



University of Essex

Human Rights Centre

# 9<sup>TH</sup> ANNUAL ASIA AND HUMAN RIGHTS CONFERENCE 2017



## GENDER AND SEXUALITY

### ◆ FINAL REPORT ◆

25<sup>th</sup> March 2017,  
University of Essex  
Colchester Campus  
Lecture Theatre Building

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## Opening Session: Welcome and Opening Remarks

- Dr. Clara Sandoval-Villalba, University of Essex
- Dr. Sanae Fujita, University of Essex
- Alexandra Havkwist and Silje Fossen, University of Essex

## Panel 1: Advocating Gender and Status in Law

- Henry Koh, Fortify Rights
- Dr. Gina Yannitell Reinhardt, University of Essex
- Ya Lan Chang, University of Cambridge

## Panel 2: Regional and Country-Specific Issues

- Fumie Saito, Former Human Rights Watch Researcher
- Tinnaphop Sinsomboonthong, London School of Economics
- Dr. Punam Yadav, London School of Economics
- Jacquelyn Strey, School of Oriental and African Studies

## Panel 3: Exploitation, Trafficking, and Gender-Based Violence

- Shovita Adhikari, University of Essex
- Kathryn Collar and Lizzie Wait, Stop the Traffik
- Lizzie Wait, Communications Team, Stop the Traffik
- Rayhan Kabir, World Fair Trade Organization – Asia
- Kim Young-Il, People for Successful COrean Reunification (PSCORE)

## Panel 4: State Practices and Religion

- Dr. Ahmed Shaheed, University of Essex
- Dr. Natasha Ezrow, University of Essex
- Dr. Andrew Fagan, University of Essex

## Closing Remarks

- Alexandra Havkwist and Silje Fossen



## Opening Session

### Speakers:

- Dr. Clara Sandoval-Villalba, Director, Human Rights Centre, University of Essex
- Dr. Sanae Fujita, Conference Supervisor, University of Essex
- Alexandra Havkwist and Silje Fossen, Conference Chair and Vice Chair, University of Essex

### Dr. Clara Sandoval, “Welcome and Opening Remarks”

Clara Sandoval introduced the Human Rights in Asia Conference 2017 as the Acting Director of the Human Rights Centre of the University of Essex. Clara spoke of her great pleasure in opening the conference in its 9th year and remarked that the conference has been rolling on thanks to the amazing work of her friend and colleague, Dr Sanae Fujita. Clara spoke of her pride at seeing how Sanae is working to try to help others -- students, colleagues, etc. -- to understand how relevant issues are connected with the cultural, social and economic dimensions of Asia and how they can work with human rights and make the most of them in order to face related challenges. Clara thanked Sanae for reminding everyone that if you want to move ahead you have to make human rights universal.



Clara observed that at the University of Essex, staff do not deliver or provide any class or course on the LLM or MA focused on Asian human rights. It was suggested that this may be down to the fact that there is not really a strong human rights machinery in Asia as the one that exists in Europe, America or in Africa. However, Clara indicated that the lack of a regional system in Asia does not mean that work on Human Rights challenges in Asia, like the ones addressed at this Conference, are not relevant.

Clara then gave some exciting examples of the work that her colleagues undertake in the Asia region - the work that Dr Ahmed Shaheed does especially in Iran and Andrew Fagan and other colleagues working on human rights for the Asian region, further demonstrating the relevancy of this such conference.

Clara returned to her previous reasoning on the lack of a human rights mechanism in Asia to demonstrate that it reminds us of a big challenge that we face – that challenge being the fact that we do not have human rights protection mechanisms just because we need bureaucracy. We have mechanisms to help those protecting human rights because they are essential in a world where states fail once and again to deliver on their commitments. Clara reiterated that this machinery is really important. If states fails to deliver human rights commitments, institutions should be able to help to deliver human rights protection.

Clara then discussed the topic covered by the conference - Gender and Sexuality – remarking that it represents a crucial issue in Asia. As an expert in the Inter-American system of Human Rights, Clara



observed that in the Americas there are similar challenges. However, important steps have been taken to address the challenges.

Clara concluded her opening speech by stressing that all members of the University of Essex want to make everyone understand that human rights have an interdisciplinary dimension and that it is important to make sure that students leave Essex with the idea that whatever discipline they will work in, they will have to take human rights into account and they will do much better if they address them using various disciplines.

Clara acknowledged that many people worked hard to make the conference possible and thanked Alexandra, Silje, Caroline, Moe, Reem, Udit, the School of Law, the Human Rights Centre and Sanae for their efforts and said to them that “You are our hope” as we move to address these challenges in Asia - the key issue being how we move from theory to practice.

### **Dr. Sanae Fujita, “Overview of Asia and Human Rights in Asia Conference”**

Dr. Fujita welcomed all speakers and participants and congratulated the planning committee members for their success. She also thanked Dr. Clara Sandoval for supporting this conference as the director of the Human Rights Centre. Dr. Fujita briefly introduced her experience with Dr. Sandoval with whom she studied at Essex. She was inspired by Dr. Sandoval’s enthusiasm to teach the Inter-American system, which is the region where she is from, and was motivated to do something for Asia. Since 2009 when this conference was initiated, Dr. Fujita has been leading and supporting the event as a supervisor. Dr. Fujita also expressed her appreciation for the late Professor Nigel Rodley who had passed away one month before the conference. He had been supportive to the conference and contributed twice as a speaker.



Additionally, Dr. Fujita gave an overview of the human rights situation in Asia and highlighted that despite the significantly large Asian population, academic institutions have not given enough attention to it. She emphasised that in recent years, difficulty of human rights situation in Asia is increasing. She pointed out the need to have a conference addressing this issue so as to promote the awareness regarding human rights situation both within and outside the University of Essex community.

Finally, Dr. Fujita explained that the idea to have a conference on human rights in Asia was first raised by a number of students from Asia nine years ago. The focus of these conferences, according to her, has varied on an annual basis and has been influenced by the degree of importance of issues. Dr. Fujita expressed her hope that this student-led event will continue in the coming years.

### **Alexandra Havkwist and Silje Fossen, “Welcome Speech”**

The 9th Annual Asia Conference opened with a welcome speech by the chair and vice-chair of the conference planning committee, Alexandra Havkwist and Silje Fossen, respectively. Alexandra first thanked everyone who was in attendance and extended great appreciation to them for taking the time to engage with the very important topic of the conference, which was gender and sexuality.

