would pave the way for more repressive action towards the Papuan people. Moreover, they claimed that the shutdown was a serious threat to freedom of expression and freedom of press. The blocking of the internet in these provinces has led to important legal questions: Can the government lawfully block an internet connection for security reasons? Is there any justification in international human rights law to do so? This paper aims to understand the limitation or even restriction of the internet based on security from a human rights perspective.

**Panel Sessions 4**  
**Thursday 25 November**  
**09:00–10:40 (WIB)**

### Panel 4.1 – Media and human rights

Protecting citizens from fake news during COVID-19: Beginning of the Human Rights 5th Generation?

*Mr Sholahuddin Al-Fatih*

Defending the human rights during COVID-19: Behavior of the Sri Lankan electronic media

*Ms Kaluarchchi Chamodi*

Surviving a pandemic and a coup: Media and human rights in Burma/Myanmar

*Dr Lisa Brooten*

The existence of human rights defender guarantees for media and journalists

*Ms Metha Madonna*

### Panel 4.2 – Human rights through a gender lens

The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya

*Ms Gianna Francesca Catolico, Ms Dorothy D. Ferrer, Gail Ann C. Diola*

Transgender rights in international law and Vietnamese civil code

*Dr Van Hoi Nguyen*

Protecting rights of sexual violence victims: Tensions in law and policy reform in Indonesia

*Dr Eddyono Sri Wiyanti*

Rohingya women and changing gender roles: Contestations and transformations in Cox’s Bazar

*Ms Alison Francis and Dr Susan Banki*

### Panel 4.3 – Local communities and human rights

“Merarik Kodek” tradition and inoculation communication strategy: A human rights approach

*Ms Athik Hidayatul Ummah*

Food estate programs and Dayak rights in Central Kalimantan

*Ms Ita Ditta Wisnu*

Protecting coastal communities’ environmental rights: The case of tin mining in Bangka Belitung

*Mr Darwance Darwance*

Reformulation of agrarian regulations within a human rights framework

*Ms Mardhika Agestyanying Hermanto*

### Panel 4.4 – Government, employment, and human rights

Reviewing the impact of the Job Creation Law on ensuring the right to a healthy environment

*Brian Azeri*

David and Goliath: Industrial adaption for workers rights in pandemic era

*Mr Yuri Delano Regent Montororing*

Polarization on the polemic of the Job Creation Act (UU Cipta Kerja)

*Ms Sulistya Ningrum*

Where the real priority lies: The ready-made garment industry during lockdown in Bangladesh

*Dr Ekramul Islam*

## Panel 4.1 – Media and human rights

### Protecting citizens from fake news during COVID-19: Beginning of the Human Rights 5th Generation?

*Mr Sholahuddin Al-Fatih, University of Muhammadiyah Malang*

*Co-author: Zaka Firma Aditya*

The Indonesian Ministry of Information and Communication noted a total of 926 fake news stories during semester 1 of 2020. This figure doubled in October 2020 with a total of 1,028 fake news about the health sector, especially related to COVID-19. In accordance with human rights perspectives, everyone should be able to access fair and correct information and this is guaranteed by Article 28F of the 1945 Constitution, Article 19 UDHR, and Article 19 of the ICCPR. This research investigates the root causes of the spread of fake news during the COVID-19 pandemic in Indonesia. The study finds that the spread of fake news was greatly influenced by low literacy and public knowledge, lack of self-awareness, and political partisanship. The research recommends the provision of proper education about COVID-19 and fulfillment of the right to information to the public. Finally, the authors conclude that the human rights is heading towards a fifth generation of inception, namely protecting citizens from incorrect information.

### Defending the human rights during COVID-19: Behavior of the Sri Lankan electronic media

*Ms Kaluarchchi Chamodi, Mahidol University Thailand*

The media has a responsibility to the people and fulfil the role of watchdog. It should not be biased towards anyone, especially when reporting on human rights violations, and should stand up for the rights of the aggrieved party. However, related to the spread of the COVID-19, the Sri Lankan government banned the cremation of Muslim dead bodies and this decision caused national and international controversy. It was a violation of the religious freedom of Muslims and how the country's media reported this situation provides the basis for this research. Addressing the research question of how Sri Lanka's electronic media behaves in protecting the rights of minorities in an emergency, this paper assess whether the media fairly reported on this case and fulfilled its duty to accurately and fairly report on human rights issues. The conclusion is that Sri Lanka's electronic media, in this instance, published reports that were biased against Muslim people instead of supporting their religious rights, posing a threat to reconciliation between communities of different religious backgrounds.

### Surviving a pandemic and a coup: Media and human rights in Burma/Myanmar

*Dr Lisa Brooten, Southern Illinois University Carbondale, USA*

On 1 February 2021, Burma's parliamentarians, elected in November 2020 and led by the National League for Democracy (NLD), were about to open their first session when the military took over in a sudden coup. The opening provided by the prior decade of transition (2010-2020) slammed shut. Freedom of expression had improved dramatically since 2010, compared to the prior half-century of harsh censorship. Yet even before the coup, under the NLD government elected in 2015, crackdowns on media had intensified in ways that echoed the military's strategies. The COVID-19 pandemic played a role, dominating the news and sidelining ongoing violence in several ethnic states, including the crackdown on Rohingya Muslims. COVID restrictions and pre-coup crackdowns introduced serious new threats to independent media. Yet the pandemic also provided some new and unexpected benefits for the media, in some ways preparing them for the coup. This paper draws on critical human rights theory, including attention to the communication-related aspects of social, economic and cultural rights. In-depth interviews with journalists, editors, policy makers, media development experts and academics, and close textual analyses of key media texts provide an assessment of the human rights consequences at the intersection of these two disruptive crises.

### The existence of human rights defender guarantees for media and journalists

*Ms Metha Madonna, Universitas Bhayangkara Jakarta Raya*

*Co-author: Rina Sovianti*

Justice and freedom in expressing opinions on the national political stage is a form of implementation of human

rights. Human rights are protected by the Indonesian Law on Freedom of Public Opinion (Undang - Undang 9, Tahun 1998), by Article 28 of the 1945 Constitution of Indonesia, and Article 9 of the Universal Declaration of Human Rights. The state has to ensure that there is no discrimination that denies the right of opinion of every citizen, including journalists, merely because such opinions may not be in line with the political direction of the Government. Ideally, the mass media should provide equal opportunities for dissent that arise amid the dynamics of national politics. In fact, it is fitting that all citizens are able express their differences of opinion, as this is a major element in the effort to build a more democratic Indonesia. However, the Indonesian media has been found to act unjustly by failing to give equal space to pro-government news and news sourced from the opposition. As a result, there are demands from the National Commission on Human Rights that the media should be defenders of the right to freedom of opinion.

