2023 International Conference On Human Rights: Youth in Asia

2023年国際人権会議：アジアの若者たち

25-26 March 2023
2023年3月25-26日

University of Tokyo, Komaba Campus
東京大学駒場キャンパス

Organized by:
Young Professionals in Foreign Policy Tokyo

Co-convened by:
Graduate Program on Human Security (HSP)
Research Center for Sustainable Peace (RCSP)
The University of Tokyo

Graphics: Aiko Jane Kihara-Hunt
Introduction はじめに

Since the Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly, Human Rights have been widely regarded as fundamental to human beings’ ability to survive and thrive. It soon became an obligation for state parties to offer sufficient human rights protections for their people. Despite the existing obligation, it has proven difficult to protect human rights of all peoples across the world. 70 years have passed since the adoption of the Universal Declaration of Human Rights, and challenges to human rights continue to this day. At YPFP Tokyo, HSP and RCSP, we believe that Human Rights must be understood and protected as the foundation for global governance and support the education and involvement of youth in sustaining and constructing human rights agenda for the future.

This conference proposes to offer an international, intergeneration, and inclusive opportunity for young scholars to engage with human rights issues in the contemporary world. Aside from submission and academic qualities, we are equally emphasizing and encouraging young people to express and discuss human rights issues with others, and hence to cultivate a sense of involvement in the collective process of human rights development.

We seek to provide a place for youth to discuss human rights issues in Asia. Having Tokyo as our location for the conference, young students and scholars who are living or interested in human rights issues in Asia are more encouraged than ever to discuss the human rights issues that surround them, especially in the Asian context.

The conference is held from March 25th to 26th 2023 at the University of Tokyo, Komaba Campus, in a hybrid format. Submissions of Abstracts were collected during December 2022 to February 2023. Submissions were opened to applicants around the world, particularly the students and young scholars who are interested in the human rights agenda. Accepted submissions will be offered an opportunity to deliver a presentation during the conference either in-person or online.

For more details, please see: ICHR Concept Note [English]

Information about how to access the conference, health and safety guidelines, and what expect at the conference can be found in this Conference Guideline.
世界人権宣言が国連総会で採択されて以来、人権は人間が生存し、繁栄するための基礎であると広く認識されるようになった。やがて、締約国は自国民のために十分な人権擁護を提供することが義務付けられるようになった。しかし、義務があるにもかかわらず、世界中のすべての人々の人権を擁護することは困難であることが証明されている。世界人権宣言が採択されてから70年が経つが、現在も人権に関する課題は続いている。

この会議は、若い研究者が現代世界の人権問題に取り組むための国際的、世代間的、包括的な機会を提供することを提案している。投稿や学術的な資質もさることながら、若い人々が人権問題を表現し、他者と議論すること、ひいては人権展の集団的プロセスに関与する感覚を養うことも同様に重視し、奨励している。

私たちが開催している会議は、アジアの人権問題に関する若者のに講論の最前線となることを目指している。東京を開催地とすることで、アジアの人権問題に関心を持つ若い学生や研究者が、身近な場所で意見を交わすことができるようになりました。特にアジアの文脈の中で、自分たちを取り巻く人権問題について議論することを推進できます。

本会議は、2023年3月25日、26日に東京大学駒場キャンパスでハイブリッド形式で開催される。論文要旨の募集は2022年12月から2023年2月の間に行われ、世界中の応募者、特に人権課題に関心のある学生や若手研究者に開放された。採用された論文は、会議期間中に対面またはオンライン形式で発表される機会がある。

詳細につきましては、ICHRコンセプト・ノート【日本語版】をご覧ください。

会議会場へのアクセス、安全衛生に関するガイドライン、その他注意事項などについては、この会議案内資料【英語版のみ】をご覧ください。
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Please register through [this page](#) to receive the Zoom links for all conference sessions by email closer to the conference dates.

こちらのページから事前登録をお願いします。全ての会議セッションのZoomリンクは、Eメールにて追ってご連絡いたします。
### Conference Schedule スケジュール (Day 1)
March 25th 3月25日

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<th>Speaker/Details</th>
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<td>10:00-10:30 AM</td>
<td>In-person Registration</td>
<td>Room 4, Bldg. 18; コラボ 4, 18号館</td>
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<tr>
<td>10:30-11:00 AM</td>
<td>Introductory Remarks</td>
<td>Mr. Helix T. Y. Lo Conference Manager, 2023 ICHR YPFP Tokyo</td>
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<td></td>
<td>Opening Remarks</td>
<td>Ms. Lauren S Power Founder and Managing Director YPFP Tokyo</td>
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<td></td>
<td>Keynote Presentation</td>
<td>Prof. Ai Kihara-hunt Professor, Graduate Program on Human Security</td>
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<td>Director, International Law Training and Research Hub</td>
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<td>Director, Research Center for Sustainable Peace, The University of Tokyo</td>
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<td>Secretary, Academic Council on the United Nations System</td>
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<tr>
<td>11:10-12:15 PM</td>
<td>Thematic Session: Democracy in Danger: Fake news, Echo chamber and Polarization</td>
<td>民主主義に瀕する民主主義：フェイクニュース、エコーチャンバー、分極化</td>
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<td></td>
<td>11:10-11:40 JST System Theory in Evaluating Human Rights implementation and Democratization</td>
<td>Laurin Alexander Weidenauer</td>
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<td></td>
<td>11:45-12:15 JST Does Fact-Checking Work? Disinformation as Political Participation and Labor of Revealment in Indonesia</td>
<td>Pradipa P. Rasidi</td>
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<tr>
<td>12:30-13:30 PM</td>
<td>Lunch</td>
<td>休憩時間</td>
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13:30-15:10 PM
JST 日本時間

**Thematic Session:**
Labour Rights and Overworking
労働者の権利と過重労働

*Concurrent sessions are two thematic sessions that take place at the same time in different rooms.*

**Concurrent Session A1**

13:30-14:00 JST
Room 4, Bldg. 18
コラボ 4, 18号館
(English)

**The Emperor with a Disability's New Clothes:**
A Human Rights Assessment of the
Reasonable Accommodation of Persons with Disabilities in the South African Workplace
Leoni van der Merwe

14:05-14:35 JST
Room 4, Bldg. 18
コラボ 4, 18号館
(English)

**Examine the Effect of Three Crucial Labour Laws in China**
Chun Man Wong & Hilary Yau

14:40-15:10 JST
Room 4, Bldg. 18
コラボ 4, 18号館
(English)

**The Evolving Role of Non-State Actors in Human Rights Implementation During Covid-19: The Case of Migrants and Refugees in Singapore and Japan**
Lauren S. Power

13:30-15:10 PM
JST 日本時間

**Thematic Session:**
Exertion of Political Rights in Facing State Repression
国家の抑圧に対する政治的権利の行使

**Concurrent Session A2**

13:30-14:00 JST
Room 2, Bldg. 18
コラボ2, 18号館
（日本語）

**アジアの政治制度と自殺率：因果関係の実証分析**
大谷理化

14:05-14:35 JST
Room 2, Bldg. 18
コラボ2, 18号館
(English)

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<tr>
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<tr>
<td>15:10-15:50 PM</td>
<td>Coffee Break 休憩時間</td>
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<tr>
<td>15:50-17:00 PM</td>
<td>Thematic Session: Health and Environmental Rights in Japan and Asia</td>
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<td>When Protecting the Environment Means Disrespect to Human Rights in the Third World: the Case of Coltan and Cobalt Exploration in the Democratic Republic of the Congo</td>
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<td>Felipe Antonio Honorato</td>
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<td>COVID-19 Aftermath: The Dilemma between the Protection of Intellectual Property Rights or A Life</td>
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<td>Debby Kristin &amp; T.I.D. Chlorye</td>
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<td>15:50-17:00 PM</td>
<td>Thematic Session: Inclusion of Youth in Human Rights 人権における若者のインクルージョン</td>
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<td>Human Rights Based Child Justice System: Issues and Concerns in Bangladesh</td>
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<td>Nahid Ferdousi</td>
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<td>Southeast Asian Youths in Human Rights: Local Wisdom &amp; Creative Engagement</td>
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<td>Ratu Bintang Assyifa Arweys &amp; Vu Ba Binh Minh</td>
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<tr>
<td>17:00-17:10 PM</td>
<td>Closing Remarks Day 1 閉会の挨拶 初日</td>
<td>Mr. Helix T. Y. Lo Conference Manager, 2023 ICHR YPFP Tokyo</td>
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<td>Time</td>
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<td>Introductory Remarks</td>
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<td>Mr. Helix T. Y. Lo</td>
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<td>Conference Manager, 2023 ICHR</td>
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**Thematic Session:**
**Inclusion of Youth in Human Rights**

**Concurrent Session C1**

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<td>10:50-11:20 JST</td>
<td>Taught to Become Activists: Education and Identities of Zainichi Korean Youth in North Korean Ethnic Schools in Japan</td>
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<td></td>
<td>Eriko Yamada</td>
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<tr>
<td>11:20-11:50 JST</td>
<td>Is Civics at Senior High Schools Being Used Adequately to Educate Students About Human Rights? A Study of Textbooks of Civics in Japan in 1970s-2010s</td>
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<td></td>
<td>Helix T. Y. Lo</td>
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**Thematic Session:**
**Censorship and the Right to Express**

**Concurrent Session C2**

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<td>Ho Ting (Bosco) Hung</td>
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<tr>
<td>10:50-11:20 JST</td>
<td>Surveillance, Censorship, and Human Rights Violations in North Korea</td>
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<td>Diletta De Luca</td>
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</tbody>
</table>
### Concurrent Session C2

**11:20-11:50 JST**  
Room 2, Bldg. 18  
コラボ2, 18号館  
(English)

*Parameters of Censorships as Restrictions on Freedom of Expression in Bangladesh and Japan: A Comparative Analysis*  
Md. Asadullahil Galib

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### Concurrent Session D1

**13:10-13:40 JST**  
Room 3, Bldg. 18  
コラボ3, 18号館  
(English)

*Academic Freedom and Political Homophobia in Indonesia: A Socio-Legal Inquiry*  
Pradnya Wicaksana

**14:20-14:50 JST**  
Room 3, Bldg. 18  
コラボ3, 18号館  
(English)

*Different Approaches to the Construction of Same-Sex Marriage in Legal System: The Taiwan Experience as an Example*  
Kuan-Wei Chen

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### Thematic Session: LGBTQ+ Rights in Japan and Asia

日本とアジアにおけるLGBTQ+の権利

**11:50-13:00 PM**  
Lunch  
休憩時間

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**13:05-15:20 PM**  
JST 日本時間
Concurrent Session D2

13:05-15:20 PM

Thematic Session:
Women and Reproductive Rights
女性と生殖に関する权利

13:10-13:40 JST
Period Poverty in Government Schools in Delhi: How to Keep our Girls in Schools
Aarushi Gupta

13:40-14:10 JST
Sexual Violence and Sex Crimes in Japan: Change and Continuity in the Criminal Justice System
Charlotte Bekkers

14:20-14:50 JST
Impact of Cyber bullying on the Female Students in South Asia: An Exploratory Study
Md Tajul Islam

14:50-15:20 JST
An Absent “No” is not a “Yes”: A Comparative Legal Analysis of Non-Consent in Japan’s Domestic Rape Legislation Draft Revisions and Affirmative Consent in International Rape Legislation Standards and Conventions
Larissa Truchan

15:20-15:45 PM
Coffee Break
休憩時間
15:50-17:00 PM
JST 日本時間

Thematic Session:
Exertion of Political Rights in Facing State Repression
国家の抑圧に対する政治的権利の行使

15:50-16:20 JST
Room 3, Bldg. 18
コラボ3, 18号館
(English)

Working with LGBTIQ+ Persons in Forced Displacement: Human Rights Narratives from Afghanistan and Lebanon
Jasmin Lilian Diab & Bechara Samneh

16:20-16:50 JST
Room 3, Bldg. 18
コラボ3, 18号館
(English)

Burmese Students in Japan: The Coup and Their Dilemmas
Kyi Min Khant

17:00-17:20 PM
JST 日本時間

Closing Remarks Day 2
閉会の挨拶 最終日
(English)

Mr. Helix T. Y. Lo
Conference Manager, 2023 ICHR
YPFP Tokyo

END OF DAY 2

END OF CONFERENCE
About Young Professionals in Foreign Policy (YPFP) Tokyo

Providing a nexus of engagement for scholars, students, professionals, and thought leaders across sectors, Young Professionals in Foreign Policy (YPFP) Tokyo sustains a thriving Asia-Pacific-focused global community while working to build the next generation of diverse foreign policy leaders. We do this by providing YPFP Tokyo members with capacity building programs, engaging events, a global community of peers, and opportunities to elevate their voices through research, writing and publications, and global leadership programs.

Learn more by visiting our website and follow YPFP Tokyo on Facebook, Twitter (@YPFPTokyo), Instagram (@ypfp_tokyo), LinkedIn and YouTube. Contact YPFP Tokyo Membership Director, Helix T. Y. Lo (helix.lo@ypfp.org) for more information.