Along with expressing gratitude to the audience, Alexandra also devoted time to thank the planning committee members who had worked tirelessly to organize the conference. Mentioning that the team

this year had been especially small, she conveyed that the planning committee hoped nonetheless that the conference will inspire and engage more people to become aware of some of the issues relating gender and sexuality in Asia.



Silje then went on to talk about the procedures and discussions the team had for choosing this topic, explaining that a lot of research was done in order to finally make the choice. The topic's relevance in the current society and its multidisciplinary nature made the group confident this was the right topic. The topic also had special implications in the Middle Eastern region, which is why this was also included in the scope. Silje also reflected on the dedication of the team and on what the process of organizing such an event had taught the organizing committee. She expressed enthusiasm for the conference and

excitement for the coming speakers in hope that they would engage passionately with a topic she herself was passionate about.

On this positive note, Alexandra shared her experience with engaging in the conference the previous year and her rise to the position as chair. Becoming involved as a volunteer previously which led to an interest in taking on a larger role for this year, she also mentioned Dr. Sanae Fujita's involvement to their earlier success.

Moving on, Alexandra made the audience aware of the program of the day and invited the audience to make note of the different speakers and panels. She continued by thanking the speakers for taking the time to come to the University of Essex to share their expertise with the audience. Silje presented the guest speakers whom had traveled far to be at the conference. Alexandra also gave her gratitude to the speakers who called Essex their base.

Following the speakers' presentations, Alexandra presented Dr. Clara Sandoval and Dr. Fujita and invited them to make their opening remarks and introductions to the conference following the welcome speech.

As a final remark, Alexandra especially thanked Dr. Fujita, Dr. Sandoval, Dr. Ahmed Shaheed and Dr. Andrew Fagan for their guidance and support, and also Ms. Penny Castagnino for her excellent administrative support.

Alexandra then wrapped up the speech by encouraging the audience and the speakers to enjoy the experience at the conference and become inspired by the knowledge that would be shared throughout the day.



## Panel 1: Advocating Gender and Status in Law

### Speakers:

- Henry Koh, Malaysian Human Rights Specialist, Fortify Rights
- Dr. Gina Yannitell Reinhardt, Lecturer, Department of Government, University of Essex
- Ya Lan Chang, PhD Candidate, Law, Magdalene College, University of Cambridge

### Henry Koh, “Employing Effective Measures: LGBTI Advocacy in Challenging Environments”

Henry Koh presented on the topic of “Employing Effective Measures in LGBTI Advocacy in Challenging Environments.” He began with an overview of strategic advocacy, which he cautioned that in order to be successful it must be carefully conceived, planned and executed, often over the course of years, and must focus on relevant issues rather than on an organization’s direct goals. Henry then outlined Fortify Rights’ three-part strategy for human rights advocacy. Such a strategy begins with an investigation



into human rights abuses and violations, followed by engaging stakeholders and allies, local and regional partners, judiciary members, and government agencies. The final stage is to strengthen initiatives led by human right defenders, affected communities, and civil society. Henry took the audience through several steps of strategic advocacy: preparing for advocacy, identification issues requiring advocating for, taking action, lobbying for change, and finally evaluating the success of the advocacy.



Henry gave an interesting example of the use of strategic advocacy for LGBTI rights in Asia by using the Yogyakarta Principles, a document which although not legally binding may be used to identify both the negative and positive human rights obligations of states. Henry also presented a sample statement used in advocacy for opposing the abuse of LGBTI populations by asserting the human rights of this group, even in the absence of anti-discrimination legislation within a country. In response

to questions from the audience, Henry discussed whether LGBTI discrimination was affecting the access of LGBTI populations to other human rights, such as healthcare. Henry noted a change in society’s views which meant stereotypes now have a lesser impact to conspire against LGBTI persons accessing the same level of healthcare as heterosexual persons with a number of initiatives in place to provide healthcare services for persons living with HIV/AIDS."

### Dr. Gina Yannitell Reinhardt, “Foreign Aid, NGOs, and Gender Equality”

Dr. Gina Yannitell Reinhardt opened with a comprehensive definition of “gender equality” developed by the OECD that emphasizes equal enjoyment by men and women of equal opportunities and life chances. She then stated that in the development field there are three priority domains for action related to gender equality: human capabilities in health and education, access to economic opportunities and resources, and human security.

Female empowerment is considered related to, but distinct from gender and is a process that takes place over time. Gina then argued that many



development activities use a “twin-track” approach by both supporting direct investments in activities for women and mainstreaming a gender perspective in all donor policies and programs. In practice, she noted, these activities have been difficult and often have not succeeded in being integrated into the “DNA” of development agencies. However, when successfully employed, such policies have been shown to improve women’s access to healthcare, to increase women’s income and political participation, and to expand girls’ school enrollment and literacy rates.

She concluded with several recommendations for improving gender mainstreaming and development effectiveness. In response to a question from the audience, Gina spoke of how NGOs that are advocating for change are choosing to focus on marginalised groups beyond just women.



**Ya Lan Chang, “Before I Built a Wall I’d Ask to Know What I was Walling in or Walling out: Decriminalising Male Homosexuality for the Common Good of a Communitarian Society”**

Ya Lan Chang is a Ph.D. candidate in Law at Magdalene College, University of Cambridge. Chang presented a paper titled “Before I Built a Wall I’d Ask to Know What I Was Walling In or Walling Out’: Decriminalising Male Homosexuality for the Common Good of a Communitarian Society’.



Her paper focused on Section 377A of the Singapore Penal Code which, though not proactively enforced, criminalises sexual activities between men for the sake of sustaining the country’s conservative communal morality. Chang’s paper argues against the idea that conserving 377A sustains the common good of communitarian Singapore. Chang argues instead that 377A does not sustain the common good as it fails to satisfy the ‘goodness’ criterion of the common good; 377A’s anti-homosexuality morality is not one that is worthy of preservation, promotion and respect, and so preserving it does little to sustain the common good of a flourishing community.

In any event, the common good should be conceived of in an aggregative sense, predicated upon the idea of inclusion, which also lies at the heart of communitarianism. Under an aggregative conception of the common good, 377A would not pass muster due to its exclusionary effect on gay and bisexual men. Therefore, 377A should be repealed to sustain the common good of all, gay and bisexual men included, in a communitarian society.