## Panel 4.2 – Human rights through a gender lens

### **The More Contagious ‘Viruses’: Women’s Rights during the COVID-19 Pandemic through Tisya Hustisya**

*Ms Gianna Francesca Catolico, FORUM-ASIA*

*Ms Dorothy D. Ferrer*

*Gail Ann C. Diola*

In 2020, the online pro bono legal services initiative Tisya Hustisya (Tisya for Justice) was launched by Initiatives for Dialogue and Empowerment through Alternative Legal Services. Since then, it has recorded 20,000 sessions from over 13,000 clients, more than 9,500 of which are legal queries. With its mascot of a fierce female lawyer, Tisya Hustisya has gained traction among Filipino women—roughly 80% of the platform’s clientele are female. This study seeks to examine the human rights issues affecting Filipino women and the socio-political barriers preventing the realization of gender justice in the Philippines during the COVID-19 pandemic. Based on the data collected from Tisya Hustisya, the majority of female clients are seeking legal advice on: domestic violence, child support and custody, infidelity of spouses and romantic partners, debt burdens, and economic downturn in the era of COVID-19. Most clients reside in urban areas and are aged 24–44. While grappling with the health and economic risks brought about by the pandemic, Filipino women still face existing social barriers because of gender-based violence, social stigma, and inability to seek marital redress.

### **Transgender rights in international law and Vietnamese civil code**

*Dr Van Hoi Nguyen, Hanoi Law University*

*Co-author: LLM Nguyen Tai Tuan Anh, Hanoi Law University*

Affirming one’s gender is a fundamental human right. On 24th November 2015, Vietnam has become the 61st country in the world to recognize the transgender rights of the individual in Article 37 of the Civil Code 2015. Although the Vietnamese Civil Code 2015 has been in force for over four years, no individual has been recognized as transgender under the Code, because Vietnam has not yet developed a specific law on transgender as a legal basis for this right. Firstly, there exist conflicting views on the conditions for recognizing transgender identities, especially on the question of whether or not genital surgery is required. Secondly, lawmakers are still nervous about the law’s negative impacts on other civil relations in Vietnam as labour relations, family relations, and criminal relations. Thirdly, enforcement processing of this law must face resistance from traditional views of transgender identities. This article will focus on (1) the international legal framework on the gender rights of the individual; (ii) the efforts of Vietnam to developing a legal base for ensuring these rights; (iii) the challenges for recognition in relation to traditional opinions in Vietnamese society; and (iv) recommendations and discussion.

### **Protecting rights of sexual violence victims: Tensions in law and policy reform in Indonesia**

*Dr Eddyono Sri Wiyanti, Faculty of Law*

Indonesia has experienced dynamic advocacy for legal reform for the protection of victims of sexual violence. Sexual violence has emerged issue during COVID 19, as incidents of sexual violence has increased in this



period. There are different initiatives to address sexual violence by various actors. First, the establishment a policy on alternative mechanisms of law enforcement outside the criminal justice mechanism; second, the Criminal Code Bill led by the Indonesian government through the Ministry of Law and Human Rights; third, the establishment of the Anti-Sexual Violence Bill for the protection of victims, initiated by parliaments supported by women's movements. All these initiatives have claimed to take restorative justice approaches. This paper analyses how suitable the concept of restorative justice is in the context of the rights of victims of sexual violence. This paper finds that policies established by law enforcement, so-called restorative justice for sexual violence, are very problematic as they tend to sacrifice victims' interests for those of offenders. Furthermore, compared to the Criminal Code Bill, the Anti-Sexual Violence Bill has integrated restorative justice within the criminal justice system, and therefore it focusses more on the rights of the victims of sexual violence.

### **Rohingya women and changing gender roles: Contestations and transformations in Cox's Bazar**

*Ms Alison Francis, The University of Sydney*

*Dr Susan Banki, The University of Sydney*

This paper examines the recent and rapid changes to gender roles of Rohingya women in Cox's Bazar, Bangladesh. In examining how such changes have emerged, this paper asks the question of how the experience of life in refugee camp settings allows for the renegotiation of gender roles and identities. In addressing the possible explanations for such changes, we argue that the changes to gender roles of Rohingya refugee women are a result of an enactment of new ways of being and thinking about the role of women in the Rohingya community, centred around the domains of micro-decision making, performativity, and physical space.

## **Panel 4.3 – Local communities and human rights**

### **“Merarik Kodek” tradition and inoculation communication strategy: A human rights approach**

*Ms Athik Hidayatul Ummah, State Islamic University of Mataram*

During the COVID-19 pandemic, the number of child marriages increased in Indonesia. West Nusa Tenggara is a province in Indonesia with high number of child marriage cases. One of the factors in child marriage that is difficult to prevent is the Sasak tradition of merarik kodek, in which a man carries off a woman without the family's permission before marry. This study aims to examine the tradition of merarik kodek from a human rights perspective and to analyse the role of religious leaders in the campaign against child marriage. The research method is a literature review with a normative juridical analysis. Data sources included laws, books, journals and online media, supported by interviews. The findings showed first, that merarik kodek violates children's rights and human rights. When Sasak girls get married, most of them drop out from school, and experience violence and discrimination. Second, religious leaders are important actors in preventing child marriage. The inoculation communication model is a strategy that can be used to provide adequate information to public, in order to counter arguments for child marriage.

### **Food estate programs and Dayak rights in Central Kalimantan**

*Ms Ita Ditta Wisnu, Pasah Kahanjak Foundation*

This study determines the implications of the food estate program on the fulfillment of the rights of the Dayak indigenous people of Central Kalimantan. It also examines the legal politics of the formulation and implementation of the National Economic Recovery Program (PEN) through the Food Estate in Central Kalimantan in line with the principles of human rights and customary values of the Dayak Central Kalimantan. The study presents several findings. First, the Food Estate Program in Central Kalimantan has had a significant impact on the indigenous Dayak people of Central Kalimantan, who are attached to forests, land and rivers. This has created vertical and horizontal conflicts in its implementation. Second, the regulations and policies formulated by central government and regional governments respect the spirit of the customary values and traditions of the Dayak peoples but are weak at the implementation stage, causing conflict. The issuance of Law of the Republic of Indonesia No. 11 of 2020 concerning Job Creation and its derivative regulations prioritizes the creation of a quality business

and investment climate, without paying attention to the principles of human rights, ecological justice and the customary values and traditions of the Dayak

### **Protecting coastal communities' environmental rights: The case of tin mining in Bangka Belitung**

*Mr Darwance Darwance, Faculty of Law, Universitas Bangka Belitung*

*Co-author: Mr Sudarto Sudarto*

The activity of tin mining in Bangka Belitung Province Islands, either on land or at sea, causes environmental pollution and damage due to overexploitation and neglect of environmental sustainability. The effort to protect the rights of coastal communities requires specific strategic and policies because the coastal communities have heterogeneous characteristics and behavior. By using normative juridical research methods with statutory, conceptual and historical approaches, this research analyses the problems of protecting the rights to the environment for coastal communities due to tin mining in Bangka Belitung Province Islands. This research shows that protection of the rights to the environment is regulated by national and international legal instruments. The implementation of protection of the rights to a good and healthy environment for coastal communities in Bangka Belitung Province Islands has not been done optimally, because it tends to only give recognition in a normative manner but has not been effective at the level of implementation.