Young Professionals in Foreign Policy 東京（外交政策の若手プロフェッショナル東京支部、YPFP東京）は、学者、学生、専門家、ソートリーダーなど、さまざまな分野の人々が集う場所であり、アジア太平洋に焦点を当てたグローバルコミュニティの形成や次世代の多様な外交政策リーダーの育成に取り組んでいます。YPFP東京は、キャリア開発プログラム、グローバルコミュニティとの交流イベントや研究・執筆・出版の機会、またはグローバルリーダーシッププログラムをメンバーに提供しています。

詳しくは、YPFP東京のウェブサイトをご覧ください。また、YPFP東京のフェイスブック、ツイッター（@YPFPTokyo）、インスタグラム（@ypfp_tokyo）、リンクトイン、YouTubeもぜひフォローしてみてください。メンバーシップの詳細については、YPFP東京メンバーシップディレクターのHelix T. Y. Lo（helix.lo@ypfp.org）までお問い合わせください。
About the Graduate Program on Human Security (HSP),
The University of Tokyo

The Graduate Program on Human Security (HSP) is a new type of graduate education program established in 2004 through the close cooperation of the five multi-disciplinary departments in The University of Tokyo Graduate School of Arts and Sciences (Language and Information Sciences, Interdisciplinary Cultural Studies, Area Studies, Advanced Social and International Studies, and Multi-Disciplinary Sciences).

Human Security is a new concept focusing our attention on the development of a more humane global society for the 21st century. As such, it requires diverse perspectives and approaches, not only derived from the fields of international relations and the social sciences but also afforded by the natural sciences, area studies, and the humanities. The program not only focuses on understanding and researching various problems related to human security, but is also designed to nurture “human assets” who will make innovative contributions to our global society.

The program offers Master’s and Doctoral courses. The program offers M.A. and Ph.D. degrees in Human Security Studies to those who complete the program. Please check The UTokyo International Law Hub for more details of HSP activities.

「人間の安全保障」プログラム（HSP）は、大学院総合文化研究科にある文理横断の5専攻（言語情報科学専攻、超域文化科学専攻、地域文化研究専攻、国際社会科学専攻、広域科学専攻）の協力のもと、2004年に東京大学に設立された新しいタイプの大学院教育プログラムです。

「人間の安全保障」とは、21世紀の人類社会の望ましい発展を構想するために提案された国際社会のコンセプトであり、その研究・教育には国際関係論などの社会科学のみならず、自然科学や地域研究、人文科学など多様な観点からのアプローチが必要とされています。同プログラムは「人間の安全保障」を取り巻く問題を深く理解し研究すると同時に、この問題に自ら実践的に関わっていく「人財」を育てることを目的としています。

プログラムには修士課程と博士課程があり、修了者には「修士（国際貢献）」、「博士（国際貢献）」の学位が授与されます。HSPの活動詳細については、国際法研修・研究ハブをご覧ください。
About the Research Center for Sustainable Peace (RCSP), The University of Tokyo

Research Center for Sustainable Peace (RCSP) was established in April 2010 within the Institute for Advanced Global Studies (IAGS), The University of Tokyo.

RCSP has engaged in theoretical studies including the re-definition of the concept of peace, historical studies, field research in the areas of conflict, action research, and critical analysis of peace policies. Project of Compilation and Documentation on Refugees and Migrants (CDR), has been one of the main projects of RCSP.

Currently, RCSP conducts and hosts active and practical research into sustainable peace. Three pillars of activities are: refugees, human rights and International Humanitarian Law. RCSP brings in younger and early career researchers into the field of human rights and humanitarian law. Please check the RCSP blog for more details of RCSP activities.

2010年4月から、大学院総合文化研究科にグローバル地域研究機構 (Institute for Advanced Global Studies, IAGS) が置かれ、そのもとで持続的平和研究センター (RCSP)、持続的開発研究センター、アフリカ地域研究センターという3つの研究センターが新たに発足しました。「人間の安全保障」に密接に関連したテーマを扱うこれら3センターは、教育プログラムとしての「人間の安全保障」プログラムを研究拠点としています。

持続的平和研究センター（RCSP）では、平和概念の再定義を含む、理論的研究、歴史的研究、世界各地の紛争現場におけるフィールド調査、アクションリサーチ、平和政策の批判的検討などの研究活動を中心として、実践的な研究や情報発信に努めてきました。

「難民移民ドキュメンテーション・プロジェクト（The Project of Compilation and Documentation on Refugees and Migrants, CDR）など、難民・移民の人権について多くのプロジェクトを実施してきたが、さらに活発に実践的かつ世界水準の持続的平和研究を展開しています。持続的平和に関連する研究の柱として、難民とともに人権・人道法を導入し、若い世代をとりいれた人権・人道法の研究を行っています。RCSPの活動詳細については、RCSPブログをご覧ください。
Conference Leadership リーダーシップ

Helix T. Y. Lo
Conference Manager, 2023 International Conference on Human Rights: Youths in Asia
Membership Director, Young Professionals in Foreign Policy Tokyo
Graduate Student, The University of Tokyo

Lauren S. Power
Founder & Managing Director, Young Professionals in Foreign Policy Tokyo
Researcher & Ph.D. Candidate, The University of Tokyo
Women7 (W7) Advisor & Coordinator, Working Group on Women’s Empowerment, Meaningful Participation, and Leadership, 2023 G7 Hiroshima Summit

Administrative Staff スタッフ

Lindy Feng
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Graduate Student, The University of Tokyo

Caroline Gouveia
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
International Law Graduate, Coventry University

Aiko Jane Kihara-Hunt
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Communications Officer, Young Professionals in Foreign Policy Tokyo

Jay Makhijani
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Programs Officer, Young Professionals in Foreign Policy Tokyo
Expert and advisor, Insights International
Lakshita Bhagat, PhD
Assistant Professor, Amity University, School of Social Sciences, Institute of Public Policy, Noida, Uttar Pradesh, India

Beniamino Peruzzi Castellani
Ph.D. Candidate, Scuola Normale Superiore, Italy

Marin Ekstrom
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Programs Officer, Young Professionals in Foreign Policy Tokyo
English Instructor, College of Business and Communication

Helix T. Y. Lo
Conference Manager, 2023 International Conference on Human Rights: Youth in Asia
Membership Director, Young Professionals in Foreign Policy Tokyo
Graduate Student, The University of Tokyo

Rachel Morgan
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Membership Officer, Young Professionals in Foreign Policy Tokyo

Lauren S. Power
Founder & Managing Director, Young Professionals in Foreign Policy Tokyo
Researcher & Ph.D. Candidate, The University of Tokyo
Women7 (W7) Advisor & Coordinator, Working Group on Women’s Empowerment, Meaningful Participation, and Leadership, 2023 G7 Hiroshima Summit

Chikara Uchida, Ph.D.
Research Associate, Center for Sustainable Development Studies, Toyo University
Programming Director, Young Professionals in Foreign Policy Tokyo

Eriko Yamada
Task Force Member, 2023 International Conference on Human Rights: Youth in Asia
Deputy Director, Young Professionals in Foreign Policy Tokyo
Graduate Student, The University of Tokyo
Conferece Proceedings 論文要旨
ICHR Thematic Sessions

ICHRテーマセッション

- Democracy in Danger: Fake news, Echo Chamber and Polarization
  危機に瀕する民主主義：フェイクニュース、エコーチェンバー、分極化

- Human Mobility, Labour Rights and Overworking
  労働者の権利と過重労働

- Exertion of Political Rights in Facing State Repression
  国家の抑圧に対する政治的権利の行使

- Health and Environmental Rights in Japan and Asia
  日本とアジアにおける健康権と環境権

- Inclusion of Youth in Human Rights
  人権における若者のインクルージョン

- Censorship and the Right to Express
  検閲と表現する権利

- LGBTQ+ Rights in Japan and Asia
  日本とアジアにおけるLGBTQ+の権利

- Women and Reproductive Rights
  女性と生殖に関する権利

Note: Thematic Sessions will include multiple presentations by speakers around a common theme. Some thematic sessions will occur simultaneously as concurrent sessions. This is a hybrid conference, and participants can either attend sessions in-person or online.

※テーマセッションでは、共通のテーマを中心に複数の発表が行われます。一部のテーマセッションは、コンカレント（concurrent）セッションとして同時並行で開催されます。本会議はハイブリッド形式であり、参加者は対面またはオンラインでセッションに参加できます。
System Theory in Evaluating Human Rights Implementation and Democratization

Laurin Alexander Weidenauer

Introduction
To accurately evaluate the implementation of Human Rights, System Theory according to Niklas Luhman and more specifically its understanding of power can be a tool to make comparable judgements. As an example, the case of Japan was studied.

Methodology
According to System Theorist Niklas Luhmann, in a social system, power is to be understood as the ability to transfer an already made differentiation into a decision-making process, reducing complexity. In System Theory, power is explained as Generalization of Influence. It is not considered an ability to coerce, but a latent potential of limiting choices of action through communication. Both Democracy and Human Rights can be understood in such a fashion. A positive correlation between Democracy (of some kind) and Human Rights enforcement is generally accepted as true in academia, as only democracy protects rights as sovereign instead of viewing them as grants by the ruling. The United Nations have embraced a definition of democracy in both their Resolution 2002/46 by the Human rights Commission and their Agenda for Democratization by then Secretary General Boutros Boutros-Ghali that links it to Human Rights. As the letter document highlights by quoting Resolution 43/157: “The right of everyone to take part in the government of his or her country is a crucial factor in the effective enjoyment of a wide range of other human rights and fundamental freedoms, embracing political, economic, social, and

References
1 Student, Univerität Trier / The University of Tokyo
2 Luhmann (2013), pp. 50-52
3 Ibid, pp. 55-60
4 Ibid, p. 87
5 Ibid pp. 147-150
6 Jain (2006), pp. 148-150
7 Langlois (2003), p. 1014
cultural rights [...] as a matter of practical experience⁸ among many other mentions of their status as being “mutually reinforcing”.⁹ In accordance with these essential qualities set by the OHCHR, democracy should be understood as a degree of reflexivity to power.¹⁰ This means that democracy more than simply transfers the will of the people to decision makers, but limits there power or ability to introduce limitations and / or make decisions on their own by via accountability, transparency, accessibility and pluralistic power sharing between different offices. This means firstly that “UN democracy” in contrast to mere elective democracy¹¹ is defined by a set of additional limitations, although still primarily enforced through the threat of loss of popular support at the polls. It secondly means, that we can understand the Implementation of Human Rights as a transfer process by which an additional set of limitation is added, thereafter asserting power over policy makers. It should also be kept in mind, that the degree of differentiation between a system – in this case the political system – and its surrounding systems has an effect of the latent potential for power in the first place, meaning that a highly differentiated system has greater potential for the assertion of power without the interference of other influences.¹²

**Findings for Japan**

Japanese democracy is an exceptional case. The Japanese political system can be described as somewhat elitist.¹³ The system is also characterized by the dominance of the Liberal Democratic Party (LDP), which is also slightly profiting from the distribution of population throughout voting districts.¹⁴ It has been acknowledged that a variety of systemic issues with the Japanese administration make it difficult for non LDP administration to enact their policies or to accurately predict the feasibility of certain policies without necessary access and know how to government procedures.¹⁵ A simple change in administration would not inevitably bring about an increased readiness for Human Rights implementation, for lack of evidence. However, a case for correlation can still been made: In the cases, of Fukushima,¹⁶ Immigration Rights,¹⁷ or gender equality,¹⁸ argumentative similarities point to an unwillingness to introduce new limitations on policy for fear of instability or feasibility.

The so-called Iron Triangle, which supposes a strong connection between Japanese economy, bureaucracy and LDP,¹⁹ gives another argument for more of a causal relation between Democracy and Human rights.

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⁸ An Agenda for Democratization (1996) §37
⁹ Ibid §55
¹⁰ Luhmann (2013), pp. 90-92
¹¹ Donelly (1999), pp. 620-622
¹² Luhmann (2013), pp. 112-114, 150
¹³ Ishikawa (2002), pp. 338-340, 343
¹⁴ Hickman & Kim (1992), p. 22
¹⁵ Kamikawa (2016), pp. 55-56
¹⁶ Van Ho & Valkanon (2019), pp. 116-121
¹⁷ Oishi (2020), p. 8
¹⁸ Kihara-Hunt (2019) p. 77
¹⁹ Colignon & Usui (2001), pp. 893-895
Any political system has to be highly differentiated for generalization of influence to take full effect. The reasoning in the Japanese case would therefore be, that the political system is not sufficiently differentiated from Japan’s economic or bureaucratic system for Human Rights to work as limitations, as they lack similar qualifications to exercise power in the other respective Systems.

Conclusion

More quantitative research has to be undertaken to confirm the relationship between democracy and Human Rights in Japan, but System Theory may provide a valuable insight into how their implementation is hindered. Democracy however, through at least correlation, furthers Human rights implementation.