## Panel 2: Regional and Country-Specific Issues

### Speakers:

- Fumie Saito, Former Human Rights Watch Researcher
- Tinnaphop Sinsomboonthong, MSc Candidate, Development Studies, London School of Economics
- Dr. Punam Yadav, Teaching Fellow, Gender Institute, and Research Fellow, Centre for Women, London School of Economics
- Jacquelyn Strey, PhD Candidate, School of Oriental and African Studies

### Fumie Saito, “Gender Equality in Japan”

Fumie presented on gender inequality in Japan. She started her talk with a survey of the global gender gap which showed that Japan was ranked at a low position, even though it is known as one of the most developed countries in the world.

Subsequently, Fumie discussed policies adopted by the Japanese government to increase the proportion of women in leadership positions by 2020. However, she then identified that there are fundamental issues to attain the goal. For example, in the existing positions of authority, female politicians in the House of Representatives and the House of Councillors account for less than a quarter. Of further concern is that these policies to promote a society where women play an active role were created by male leaders and no woman was included or consulted.

Fumie went on to explain how women in Japan are facing difficulties in socio-cultural, economic and the working environment. For example, long working hours makes men spend less time with their families and leaves caretaking of the family to their wives. A shortage of nursery schools also deprives women of their working opportunities; consequently, many women leave workforce after the birth of their first child or some return to work part-time instead of full-time. Another difficulty in Japan is the feminization of poverty. According to Fumie, more than the half of single mother households in Japan fall below the poverty line with the women working in

non-regular employment. Similarly, in older generations, the poverty rate of old single female households is higher than male and the annual average income among female pension recipients is lower than that males. Furthermore, some elderly women choose to commit crimes in order to go to prison because of the care offered to inmates. Another systematic and symbolic challenge for women in Japan is that married couples must have the same surnames. Japan does not allow both of a married couple to keep their names upon marriage in law, and as a result, almost all of couples have chosen the husband’s name. The main argument opposing





revision of this law is that it would destroy family bonding. In 2015, the Supreme Court upheld the constitutionality of the provision in the Civil Code.

The CEDAW Committee has criticised the Japanese military’s “Comfort Women”. However, the Japanese government refuses to provide reparation for the women who provided “sexual comfort” to soldiers during World War 2.

In her conclusion, Fumie stated that, despite the discussion earlier in her presentation, there are still some positive changes occurring in Japan. New laws on the setting up a quota for women’s representation have been introduced in business and politics.

However, the difficulty is in giving effect to such policies and enforcing them as it is up to the will of each institution to change."

**Tinnaphop Sinsomboonthong, “Questioning ‘Agency’ in Rohingya’s Migration and Human Rights: From Bay of Bengal and Andaman Sea Crisis to Temporary Detention in Thailand”**

Tinnaphop presented on human rights of Rohingya - Muslim minorities in Myanmar (Burma), known as a stateless group in the country. The Myanmar government has not recognised them as their citizens as well as Bangladesh, where a smaller population of Rohingya live. The Rohingya population has suffered from a deprivation of their rights and the issue has still not been solved and as such their empowerment has not progressed.

Tinnaphop then highlighted the complex background to this issue. In Myanmar, Burman is the dominant ethnic group and other diverse minorities constitute the population. The government set out an assimilation policy, Burmanisation policy, that forces the minorities to merge with the Burman dominant culture. In Rakhine, where most Rohingya live, riots happened in 2012 and violence against the Rohingya population began. They are facing grave violations of human rights associated with nationality and citizenship issues.



Gender-based violence against Rohingya is also a serious issue. According to Tinnaphop’s data, many women and girls were raped during the security sweeps on their villages. After the 2015 refugee crisis, the Rohingya, particularly those who are temporarily detained in the Immigration Detention Centres (IDCs) and the state-owned Shelters for Children and Families in Thailand, have suffered from increasingly awful living conditions.



From a human rights point of view, in this situation, there are multiple difficulties and issues that are cultural and gender sensitive in the current political and social situations. As such, Tinnaphop explained the importance of understanding the Rohingya culture and gender value beyond a typically cultural-insensitive and genderless liberal notion of human rights, which ignores their voice, needs and power of negotiation, which are regularly demonstrated in their acts of resistance while being temporarily detained in Thailand (e.g. hunger strike, escapade, denial of humanitarian assistance provision).

To conclude, Tinnaphop discussed how the current situation makes the issues more complicated in relation to development and global assistance

and what will happen if the Rohingya would be kept as a group of voiceless victims of violence and passive recipients of development. As they are able to demonstrate their acts of resistance, human rights advocates and development practitioners should not ignore their voice and needs.

### Dr. Punam Yadav, “Gendered Impacts of Armed Conflict on Women”



Dr. Yadav presented a paper on the impacts of armed conflict on women drawing examples of Nepal. She discussed how women and men experience conflict differently, as victims and as perpetrators. These experiences also vary by age, class, caste, ethnicity, religion, and region. Nepal had a Civil War, known as the People's War, between 1996 and 2006. Although there are no exact numbers on how many women participated in the war, it is estimated to be over 30% of the Maoist militias were women.

Women experienced war disproportionately, which impacted them physically, economically, socially, and psychologically. In addition, during the conflict, various categories of women emerged, such as those who were internally displaced. It is unknown as to how many people were displaced but is estimated to be 200,000, of which 75% were women and children. The internally displaced persons, particularly

women, had several reasons to not return to their homes. One was due to their association with the men in their families as wives or widows of army men, Maoists, or political leaders, and because women were associated as victims of sexual violence and single mothers, among other labels. Women faced further problems due to displacement by not having family ties, social networks, and social security. As a result, this reduced access to resources to cope with household responsibilities led to women's increased vulnerability. The consequences of these added duties led women take jobs that they had never done before such as some women ended up in prostitution and others worked as wage labourers, domestic workers, street vendors, and beggars and experienced violence at workplaces and psychological trauma.

Dr. Yadav concluded by stating that armed conflicts can have dire effects on women, however, they also empower them by giving them agency. In Nepal, women gained access to earn an income -- they became decision-makers in the household. There was also change in gender roles, so women were able to join labor forces that were originally thought to be for men. These increased opportunities for women gave them more confidence, and programs and support in post-conflict situations must continue to focus on the emerging needs of the people.





### Jacquelyn Strey, “Caste System, India, LGBTI, Pride”

Jacquelyn presented on lesbian, gay, transsexual, bisexual, and intersex (LGTBI) issues in India. In the Mumbai Pride Parade, there was a conflict between queer groups. The law in India is used to harass and intimidate the queer community, especially men. On the other hand, women, lesbian and queer women are not often arrested or incriminated under law 377 of “caught.” In contrast, if two women run away together, the older women will be convicted for kidnapping.