### **Reformulation of agrarian regulations within a human rights framework**

*Ms Mardhika Agestyning Hermanto, Komisi Nasional Hak Asasi Manusia Republik Indonesia*

*Co-author: Mr Agus Suntoro*

Since 2018, the National Commission on Human Rights of Indonesia recorded the agrarian conflicts as one of the top three complaints regarding human rights. The agrarian cases involve multiple stakeholders, ranging from local officials to security forces. The conflict is not only dominated by the plantation, forestry and mining sectors, but is also related to the control of national assets and infrastructures. As a result, the victims not only lost their land but also their access to economic opportunities, and they suffer environment degradation and civil rights violations ranging from intimidation to murder. This study will focus on (a) the urgency of enacting agrarian reform in Indonesia; (b) the ideal of human rights and agrarian relations based on international and national legal instruments; (c) recommendations for stakeholders to serve as guidelines in efforts to deal with agrarian conflicts. The results of this paper concludes that: (a) the occurrence of agrarian conflicts will affect the fulfillment and victims' human rights; (b) the ideal regulatory instrumentation has not been developed for conflict resolution in Indonesia; (c) the framework for agrarian reform is still partial and has not yet been realized in substantive justice.

## **Panel 4.4 – Government, employment, and human rights**

### **Reviewing the impact of the Job Creation Law on ensuring the right to a healthy environment**

*Brian Azeri, KOMNAS HAM*

*Co-author: Ade Angela Marbun*

Access to a good and healthy environment is the right of everyone and it is the responsibility of the state to fulfil this right. Law No. 11 of 2020 on Job Creation ("The Job Creation Law") changes various provisions to increase investment. One of the regulations being amended is related to the environmental sector. The regulation of the environmental sector has been relaxed in the Job Creation Law, both procedurally and substantively. This study examines the regulation of the environmental sector before and after the Job Creation Law was enacted, in juxtaposition with national and international human rights instruments. The findings in this study suggest that the Job Creation Law is a policy that is retrogressive in fulfilling the right to a good and healthy environment, both procedurally and substantively. Procedurally, the Job Creation Law has reduced access to information, public participation, and a fair legal system, while substantially many regulations have relaxed company obligations in environmental protection and management.

### **David and Goliath: Industrial adaption for workers rights in pandemic era**

*Mr Yuri Delano Regent Montororing, Bhayangkara Jakarta Raya University*

COVID-19 hit the world, including in the industrial sector at all scales. Many industries have collapsed because they were unable to adapt to the circumstances. Restrictions on activities issued by the state government and the World Health Organization have reduced industrial productivity. Meanwhile, the need for consumer goods in the COVID-19 era is increasing. This limitation of activities forces industry to reduce working hours, and even reduce work utilization, which results in the fulfillment of workers' rights. Wage reduction and even termination of employment were carried out by the industry due to this policy of limiting activities. By reducing wages and laying off work relations, it is hoped that it can reduce the burden on the industry because productivity on the production floor is lowered. The conditions on the production floor must immediately be given an alternative solution, by finding the most optimal cut-off point so that productivity can be maintained and policies regarding health protocols can be carried out. With good manpower, machinery and material scheduling arrangements, this point of balance will be achieved. It is hoped that the rights of these workers will still be fulfilled by the industry.

### **Polarization on the polemic of the Job Creation Act (UU Cipta Kerja)**

*Ms Sulistya Ningrum, Universitas Indonesia*

The Omnibus Law on the Job Creation Act (UU Cipta Kerja) which was passed on October 2020 amidst the COVID-19 outbreak. It has generated contention among the public, policymakers, investors, and workers because it is deemed detrimental to the lower middle class while benefiting certain entities. Consequently, there has been a polarization of public discourse in cyberspace. This study, therefore, aims to map the polarized ideologies surrounding the polemic of the Job Creation Act. It employs a quantitative approach with the Natural Language Processing framework. The research data is a corpus of Twitter user tweets totalling 953,581 tokens regarding the Job Creation Act. The NLTK package built in Python 3.9.2 is used for tokenization and stop word removal. Lancsbox 5.1.2 is used to compute keywords and determine concordances. Furthermore, the Log-likelihood test is used to calculate the significance of the keyword frequency (critical value = 3.84,  $p < 0.05$ ). At the interpretation stage, the findings are analysed for trends and tendencies by looking at the topic selection, framing, affect, and illocutionary force. Since the Job Creation Act greatly affects people's lives by specifically regulating business, taxation, the environment, and investment, research on public perception on this issue is relevant to conduct.

### **Where the real priority lies: The ready-made garment industry during lockdown in Bangladesh**

*Dr Ekramul Islam, BRAC University*

*Co-authors: Dr Ekramul Islam, Ms Fatema Noor Jasia*

In response to the COVID-19 pandemic, the Government of Bangladesh enforced two nationwide lockdowns: a closure of 65 days in 2020 and about 30 days in 2021. Lockdowns closed business of 8 million MSMEs, which contribute about 25% to GDP and supports the livelihoods of 31 million people. The effect of this lockdown was devastating, creating over 20 million new poor in the country. However, there was one industry that was excluded in both lockdowns: the giant Ready-Made Garments (RMG) industry of Bangladesh. This paper employs Critical Discourse Analysis methodology to explore the political power structures and latent rationalities entrenched in the justification of exempting the RMG industry while the rest of the economy was shut down. It asks questions such as: What assumptions justify one industry remaining open in the midst of the pandemic while the rest are closed? How is this move justified to 8 million MSMEs and their employees? Why does the RMG industry have high bargaining power with the government compared to that of the other industries? The answers to these questions reveal the latent ideologies entrenched in Bangladesh's economic policies: Which matters? What is considered indispensable? Where do the real priorities lie?