References


20 Luhmann (2013), pp. 112-114, 150


Does Fact-Checking Work? Disinformation as Political Participation and the Labor of Secrecy in Indonesia

The literature to counter political disinformation has largely argued for the importance of digital literacy and fact-checking initiatives in the face of social media echo chamber. Most recent research (Rasidi, 2021; Sirlin et al., 2021), however, has cast doubt on the effectiveness of this effort. Digitally literate individuals may be able to identify false information, but it doesn’t stop them from distributing it. Such action aligns less with individuals’ rationality and more with the sociopolitical contexts as well as media practices. In Indonesia, social media influencers—assumed to be digitally literate actors vigilant in fact-checking efforts—have been involved in the spread of disinformation despite acknowledging the dubious nature of the information.

This paper complicates our understanding of disinformation by investigating how individuals involved in disseminating disinformation perceive their own action, contextualized within the political culture in the country in which those individuals reside. Most discussions on this topic mostly rest on assumptions about the intention of the individuals spreading (Fernbach & van Boven, 2022; George, 2016; Riyanto, 2017; Wardle & Derakhshan, 2018). Lacking in this discussion is that individuals involved in disinformation may perceive their own action as means to gain a sense of political agency in a post-authoritarian state like Indonesia, where channels for meaningful political aspiration is limited and politics is often perceived as shrouded in secrecy.

This paper focused on the case of Jakarta 2017 Election, based on an ethnographic fieldwork and in-depth interviews conducted in October-December 2016 and March-May 2017. The election was marred by the largest Islamist mobilization in Indonesia’s post-authoritarian period, controversial regional policies, and organized disinformation campaign (Lim, 2017; Rasidi, in press; Wilson, 2017). The fieldwork was conducted with two separate groups: individuals actively involved in organized disinformation campaign (“political buzzers”); and Twitter influencers who were not organized in such campaign but nevertheless involved in disseminating disinformation. Both are liberal middle class, an opposite of usual suspects of disinformation.

Through the fieldwork I found that influencers relied on Twitter to afford the sense of being involved a wider political networked publics. They noted an aura of “authenticity” in the promptness of Twitter in relaying information formed around its presentation. Twitter became a site for influencers to not only

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1 Digital Rights and Research Program Coordinator, EngageMedia
seek truths, but also to curate the perceived “missing pieces” in understanding politics—perceived to be hidden beneath the labor of secrecy. In the election, Anies Baswedan, an electoral contender supported by populist Islamists, challenged the incumbent double-minority governor Basuki Purnama. Due to Anies’ vague embrace of Islamists, there was an uncertain structure of feeling that Jakarta might be Islamicized. One influencer said it was a time of “mass danger and confusion” as many seem to be “conducted in secret”.

Conspiracy theories and rumors were circulated: Basuki’s loss would be the momentum to establish Islamic caliphate led by Anies Baswedan. Photos and videos of men donning white garbs or green jackets were circulated; there were also pamphlets of unknown origins of the supposed plan to establish sharia in Jakarta. Influencers, despite doubting its accuracy, kept curating and circulating them due to its “possible” authenticity for being spread on Twitter. They saved them into smartphones, as cautionary measures if they’re taken down, as they felt the platforms may hide something. “We don’t know what they [populists] are planning,” one influencer told me, “We must take precautions.” For them, spreading disinformation is an attempt to illuminate politics and immersing themselves in atmosphere of urgency. While there were organized propaganda at the time, influencers were keen on circulating hearsays and rumours themselves.

Thus, I argue that instead of a centralized action, the spread of disinformation is dispersed, treading on ambiguous lines of factuality and secrecy. Both Indonesian political culture and media ideology on Twitter (boyd, 2012) affords the influencers’ action on spreading disinformation exclusively on Twitter, as a site of political networked publics. From this case in Indonesia, I argue for a need to understand disinformation beyond the assumption that it is an anomaly of social media communication. Instead, disinformation is always tied to the political culture within which it is formed, and its solution lies within a country’s democratic process.

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https://doi.org/10.1080/14672715.2017.1341188


The Emperor with A Disability’s New Clothes: A Human Rights Assessment of The Reasonable Accommodation of Persons with Disabilities in The South African Workplace
障害という服を着た裸の王様：南アフリカの職場における障害者の合理的配慮に関する人権保障の評価

Leoni van der Merwe

The dawn of South Africa’s new democratic and constitutional dispensation, specifically section 9 of the Constitution of the Republic of South Africa, 1996, (the Constitution) has culminated in the introduction of legislation, such as the Employment Equity Act 55 of 1998 (EEA) and the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (PEPUDA), to promote substantive equality in relation to persons with disabilities (PWDs) and to prevent discrimination in the workplace. While general inroads have been made in the realisation of equality in South Africa, the Commission for Employment Equity’s Annual Report for 2018-2019 notes that PWDs remain disadvantaged, from an employment perspective, almost 30 years into democracy.

A thorough understanding of the concept of “reasonable accommodation” in the workplace remains at the epicentre of improving the disadvantaged position of PWDs. In certain workplaces, suitably qualified PWDs are expected to meet occupational demands whilst operating without the requisite support in the form of assistive devices, wheelchair access and the like. The EEA and its accompanying Code of Good Practice: Key Aspects on the Employment of PWDs (the Code) place a duty on employers to reasonably accommodate PWDs in the workplace to decrease the impact of the impairment on such a person’s capacity to fulfil their occupational obligations. Failure to reasonably accommodate PWDs in the workplace delays the realisation of numerous rights espoused by the Universal Declaration of Human Rights (UDHR) of 1948, with specific emphasis on the concepts of equality, dignity and the right to work.

This study is conducted through a comparative literature review. Firstly, South Africa’s disability conceptual framework is introduced. An understanding of the evolution of the construct and history of disability provides insight into societal perceptions and trends observed in the treatment of PWDs. South
Africa’s disability conceptual framework examines the evolution of the doctrine of reasonable accommodation in South Africa through the lens of disability, religion and culture. Secondly, section 9 of the Constitution to examine the principle of equality in the context of PWDs. From a legislation and policy framework perspective, consideration of the EEA, the PEPUDA as well as policy documents such as the White Paper on the Integrated National Disability Strategy, 1997 and the White Paper on the Rights of Persons with Disabilities, 2016 culminate in the conclusion of the frameworks relating to the research conducted.

At the centre of study, the current interpretation and application of the principle of reasonable accommodation of PWDs is then compared to South Africa’s obligations in terms of the UDHR. Article 1 of the UDHR recognises that all human beings are born free and equal in dignity and rights. This principle applies to PWDs in South Africa, ensuring that they are entitled to the same rights and protections as any other citizen. Article 9 of the UDHR recognizes the right to freedom from discrimination, including on the basis of disability. This is particularly relevant in South Africa, where PWDs have historically faced significant barriers to accessing education, employment, and other opportunities. Article 23 recognizes the right of PWDs to work. Through their ability to work, PWDs are exposed to increased independence, social inclusion and financial stability.

This study highlights numerous deficiencies in the reasonable accommodation of PWDs and suggests that additional, context-based legislative tools be utilised to reinforce reasonable accommodation in the workplace. It is also noted that purposive compliance with Articles 1, 9 and 23 of the UDHR could be utilised to create uniformity and consistency for PWDs in the workplace. It is acknowledged that, while numerous interventions have been identified and implemented to promote the reasonable accommodation of PWDs in the South African workplace; such interventions require the consideration of lessons learnt from other areas. The adoption of a contextual and holistic approach to the reasonable accommodation of PWDs could lead to increased collaboration, resources and pace to ensure that the efforts made in the workplace lead to measurable, sustainable results. An increased understanding of reasonable accommodation may be a mechanism to expedite South Africa’s human rights agenda. For PWDs, what remains to be seen is whether an increased and broader understanding of the doctrine of reasonable accommodation will serve as the stimulus to improve their actual representation in all occupational categories and levels.

**Keywords:** Disability; employment; reasonable accommodation; human rights; inclusion; South Africa
Examine the Effect of Three Crucial Labour Laws in China

Chun Man Wong¹ & Hilary Yau²

Introduction

China’s labour rights condition has improved significantly after establishing three labour laws, which are the Labour Contract Law (LCL) in 2008, Labour Dispute Mediation and Arbitration Law (DMAL) in 2008 and the Employment Promotion Law (EPL) in 2015, respectively. These laws increased the bargaining power, social insurance and social welfare enjoyed by labour. However, there are still many grey areas in executing these laws. Many employers manipulated these grey areas for their interest. This working paper will examine how these three labour laws affect labour well-being and explore the gap between the ideal situation suggested by the laws and the actual employee-employer practices in China.

Methodology

This working paper will adopt qualitative and quantitative research methods to measure these three laws' effects on Chinese labour rights.

The quantitative method will analyse second-hand and open-source information. This working paper will study data from 2015 to 2022. There are several reasons to adopt this time frame and study method. Firstly, the EPL was established in 2015, making 2015 a good starting point. Secondly, these periods can examine the effect of LCL and DMAL after the amendment of LCL in 2012. Thirdly, this paper aims to examine these three laws simultaneously as they are interrelated. One case solved by DMAL could result in one case being less solved by the LCL.

For second-hand information, this working paper will analyse the All-China Federation of Trade Unions survey and the monthly report created by the China Labour Bulletin. These data relate to labour satisfaction in the working environment, payment and social welfare. It can even measure the well-being of a particular group, e.g., the ethnic minority group and disability group.

The study will also adopt the data from the China online legal justice system. Through analysis of these data, it can examine the number of cases solved by these three laws respectively. Examining the trend and number of cases solved by the court can be evidence of the effectiveness of these laws.

In qualitative analysis, this working paper will study the practice of Alibaba group enterprises in handling their labour relationships. Alibaba group is one of the largest enterprises in China and is full of records in

¹ Master's graduate, University of Edinburgh
² Graduate, The Chinese University of Hong Kong
adopting the grey area in handling labour right. For instance, Alibaba Group took a series of actions to avoid extra costs caused by LCL in 2008 (Lan et al., 2015). This working paper will explore whether Alibaba repeated similar practices between 2015 to 2022.

**Anticipated Founding (Hypothesis):**

We had anticipated the Founding of each law and the general combined effect of these laws. In general expectation, China is a developing country, and enacting these laws can safeguard and enhance labour rights.

H1: The presence of a contract will have a positive effect on labour to active seeking in the legal settlement

Although the 1995 Labour Law introduced the presence of contracts, many labours did not obtain a labour contract. Less than one-fifth of employers had formal contracts with their workers (Wang et al. 2009, 489). The 2012 new LCL aims to solve this issue. Research in 2013 discovered that the LCL led to a tremendous increase in the number of arbitrations, increasing from 447,000 in 2006 to 1,512,000 in 2012. (CLB, 2009, 14; Qian et al., 2013, 10)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of arbitration cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>447,000</td>
</tr>
<tr>
<td>2007</td>
<td>502,000</td>
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<tr>
<td>2008</td>
<td>970,000</td>
</tr>
<tr>
<td>2010</td>
<td>1,287,400</td>
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<tr>
<td>2011</td>
<td>1,379,000</td>
</tr>
<tr>
<td>2012</td>
<td>1,512,000</td>
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</tbody>
</table>

*Table 4. Number of arbitration cases accepted by the Ministry of Human Resource and Social Security*

Sources of this table: (Lan, et al., 2015)

The EPL focuses on employment promotion, creating a safe working environment and reducing the barriers faced by gender, ethnic group and disability in finding jobs. In other words, the crux of this law is to create a fair employment environment.

H2: Having a contract will have a positive effect on labour fairness

2a: Gender diversity in the workplace

2b: Ethnic diversity in the workplace
2c: Disability in the workplace

Before the enactment of EPL, a lawsuit against discrimination was difficult to enforce. There are laws to safeguard gender equality and disability. Unfortunately, although these laws allow victims of discrimination to bring a lawsuit to the courts, has no clear administrative enforcement body to supervise employers and support victims when discriminated against. Nonetheless, a remarkable step in anti-discrimination legislation was made in China through the EPL. Under the EPL, workers who suffer discrimination may bring a lawsuit to the people’s courts. An employer who violates the law by impairing workers' legitimate rights and interests is liable to pay compensation. (Xie, 2015, P. 37 - 39).

H3: Promoting new labour rights concepts by these three laws will lead to more collective action, such as strikes and collective bargaining.

To measure the H3, data will be driven from the trade union section CLB monthly report and the 2021 China labour Statistic yearbook.

Currently, China does not have collective bargaining right. Also, the courts are reluctant to collect plaintiffs in handling labour disputes. Collective bargaining always happens outside the legal system. According to the CLB report in 2020, there are increasing strikes and collective bargaining actions in China (CLB, 2020).

There are also some overlapped areas in the law. For instance, LCL and DMAL created the entitlement for labour to gain social insurance. More labour is included in the social insurance scheme (Chan, 2015, P.60). Therefore, hypothesis 4 measures the effect of LCL and DMAL simultaneously.

H4: Having a contract will have a positive effect on access to social insurance

To measure the H4, the 2021 China labour statistic yearbook will be used. It included statistics on the number of people entitled to social insurance and how much they enjoy about.

Limitation

The qualitative research cannot receive first-hand material due to the lack of access to the Chinese labour condition. Research can only find out relevant information on China's social media (e.g. Weibo) and news related to the target group Alibaba. It reduced the accuracy of the result. However, the researchers are confident that some hidden rules in China can still be discovered. For instance, the China labour market is not friendly to employers who are aged older than 35. Internet rumours are claiming that it is more difficult for labour in such an age to get a renewal of the contract (Zuo, 2022, March 6).