In the west there are a lot of issues advocated on by queer movements. Queer movements, like the LABIA group in India, protest not only on gender issues, but also for religious re-assignment of those cast out under the doctrine of dharma by forced conversions. Examples of such conversions are abound. For example, under the

process of Ghar wapsi in support of Hindu Nationalism as at the time the RSS was the major political party, in which there were several anti-Christianity and Muslim members. Ghar wapsi means return to home and involved coercively reconverting families back into Hinduism. By protesting against such practices, the LABIA organization faced a huge backlash. The leader of “Hambasda Trust” stated that LABIA had utilized the presence of “white” western women in the parade, and delegitimized the work of LABIA. A contrary opinion was demonstrated by a newspaper on the side of LABIA who used the presence of “white” western women to legitimize the protest by publishing a quote saying that by embracing the queer movement India was sitting now with the superpowers.



### Panel 3: Exploitation, Trafficking, and Gender-Based Violence

#### Speakers:

- Shovita Adhikari, PhD Candidate, Department of Sociology, University of Essex
- Kathryn Collar, Global Operations Manager, Stop the Traffik
- Lizzie Wait, Communications Team, Stop the Traffik
- Kim Young-Il, People for Successful COrean Reunification (PSCORE)
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- Rayhan Kabir, World Fair Trade Organization Asia (WFTO – Asia)

### Shovita Adhikari, “Rethinking Child Trafficking in Nepal: From Ram Kumari to Rama”

Shovita Adhikari is a PhD candidate at the Department of Sociology at the University of Essex, and in the conference she presented her research paper “Rethinking Child Trafficking in Nepal: Challenges, Perspective and Good Practice”. She started by explaining the aim of the paper, which is to explore the





changing trends of child trafficking looking at factors such as new destinations, methods of recruitment, and vulnerabilities of childhood in Nepal. Shovita then said that the socio-cultural context of children is important to understand the different areas of ‘consent’, ‘coercion’, and ‘agency’.

Shovita went on to describe the situation in Nepal. Nepal is a developing country in South Asia, where 83% of the 30 million inhabitants live in rural areas, and 50% are under the age of 16. Nepal has had issues related to government instability, systematic power abuse, and corruption. The situation for children regarding health has not improved, and child mortality is still high. As many live in poverty children have to work, which mean that many leave primary education. Annually, around 12,000 children between the age of 14-16 are trafficked to Indian brothels and Gulf countries. In addition to cross-border

trafficking to India and Khasa, many children are trafficked outside the region, where they are forced into prostitution and forced labour, or they are trafficked for the purpose of marriage. Children are also trafficked internally, forced to work in restaurants and bars, where they are sexually exploited. Shovita observed that lately Nepal has increasingly become a destination country, where children are brought from India, Tibet and Bangladesh.

Shovita stated that there is attention to the issue, both internally and internationally. Governments, NGOs and donor agencies have been involved in developing anti-trafficking strategies which are central in national government policies, as well as legislative and policy development related to human rights and international treaties.

In her research Shovita has found that children are vulnerable because of socio-economic factors, as well as political factors. Poverty lead to child labour which left the child without an education. There is also a lack of birth registration system, weak law enforcement and permeable borders, which leave children vulnerable to trafficking. In addition to this children have also become increasingly vulnerable due to modernisation and urbanisation. Children who are the most vulnerable are working children, migrant children, ethnic and gendered children, and children out of school. In spite of



all this, Shovita finished her talk by concluding that trafficking is a multi-dimensional problem, diverse and no longer restricted to particular social groups. Aspirations for a better life have increased children’s vulnerabilities, as well as the consequences of migration and urbanisation/globalisation. Shovita concluded with a discussion on how anti-trafficking measures, such as those under the Convention of the Rights of the Child, must be used to reduce this vulnerability and to prevent such behaviour.



### **Kathryn Collar and Lizzie Wait, “Women, Asia, Exploitation, Manufacturing, Clothes, Trafficking”**

Kathryn Collar is the global operations manager of STOP THE TRAFFIK, where she works on the global strategy of the organisation. She works with affiliates and activists around the world to drive the organisation’s intelligence-led prevention model that creates targeted action with an aim to disrupt



human trafficking networks on a global scale. Prior to this, Kathryn has worked in Cyprus and Tenerife, advocating for those trafficked into the sex industry, and has worked with the Essex police to safeguard people at risk of homicide through domestic violence.

Lizzie Wait is part of STOP THE TRAFFIK's communication team, working on the Global Blanket Campaign, advocating to address labour exploitation in fashion supply chains. She has an MA from the University of Edinburgh, and has worked in Ghana, Cambodia, Canada and Calais.

In their talk, Kathryn and Lizzie spoke of trafficking in Asia in the fashion industry, and how modern technology can be used to help prevent this. They identified three stages to trafficking: firstly, movement of recruitment and moving; secondly, deception and coercion, as many victims do not realise they are being trafficked as they have been promised jobs or other opportunities; finally, exploitation. Kathryn and Lizzie observed that trafficking is not a regional issue, but a global issue, which can consist of different things. For example, forced marriage, domestic servitude, labour exploitation, sexual exploitation, and organ harvesting are all areas related to human trafficking. The need for cheap labour in the fashion industry has led to human trafficking and child labour, and those involved and exploited are not able to exercise their rights.

Lizzie spoke of the situation in Uzbekistan and Bangladesh, where several events led to international reactions. Uzbekistan was found to have such high levels of child labour that products from the country were banned, and in Bangladesh, evidence of a lack of rights surfaced after a factory collapsed in 2013. However, STOP THE TRAFFIK highlights that it is very difficult to understand the full scope of the problem, given the clandestine nature of the crime. Often, workers do not identify that they are being exploited and, if they do, they may not have the ability to speak out. What's more, in some countries, levels of exploitation are enforced by the government itself.



Kathryn went on to speak about the ways STOP THE TRAFFIK is working to combat human trafficking. The organisation has developed the Centre for Intelligence-Led Prevention, which collects and analyses data from multiple sources, in order to build a richer picture of human trafficking and modern slavery on a global scale. This intelligence is then shared back to communities that have been identified as potentially vulnerable, in order to generate targeted action on the ground. In addition to this, Kathryn demonstrated

the STOP APP, which empowers anybody who has seen or heard an incident that they believe to be linked to human trafficking to tell their story in a safe and secure space. This collection of grassroots information and backstories, together with broader intelligence into the issue, is helping to systemically disrupt and prevent human trafficking and modern slavery around the world.