**Panel Sessions 5**  
**Thursday 25 November**  
**12:50–14:20 (WIB)**

### Panel 5.1 – Government policy and protection

UNCAC and human rights guarantees: Defining corruption and establishing concrete sanctions

*Dr Kitjapat Kesiranon*

The politics of state defence: Problems of human rights and security in Indonesia

*Dr Bhataru Ibnu Reza*

Unidentified citizens during the COVID 19 pandemic

*Dr Badrun Susantyo*

Rely on nature: Governing an awareness-based international law on environmental protection

*Mr Petrus Richard Sianturi*

### Panel 5.2 – Infrastructure, development, and human rights

Human rights violations in Indonesia's National Strategic Development Project

*Ms Siti Rakhma Mary Herwati*

Easing uneasiness: State policies and street vendors during and beyond the pandemic

*Ms Trang Hong Vu*

Co-designing a rights-based green post-pandemic future

*Ms Suthida Chang*

Indonesians and the right to smart cities

*Ms Dian Zuchraeni Ekasari Hasanuddin*

### Panel 5.3 – State responses to COVID-19 (1)

Weaponizing a crisis: Indigenous rights and a militarized pandemic response in the Philippines

*Ms Ana Christina Bibal, Christian Ray Buendia, Jonalyn Paz*

Stacks of exceptions: COVID-19 as an assemblage of security biopolitics

*Dr Hizkia Yosias Polimpung*

Human rights and human security in Asia during the COVID-19 pandemic

*Ms Palwasha Khan*

Recovery from the COVID-19 Pandemic within the framework of human rights and SDGs

*Mr Ronni Limbong*

### Panel 5.4 – State responses to COVID-19 (2)

State authoritarianism and freedom of speech and expression amid the pandemic in Indonesia

*Ms Julhijah Ratu*

The sick and the citizen: Coronavirus and India's citizenship debate

*Dr Matthew Wilkinson*

The Philippines: An embattled democracy's support for human rights in its fight against COVID-19

*Ms Peaches Lauren Vergara*

Behind an irresponsive response: the Philippines and the COVID-19 pandemic

*Ms Maria Elize Mendoza*



## Panel 5.1 – Government policy and protection

### **UNCAC and human rights guarantees: Defining corruption and establishing concrete sanctions**

*Dr Kitjapat Kesiranon, Independent Researcher in International Law (Thailand)*

Corruption dramatically harms human rights and there are legal problems in anti-corruption law regimes. Corruption is not only unlawful but naturally unfair. This article aims to demonstrate two problematic issues remaining in the United Nations Convention against Corruption (UNCAC) which leave gaps for human rights abuse, namely the absence of precise definition of corruption and the absence of sanctions provisions under the UNCAC. The article covers the UNCAC's background and its past efforts to define the term corruption, the scholarly doctrines justifying them, and sample definitions prescribed in some domestic laws and regional agreements. It analyses in depth each definition used in other documents and each theory proposed by scholars and officials. The paper finally offers, pursuant to a human-rights based approach and considering the 1948 Human Rights Declaration, and the 1966 Covenant on political rights and economic rights, the standard definition of the term corruption to cover the imbalance of economic and political power, and wide-range of abuses. Furthermore, this paper proposes systematic and concrete sanctions to allow the Convention to be truly enforceable worldwide. In this connection, the roles of the UN Human Rights Council should be taken into account.

### **The politics of state defence: Problems of human rights and security in Indonesia**

*Dr Bhataara Ibnu Reza, Universitas Bhayangkara Jakarta Raya*

Since the promulgation of Law No. 23/2019 on National Resource Management for State Defence, civilians have the opportunity to engage in the defence area by joining the reserve component of State Defence. This revised law was passed after a long debate in the parliament, after a previous version included an unpopular compulsory military service component and was rejected by the public. However, Law No. 23/2019 has problems in giving a clear picture of human rights and security protections to military servicepeople. The law is vague when defining a reservist. A person can join the reserves voluntarily, but once they have joined, participation becomes compulsory during mobilization. Moreover, the law threatens them with criminal prosecution if they failed to answer the mobilization. This means it is impossible to withdraw themselves based on conscientious objection. Subsequently, Law No. 23/2019 is blurring the distinction between the combatant and civilian which such a cardinal principle in International Humanitarian Law which Indonesia should respect as a party to the Geneva Conventions 1949. Having said that, this paper will broadly explain the politics behind civilian involvement in State Defence in Indonesia.

### **Unidentified citizens during the COVID 19 pandemic**

*Dr Badrun Susantyo, Research and Development Center for Social Welfare, Ministry of Social Affairs, Indonesia*

*Co-author: Dr Endah Triati*

Coronavirus Disease 2019 (COVID-19) has become a global disaster. Many countries are forced to allocating budget to reducing the risk of this disaster, including Indonesia. The Government of the Republic of Indonesia has launched some programs and policies to handle it. Social safety net policies through social protection programs is one of the answers. The goal is to reduce the risk on the community affected by the COVID-19 disaster. One of the social protection programs to reduce the risk due to COVID-19 is social assistance. This program has one main requirement to be able to access, which is that recipients must have a National Identity Card. How about the citizens who don't have NIK? How they get access to social assistance, especially from the government? Should social protection not be their right also? How to solve this problem?

### **Rely on nature: Governing an awareness-based international law on environmental protection**

*Mr Petrus Richard Sianturi, Independent Researcher*

The hit caused by the Covid-19 pandemic has impacted almost everything in human life. Yet the pandemic is still ongoing. Research referenced in this paper have shown that the fundamental cause of the pandemic is the dysfunctional relationship between human activity, including the influx of industrialization and economic

development, with the environment. The unbalanced treatment of the environment, combined with the lack of awareness of a linkage between environmental rights to human rights, has created incoherent regulations on environmental protection. Three issues are discussed in this paper. Firstly, the possibility of designating the environment as a legal subject, including how to personalize the environment and the need for its presence in the legal processes. Secondly, the strengthening of international environmental law and the campaign of codifying environmental issues in law is becoming more globalized. Thirdly, the formation of regulations on environmental protection requires every governmental institution to be open and hear more voices on the ground. This paper concludes that the pandemic is becoming a new turning point in looking at how human and environmental rights are inseparable.

## **Panel 5.2 – Infrastructure, development, and human rights**

### **Human rights violations in Indonesia's National Strategic Development Project**

*Ms Siti Rakhma Mary Herwati, Indonesian Legal Aid Foundation*

*Co-author: David Pascal*

The Indonesian Legal Aid Foundation has identified several typologies of structural land cases. One of them is land cases concerning the development of infrastructure projects. In recent years, the government has intensified particular infrastructure projects by designating them as National Strategic Projects (PSN). The designation of certain locations for these National Strategic Projects often overrules the consent of local communities who will be affected by the project. Some cases of infrastructure project development have occurred and impacted such communities. This paper will explicate how the accelerated development of infrastructure projects through the issuance of the Presidential Regulation on National Strategic Projects in 2016 and 2017 have violated community rights to land, the environment, and other human rights. The author will reveal the violation of these rights through examining cases on the construction of the Bener Dam in Central Java and the development of Bitung Toll Road in North Sulawesi.