Another limitation is potential research bias by our designed qualitative research method. This working paper only focuses on the Alibaba group. This will lead to the research result only representing China's largest private enterprise level.
For the quantitative method, the potential drawback is the accuracy of the sources of data. The quantitative method adopted data from the official release and the independent NGO. The crux concern is the potential adjusting data problem by the Chinese government. However, some articles argue that Chinese data accuracy is relatively high compared to other developing countries (Chow, 2006; Lowsen, 2022).

The last limitation included the absence of the analysis of a focus on the effect of the last two years of COVID on the situation and rights of workers and, thus, on the very legislation related to them.

Conclusion

Enacting these three laws fosters a better labour rights situation in China. However, the development of Chinese labour right is still in process. Even though these three laws practice perfectly, there is still much room for improvement in Chinese labour right. These three laws are a milestone for the Chinese government to enhance labour right. The actual practice of these laws, such as the grey area of executing them, made them unable to achieve their expected result. Therefore, the studies of the actual of these laws are the first step to enhancing the labour rights condition in China. Even though many abstracts are affecting the data collecting and accuracy of the result of this study, the studies hope the founding can provide a foundation for future amendment of these three laws.

References


The Evolving Role of Non-State Actors in Human Rights Implementation During Covid-19: The Case of Migrants and Refugees in Singapore and Japan

Covid-19 下の権利保障の実施における非国家アクターの役割の進化：シンガポールと日本における移民・難民のケース

Lauren S. Power

While the Universal Declaration of Human Rights⁴ and the International Covenants on Human Rights⁵,⁶ have remained pillars for international efforts to promote universal respect for and observance of human rights and fundamental freedoms, the shock and scale of the Covid-19 crisis tested the limits of State governments, economies, and health and welfare regimes, including their capacity to deliver on their commitments to human rights. The State holds the principal responsibility and duty to “protect, promote and implement all human rights and fundamental freedoms”⁷ through upholding domestic laws and other international obligations of the State in the field of human rights and fundamental freedoms, maintaining a “juridical framework within which human rights and fundamental freedoms should be implemented and enjoyed,” as well as promoted, protected, and realized⁸. Faced with the rapid and global spread of Covid-19 and the need for robust emergency responses, however, there were gaps in the protection of human rights, especially for marginalized or vulnerable people and communities⁹. Recognizing these gaps, some non-State actors, including individuals and organizations, aided nationwide efforts that supplemented government responses, while others established smaller local projects that aim

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³ PhD Candidate & Researcher, The University of Tokyo
to address the immediate needs of marginalized communities. The evolving role of non-State actors in the implementation and protection of human rights in times of global crises remains an underexplored area of research.

This Working Paper presents preliminary findings on the topic from the research project Research, Mutual Learning and Network Formation on Human Rights Best Practices by Non-State Actors in COVID Responses, with particular focus on outputs from the ‘Migration Subgroup,’ which focuses on generating dialogue and research through mutual learning and network formation on the topic of human rights best practices in support of migrants and refugees and migrant and refugee communities by non-State actors amidst the challenges of Covid-19, with organizations located in Singapore and Japan being primary cases.

The non-State actors in Singapore and Japan were identified through a previous project held in partnership with the United Nations Office of the High Commissioner for Human Rights (UN-OHCHR) Development, Economic, and Social Issues Branch. As a result of consultations held with non-State Actors in Singapore, Japan, and other non-State actors working in the migrant and refugee support space in East and Southeast Asia and to gain a better understanding of opportunities and constraints in providing support to migrants and refugees, six primary themes for human rights best practices during Covid-19 were identified: 1.) provision of essential goods and services during Covid-19; 2.) legal, language, and/or information support to migrants and refugees during Covid-19; 3.) wellbeing, empathy, and emotional support during Covid-19; 4.) government and stakeholder relations during Covid-19; 5.) digital innovations responsive to Covid-19; and 6.) public outreach, engagement, and education about migrants and refugees during Covid-19. Intersecting these themes for non-State actors is the recognition of the root causes of exacerbated marginalization amidst the pandemic, coordination between public, private, and third sectors in adapting to implement innovative responses, and a cognizance of the need to protect human rights of particularly marginalized segments of society affected by Covid-19, reinforcing the criticality of multisector partnership and collaboration between the State and non-State actors.

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10 Ibid.


THEMATIC SESSION – CONCURRENT SESSION A2

Exertion of Political Rights in Facing State Repression

国家の抑圧に対する政治的権利の行使

March 25th, 13:30-15:10 JST
3月25日、日本時間13:30-15:10
Room 2, Bldg. 18
コラボ2、18号館

An Empirical Analysis of Causal Relationships Between Political Systems and Suicide Rates in Asia

大谷理化¹

本稿では、「アジアの政治制度と自殺率：因果関係の実証分析」と題して、計量経済学的手法による研究を行った。

世界では毎年70万人以上が自殺しており、多くが貧困・疾病等の社会的困窮に起因することで知られる。また、失業対策等の適切な公的介入の効果が明らかになっていることからも、政治制度が政策や経済社会を通じて自殺に影響する可能性が示唆される。本稿はこの影響を明らかにすることを目的とする。アジアは特に人口に伴う自殺の多さが問題であり、世界の自殺者数の約6割を占める現状がある。また、アジアがもつ政治経済的・文化的・地理的な多様性も選定の理由である。

分析の前には、自殺と政治制度・経済社会の関係について述べた。先行研究で用いられてきた経済社会に関する説明変数として所得や経済成長、雇用状況等のマクロ経済変数、世帯状況、教育、喪失体験、宗教、健康等の社会変数を挙げた。また、政治制度が自殺に影響し得る理由として、社会統合や社会構造が自殺の決定要因に含まれること、政治制度が政策決定に影響することを挙げた。更には効用最大化理論、情報の非対称性、効用分布を用いて、二者の関係が経済学的にも支持されることを示した。以上から、政治制度は政策を通して自殺率に影響し、特に正当な政党間競争や高い情報の透明性等自由で民主的な政治制度が自殺率低下に寄与する、との仮説がたてられた。

本稿では以下の推定式でパネルデータ分析を行う。

$$Y_{jt}=\alpha+1X_{jt}+1Z_{jt}+\cdots+T_{jt}+t+\varepsilon_{jt}$$

¹ 神戸大学経済学部経済学科、学部4年生
被説明変数(Yjt)には2000~2019年のアジア各国の自殺率を用いた。自殺率は世界保健機関の年齢標準化自殺死亡率を用い、説明変数(Xjt, Zjt…)には財政制度、選挙制度、その運用状況等の13の政治変数と6つの経済社会変数を用いた。また、国・年固定効果、タイム・トレントを行って、国・年ごとの変動の影響やトレンド効果を考慮した。変数を調整して計4回推定した。

分析の結果、自殺率と正の関係を示す変数として、多数代表制、立法府の競争度、失業率が挙げられた。多数代表制は、死票の多さによる不満や右派政権を生むことにより自殺を増加させた可能性が考えられる。立法府の競争度は仮説に反して自殺を増加させる結果が出たが、背景には政府不安定の他、競合的な状況が不景気や社会的混乱を反映した可能性も考えられる。更に、行政府の高い競争度が自殺率を低下させる結果が出た。これは非独裁的政体による人権保障や政府の高い情報の透明性を通じて自殺が減少する可能性を示す。他にも、いくつかのモデルで行政の再選可否、チェックとアンバランス等が自殺率を上昇させるとの結果が出たが、除外変数バイアスの可能性もあり更なる検証が求められる。

研究の結果、

①多数代表制が自殺率上昇に、行政の競争的な選出が自殺率低下に影響すること
②存続期間や再選可否など、行政府の運用状況が自殺率に影響する可能性があること
③立法府が政府の競合性が自殺率上昇を招く可能性があること

の結論が導かれた。更なる検証の為には、他の政治変数・タイムラグも含めた分析や、交差項等を利用した経済・社会的要因との関係を考慮した分析が求められるだろう。

データの出処
• 政治制度

• 他の変数
  International Monetary Fund. “World Economic Outlook (October 2022)”

• 自殺率

The Prevention of Terrorism Act (PTA) in Sri Lanka is a controversial piece of legislation, enacted as a temporary measure in 1979 and later made permanent after the outbreak of the Sri Lanka’s decades-long internal armed conflict. The ethnic conflict between the Sinhalese majority and Tamil minority erupted due to certain discriminatory policies adopted within the Sri Lankan system of governance. The Liberation Tigers of Tamil Eelam (LTTE) emerged as a powerful terrorist organization which voiced the concerns of the Tamil minority and demanded a separate state. The PTA was enacted in a context where the rights of the people were subjugated in the interest of national security. As explained in the International Covenant on Civil and Political Rights, national security serves as grounds to derogate the rights of people provided that it adheres to a certain standard of necessity and proportionality. There are clear doubts as to whether certain provisions embedded within the PTA meets these international human rights standards. Firstly, the definition of terrorism provided in the Act itself is broad and vague in nature, allowing the PTA to be used even in instances where its use does not need to be warranted. Secondly, by violating the principles of natural justice, the Act allows people to be arrested without any clear explanation or a warrant and to be held for up to 72 hours without any judicial oversight. Thirdly, extensive powers granted to investigating officers including to take suspects from place to place and search and seizure properties is a challenge to the due process of law and hence leave space for manipulation. However, the procedure laid down by the PTA has been criticized for facilitating torture, as well as cruel, inhumane and degrading treatment of detainees. Although anti-terror laws typically become unnecessary and are abolished as soon as the threat in question is eliminated, the PTA has been in effect for over 43 years and is alleged to have assisted the State in imposing widespread oppression in the guise of national security. This has been subjected to immense criticism from a human rights perspective, as this law deprives internationally ensured basic human rights, such as: the right to a fair trial, freedom from arbitrary arrest and detention of ‘mere suspects’ alleged to have engaged in terrorists’ activities. With intense international criticism, in 2015, the Sri Lankan government pledged at the United Nations Human Rights Council (Resolution 30/1) that it would take necessary measures to review and repeal the PTA and replace it with an anti-terror law which would align with international human rights standards. This paper seeks to assess whether the rhetoric of Sri Lanka’s 2015 agenda aligns with the actual progress on the ground. The research will use qualitative analytical methods to discusses the developments concerning the PTA post-2015 and assesses them through the lens of the international human rights law obligations of the Sri Lankan state. The study

1 Lecturer of Law, Asia Pacific Institute of Information Technology (APIIT) of Sri Lanka
utilizes extensive secondary literature written on the subject matter and hence identifies two phases of developments. In the first phase, where attempts to ‘reform’ were made, a new bill was introduced to replace the PTA. The new bill—which was later abandoned by the government—entailed several commendable measures, but also fell short of international standards in other aspects. In a second phase, starting with the Easter Sunday attacks in April 2018, the government revived the use of the PTA, which resulted in igniting religious prejudice towards the Muslim minority under dubious links to suicide bombers. This piece of legislation created tension between communities and hence secluded Muslim minorities from mainstream politics and developments. Hence, due to the aftermath of the economic crisis and civil protests in 2022, the government has resorted to the PTA to detain civilian protestors under terrorism charges for prolonged periods. The government introduced non-substantial amendments to the act in 2020, but continues to maintain the PTA regime. The study discusses how the developments of the PTA, which was once seen as an extraordinary measure, has now become a ‘new-normal’ and has extended to extreme levels of violation of human rights. The study concludes that recent developments concerning the PTA demonstrates a regressive shift from the initial reform imperative to a renewed commitment towards the state security narrative that has superseded the human rights narrative on anti-terror laws.

**Keywords:** Antiterror laws, PTA, national security, state repression, fundamental rights
When Protecting the Environment means Disrespecting Human Rights in the Third World: The Case of Cobalt and Coltan Extraction in the Democratic Republic of the Congo

Felipe Antonio Honorato

Electric cars have become increasingly popular as a key tool for alleviating global warming. Electric cars do not use fossil fuels, which decreases the emission of polluting gasses in the atmosphere, and also protects flora and fauna by not using aggressive extraction procedures, unlike petroleum (extraction). However, they have also been feeding an increasing demand for two minerals needed for their construction: cobalt and coltan. The world’s largest reserves of cobalt and coltan are located in the Democratic Republic of the Congo (DRC), particularly the eastern part of the country. It’s no coincidence that the eastern DRC has, for more than two decades now, been engaged in constant instability, with militias and warlords illegally exploiting its mineral wealth, on many occasions with the support of neighboring nations (Africa Center for Strategic Studies, 2022). One of the results of this instability, which began in the 1990s, is generalized human rights abuses practiced in the region. This work has, as its main objectives, (i) give a brief explanation of why cobalt and coltan are essentials for the electric car industry, and (ii) draw a panorama of how the cobalt and coltan exploration works in the DRC, showing the major geopolitical actors involved and the link between this mineral extraction from congolese soil and human rights abuses. The main research sources are academic readings and written media articles.