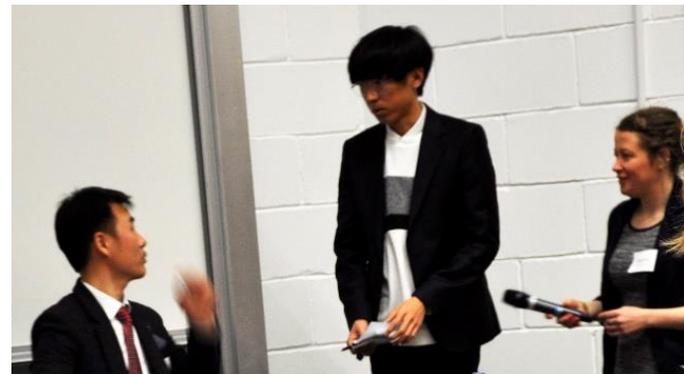
## Kim Young-II, “Women’s Rights in North Korea”



Kim Young-II began his presentation on the topic of “Women’s rights in North Korea” by describing the conditions faced by North Korean women. Young-II explained how women are so poor in the country, and the burden of caring for families often lies on women. Of most concern was Young-II’s observation that there is not even such a term as women’s rights in North Korea. Young-II then spoke of his work at PSCORE (People for Successful COrean Reunification), an NGO in South Korea which looks at how to improve the human rights conditions of the population in North Korea. He then presented the results of a survey conducted by PSCORE with 129 defectors participants - 98 females and 31 males, who spent on average 30.6 years in North Korea. The majority of respondents answered that the level of awareness in North Korea about women’s rights is very low – for example on a woman’s freedom to eat, wear and speak what she wants. An overwhelming, 61% of the survey’s participants think that the human rights of women are violated in North Korea.

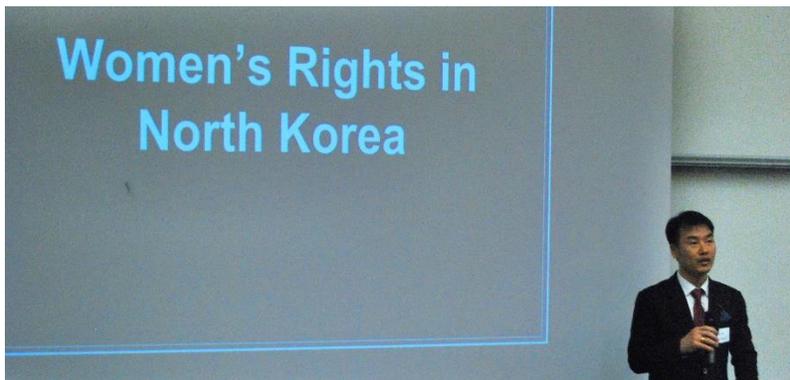
Young-II then discussed how when undertaking legal investigations, they realised it was standard practice for women to be raped, and women were treated like servants. He remarked that in North Korean society and culture putting men above women is deeply ingrained and as a result at home and at work, women do a lot. For example, they buy groceries, they raise the children, and they also take on the role of the breadwinner. Despite their crucial role, 84% of women surveyed reported having suffered domestic violence.

Young-II then went on to discuss what North Korea had to say on such allegations. In the North Korean State Report to CEDAW they stated that: “It is against the law and regulations to make women do work too arduous...” for their psychological characteristics and that “Women account for 16,1% of department division directors at ministries.” Further, “Sexual exploitation is in no way a social problem in the DPRK” and that human trafficking is inconceivable in the DPRK. This stands in stark contrast to reported reality, wherein sexual harassment runs rampant.



Answering a question on the context of the survey, Kim Young-II stated that the data collected was kept hidden to protect the participants – as such he could not say for how long it had been since the participants had left North Korea when they were interviewed nor whether they had a notion of human rights. In response to other questions from the audience, Young-II discussed how his wife has been sent to a political prisoners’ camp as a result of his involvement as a human rights activist. Interestingly, Young-

II also explained that an area in which we could speak about a need to develop women’s rights in the DPRK was regarding the issue of women being trafficked near the border with China. Young-II was also asked why, despite the evidence that such human rights abuses occur in North Korea, were North Korean refugees still reluctant, demonstrated in the fact that only 61% of participants in the survey thought women’s rights were violated in North Korea despite the prevalence of abuse, to admit that such occurs



when in the relative safety of their refugee status in South Korea. He responded that it was likely due to a lack of understanding of a notion of human rights that could have influenced their perception of what they witnessed in North Korea, despite being made aware of the issues on arrival in South Korea.

**Rayhan Kabir, “Women’s Economic Empowerment and Gender Equality within the Fair Trade Movement”**

In introducing his presentation, Rayhan stated the importance of empowering women as a component of building a sustainable business, given the benefits women may bring to a business, such as greater innovation and client-focus. He then reported that through analyzing the performance of 2,360 companies globally over the last six years, results show that it would on average have been better, in terms of the financial performance of corporations, to have invested in corporations with women on their management board rather than not. This is a trend reflected globally. He then went on to explain why women are not in top management. One of the given reasons was a lack of career ambition; the rate of women pursuing science, math, and information technology courses at the university-level has declined to 37% and is reflected in the career sectors women are represented in a higher percentage, such as retail and hospitality. The second reason Rayhan gave was due to family and work, as women leave jobs because they think they are not fit to take responsibility. The third reason is because of existing norms and beliefs that women are less interested in high positions.



Rayhan gave examples of women’s global representation in leadership positions in corporations. For example, South Korea has only 1.9% of female directors’ in listed firms. In contrast, Australia has the highest rate in the Asia-Pacific region with 21.5%. The average rate of women in leadership positions is 10.2% in Asia-Pacific and 21.2% in the European Union. India, Pakistan and Bangladesh have a 30% reservation quota for women to occupy positions in local government bodies, and Bangladesh was ranked 8<sup>th</sup> globally in terms of empowerment of women

with an extensive range of pro-women policies, for example, in relation to parliamentary representation as well as entry to primary and secondary-level education.



Rayhan then went on to address how we can take action to improve women’s participation in business. It is necessary to commit to the cause, hold challenging conversations and take a broad perspective as to the action needed to be taken. As an example, Rayhan discussed the work of the fair trade industry in Asia. Despite the majority (75%) of fair trade product producers being women, only 45% occupied management positions. In order to address this issue of women’s representation the WFTO-Asia firstly established a Gender Working Group to give input into all the gender-related activities of the WFTO-Asia. This Working Group conducted a survey in 2016 of WFTO-Asia members in order to develop a Regional Gender Policy on the implementation of a gender policy in their work. Such a comprehensive response to this survey means it reflects the needs of all WFTO-Asia members. This regional policy was highly influential in the development of a widely accepted global WFTO gender policy. Raising awareness of gender issues was a key part of WFTO-Asia’s



Biennial Asia Fair Trade Summit in October of 2016, where gender-specific sessions were run and a gender specialist provided one-on-one support to WFTO-Asia members. The final step in addressing issues of women’s representation in business is to secure funds in order to pursue the implementation of WFTO-Asia projects, such as the regional Gender Policy.