### **Co-designing a rights-based green post-pandemic future**

*Ms Suthida Chang, UCL*

COVID-19 has caused geopolitical and socioeconomic earthquakes affecting all aspects of human societies. From an environmental lens, the focus on anti-COVID responses have sidelined green efforts. However, environmental degradation due to COVID-19 poses a larger, long-term threat to human rights and human security. Human rights and the environment have a symbiotic relationship wherein human beings have the right to the highest attainable standard of sanitation and an adequate standard of living. Equally, human security is derived from access to a clean and safe environment; for example, one that is free from solid waste pollution. Using the case study of Thailand, the paper expounds on how the pandemic exacerbated its plastics crisis. Specifically, disposable masks, gloves and online food deliveries contributed to Thailand's plastic pollution. This paper then considers prospective solutions to address the environmental impacts of COVID-19. Learning from South Korea's waste management success, the paper proposes a co-designed approach to policy-making that tackles solid waste management challenges. Considering the key role of grassroots communities and lived experiences, community-based waste recycling programs will be critical for a rights-based sustainable post-pandemic future.

### **Easing uneasiness: State policies and street vendors during and beyond the pandemic**

*Ms Trang Hong Vu, Equal Asia Foundation*

Vietnam's digital economy, described by Google in 2018 as "a dragon being unleashed", is now at the forefront of Southeast Asia. However, the breakneck digitization in the country that embarked on marketization with state management and socialist orientation in the late 1980s has left many vulnerable groups behind. Street vendors, a diverse group, who are informal workers and internal migrants in Vietnam, have been hard hit by the pandemic. As hygiene concerns have been on the rise, since 2008 the Government and Hanoi municipal authorities have issued decrees to restrict street vending. This study seeks to shed light on policies and practices by the

government to support street vendors, mostly female internal migrants, whose livelihoods depend on mobility, during and beyond the Covid outbreak in 2020. The author conducted semi-structured interviews with 14 itinerant sellers offering different services in Hanoi to examine how top-down reactive and proactive state measures have impacted their livelihoods. The two major initiatives are short-term and long-term respectively: to provide aid packages to freelancers whose livelihoods have been impacted by the pandemic, which street vendors are qualified to receive; as well as initiate training programs, as part of career transformation schemes for street vendors.

### **Indonesians and the right to smart cities**

*Ms Dian Zuchraeni Ekasari Hasanuddin, Indonesian Association of Urban and Regional Planner*

Smart cities approach has been utilized in Indonesia formally with the “Movement Towards 100 Smart Cities” which was started in 2017. In practice more than 100 cities have applied smart cities technology; for example, digitalization of public services communication channels, and e-government. As the movement gains momentum, it becomes crucial to examine its correspondence with human right principles. Therefore, this research aims to provide a deeper understanding of Indonesian cities’ context-specific stories within the rapid trend of smart city development and citizens’ rights. This article will consist of two layers, starting with selective literature review on human rights and smart cities, followed by gap-analysis with policy evaluation of the national smart city policy. It concludes with an exploration of a study case the application and practice in a smart city. The analysis will contribute not only to the growing body of knowledge on smart cities, but more importantly, to the creation of Indonesian smart cities that uphold human rights.

## **Panel 5.3 – State responses to COVID-19 (1)**

### **Weaponizing a crisis: Indigenous rights and a militarized pandemic response in the Philippines**

*Ms Ana Christina Bibal, University of the Philippines at Los Baños*

*Christian Ray Buendia*

*Jonalyn Paz*

Indigenous peoples’ narratives are glaringly absent in the national discourse surrounding the Philippine government’s pandemic response. In traditional and social media, stories exposing rights violations from repressive measures to enforce lockdown policies have an urban bias, effectively sidelining narratives of indigenous communities. Using a critical lens, this paper repositions marginalized narratives by highlighting indigenous peoples’ experiences vis-à-vis the State’s militaristic approach to the pandemic. Critical scrutiny of the State’s exploitation of the health crisis to advance development aggression and the crackdown on dissent posits two emergent themes. First, the pandemic response served as a pretext to increase military control and perpetuate its whole-of-nation approach to counterinsurgency, manifested most notably through the railroading of an Anti-Terrorism Law. Second, mobility restrictions further constricted the already limited democratic space wherein indigenous communities navigate their resistance to attacks against their right to ancestral land and self-determination. We argue that the State has weaponized the pandemic as its apparatus of control and repression that exacerbated the ongoing human rights crisis and “agenda of erasure” of indigenous peoples. Privileging muted indigenous resistance serves as a critical riposte to the culture of impunity and militarism rampant under the authoritarian populist Duterte regime.

### **Stacks of exceptions: COVID-19 as an assemblage of security biopolitics**

*Dr Hizkia Yosias Polimpung, Universitas Bhayangkara Jakarta Raya*

How has the pandemic changed to the nature of power-and its counter-power-today? One of the strongest assessments comes from the renowned Italian political philosopher Giorgio Agamben for whom the pandemic has extended even further the exceptional nature of power to severely restrict freedom in the name of security, “the end of which is impossible to see.” This view has invited hostile criticism among international academia for its putative easy critique and fatalist conclusion to denounce all “new normal” policies as simple authoritarianism.

This article contends that both views overlook how the present pandemic has transmuted the logic of the exception itself. By periodizing the early responses of Indonesian authorities and society towards COVID-19, this study demonstrates how the manifestation of exceptional politics can take many expressions, ranging from comical, paranoiac, and heroic. This Indonesian case demonstrates the limitation of Agamben's exceptional model of biopower (power over life) and fleshes out a new mutation of exceptional security biopolitics that is naturally stacked on top of another exceptions. From a democratic security standpoint, this study envisions a possible counter-power against these stacks of exception.

### **Human rights and human security in Asia during the COVID-19 pandemic**

*Ms Palwasha Khan, High Court of Islamabad Pakistan*

In the fast-developing world, people with disabilities are treated as defective and are neglected in every sphere of life. Persons with disabilities remain among the most hidden, neglected and socially excluded people in the society. In many underdeveloped countries, persons with disability are considered untouchable. The World Health Organization estimated that between 7 and 10 percent of the world's population live with disabilities. The UN Convention (CRPD) aims to "promote & protect the rights of the disable people". People with disability in the COVID-19 outbreak emergency preparedness and response in Pakistan were ignored badly by the government of Pakistan, where rehabilitation units and schools for the disabled were closed. Personal assistance services are currently unavailable and extremely scare due to COVID-19 pandemic. However, in Australia, the National Disability Insurance Scheme advisory committee took special measures to provide an immediate and proactive response during COVID-19 to disabled people, the primary aim of which was to ensure the health and safety. Sustainable Australia economic growth statistics shows that the Australian economy has experienced a remarkable increase in the participation of persons with disability in labour market from 17% to 45%.