Keywords: Cobalt; Coltan; The Democratic Republic of the Congo; Human rights

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1 Researcher, GEPHOM - USP


Access to medicines and health facilities is a form of fulfilment of the right to health which, if not fulfilled, will result in the loss of the right to life. When COVID-19 hit the whole world, data released by WHO stated that 4,859,093 people had died from COVID-19, and the number was growing globally every day. However, only 13,228,728,467 doses of vaccines have been administered worldwide, with most going to developed countries. Experts predict the global population will be fully vaccinated by at least September 2023. WHO research shows that through vaccination, the disease transmission rate can be reduced, and even if the subject is infected, vaccination can still reduce mortality and severity. However, its manufacture and distribution are protected by several intellectual property rights (IPR) legal instruments, which have resulted in several Global South countries, especially Indonesia needing to catch up in the vaccination process.

This article aims to criticise how vaccine distribution is hampered due to regulations related to IPR, namely patents and trade secrets. International organisations such as the World Trade Organization (WTO) and the World Health Organization (WHO) are essential in finding solutions to simplify and speed up the vaccination process in Global South countries. One thing that can be done is the release of patent rights by the countries of the Global North. This is immediate because there are better choices than the patent rules in an emergency. After all, the right to life cannot be ruled out with royalties of any amount.

The author uses normative juridical research methods to answer the problems in this study by focusing on literature research and secondary data related to vaccination and the right to health which have

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3 Project Officer, Digital Rights, EngageMedia

4 Assistant Professor, Faculty of Law Padjadjaran University


6 “WHO Coronavirus (COVID-19) Dashboard.”


implications for the right to human life. Comparison with other countries, especially South Africa, fighting HIV/AIDS for years using the flexibilities of TRIPs, is also the subject of this research.

This research describes how the Global North countries significantly distribute the COVID-19 vaccine to the Global South. The delay in allotment due to regulations related to Intellectual Property Rights causes violations of several fundamental rights.

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Human Rights based Children Justice System: Issues and Concerns in Bangladesh
人権に基づく子どもの司法制度：パングラデシュにおける課題と問題点

Nahid Ferdousi

The issue of children justice became truly international with the advent of the United Nations Convention on the Rights of the Child (UNCRC) 1989. As a State party of the UNCRC, Bangladesh is under a legal obligation to follow and maintain international principles to promote the child rights-based justice system. Unfortunately, there were no comprehensive legal procedure concerning the children justice system before 2012. Thereafter, government of Bangladesh has enacted a new legal framework by replacing older Children Act 1974. The Children Act 2013 introduces a number of new legal tools and techniques, but at the same time, some apprehensions always remain with regards to the execution of the said innovations in colonial legacy of judicial administration. In this context, there is needed the human rights-based approach and emphasizes prevention as well as the accountability of the government agencies. The study focuses on the state responsibility towards international obligations for improving the human rights-based child justice system to protect child rights and their childhood.

**Keywords:** Children justice, international obligations, human rights-based approach, judicial administration, state responsibility
Southeast Asian Youth in Human Rights: Local Wisdom and Creative Engagement

The new age of globalization has brought about new and innovative advancements in the economy that have greatly benefited individuals and humans around the world; however, our new interconnectedness has also presented us with new challenges regarding the rights, privileges, and equality amongst our global population, now numbering 8 billion. In the years following the end of the Cold War, human rights have entered the discourse of international relations and diplomacy, quickly dominating many of the dialogues between states on the definitions, conducts, and their implementation. Traditionally viewed as Western concept, there have been disputes and debates about the applicability and universality of human rights across the world and in Asian countries in particular. As a result, certain critics have cited the ideas of “Asian values” as the inherent difference between the civilizations and contested the idea of applying Western-centric ideas into their society. However, this interpretation is only a small piece of the larger picture.

Human rights and or humanitarian values have always existed in one form or another and might not always use the same language as the West to explicitly express their intent. In other words, while the values and activities of activists and advocates from Southeast Asian countries may not follow the traditional language or “format” of Western-centric rights, there are organizations and actors that are actively promoting and advancing rights as equality, opportunities, and socio-economic rights. This paper investigates three cases of organizations and actors led by young people who demonstrate imagination, rigor, and tech-savviness to promote human rights in their communities and carry forward their commitments into future generations. These youth-led organizations, located in Indonesia and Vietnam, were identified using desk research and lived experiences and an evaluation of human rights best practices in Southeast Asia around three key areas of human rights: LGBTIQ+ rights, human rights of persons with disabilities, and women’s human rights and gender equality.

In the first case, which focuses on LGBTIQ+ rights, is Youth Interfaith Forum on Sexuality (YIFOS Indonesia), an organization aiming to realize peace in faith and sexual diversity through education and campaign.

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1 Venture & Fellowship Associate, Ashoka Indonesia
2 Master’s student, Global Studies, Sophia University
5 https://yifosindonesia.org/
YiFOS approaches its advocacy towards LGBTIQ+ inclusion through the lens of religious values, which have often been used to marginalize and criminalize LGBTIQ+ people. The youth leading YiFOS have flipped this narrative by fostering dialogue with experts in faith to discuss the many interpretations as well as lived reality of sexual diversity and faith in Indonesia.

In the second case, which looks at human rights of persons with disabilities, is Solidarité Jeunesse Vietnam (SJ Vietnam). SJ Vietnam is an international youth NGO promoting solidarity, peace, and tolerance by connecting local and international volunteers to local projects in Vietnam. In its practice, SJ Vietnam promotes active management democracy for volunteers to be responsible in their program and connects local and international volunteers to interact with people and children from all backgrounds, including those with intellectual disabilities and similarly marginalized groups.

In the third case, which centers on women’s human rights and gender equality, is Girl Ambassador for Peace (GA4P), a regular program by AMAN (Asian Muslim Network) Indonesia. GA4P works to empower young girls, or “ambassadors”, to introduce and promote the work of youths, peace, and security in areas vulnerable to conflict and violence with inclusivity and diversity at its heart. GA4P is part of AMAN’s vision to promote progressive Muslim ideas that are inclusive and gender-equal. GA4P puts young girls in position of visibility, influence, and leadership, something that is frowned upon in some parts of Indonesia, in areas that have a deeply patriarchal Muslim society. Gender equality, diversity, and inclusion are promoted through the narrative of inclusive interpretation of Islam, instead of through explicit human rights language, so that a Muslim-majority Indonesia might be more open to women’s human rights and gender equality.

Through these three cases, which demonstrate youth-led activities and initiatives in LGBTIQ+ rights, human rights of persons with disabilities, and women’s human rights and gender equality in Southeast Asia, it is clear that these communities are not merely passive beneficiaries of the human rights movement. They are actively promoting, upholding, and sustaining its achievement through creative and culturally-sensitive means. The human rights movement that originated in the West should consider the impact of such locally-adapted means and narratives to promote and engage with human rights issues, especially those designed, implemented, and led by young people in Southeast Asia. Youth leadership in these areas of human rights may transform into strengthened movements by wider communities and, perhaps, formal commitments by governments, if they are nurtured and encouraged. For high-level human rights organizations or donors that wish to enhance or expand their work or impact in Southeast Asia, an active collaboration with local-based organizations and young people may represent a path to ensuring that their approach does not clash with existing culture and values and may be implemented.

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6 https://www.sjvietnam.org/en/
7 https://kupipedia.id/index.php/AMAN_Indonesia
sustainably with far-reaching future benefits. This paper is a contribution toward ongoing scholarship aimed at achieving this result.
Taught to Become Activists: Education and Identities of Zainichi Korean Youth in North Korean Ethnic Schools in Japan

「活動家」の役割を背負う：朝鮮学校における在日コリアンの若者の教育とアイデンティティ

Eriko Yamada

Article 26 of The Universal Declaration of Human Rights considers education as a basic human right. It is important to recognise that everyone has the right to an education that meets their unique needs (UNESCO & Right to Education Initiative UK, 2019) as education is also essential to the long-term realisation of human rights in societies. Through human rights education, one can learn to uphold their own rights and those of others and develop an understanding of our shared responsibility to make human rights a reality in each community. Consequently, certain minority groups that are more marginalised than others often adopt human rights education in their curriculum as means of self-empowerment. One case of such phenomenon can be seen in North Korean ethnic schools in Japan.

The North Korean ethnic schools in Japan serve Zainichi Korean students, ethnic Koreans in Japan who can trace their roots back to Japanese colonialism in Korea. Zainichi Koreans who wish to receive ethnic education in Japan join ethnic schools, which are autonomous, full-time education systems separate from the Japanese national education created by the General Association of Korean Residents in Japan, or Chongryun, during the 1950s (Ryang, 1997). North Korean ethnic schools do not share the same legal status as Japanese schools under Japanese Education Laws and continue to face institutional discrimination, sometimes even violently targeted by far-right groups in Japan. Yet North Korean ethnic schools remain to be the only education available in Japan for the Korean minority to preserve their ethnic identity in their schooling.

Education choices of Zainichi Korean youth shape and reflect their identities as well as their perceptions of their relationship with Japanese society, including their rights in Japan. Using the life course theory in education (Elder and Shanahan, 2006) as a framework, this study examines how Zainichi Korean youths design their education trajectories to secure their right to ethnic education that fosters the ethnic identity.
they wish to preserve. Through self-reflective essays and semi-structured interviews, the researcher explores the life narratives of three Zainichi Korean students who have been receiving their education from North Korean ethnic schools at different stages of their lives. One of the participants is currently pursuing higher education at a Japanese university, and the two other participants are attending Korea University in Tokyo, the only North Korean ethnic university in Japan. Participants were given questionnaires that asked for information on their overall education trajectory and self-perception of identity development. Participants also wrote short narrative essays on critical events that shaped their education trajectory and identity, followed by a final round of semi-structured interviews. Data were analysed through thematic coding (Flick, 2018).

This study found that the sense of ethnonational belonging provided by their ethnic education allowed two of the participants to find reasons to be further devoted to the Chongryun community in Japan, leading to their decision to enrol at Korea University. The strong emphasis in North Korean ethnic schools on learning about the rights Zainichi Koreans have in Japan as well as their historical fight for their right to ethnic education deepened the participants’ minority identity. At the same time, these accounts motivated participants to become involved in activism for ethnic schools in one form or another. All participants engage themselves in studying issues of discrimination, systemic racism and colonial power structures at school as a form of self-empowerment. The ethnic schools and the wider Chongryun Zainichi Koreans are perceived to be a weakening community (Ryang, 1997) by all three participants. Thus, participants who remain in the ethnic education system showed a strong wish to protect their diminishing ethnic schools, joining Korea University out of an activist-like mindset as they witness a pressing need to guard their community. On the other hand, one participant chose to leave the North Korean ethnic education system and enter Japanese schools to distance themselves from such pressure and pursue other careers.

This study raises insights into how the new fourth generation of Zainichi Korean youth defines themselves in Japan through schooling. Although limited in scope as a study, the author explores the narratives of the current youth generations of Zainichi Korean on their identities, which is a field yet to be examined. The aim of this study is not to generalise based on these accounts, but to use the three narratives as a starting point to look at the continuities and changes in the education and identity narratives of students from North Korean ethnic schools. Although ethnic schools are often portrayed in past literature as a safe haven that secures Zainichi Korean youths’ right to ethnic education (Okano, 2013), the narratives collected by the author indicate that such education may also constantly expose students to narratives of ethnic trauma, possibly causing students to fall into a long-term state of anxiety similar to activist burnouts. The Japanese state’s constant avoidance of obligations to ensure the right to education for students with North Korean heritage has created a circumstance that places the burden of rights advocacy on minority communities (Okamura & Saito, 2022), in particular their youth. To ensure a more inclusive education in Japan, it is urgent to rethink the current balance of equipping minority students with tools to understand
and uphold their rights to ethnic education and the sharing of responsibilities for human rights protection between minority groups and other groups in society.

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Acknowledging the essentiality of education in the socialization of youths, education, civics education in particular, has long been regarded as crucial for preparing youngsters with relevant citizenship qualities for a democracy. In the contemporary world, human rights values such as the notion of liberty and equality are highly pertinent to the values for the cultivation of citizenship in liberal democracies. It is therefore being suggested that human rights values are part of civics education and function to guide the ‘interpretation of laws and rulings in the development of a global consciousness and a social pedagogy (Hebert, 1997, p. 81)’. The importance of education for promoting human rights values have also been internationally and formally recognized in, for example, the Plan of Action for the United Nations Decade for Human Rights Education, which was proclaimed by the General Assembly in 1994. Whereas studies on programmes initiated by civil society and municipal government organizations for educating human rights are found in Japan, yet, only a few are on formal education. Moreover, some arguments suggest that human rights were relatively new to Japanese schools not until the mid-1990s (e.g. Takeda, 2012) and more efforts should be put into compulsory education for better promotion of human rights – especially of those minorities such as Burakumin, Ainu, and Foreigners – in the country (e.g. ERD Net, 2020).