#### Panel 4: State Practices and Religion

##### Speakers:

- Dr. Ahmed Shaheed, Lecturer, Human Rights Centre, University of Essex
- Dr. Natasha Ezrow, Senior Lecturer, Department of Government, University of Essex
- Kim Young-Il, Executive Director and Founder, People for Successful COrean Reunification (PSCORE)
- Dr. Andrew Fagan, Director of Postgraduate Studies, Human Rights Centre, University of Essex

##### Dr. Ahmed Shaheed, “Religion-based Practices Harmful to Women”

Dr. Shaheed is a lecturer in Human rights in the School of Law and Human rights Centre, University of Essex. He is an internationally recognized expert on foreign policy, international diplomacy, democratization, and human rights reform, especially in Muslim states. He currently serves as the UN Special Rapporteur on freedom of religion or belief. Prior to this role, in August 2011, he served as the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. He is also a member of the Advisory Committee on Interfaith Dialogue established by the UN Office on Genocide Prevention and Responsibility to Protect. He is the founding Chair of the Geneva-based human rights think-tank, Universal Rights Group.



Dr. Shaheed gave an overview of the relationship between women's rights and religion. The Convention on the Elimination of all forms of Discrimination Against Women attracts a high degree of reservations by States because they wish to dilute specific commitments to gender equality. This issue is not specific to a particular region, but runs across many geographic regions. Ahmed spoke of how patriarchy creates a template upon which human rights are often developed. He then went on to discuss the public-private divide of the liberal tradition and how it affects human rights, and the tradition of legal pluralism. Iran, Bangladesh, Myanmar, and Sri Lanka, have diverse contexts which influence public perception of human rights. Migration across global regions and diaspora communities may affect the formation of attitudes towards human rights; and, in the South Asian region one can draw a line from North to South where women's rights improve. In addition, Dr. Shaheed stated that respect for the rule of law improves women's rights. Focusing on common religion-based or influenced violations, he said that one sees that the population has more men than women because there is gender selection. When the sex of the baby is revealed parents are more likely to have an abortion of girls because the parents prefer to have sons as early as possible.



Dr. Shaheed continued to say that there is also violation of rights in terms of access to education, health care, and social services. Denial of such access can be co-related with early and forced marriages. Often, religion and cultural practices are conflated. For example, where the girl's parents have to pay a dowry, and are poor, a young girl may be offered in marriage to a very old man. The example was also given of Saudi Arabia where women, even if the law were changed to permit them to drive cars, cultural filters could inhibit women from doing so. There are also pollution practices in some parts of Southeast Asia, where girls must be segregated when they have their periods as they are considered impure. An increasingly

common perception in Asia is that males have to protect women all through their life: from the uncontested authority of the father then they are young girls, to the protection of their brothers, to the custody of their husbands. When the husband passes away, the son will take over and some religious practices, widows are not supposed to remarry.

In conclusion, Dr. Shaheed argued that the right to practice one's belief cannot go beyond Article 5 of the International Covenant on Civil and Political Rights, i.e. no right can be used to destroy other rights protected by the Covenant. There should be no coercion in the practice of rights, and governments have a positive duty to proactively take measures to address religious practices that violate fundamental human rights.



**Natasha Ezrow, “The Effects of Political Indoctrination in Burma/Myanmar”**

Natasha started her presentation by setting the context of Myanmar under President Thein Sein -- it has a population of 51 million and in her opinion their thoughts are controlled by the government. Around 68% of the Burmese population and many of the other ethnic groups also significantly suffer from human rights violations. This injustice stems from Myanmar’s history of intra-state conflicts, which is caused by its militarization.

Natasha went on to explain why the Burmese military has been forceful. She explained that the military needs to be in power because they are the only ones able to maintain the unity among the different ethnic groups in the country. This military regime was also very politicized. The first regime was run by a socialist party and the second regime was promoting a nationalistic agenda. Civil politicians were said to be unable to handle this conflict, and the military refused to step down. The country has been slowly transitioning towards democracy, and as of November 2015, Aung San Suu Kyi’s party has been in power. Though she is banned from holding the presidential position, she holds an advisory position in the government.

Natasha then explained Myanmar’s challenges of overcoming regime indoctrination, which is done through the education system. During the socialist military regime, the ideology was grounded in Marxism, Leninism and Buddhism. The party attempted to provide a rationale for the socialist state without placing too many social and economic demands on the state. The educational content also focused heavily on patriotism, which has been indoctrinated into the people. Students were taught the importance of nationalism and unity during that period. In addition, Natasha explained that each regime used the educational system to inculcate certain attitudes into the minds of the youth.; therefore, educational system became less effective.



Burma has a tradition of critical thinking but students became punished for thinking creatively, Natasha discussed. Certain ethnic groups are put down by those in power, and the media that people have access to were provided and controlled by the state. Also, its citizens started to feel uncomfortable to talk because the military was everywhere, in some instances in plainclothes. In order to escape threat of arrest, many Burmese are forced to participate in quasi-military civilian organizations that are orchestrated and administered by the regime to convey the idea of widespread support.

Natasha then posed the question, what kind of impact does the doctriination have in the process of democratization





today? If the government has the propaganda, an authoritarian regime is much stronger. She explained that people have low levels of social trust, and it is important to build that trust for a democratic society. In Myanmar today, there are no civic classes, and memorization is encouraged. The Burmese people preferred democracy but they have no idea of what it was. In practice, they still preferred a paternalistic style of leadership. Also, there is a high degree of political polarization. Under the authoritarian rule in Myanmar, 62% of its population feel that the country is moving forward, while 77% believe that most people cannot be trusted. In addition, 72% of men and 69% of women believe that men make better leaders.

In conclusion, Natasha proposed to focus on the youth as a solution to a more democratic society in Myanmar. This specific focus is due to the fact that most of the indoctrination takes place in the Burmese's youth, and the older generation has other feelings about authoritarianism. Groups trying to provide support to the country must reach out to young people and help them develop an understanding of democracy.