### **Recovery from the COVID-19 Pandemic within the framework of human rights and SDGs**

*Mr Ronni Limbong, The Indonesian National Commission on Human Rights (Komnas HAM RI)*

*Co-author: Ms Okta Rina Fitri*

The 2030 Agenda for Sustainable Development Goals (SDGs) contribute to the realization of economic, social, and cultural rights. However, the progress of these goals now faces a significant setback due to the impact of the COVID-19 pandemic, especially in Indonesia. This article discusses the impact of the social restriction policy, which results in setbacks in several goals that have further implications for fulfilling the rights to food, health, education, employment, and social security. Also, this article elaborates on the role of the human rights approach in recovery efforts that the state must undertake due to the pandemic's impact. By using the Maastricht Principles and the International Covenant on Economic, Social, and Cultural Rights as the theoretical framework, it can be concluded that the impact of the COVID-19 pandemic has caused setbacks in some of the realizations of the SDGs, particularly in economic, social, and cultural rights. These setbacks must be anticipated with recovery policies such as reform of inclusive health and education systems, reform of the social security system, and improving data collection systems. Recovery efforts must be implemented promptly in a measured strategy to prevent the more fatal setbacks that lead to human rights violations.

## **Panel 5.4 – State responses to COVID-19 (2)**

### **State authoritarianism and freedom of speech and expression amid the pandemic in Indonesia**

*Ms Julhijah Ratu, University Of Muhammadiyah Malang*

*Co-author: holly Muridi Zham-Zham*

The spread of the Covid-19 pandemic in Asia has increased state power to control the freedom of citizens which has an impact on the safety of the nation. However, the increase in state power poses a threat to the freedom of speech and expression of citizens in the midst of the Covid-19 pandemic in Indonesia. This research focuses on several themes. First, the country's response to freedom of speech and freedom of expression amid the COVID-19 pandemic. Second, benchmarks used for limiting the right to freedom of speech and freedom of

expression in the midst of Covid-19. The study shows that there are restrictions on freedom of speech, such as digital attacks in the form of hacking of social media accounts and media pages by people who criticize or respond to the handling of COVID -19. The government's actions in this regard have contradicted the rights of citizens to accept the freedom of association and assembly, to express their thoughts orally and in writing. The state has tended to be repressive and did not use human rights benchmarks to limit freedom of speech as regulated in the 1945 Constitution of the Republic of Indonesia and other legal instruments.

### **The Philippines: An embattled democracy's support for human rights in its fight against COVID-19**

*Ms Peaches Lauren Vergara, The University of Sydney*

The Philippines remains in one of the longest lockdowns in the world as its Government grapples with the continued threats of COVID-19. This paper examines the extent to which the pandemic responses of a struggling democracy in Asia, specifically the Philippines, violate human rights. As global democratic backsliding has been steadily gaining ground, it is important to analyse its implications for democracies' readiness to disregard respect for and valuing of human rights, especially at a time of a serious health crisis. The paper presents theoretical debates underpinning arguments over the states' duty to prioritise the exigencies of public emergencies such as a pandemic that allows them to exercise their Executive powers with wide discretion, and their obligation to uphold and protect individuals' rights and civil liberties. With its authoritarian tendencies, the Philippine leadership's pandemic approach has been heavily militarised, susceptible to the abuse of Executive power. The paper advances two premises: invoking a state of emergency guised as a legitimate pandemic response has been used to acquire more power which has led to various infringements of people's human rights; and, the degree to which democracy and human rights are undermined during instability tends to be higher in weaker democracies.

### **Behind an unresponsive response: the Philippines and the COVID-19 pandemic**

*Ms Maria Elize Mendoza, University of the Philippines Diliman*

The Philippines stands as one of the countries with the longest lockdowns in the world. The COVID-19 pandemic has not only revealed existing gaps and issues in national and local governance, but its conditions have also led to heightened human rights violations under the Duterte administration. Since the beginning of the pandemic in March 2020, there have been multiple instances of harassment by state forces, extrajudicial killings, unlawful arrests, red-tagging of progressive groups, suppression of free speech, and other infringements on civil and political rights. These are all occurring on top of a collapsing health system, record-high debt, inefficient distribution of social aid, and a slow vaccination rollout. This paper argues that the dismal performance of the country in battling the pandemic is primarily due to the militarised pandemic response of President Rodrigo Duterte. This is consistent with the strongman brand of politics that has long characterized Duterte. By having retired military officers instead of public health experts at the helm of the national COVID-19 task force, the administration has framed the pandemic as a peace and order problem instead of a public health concern, thus the various human rights violations amidst the rising COVID-19 cases.



**Panel Sessions 6**  
**Thursday 25 November**  
**14:30–15:50 (WIB)**

## Panel 6.1 – Criminal justice

Losing hope: Female drug mules in Indonesia's drug policy

*Dr Asmin Fransiska*

Human rights and security: The pandemic and detainees' rights in Malaysia

*Ms Renuka Jeyabalan*

The role of technology in increasing access to legal aid in the COVID-19 pandemic

*Mr Dio Ashar Wicaksana*

The pandemic in detention centres

*Ms Ankita Goswami*

## Panel 6.2 – Education, awareness and personal well-being

Interphases of fundamental liberties with education in Malaysia: Review of selected cases

*Dr Usharani Balasingam*

Self reflection: Personal security and psychological well-being during the COVID-19 pandemic

*Ms Rika Fitriyana*

Teaching and learning the rights of IDPs in universities

*Ms Aloysia Vira Herawati*

The right to food as state and corporate responsibility during the COVID-19 pandemic

*Ms Rehulina Tarigan*

## Panel 6.3 – Advocacy for human rights

When the eyes of the soul speak: Cementing feet for the everlasting Kendeng Mountain

*Ms Dian Noeswantari*

The role of public space in addressing violations of human rights by law enforcement

*Mr Abdul Kadir*

Mechanism for constructing inclusive human rights cities

*Ms Noril Camelia*

Environmental impact assessment in Indonesia: A half-hearted approach to deliberative democracy

*Ms Ratu Durotun Nafisah*

## Panel 6.1 – Criminal justice

### **Losing hope: Female drug mules in Indonesia's drug policy**

*Dr Asmin Fransiska, Atma Jaya Catholic University of Indonesia*

This paper describes how the war on drugs narrative based on discrimination, racism, xenophobia and masculinities has negative consequences against the marginalized population, especially women. Indonesian drug law indiscriminately describes all people who use drugs as drug traffickers. The female drug mule phenomenon cannot be comprehended because it is subsumed under the punitive drug law approach, which leads to injustice and inequality. The female drug mule phenomenon is not recognized and acknowledged in Indonesian narcotic law and policies. Therefore, the administration of justice fails to work because, under the war on drugs narrative, the policy is not applied in a gender sensitive way. Law enforcement is unable to explore the social and economic issues in narcotic cases and the drug mule phenomenon, instead focussing on arrests and dysfunctional status quo of the criminal justice system. This paper aims to analyse and review Indonesian drug policy to better cope with the female drug mule phenomenon. This paper uses feminist legal methods to analyse female drug mule cases.