This working paper contributes to the gap by providing initial findings on the education of human rights in Civics through comparative content analysis of textbooks of Contemporary Society – the main subject of Civics in Japanese senior high schools as suggested by Otsu (2006). The method itself has a copious amount of scholarships (e.g. Lee, 2018; Clark, 2016), whereas the lens of analysis are extracted from international documents, the Decade in particular, and the socio-political development of Japan in the period 1970s-2010s. Textbooks are an authoritative source of information for students at schools and are effective tools for reflecting the values of writers and the government especially when the government has the authority to screen them and shape their contents by revising the Curriculum Guidelines. Textbooks published after each 10-year-based revision of curriculum guidelines with the greatest market share are selected for analysis. Two research questions are set for this working paper: (1) When did human rights concepts start being emphasized in the textbooks of Civics at senior high schools in Japan? (2) What and how do the textbooks of Civics educate students about domestic human rights challenges regarding the rights of Burakumin, Ainu, and Foreigners living in Japan?

1 Graduate Student, The University of Tokyo
This working paper contains two levels of analysis. The first is a corpus analysis with a quantitative method, which focuses on the frequency of appearances of human rights related conceptual terms (e.g., Human Rights, Liberty and Dignity) in the textbooks. Critical discourse analysis with a qualitative method is the second, where the focus is shifted to analyze the contents and their syntactic and lexical properties that were devised for educating domestic human rights topics. This methodology allows us to investigate the difference between the values and ways that the government and publishers would like to educate students at senior high schools in these 40 years. It also allows us to approach the changing ideological expression, if any, infiltrated in the textbooks.

Overall, this working paper argues that textbooks of Civics were not sufficiently utilized by the government as a pedagogical measure to educate senior high school students with better human rights values in formal education. Although there is a positive sign of increasing appearances of human rights conceptual terms starting from the 1980s, there is a serious lack of details when domestic human rights topics are mentioned. Even when all nine aspects of domestic issues, as picked by the Japanese government in its National Plan for the Decade, are summed, they have an extremely limited share of pages only – less than 5% of the whole textbook across periods. The absence of empowerment in these topics also contraries to a qualified education for human rights as proposed in the Decade as well. Despite the individual programmes developed by the civil society, greater efforts in formal education are required not only for resolving discriminatory issues which the outcast community, Ainu and Foreigners-in-Japan face but also furthering the self-awareness and activeness of youths to approach human rights issues in daily lives and to construct a better and more peaceful community in the future.

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A Human Rights Analysis of Hong Kong’s National Security Law: Immense Threat Posed Toward Civil Liberty

香港の国家安全維持法に関する人権分析：市民の自由に対する巨大な脅威

Ho Ting (Bosco) Hung

Since the establishment of Hong Kong’s National Security Law in 2020. It has drawn massive criticisms from the West for its perceived arbitrariness and damage to Hong Kong’s autonomy. Government and security officials consider pro-protest flags, stickers, banners, and T-shirts are considered by police and officials as endangering to national security, so individuals possessing these items could risk prosecution, even if the items are used for peaceful purposes and freedom of expression is protected by the International Civil and Political Rights Framework. Although Hong Kong’s constitutional document Basic Law has safeguarded individuals’ rights to free speech, Hong Kong has observed a crackdown on anti-government individuals and organisations, which has resulted in a climate of fear and silencing of critical voices. More than 243 people have been arrested and at least 58 organisations have disbanded since the

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1 Student, London School of Economics and Political Science
2 The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region 2020
4 Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China 2021, art. 27
5 Susan V Lawrence and Michael F Martin, ‘China’s National Security Law for Hong Kong: Issues for
enactment of the National Security Law. It therefore arouses worries about Hong Kong’s political and human rights environment.

This paper specifically focuses on the language patterns used in the National Security Law to analyse its impact on the human rights discussions in Hong Kong politics. It analyses the linguistic terms used in the Hong Kong National Security Law and assesses it from the perspective of the legal certainty principle (i.e. whether the terms are clear enough for individuals to assess the legal consequences of their actions and decide on whether they should take that action). It then goes through several case studies and the National Security Law legislation document to explore the clarity of guidelines, wordings of offences, and standards for determining punishments.

By exposing the repeated use of vague words like ‘hostile’, ‘grave’ and ‘serious’ and the lack of supporting examples to determine judgements, the discourse analysis supports the paper’s examination of how the law potentially leads to subjective and excessively severe judgements, which could be seen from actual sentencing case studies (e.g. Tong Ying-kit who is sentenced to 6.5 years imprisonment for the incitement to secession charge because of driving a motorcycle with a flag reading ‘Liberate Hong Kong, revolution of our times’, which is accused of being serious inciting). This article therefore argues that despite its intention to maintain national interests, the Hong Kong National Security Law is characterised by its arbitrary coverage and harsh punishments, thus posing a great threat to people’s civil liberty.

This paper begins by outlining the background and purposes of the Hong Kong National Security Law. Then, it explains the offences covered by the law in detail and examines its corresponding punishments systematically. The paper then discusses the implications of the Hong Kong National Security Law on civil liberty. It concludes by stating that policymakers should re-examine the scope of the law to avoid suppressing people’s civil liberty unreasonably. Most notably, the law should utilise clearer language and adopt stricter requirements for constituting offences, which could bring the public a clearer idea of what constitutes an offence. This will be essential to enhancing the public interest, safeguarding civil liberty, and preventing innocent people from getting prosecuted.

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Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China 2021


The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region 2020

Surveillance, Censorship, and Human Rights Violations in North Korea
北朝鮮における監視、検閲、人権侵害

Diletta De Luca

North Korea, also known as the Democratic People’s Republic of Korea (DPRK), remains one of the most secretive countries in the world. The citizens of North Korea have almost no access to outside information, as the government maintains total control over its population’s freedoms of information, movement, religion, and speech, among others. Moreover, evidence from international organizations and testimonies of North Korean escapees showcase the severe abuses that the regime has been subjecting its civilians since the formation of the country at the end of the Second World War. Based on the juche ideology, the state controls every aspect of people’s lives through strict and constant surveillance and repressive mechanisms of control maintained by government officials. Through such coercive methods of domination, the regime maintains power while suppressing the human rights of the North Korean people. Nevertheless, the expansion and development of internet technologies (ICTs) increasingly represented a potential trigger for the liberalization of the country for cyber positivists and many North Korean watchers and scholars. Many believed that the diffusion of new means of communication and internet connection could lead to a rise of pressure from the masses to open the country’s borders and demand to respect their human rights, enacted through the diffusion of knowledge in contrast to state-approved propaganda.

To prevent the unfolding of regime change and despite the hopes of many, the North Korean government successfully installed new methods of digital repression curtaining citizens’ right to knowledge and expression, for ensuring the ultimate and long-lasting stability of the regime. To understand the extent of the censorship and digital repression in North Korea and how it violates the inherent human rights of the people of the DPRK, this essay reviews national laws and compares them to DPRK-ratified international treaties that should, contrarily, grant North Koreans their rights to information and knowledge. It will be argued that, despite the legal right of North Korean individuals to access information and their right to express, as included in multiple international agreements signed by the DPRK, individuals remain obscured from these fundamental freedoms. Nevertheless, things are changing. Articles and testimonies highlight how increasing access to materials obtained through smuggling and black-market activities represents one way for citizens to obtain alternative information from state media. This slow but steady process can, in the long term, represent a threat to the regime, ultimately possibly leading to the democratization of the country.

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1 Researcher and Editor, The Committee for Human Rights in North Korea (HRNK)


Parameters of Censorships as Restrictions on Freedom of Expression in Bangladesh and Japan: A Comparative Analysis
バリシャリと日本における表現の自由を制限する検閲パラメータに関する比較分析

Md. Asadullahil Galib

Freedom of expression is one of the fundamental human rights recognized in the Universal Declaration of Human Rights (UDHR) Article 19. It has been guaranteed as a civil right in the International Covenant on Civil and Political Rights (ICCPR) Article 19(2). The ambit of the term ‘expression’ is so wide that it includes many things including speech and conduct. Being parties to the UDHR and ICCPR, Japan and Bangladesh are obliged to implement legislatively the right to freedom of expression. This obligation has been fulfilled by Article 21 of the Constitution of Japan and Article 39(2) of the Constitution of the People’s Republic of Bangladesh. While the former keeps such freedom apparently absolute without allowing any governmental ‘censorship’ and intrusion into the ‘means of communication’, the latter renders the freedom qualified and ‘subject to any reasonable restrictions imposed by law’ on certain grounds and thereby allowing governmental censorship. Such censorship is argued to be necessitated in order to regulate the harmful expressions including hate speech and fake information. This is often used by the governments as an excuse to impose ‘prohibitions’ instead of ‘restrictions’ and thereby they fail to strike a balance between respect for rights and security-interests of the people at large. This leads to the ‘overbreadth’ situation. The judicial decisions from the Supreme Courts of these two countries are somehow lenient to censorships and restrictions imposed by respective governments particularly in case of ‘hate speech’. On the other hand, the Japanese Act on the Protection of Personal Information, 2003 (APPI) has been critically acclaimed for it served its purpose properly, but the Digital Security Act, 2018 (DSA) in Bangladesh has successfully destroyed the freedom of expression over the years. Additionally, the proposed Data Protection Act (now as Bill) would further accelerate the tension. This fundamental difference between Japan and Bangladesh on the issue of freedom of expression is arguably due to size of economy (developed v LDC) as well as the election process of the government (democratic v authoritarianism or at least one-party system). Since, Japan is a development-partner of Bangladesh as evident from funding provided by the Japan International Cooperation Agency (JICA) to Bangladesh, it is necessary to examine the parameters of censorships as restrictions on freedom of expression in Bangladesh and Japan from comparative perspective.

The objective of this study is to critically examine the protection of freedom of expression in Japan and Bangladesh in order to determine the ambit of such protection as well as the parameters of censorship and restrictions on such freedom in light of the international human rights law standards, particularly the

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1 Lecturer in Law, Dhaka International University (DIU)
Rabat Plan of Action of six-part test. Based on doctrinal method of research, this study has examined the provisions of the Constitutions of these two countries vis-à-vis the international standards, and put forward some reforming agenda for human rights for these two countries, as well as constitutional cross-transplantation of principles, i.e., borrowing of constitutional principles and interpretations on an exchange-basis between them.
Academic Freedom and Political Homophobia in Indonesia: A Socio-Legal Inquiry
インドネシアにおける学問の自由と政治的ホモフォビアに関する社会・法律的考察

Pradnya Wicaksana¹

Since 2016, Indonesia has seen an unprecedented rise in anti-LGBTQ+ (short for Lesbian, Gay, Bisexual, Transgender, Queer, and so forth) campaigns. These campaigns have manifested into thuggery behaviours, cyber-attacks, censorship, stigmatization, and the passing of heterosexist laws that marginalized the LGBTQ+ community in the archipelago (Wieringa, 2019; Oetomo, 2023). This grim portrait of human rights violations demonstrates how political homophobia is getting more pervasive in post-authoritarian Indonesia. Coined by Tom Boellstorff (2004), political homophobia refers to a cultural logic where the presence of people with non-normative gender and sexuality in the public sphere is seen as a threat towards masculinity and the 'nation’s future'.

This cultural logic has also penetrated the Indonesian academic environment. Scholars and higher education officials openly declare that universities should fight and ban 'LGBT activities and groups', even going so far as to say that LGBTQ+ is a 'mental illness' (DW, 2016; Yulius, 2020). These homophobic rhetorics are translated into discriminatory policies against LGBTQ+-identifying students and scholars, such as in Andalas University's case, which obligates first-year students to be 'free from LGBT'. Furthermore, repressions on academic activities discussing LGBTQ+ rights also happened. Prominent examples of this landscape are the forced cancellations of an academic conference at Brawijaya University discussing minority rights, and the banning of a student press body at the University of Sumatera Utara due to releasing a short story discussing lesbianism (Wiratraman, 2018; Wicaksana, 2022).

The reproduction of political homophobia in Indonesian universities violates human rights, specifically academic freedom. Under international law, academic freedom is independently and interdependently grounded in rights such as freedom of opinion and expression, right to peaceful assembly, right to education, and right to benefit from scientific progress. The research question of this article is how the Indonesian legal system fails to protect academic freedom amid rising political homophobia. Also, it will

¹ Assistant Researcher, Center for Legal Pluralism, Faculty of Law of Universitas Airlangga
provide juridical construction to strengthen its legal protection. The article will use a socio-legal methodology that aims to incorporate other scientific disciplines into normative legal research. I will use sociological and political studies as a lens to explore the reproduction of rising political homophobia in Indonesian universities. This interdisciplinary approach is necessary so that the examination of legal problems or phenomena is not isolated from the social, cultural, and political-economy context in which the law exists (Irianto, 2011).

The research finds that the notion that LGBTQ+ topics can be freely discussed and expressed is seen as a threat to the integrity and morality of Indonesian higher education. This perspective stems from the authoritarian relationship between the state and Indonesian universities inherited from Soeharto's regime. Also, the rise of political Islam and its influence on academia amplifies political homophobia. On the other hand, academic freedom legal protection in Indonesia is still based on the New Order's restrictive understanding of it. Derogation of academic freedom is stipulated with vague terms that can potentially leave students and scholars unprotected when they carry out academic activities related to LGBTQ+ topics.