#### **Dr. Andrew Fagan**

Andrew acted as moderator for our final panel and kindly introduced his fellow panelists. In response to a question from the audience on indoctrination Andrew spoke of his experience whilst leading 2 weeks of intensive human rights training on his first visit to Burma in 2011. The training was attended by a carefully selected group of political prisoners, monasteries and NGOs. The purpose of the training was to demonstrate how a commitment to human rights norms can unite an otherwise heavily divided political movement. Such training was attended by individuals as there exists a very low knowledge of human rights in a state such as Burma where authoritarian rule has been the norm for so long. Andrew's anecdote was of a conversation with one of the trainees

– a former political prisoner and self-identified human rights defender – in which the trainee presented Andrew with a pamphlet the trainee had wrote himself in English, entitled "The Myth of the Rohingya", and of which he was very proud. The pamphlet demonstrated the trainee's commitment to the view that the Rohingya people are stateless persons with absolutely no rights or status at all within Burma. Andrew pointed out that the pamphlet demonstrates the existence of levels of entrenched prejudice which can be in direct contradiction to embracing otherwise human rights, democratised norms.

Andrew reminded us that such prejudice is not shocking – we don't have to go to Asia to see it, we can see these contradictions all over the world. Andrew recounted how his experience with this trainee suggested to him that the trainee had learnt nothing from the training and demonstrates the oft experienced "2 steps forward, 3 steps backwards" in educating in the human rights field."



## Closing Remarks

### Alexandra Havkwist and Silje Fossen

In the closing remarks, the vice-chair, Silje Fossen, opened with a big thank you to the last panel members and to Dr. Andrew Fagan who was the moderator. She also thanked all of the other speakers and invited the audience to give them a round of applause, and also acknowledged the audience for their involvement and interest in the conference and the topic of gender and sexuality issues as a whole.

The chair, Alexandra, echoed this appreciation for all those involved and drew attention to the final report, as well as the constant social media updates that had been done throughout the day. As her very final remark she again extended her thanks to her amazing team for showing incredible professionalism, to Dr. Sanae Fujita for her commitment to the conference, and all of the volunteers and note-

takers. She also invited everyone back next year to this important conference hosted by students in the Essex Human Rights Centre to continue striving for human rights in Asia.



## Speakers' Biographies

### ➤ ***Shovita Adhikari***

Shovita Adhikari is a PhD candidate in the Department of Sociology, University of Essex. The title of her research is 'Rethinking child trafficking in Nepal: challenges, perspective and good practice'. She works as a graduate teaching assistant in the Department of Sociology, University of Essex and teaches sociology and criminology modules. In addition, she gives guest lectures at the University of Essex and University of Portsmouth. She has professional work experience in health, gender, and human rights issues in various I/NGOs in Nepal. Her research interests include child trafficking, child protection, gender-based violence, children's rights, sociology of childhood, and the global South.

### ➤ ***Ya Lan Chang***

Ya Lan Chang is a PhD candidate in Law at Magdalene College, University of Cambridge. Her research focuses on developing a plausible communitarian approach to constitutional rights in Singapore, one which takes into account both individual rights and the community's interests, and which promotes inclusiveness within the national community. She is the Managing Editor of the Cambridge International Law Journal and Co-Convenor of the Cambridge Doctoral Workshop in Legal Theory in 2016 and 2017.

### ➤ ***Kathryn Collar and Lizzie Wait***

Kathryn Collar is STOP THE TRAFFIK's (STT) global operations manager. She works alongside the global staff to manage and deliver the STT global strategy, working with affiliates, activists and the diverse partners and stakeholders who all form a pivotal part of STT. Her current focus is engaging with communities across the world in gathering their community information through STOP THE TRAFFIK's intelligence tool called the STOP APP. Prior to working at STT, she built up an extensive repertoire as a frontline professional supporting clients vulnerable to significant harm. Lizzie Wait has been on the STT's communication team since December 2016. She is developing the Global Blanket Campaign - a project advocating for fashion brands to address the labour exploitation and the unsafe working conditions often prevalent within fashion supply chains. She writes weekly blogs for STT – research posts covering a range of modern slavery and supply chain issues existent within commercial industries. Prior to her work at STT, she pursued social development projects within Ghana and Cambodia, as well as explored the social vulnerability and deprivation of indigenous peoples within Canada.

### ➤ ***Dr. Natasha Ezrow***

Natasha Ezrow is a Senior Lecturer of Government at the University of Essex. Her teaching interests are International Relations and Comparative Politics, with specific interest in Development, Middle East Politics, African Politics and Latin American Politics. She has written several books on dictatorships, violent non-state actors, democratization, failed states and international

development. Her most recent book tackles autocracies and democratic backsliding. She currently works with the IDEA organization on a joint project on authoritarian nostalgia. Dr. Ezrow earned her B.A. at University of California, Irvine and doctorate at University of California, Santa Barbara.

➤ **Dr. Sanae Fujita**

Dr. Sanae Fujita is an associate fellow of the Human Rights Centre at the University of Essex and has been an adviser for the annual student-led Human Rights in Asia conference since 2009, the first year it was organised. Previously at Essex, she taught the postgraduate course entitled 'Human Rights in the Asia-Pacific Region' as a module director. Since 2013, she has played a crucial role in raising international awareness of freedom of expression and information in Japan and has been leading a project by assisting the UN Special Rapporteur on Freedom of Expression. Her areas of research are human rights and development, as well as freedom of information and expression. She teaches her area of expertise regularly both in the UK and Japan. She holds a PhD in Law and an LLM in International Human Rights Law from the University of Essex as well as an MA in International Development from Nagoya University, Japan. Her publications include *The World Bank, Asian Development Bank and Human Rights: Developing Standards of Transparency, Participation and Accountability* (Edward Elgar Publishing, 2013).

➤ **Rayhan Kabir**

Rayhan Kabir joined Hathay Bunano in 2009 as a Graphics Designer. From the interest of rural development, he gradually involved with employment generating activities for disadvantaged women at the rural level in Bangladesh. In 2013, Hathay Bunano promoted him as an Executive Director to lead operations at every level. For the past few years, Rayhan had developed a lot of ethical policies in line with the fair trade movement and implementing them within Hathay Bunano as a way of social practice, which has proven financial returns over the last few years. Hathay Bunano became a guaranteed fair trade member of WFTO in 2014 and Rayhan is now an active member of the WFTO Gender Working Group, both at the global and regional levels. Rayhan hold MBA in Finance from South East University.