### **Human rights and security: The pandemic and detainees' rights in Malaysia**

*Ms Renuka Jeyabalan, National University of Malaysia*

*Co-author: Professor Rohaida Nordin*

Ever since the pandemic started, the lives and livelihood of every individual are at stake. This unprecedented crisis has led to lockdowns, border closures, and state healthcare systems struggling to cope. Needless to say, the vulnerable groups such as refugees, migrants, the poor, people with disabilities, persons in detention, and minorities have been affected differently during pandemic. This study focussed on the rights of detainees in Malaysia during pandemic crisis. The first part of the research examines the international standards on the rights of detainees and how the pandemic has impacted those rights globally. The second part analyses how Malaysia is responding to the pandemic while protecting detainees' rights during pandemic and the measures adopted by Malaysia. In this research, attention will be made to selected rights of detainees, namely: livelihoods and standard of living, access to justice, healthcare, food, water, safety, leisure and freedom of movement. This research adopts comparative and doctrinal approaches as the research methodology. Thus, analysis in this research also includes the position in other Asian states as to provide relevant best practices for adoption by Malaysia.

### **The role of technology in increasing access to legal aid in the COVID-19 pandemic**

*Mr Dio Ashar Wicaksana, Indonesia Judicial Research Society (IJRS)*

*Co-author: Arsa Ilmi Budiarti, Nanda Oktaviani*

The existence of the COVID-19 pandemic has exacerbated social problems, such as criminality, unemployment and domestic violence. This situation makes legal aid services increasingly vital. Not many people know about the rights and availability of free legal assistance, both provided by the government through legal aid organizations and provided by advocates pro bono. Furthermore, the pandemic has also restricted people when accessing legal aid services. The social and physical distancing policy makes it difficult for people to access legal aid services. Therefore, it is necessary to provide accessible platforms for information and legal aid services in this pandemic situation. This paper shows how technology plays a role in improving access to legal aid through desk research and gathering information from various sources. In the COVID-19 pandemic, the use of the internet and technology is increasingly important; information platforms and online legal aid services can be one solution to assist people to access legal aid services.

### **The pandemic in detention centres**

*Ms Ankita Goswami, University of York*

The citizenship re-verification exercise in India, initiated as a solution to curb the issue of undocumented illegal immigration in the north-eastern state of Assam, has threatened the citizenship of 1.9 million people residing in the state. The process has however failed to reach its objectives and the exercise has rather split many families

into those who are verified as genuine Indian citizens and others who are suspected as foreigners. However, in the absence of any definite deportation agendas, the fate of those identified as illegal immigrants lie in detention centres, trapped in legal limbo. Their lives have been further upended by the pandemic posing a threat to their health and human security and violating their right to a dignified life. The research shows how the pandemic has worsened their predicament by furthering judicial delays and indefinite detentions and threatening their right to health and sanitization amidst a pandemic. The detention centres exhibit unhygienic and crowded living conditions are a threat to their health. This paper argues that detaining a person in such a scenario should be the last resort and those interned in the detention centres be given the judiciary merit of a review.

## **Panel 6.2 – Education, awareness and personal well-being**

### **Interphases of fundamental liberties with education in Malaysia: Review of selected cases**

Dr Usharani Balasingam, University of Malaya

*Co-authors: Associate Professor Dato, Dr Johan Shamsuddin Sabaruddin*

Malaysia is a pluralistic multi religious society, which has ratified with reservations the international treaties of Convention on the Rights of the Child (CRC) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Article 28 of the CRC provides for the right of education. The Malaysian Constitution also includes rights in respect to education, freedom of religion, freedom of speech, assembly and association which relate to human rights. The shaping and development of the young leaders and their engagement within a multiracial society with necessary values and precepts to uphold and balance rights are arguably to be seen as an integral part to promote a united and harmonious Malaysia. Malaysia has seen legal challenges in the context of religious freedom in dressing in a school environment, religious instruction, the freedom of association and expression in political support and challenges to the constitutionality of vernacular schools, which this paper will elucidate. It will serve to analyse the current status quo in the reading of the human rights encapsulated in the Constitution of Malaysia from the educational perspective.

### **Self reflection: Personal security and psychological well-being during the COVID-19 pandemic**

*Ms Rika Fitriyana, Bhayangkara Jakarta Raya University*

*Co-author: Ms Sarita Candra Merida*

Since the beginning of 2020, Indonesia has faced the COVID-19 pandemic, which has affected people's live in almost every respect. Massive changes forced people to adapt in order to survive. Most researchers focused only on negative effects such as depression, anxiety, gambling addiction, and other mental health problems. People seem to forget that life is worth living. As psychologists, we feel the obligation to bring healthier perspective that can help people have better ways to present security within their selves. In this article, we reflect our point of view based on positive psychology. In 1998, Seligman proposed new subfield of psychology which talk more about positive events and influences in life. Thus leads to our own reflection on how psychological wellbeing relates to security issues due to mental health issue during this pandemic.

### **Teaching and learning the rights of IDPs in universities**

*Ms Aloysia Vira Herawati, University of Surabaya*

This article discusses effective methods to teach and learn human rights in the context of universities in Indonesia. The discussion is focused specifically on the right of internally displaced persons. This paper describes a number of related aspects of the topic: the social familiarity of the right of internally displaced persons, how education about these rights is developed, and the experiences of methods being used to teach and learn this right. An analysis of the relationship between the three aspects is described, as well as a comparison between different methods used to teach and learn this right. Significant existing proposals and initiatives in teaching and learning the right of internally displaced persons is emphasised, while looking up at the social, cultural, and political conditions in Indonesian universities. In particular, the method of arts, writing, and modelling are given more emphasis as potentially effective methods to develop understanding of, not only teachers, but also students on the right of internally displaced persons. A proposal of the intensified using of the method of arts, writing, and modelling is being offered as a conclusion of this article.