The article's juridical construction will consist of two things. The first is revising provisions regarding academic freedom to conform with international human rights standards and academic freedom principles. One example is that academic freedom derogation must align with the Siracusa Principles and Surabaya Principles on Academic Freedom. Second, the implementation of academic freedom must be in accordance with Tom Boellstorff's Five Principles Against State Straightism. These principles specifically guide us to promote inclusivity for LGBTQ+ Indonesians amid rising heterosexism and political homophobia. The relevance of promoting Boellstorff's principles in the context of academic freedom is because higher education's responsible for promoting democratic culture in society.

**Keywords:** academic freedom, human rights, Indonesia, LGBTQ+, political homophobia
Different Approaches to the Construction of Same-Sex Marriage in Legal System: The Taiwan Experience as an Example
法制度における同性婚実現のための複数のアプローチ：台湾の経験を例に

Kuan-Wei Chen

Constructing and realising minority rights in a legal system has never been easy. In the case of same-sex marriage, for example, the question of what legal approaches to the realisation of minority rights in legal systems is a challenge that is still being explored in many countries around the world. In this regard, when other countries legalise same-sex marriage ‘separately’ by judicial review, legislation, or referendum, the experience in Taiwan has gone through various legal paths, with conflicts therein (Su, 2022). In Taiwan, the right to same-sex marriage was recognised by a constitutional interpretation, J.Y. Interpretation No. 748, in 2017. Although an anti-same-sex marriage referendum was passed in 2018, the Act for Implementation of J.Y. Interpretation No. 748 was passed in the Legislative Yuan in 2019 to legalise it. In January 2023, an administrative interpretation by the Ministry of the Interior made transnational same-sex marriage legally possible. In other words, the legal battleground for same-sex marriage in Taiwan has gone through at least four channels: constitutional interpretation through administrative litigation, referendum, legislation, and administrative interpretation. The question that this paper seeks to examine is what are the ideal and appropriate legal approaches to realising a minority right such as same-sex marriage? What insights can the Taiwanese experience offer?

This article attempts to answer these questions by reviewing and analysing various legal texts and related studies. After years of struggle for rights by civil societies (Deng, 2017; Lee & Lin, 2022), J.Y. Interpretation No. 748 emerged as a judicial precedent to legislative and executive recognition of same-sex marriage rights (Kuo & Chen, 2017; Kuan, 2019; Lin, 2019; Tang, 2021). The following year, however, a referendum initiated by the opposition was passed with popular support. The referendum's effect and its conflict with the constitutional interpretation were hot subjects of discussion for a while (Lai, 2022; Chang 2022). According to the legal effect set by Taiwan's referendum law, the result of the referendum is of the level of law, not of constitution. Furthermore, the theme for 2018 was "whether to agree that the Civil Law can only be limited to one man and one woman", with the Civil Law being the only subject. Therefore, the specific law passed by the Legislative Yuan does not violate the result of the referendum and echoes the constitutional interpretation (Chen, 2018). In addition, the issue of transnational marriages was answered in the affirmative simply by being dealt with by the executive branch (TNL, 2023). In short, Taiwan's experience of legalisation includes judicial power, legislative power, executive power and even referendum. This paper analyses these different approaches: The need to go to the constitutional level depends on whether the original restrictions exist in the country's constitution. A constitutional affirmation of minority rights is a relatively safe way to ensure a stable existence in the legal system.

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1 JSPS Research Fellow, Graduate Schools for Law and Politics, The University of Tokyo
because of the complexity of the process of being changed. As for legislation, if it is proactive and smooth, the route taken does not necessarily require much administrative litigation getting to constitutional decision. However, although the design of the representative system in parliament includes the fundamental spirit of protecting pluralistic views and minority rights through the legislative process, in reality, it is not easy to affirm specific minority rights. As for referendum, it is doubtful whether the recognition and denial of minority rights is a proper subject of a referendum (Chen, 2018; Lai, 2022). As for administrative interpretation, marriage is generally regulated at the law level, but details and specifics may be supplemented by administrative interpretation. When applicable, this is a relatively flexible and fast way.

In conclusion, this article has consolidated different approaches to legalising same-sex marriage from the Taiwan experience. It argues that, except for referendums, which are not suitable for determining minority rights, other approaches could be used to protect them when applicable. Although the referendum is not necessarily against same-sex marriage, and public sentiment varies from country to country and may result in a favourable answer, the referendum in Taiwan demonstrates that the whole process was a disservice to the minority. For example, the LGBTQ+ community was stigmatised by powerful propaganda campaigns. Moreover, the experience of Taiwan has shown that the judiciary takes the lead in recognising same-sex marriages. Judicial outcomes, although arising from the people’s litigation process, can also be a positive guide to legislation and administration in protecting minority rights. In sum, this article introduces and analyses the different ways in which same-sex marriage can be incorporated into the legal system and hopes that Taiwan experience may contribute to the dialogue internationally.

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Period Poverty in Government Schools in Delhi: How to Keep our Girls in Schools
デリーの公立学校における生理的貧困：女子を学校にとどまさせる方法

Aarushi Gupta¹

This research aims to shed light on the importance of menstrual health rights for young girls in India. The research explores how period poverty (i.e. the lack of period products and related menstrual hygiene facilities such as toilets and hand wash facilities) in government schools in India can impact the academic performance and mental health of school going menstruators, particularly young girls.

A report by an NGO, Dasra, states that 23 million girls drop out of school annually in India due to lack of proper menstrual hygiene management facilities: this amounts to 1 in 5 girls dropping out after getting their period. Lack of period products and related hygiene facilities such as functional toilets and handwashing facilities has also led to girls missing as much as 20% of the entire school year- including missing important examinations, class presentations, tests and activities (particularly exercising and sports) which has impacted their academic performance and physical wellbeing.

Previous research has mostly pegged it as an issue of a lack of infrastructure like toilets, which can be solved with currently operating government schemes to improve WASH facilities in schools and make available cheap sanitary pads for women- namely the Swachh Vidyalaya Abhiyaan and the Pradhan Mantri Jan Aushadhi Suvidha Scheme. A recent review of the schemes has exposed their failures.

Firstly, the Swachh Vidyalaya Abhiyaan scheme aimed to improve hygiene facilities in schools via the construction of separate toilets for boys and girls with running water and handwashing facilities so as to safeguard the Right to Health and Education for all school students. The review has shown that almost 40% of the toilets were partially constructed, 75% of them were not cleaned even once a day and had no running water or hand washing facilities.

¹ Student, Columbia University
A review of the Pradhan Mantri Janaushadhi Suvidha Scheme showed that the scheme suffered from poor implementation, inadequate advertising and irregular supply of pads.

The government’s single minded focus on distribution of period products and building toilets fails to tackle larger systemic issues linked to period poverty, namely prevalence of social stigma and a lack of education about periods in schools.

**Methodology**
Questionnaires will be circulated amongst 200 girls to understand how participation of girls in school activities is affected by their period, how they feel during their period (feelings of stress - if so, why?, lack of confidence etc.), how it affects their concentration in class and participation in other activities such as sports. The questionnaire will also show what kind of facilities are available in the school washrooms and how the girls rate these facilities.

The questionnaire will be circulated in government schools in the National Capital Region of Delhi (NCR) that have recently undergone a complete revamping in terms of infrastructure, curriculum and extracurricular activities under the newly elected AAP government. Government Schools function as educational institutions for children who are either from the rural outskirts of Delhi or from low-income families that have migrated to Delhi in search of job opportunities.

Qualitative interviews will be carried out with 50 girls chosen randomly from grades 5th-12th in government schools in Delhi. Questions will aim to understand the experiences of menstruating girls in schools and the attitude of teachers and staff towards them and what kind of interventions are needed on behalf of the school and the Government. The interviews will also be key in understanding how familial beliefs have shaped a student’s experience with periods and school.

**Findings**
Firstly, we expect at least 60% of the respondents to state that they have received no formal menstrual health education in school.

Furthermore, we expect a high majority of respondents to state that they avoid participating in sports or activities when on their period, suffer from stress of staining their uniform in school and end up missing school during their period, including tests and examinations. We also expect school absenteeism to be especially high amongst students whose families follow certain menstrual taboos.

It must be noted that we expect at least 80-90% of respondents to be from low-income families that are either migrants or from rural areas near Delhi. Menstrual taboos are particularly entrenched in such areas wherein practices such as physical and social exclusion of girls during their period are followed judiciously.
Many times, girls are made to stay in cramped huts during their period which have no ventilation or facilities of any kind- putting them under immense mental pressure. They are also barred from eating with the rest of the family or visiting places of worship during their period.

Further, socio-economic factors also play a key role in shaping one’s access to period products. Period products are hard to come by in rural areas- meaning girls grow up using things such as leaves, sand or rags to manage their period. It is possible that many girls are not used to using period products like pads- which makes it even more imperative that schools play a role in introducing girls to hygienic ways of managing one’s period.

**Conclusions**

Provision of period products and infrastructure such as toilets is a starting point for countering school absenteeism, but the work does not end there. The root cause of period poverty in schools is a lack of accurate information about menstrual health and entrenched stigma around this topic. Schools must make an effort to incorporate menstrual health education in their curriculum and train teachers and campus doctors to be supportive of menstruating students’ concerns.

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Legal Reforms after a Century of Immobility: the 2017 Revision of Sex Crimes in the Penal Code of Japan
不動の100年後の法改正：日本における性犯罪刑法の2017年改正について

Charlotte Bekkers²

This presentation analyses the responsiveness of the Japanese criminal justice system in face of sustained (inter)national criticism concerning its policy on sex crimes. The Japanese criminal justice system has often been criticized for being too lenient with perpetrators of sexual offences, both domestically and internationally.³ On the international level, human rights bodies such as the UN Committee on the Elimination of All Forms of Discrimination against Women (2003; 2009; 2016), the UN Committee on the Rights of the Child (2004; 2010), and the UN Human Rights Committee (2008; 2014) have repeatedly reprimanded the Japanese government for failing to fulfil its obligation as a State Party to bring its policies in line with the respective treaties. Domestically, the outdated nature of Japan's sex crime laws has long been the subject of debate among lawyers,⁴ rape crisis centres,⁵ and academics.⁶ Furthermore, a re-examination of the penal code regulations for sexual offences had already been requested in the Third Basic Plan for Gender Equality (2010), as well as in the supplementary resolutions of the House of Representatives and the House of Councillors at the time of the 2004 and 2010 Penal Code revisions.

Finally, a substantive legal response to this long-standing criticism came in June 2017, when both houses of Japan’s parliament approved a bill aimed at revising the country’s century-old sex crime laws.⁷ This presentation will analyse to what extent the 2017 Penal Code revision on sex crimes effectively

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² Postgraduate International Research Student, The University of Tokyo
⁴ Prominent examples include Yukiko Tsunoda [角田由紀子], Kazue Danbayashi [段林和江] and Yōko Hayashi [林陽子].
⁵ A pioneer in Asia, in 1983 the Tokyo Rape Crisis Centre [東京・強姦救済センター] was established as the first non-governmental organization in Japan to provide telephone counseling and support for (female) victims of sexual violence.
⁶ See, for example, the works of Miyoko Tsujimura [辻村みよ子], Chie Yatagawa [谷田川知恵], Miho Mitsunari [三成美保], and Masako Makino [牧野雅子].
⁷ The Penal Code now in force in Japan was legislated in 1907 and came into force the following year. Except for a few minor changes, the Penal Code provisions on sex crimes remained virtually unchanged for a period of 110 years. One such exception was the abolishment of former Article 183 on Adultery, under which penal provisions were limited to women only. Because equality of the sexes before the law became guaranteed with the enforcement of the post-war Constitution in 1947, it was removed from the Penal Code. Another amendment took place in 1958, when the necessity of a victim complaint to enable prosecution was removed in cases of rape with more than one assailant.
addressed the persistent claims for reforms by *inter alia* international human rights bodies, academics, lawyers and victims. Which points of criticism were addressed in the 2017 Penal Code reforms on sex crimes? And why is it that others were left unresolved? In this presentation, I will argue that while the 2017 Penal Code reforms are undeniably a major step forwards, they do not add up to the comprehensive and nuanced approach to sexual violence that has long been sought after. However, the overall assessment need not be so bleak. In the wake of the now world-famous case of Itō Shiori and the 2019 series of court acquittals in sex crime cases that sparked the so-called nationwide “*Flower Demonstrations*”, effective lobbying and activism by domestic civil society groups have had a profound impact, as will be discussed in detail during the presentation. Through a rigorous qualitative examination of a variety of documents – such as Japanese academic literature, records of proceedings of the Ministry of Justice, official documents by international human rights bodies, Japanese court cases, as well as documentation by domestic civil society groups – this presentation ultimately argues that hopeful signs that the Japanese criminal justice system is moving towards one that better reflects the reality of sexual violence and that meets the needs of victims are also to be found.
Impact of Cyber Bullying on the Female Students in South Asia: An Exploratory Study

Md Tajul Islam

Background

‘Bullying’ is often defined as being an aggressive, intentional act or behavior that is carried out by a group or an individual repeatedly and over time against a victim who cannot easily defend him or herself (Whitney & Smith, 1993, Olweus, 1999). Bullying is a form of abuse that is based on an imbalance of power; it can be defined as a systematic abuse of power (Smith & Sharp, 1994; Rigby, 2002).