### **The right to food as state and corporate responsibility during the COVID-19 pandemic**

*Ms Rehulina Tarigan, PhD Student at Marton Géza Doctoral School of Legal Studies Debrecen University*

*Co-authors: Ms Ria Wierma Putri, Ms Yunita Maya Putri*

The sufficiency of food is not only a personal or family responsibility, but also the responsibility of other actors. The state is assigned to ensure citizens' conditions to live their lives in dignity because food is a human right; thus, the state must fulfil this right to its individual. On the other hand, a corporation runs a food business. However, the operation is not merely profit-oriented but also involved as a player in fulfilling the right to food. Such corporations are also one of the actors needed to achieve the United Nations program, Sustainable Development Goals (SDGs) in particular the second goal: Zero Hunger 2030. Moreover, the outbreak of the COVID-19 pandemic has placed stress on both actors in their attempts to fulfil the right to food. This study aims to find out (1) what kind of Government's responsibility is to protect, respect, and fulfil food rights. (2) to what extent the corporation has a responsibility to respect the right of food.

### **Panel 6.3 – Advocacy for human rights**

#### **When the eyes of the soul speak: Cementing feet for the everlasting Kendeng Mountain**

*Ms Dian Noeswantari, Center for Human Rights Studies, University of Surabaya (CHRS Ubaya) Surabaya*

In April 2016, we were shocked by the action of some women farmers from Kendeng Mountain, who cemented their feet. These women farmers protested the Government that allowed cement factory to mine karsts and operate in the karsts area of the Kendeng Mountain, which is protected area as part of Watu Putih basin. The cement factory had been decided by the Supreme Court to move out of the area. Yet, the cement factory is still operating in Rembang up to now. This research will reveal the intertwined problems faced by women farmers against a giant state-owned factory who insist on continuing mining along Kendeng Karsts Mountain. The female peasants' struggles will be described as the process of unifying the environment in the lives of the peasant, which in Javanese tradition is called a union of feelings or *manunggaling rasa*. This descriptive research shows that women farmers will do anything to protect the nature on which they depend for their livelihoods. These women farmers consider that the nature around them, especially the groundwater which is absorbed by the exogenous karsts layer, is very valuable for life. Foot cement is the political resistance of women farmers in the name of groundwater.

#### **The role of public space in addressing violations of human rights by law enforcement**

*Mr Abdul Kadir, Universitas Muhammadiyah Tangerang*

*Co-authors: Fachri Aldifa Kurnia, Fina Apriliani, M.Rifkal Eza Yuana*

This paper aims to analyse the background of the participation of the public space in participating in resolving cases of gross human rights violations by using Jurgen Habermas' public space discussion. The method used in writing is a normative juridical approach. The results of this paper show that the factors that cause serious human rights cases cannot be resolved legally due to the political elements that are very dominant in the resolution, such as serious human rights cases that will be used as an advantage for practical political interests for five years, and also on average. Perpetrators of gross human rights violations are currently an important element in Indonesia's current government. In this case, the elements of the public space should play an important role in resolving these gross human rights violations, according to Habermas' theory, so that social problems such as legal problems can be resolved intersubjectively between the system and the public space, and the results obtained through consensus are acceptable. In the resolution of serious human rights cases it is still possible to be resolved legally by including the public sphere, as Habermas proposes a law that is communicative in solving social and legal problems.



## **Mechanism for constructing inclusive human rights cities**

*Ms Noril Camelia, University of Jember*

*Co-authors: Dr Al Khanif, Assistant Professor Rosita Indrayati*

The Inclusive Human Rights Cities concept is a global trend that has emerged as a response to the movement to restore city sovereignty to its citizens. Furthermore, this concept was developed as a normative concept by WHRCF in Gwangju, South Korea, which was successfully initiated as the first Inclusive Human Rights City in Asia. Gwangju's success helps promote the implementation of this concept in city development practices and motivates international cities to follow, including Indonesia. However, there have been hardly any academic studies of whether these cities have gone through the ideal Inclusive Human Rights City construction process, nor of the correct and ideal mechanisms to construct Inclusive Human Rights City. This paper analyses how the appropriate construction mechanisms are following Gwangju City can become a reference guide for other cities, especially in Indonesia. The results show that the construction mechanism of the Inclusive Human Rights City Gwangju has been carefully planned, gradually, and systematically structured, based on the implementation of the Gwangju Human Rights Charter and the Gwangju Principles so that its implementation is effective and efficient. This paper is based on doctrinal research and presented in analytical descriptive.

## **Environmental impact assessment in Indonesia: A half-hearted approach to deliberative democracy**

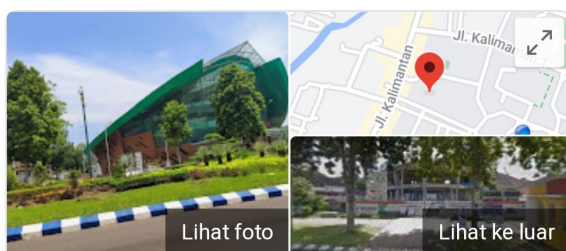
*Ms Ratu Durotun Nafisah, University of Melbourne*

Scholars and civil society in Indonesia have argued that changes to the environmental law under the Omnibus Law have eroded meaningful public participation in the process of environmental impact assessment (EIA). In addition to providing a lower degree of public participation, this paper argues that the current IEA mechanism has perpetuated a half-hearted approach to deliberative democracy. Despite the obligation to consult the public, it continues to adopt a mechanism that does not adhere to standards for good deliberation. This has proven to result in adverse human rights impacts on the affected community. There has been an absence of a clear procedural framework to guarantee the political, ethical, and epistemic function of democratic deliberation. As such, rather than ensuring an informed decision, the IEA mechanism tends to view public consultation as a merely formal requirement. It fails to address the dynamic of power differentials in the EIA processes and inform the public of competing viewpoints about the proposed development projects. In light of the phenomenon of 'deliberative turns', which appears to be overlooked in Indonesia, this paper proposes a deliberative mini-public and community referendum as practical solutions for better and substantial involvement of the people in the IEA processes.

# Maps

The in-person conference will take place in the Faculty of Economics Building, University of Jember, East Java, Indonesia.

For an interactive campus map showing all buildings and amenities, please refer to [Google Maps](#).



## Auditorium Universitas Jember

Rute

Simpan

4,8 ★★★★★ 14 ulasan Google

Gedung pertemuan di Jember, Jawa Timur

Berlokasi di: [Universitas Jember](#)

**Alamat:** Unnamed Road, Krajan Timur, Sumpersari,  
Kec. Sumpersari, Kabupaten Jember, Jawa Timur  
68121

**Provinsi:** [Jawa Timur](#)