Using these definitions for bullying, we can extend them to define cyber-bullying. Cyber-bullying therefore can be defined as an aggressive, intentional act carried out by a group or individual, using electronic forms of contact, repeatedly and over time against a victim who cannot easily defend him or herself. Cyber-bullying is a form of bullying which has in recent years become more apparent, as the use of electronic devices such as computers and mobile phones by young people has increased. Cyber-bullying is also referred to as electronic bullying or online social cruelty through email, instant messaging, chat room conversations, on websites or gaming sites, and through digital messages or images sent through cellular phones (Kowalski, 2008). Cyber-bullying can have some of the same effects on children as traditional bullying. According to Kowalski, Limber, and Agatston (2008) Cyber-Bullying can decrease self-concept, increase anxiety and depression levels, and result in higher absences from school.

Cyber-bullying can take many forms, and for this study we subdivided the concept of ‘cyber-bullying’ into seven sub-categories:

- Text message bullying
- Picture/Video Clip bullying (via mobile phone cameras)
- Phone call bullying (via mobile phone)
- Email bullying
- Chat-room bullying
- Bullying through instant messaging
- Bullying via websites.

These sub-categories were chosen because ‘cyber bullying’ is a very broad term, and the sub-categories would help to get a better understanding of the range of cyber bullying and which forms were most prevalent.
Cyber-bullying has attracted attention from the media and administrators in academic settings. Although preliminary research suggests that this new form of bullying has some of the same negative effects as traditional bullying, additional research is needed to determine the extent that these effects may have on children. More importantly it creates challenges when determining if research available on traditional bullying can be applied to cyber-bullying. One area of particular interest to researchers is how cyber-bullying impacts an individual’s self-concept. There is a large body of research identifying how traditional bullying impacts self-concept; however, the literature on cyber-bullying and self-concept is lacking.

**Objectives of the Study**

1. To determine the association between the use of different modes of technology and the experience of cyber-bullying as in the form of cyberspace crime.
2. To explore the impacts of different forms of cyber-bullying on the female students.

**Hypotheses of the Study**

1. Respondents’ use of different modes of technology is positively associated with the experience of cyber-bullying crime in the cyber space.
2. Impacts of cyber bullying crime vary by socio-demographic variables.
Theoretical Framework

Existing criminological theories which provide plausible explanations for cyber-bullying will be used in this study. These are given in the following way:

- Rational Choice Theory
- Self-Control Theory
- Social cognitive theory

Methodology

This is a study designed to assess the impacts of cyber-bullying on the female students in Dhaka University. The study materials will be collected through literature review and field survey. This study will use survey method to collect relevant data and information. SPSS for windows (Version 16) will be used for managing data and computing statistical association. The study will be conducted on Dhaka university campus. A total of 120 questionnaires will be administered to the students of the Criminology department.

Expected Outcomes & Conclusion

It is hoped that this research project is an exploratory type of study by which we can understand the theory of one of the form of cyber-space crime as it is always occurring not only in the Dhaka University Campus but in every University of the World and this research will lead to a clearer understanding of the practical, physical and psychosocial effects on both the female students who have a life-threatening cyber-bullying criminality and who are receiving threat of cybercrime on behalf of the students i.e. the parents.

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An Absent “No” is not a “Yes”: A Comparative Legal Analysis of Non-Consent in Japan’s Domestic Rape Legislation Draft Revisions and Affirmative Consent in International Rape Legislation Standards and Conventions

Larissa Truchan

On January 17, 2023, Japan’s Legislative Council Criminal Law (sex-crime related) Sub-Committee (Legislative Council) further modified its draft plan to revise Japan’s existing Sex Crimes Penal Code. The Legislative Council’s first October 2022 draft revision intended to remove the “assault or intimidation” requirement for the punishable crime of forced sexual intercourse, and change the definition of an offender of forced sexual intercourse to someone who “makes it difficult [for the victim] to refuse.” After ongoing criticism from survivors and survivor advocacy groups, who argued this definition would continue to fuel the commonly-held rape myth that a victim is obligated to demonstrate refusal through outward oftentimes physical resistance in order for an unwanted sexual act to be considered rape, the Legislative Council’s January 2023 draft revision further modified the aforementioned provision defining an offender of forced sexual intercourse to someone who “makes it difficult for the victim to form, express, or fulfill the intention not to consent.”

This report will determine that Japan’s Legislative Council’s draft plan to revise the existing Sex Crimes Penal Code erroneously equivocates the demonstration of “non-consent,” an active term which requires the victim to present specific actions or behaviors for an unwanted sexual act to be considered rape, with the demonstration of “lack of consent,” a passive term established by the Committee on the Elimination of Discrimination against Women (CEDAW Committee) as an “essential element” of the crime of rape that does not require the victim to present any specific actions or behaviors for an unwanted sexual act to be considered rape.

A comparative legal research analysis will be used to explore discrepancies between non-consent in Japan’s domestic rape legislation draft revisions and affirmative consent in evolving international rape legislation standards and conventions. This analysis finds that international rape legislation standards require that States Parties to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW Convention) define “consent” as an affirmative act, requiring explicit and voluntary agreement from the victim to engage in a sexual act.

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1 Intern, Human Rights Now. Accepted student to Harvard Law School’s Junior Deferral Program.
Women (CEDAW) integrate both an affirmative consent-based model and a coercion-based model of rape legislation in domestic rape legislation, which must also:

1) include “lack of consent” and coercive circumstances as central elements in the definition of rape;\(^5\)
and
2) not require victims to demonstrate non-consent for unwanted sexual acts to be considered rape,\(^6\) establishing a legal presumption of non-consent.

It will ultimately be concluded that the Legislative Council’s January 2023 draft revision is merely a wording modification that, in practice, will fundamentally keep alive the “assault or intimidation” requirement that currently exists in Japan’s Sex Crimes Penal Code by requiring victims to actively demonstrate to the prosecution the subjective and broad intention “not to consent.” The January 2023 provision defining the punishable crime of forced intercourse therefore fails to satisfy the aforementioned international rape legislation standards that Japan is obligated to as a CEDAW State Party by excluding victims who do not actively demonstrate non-consent to unwanted sexual acts from accessing justice that they are afforded under both women’s rights and human rights protections.

Part 1 will explore the history of Japan’s Sex Crimes Penal Code. Part 2 will follow with a discussion of the strengths and weaknesses of past revisions to Japan’s Sex Crimes Penal Code, including the 2017 revision, and of draft revisions currently being considered by Japan’s Legislative Council, including the October 2022 draft revision and the January 2023 draft revision. Part 3 will first trace the development of protection against rape in women’s rights and human rights legislation, followed by an analysis of evolving international rape legislation standards and conventions. A particular focus will be placed on evaluating the integration of affirmative consent into CEDAW Committee jurisprudence and General Recommendations, domestic rape legislation of CEDAW States Parties, non-Western regional rape legislation standards, international criminal tribunals, and legal scholarship. Part 4 will present concerns regarding the January 2023 draft revision’s definition of forced sexual intercourse requiring victim non-consent, and Part 5 will provide responses to the Legislative Council’s apprehensions with integrating affirmative consent into Japan’s domestic rape legislation. Part 6 will ultimately recommend that legally-binding international rape legislation clarify that States Parties must utilize both an affirmative consent-based model and a coercion-based model of rape legislation in domestic rape legislation, and that the Legislative Council correspondingly integrate affirmative consent in Japan’s domestic rape legislation.

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Working with LGBTIQ+ Persons in Forced Displacement: Human Rights Narratives from Afghanistan and Lebanon

強制移住されたLGBTIQ+の人々との協働：アフガニスタンとレバノンにおける人権ナラティブ

Jasmin Lilian Diab\(^7\) & Bechara Samneh\(^8\)

In situations of forced and protracted displacement, individuals who identify as members of the LGBTIQ+ community not only have the same basic needs, and face the same challenges as other displaced persons, but they additionally encounter other forms of discrimination and human rights violations. Moreover, refugees and IDPs from the community encounter distinct protection risks associated with their real or perceived sexual orientation, gender identity, expression and/or sex characteristics (SOGIESC) – particularly when they do not conform to prevailing socio-cultural norms and practices.

Exclusion, violence, exploitation, stigmatization, discrimination, and abuse in countries of origin drive many members of the LGBTIQ+ into situations of forced displacement (internally and/or across borders). For members of the community, these challenges often persist in countries of asylum/host countries, as they are frequently excluded from traditional lines of aid, assistance and support afforded to displaced communities. They may additionally continue to endure marginalization and abuse. Although members of the LGBTIQ+ community may seek protection/refuge for reasons that are directly, indirectly or unrelated to their SOGIESC, they remain at heightened risk of exclusion, exploitation and violence throughout the entire displacement cycle. They encounter multiple obstacles to accessing tailored/targeted humanitarian assistance, appropriate health care services (particularly for trans persons), and gender-based violence (GBV) services as well as education and livelihood opportunities. Challenges are especially acute for persons whose affirmed gender identity does not match their official identity documents. Moreover, in countries such as Lebanon and Afghanistan, where protection for refugees (and particularly LGBTIQ+ persons) is limited, reports of harassment from security forces and arbitrary detention are rampant.

\(^7\) Director and Assistant Professor, Institute for Migration Studies, Lebanese American University
\(^8\) Visiting Fellow, Institute for Migration Studies, Lebanese American University
Our presentation will delve into this intersection from our work across Afghanistan and Lebanon on LGBTIQ+ rights, their implication, as well as the gendered realities of human rights in both contexts.

Additional Notes
(1) The methodology implored will be a qualitative approach culminating in a thematic analysis. This will include in-depth interviews with refugees from Afghanistan/Lebanon as well as experts in the refugee and displacement spaces.
(2) The choice of Afghanistan and Lebanon is rooted in the ability of the research team to access communities and experts in both. Dr. Jasmin Lilian Diab is the Director of the Institute for Migration Studies at the Lebanese American University, and Mr. Bechara Samneh is the Afghanistan Special Projects Coordinator at IGLA Asia. These positions provide the researchers with access to the beneficiaries/communities/experts in both locations. The researchers are additionally experts in both of these locations.
Introduction
Since the social and economic reforms in Myanmar in 2010, there have been an increasing number of young Burmese pursuing higher education in foreign countries due to the poor quality of the domestic education system at home. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO, n.d.), a total of 13,158 Burmese students are pursuing tertiary education abroad. Among them, 3,336 (25%) chose Japan—which is the highest compared to every other destination country. With the military coup d’état in February 2021, Myanmar has undergone a series of human rights violations and armed conflict. Many young people have joined the civilian forces to fight against the occupying military junta whereas many others strive to leave the country for good in order to seek better educational and career opportunities abroad. Those who had been studying or working abroad before the coup, including those in Japan, were planning to return home one day but now find themselves caught in a dilemma of whether to stay or return due to political threats, fear of persecution, high unemployment rates, and no guarantee for future success, amongst others.

Summary
The article depicts the detailed accounts of five Burmese women studying in Japanese universities and addresses the difficulties they faced in deciding whether to stay in Japan or return to Myanmar amid military rule. Related events that followed the coup will be discussed in terms of the personal experience of each respondent. This article highlights the impacts of the military coup on the population across the Burmese diaspora and underlines the traumatizing experiences faced by the overseas Burmese, during a time when they are forced to decide whether to stay in a foreign country that they do not think they belong to or to return to a country in despair.

Methodology and Findings
To capture Myanmar’s current crisis in terms of the experiences of Burmese students in Japan, the current ethnographic study collected voices from five female students at Tokyo area universities. The respondents participated in two interview sessions, each of which lasted for nearly two hours. The semi-structured interviews began by tracing the five different life situations and educational trajectories to understand the decision to seek education abroad. In most cases, the students were seeking to gain particular skills and training that could be directly used to support the Myanmar economy and society when they returned to Myanmar after graduation. They were asked about their choice of Japan to study, their political and

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9 Alumni, Sophia University
10 Professor of Anthropology, Faculty of Liberal Arts, Sophia University
educational experiences in the two countries before and after the coup, and most importantly, how their hopes and future goals had been disrupted due to the impacts of the coup. The feelings of anger and hopelessness watching their home country in deadly chaos stimulated some to risk their own and sometimes their family’s situation in getting involved in political activism among the diasporic community in Japan and on social media. For others, they were forced to find other options as their visa began to expire. The interviews were then transcribed so that the project members could collect strong quotes, organize important themes, and ultimately deliver the messages of the stranded Burmese students who were on the verge of becoming stateless.

We see this data as important to understanding the near and middle-term possibility of establishing order and eventual rebuilding in post-coup Myanmar. More generally, we see this data as shedding light on an increasingly common problem—how students and higher-level migrant workers find themselves in precarious political and emotional situations when violence and strife at home force them into making precarious situations, risking both personal and family safety, just to return to their own country. The selection of five female interviewees allows us to address the gender imbalance of the literature which disproportionately focuses on male students studying abroad. This sampling of women also allows us to focus on the fact that women in Myanmar are socio-economically disadvantaged, given little priority for leadership roles and influential positions in society under the traditionally male-dominated education system while at the same time having to bear family responsibilities—all gendered expectations that have direct impact on their decision-making process to stay or return home.

Reference
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