➤ **Henry Koh**

Henry Koh is a Malaysia Human Rights Specialist with Fortify Rights. Prior to joining Fortify Rights, he worked as a legal consultant with UNAIDS Asia Pacific, where he led a pioneer project focusing on transgender rights advocacy through strategic litigation and served as a rapporteur with former UN Special Rapporteur on Right to Health Anand Grover to produce a report detailing an action plan to advance transgender rights. Henry also worked with the Southeast Asia Regional Office of the High Commissioner for Human Rights and produced human rights country briefs for Malaysia, Singapore and an annual report on political violence and arbitrary arrests in West Papua. Henry is currently a secretariat member of PROHAM (Society for the Promotion of Human Rights). Henry holds an LL.B.

from the University of London as well as a Postgraduate Diploma in Law, Postgraduate Certificate in Law, and Diploma in International Arbitration.

➤ ***Fumie Saito***

Fumie Saito has just finished a short-term research assignment with Human Rights Watch on women's detainees in Japan. In 2016, as the Asia regional coordinator for the Partnership for Maternal, Newborn & Child Health, she co-facilitated a G7 Ise-shima Summit civil society international working group on Universal Health Coverage and Sexual, Reproductive, Maternal, Newborn, Child and Adolescent's Health, which resulted in increased attention on these issues within the G7 Declaration.

Formerly a senior policy coordinator for the Minister of State on Social Affairs and Gender Equality in Japan, and a senior legislative aide to parliamentarians, she successfully navigated various public policies and pieces of legislation on women's and children's rights such as VAW and child prostitution.

She holds two Master's degrees: Public Policy with a concentration in Women's Studies (The George Washington University, USA) and International Human Rights Law (University of Essex, UK).

➤ ***Clara Sandoval***

Clara Sandoval is Acting Director of the Human Rights Centre and Co-director of the Essex Transitional Justice Network at the University of Essex. She teaches and researches on areas related to the Inter-American System of Human Rights, Legal Theory, Business and Human Rights and Transitional Justice. Most of her scholarship has been focused on reparations for gross human rights violations by the State and by TNCs.

She has been a consultant on transitional justice issues for the International Criminal Court (ICC), UN Women, the Office of the UN High Commissioner for Human Rights (OHCHR) and the International Center for Transitional Justice (ICTJ).

She advised the Colombian Ministry of Justice during the peace process in Colombia on issues such as justice and reparations, including the role of third-party actors during the transition. She engages in human rights litigation with organizations such as REDRESS and has litigated before the Inter-American System.

➤ ***Dr. Ahmed Shaheed***

Dr. Ahmed Shaheed is Lecturer in Human Rights in the School of Law and Human Rights Centre, University of Essex. Dr. Shaheed is an internationally recognised expert on foreign policy, international diplomacy, democratisation and human rights reform especially in Muslim States. He currently serves as the UN Special Rapporteur on freedom of religion or belief, to which he was appointed by the UN Human Rights Council on 1 November 2016. Prior to this role, in August 2011, he was appointed as

the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran. Dr Shaheed is also a member of the Advisory Committee on Interfaith Dialogue established by the United Nations Office on Genocide Prevention and Responsibility to Protect. He is the founding Chair of the Geneva-based human rights think-tank, Universal Rights Group.

➤ ***Tinnaphop Sinsomboonthong***

Tinnaphop Sinsomboonthong is an MSc Development Studies candidate at the London School of Economics and Political Science (LSE), funded by the Foreign and Commonwealth Office (FCO)'s Chevening Scholar from Thailand in 2016-17. With experience in the development field, ethnic conflict resolution, HIV/AIDS prevention and assisting refugees and trafficked persons, he mainly focuses on gender in South-east Asian region, particularly in Thailand and Myanmar. He is highly interested in applying feminist, postmodern, postcolonial and queer theoretical frameworks in development agendas, humanitarian principles and values, and human rights violations against vulnerable groups of people, including LGBTQIA, women, stateless people, migrants, and refugees. His ongoing fieldwork-based dissertation is about the exploration of “gender mainstreaming” discourse in humanitarian response for refugees in Mae Sot District, Thailand.

➤ ***Jacquelyn Strey***

Jacquelyn Strey is a PhD candidate in her last year at the School of Oriental and African Studies (SOAS) in London. Her work focuses on the everyday lives of queer women and persons assigned the female gender at birth (PAFGAB) in Mumbai and Bangalore and she uses these experiences to critically analyse how queer theory might be challenged to move beyond the political into the everyday.

➤ ***Dr. Punam Yadav***

Dr Punam Yadav is a Teaching Fellow in the Gender Institute and Research Fellow in the Centre for Women, Peace and Security. She is the author of the book ‘Social Transformation in Post-conflict Nepal: A gender perspective’. She is interested in examining women’s lived experiences in conflict and post-conflict contexts. Prior to joining LSE she was part-time lecturer at the Centre for Peace and Conflict Studies, University of Sydney. She started her professional career as a development practitioner in Nepal. She worked for over ten years with various International and National NGOs in Nepal, Thailand, Australia and the UK.

➤ ***Dr. Gina Yannitell Reinhardt***

Dr. Gina Yannitell Reinhardt is a lecturer in the Department of Government at the University of Essex. She studies how citizens and policy-makers make decisions under uncertainty, and how those decisions affect economic, social, and political development and subsequent policy outcomes. She focuses specifically on foreign aid, international development, and disasters, asking how development

financing can be judiciously allocated to help avert, alleviate, mitigate, and manage disasters. Dr. Reinhardt's work can be found in journals such as *World Development*, *Political Analysis*, *Political Research Quarterly*, the *Journal of Risk Research*, and the *Review of Policy Research*. She earned her doctorate in Political Science from [Washington University in St. Louis](#). Prior to this, she researched for one year in Brazil, funded by a [Fulbright Grant](#). She earned her B.A. in [International Studies](#) at [Rhodes College in Memphis](#), with minors in [Japanese](#) and [Theatre](#).

➤ **Kim Young-Il**

Kim Young-Il is the Executive Director and founder of PSCORE. He was born in North Korea and escaped in 1996 with his brothers and parents after years of persistent famine. He first attempted to leave China for South Korea in 2000 but failed to do so. In 2001, he finally arrived in South Korea via Mongolia. He graduated with a degree in Chinese Studies from the Hankuk University of Foreign Studies in Seoul.

***9th Annual Human Rights in Asia Conference Organizing team***

**Alexandra Havkwist (Chair), Silje Hoel Fossen, Caroline Bird, Udita Sharma, Reem Elmeegy, Moe Nogiwa, Lisa Miyake, Dr. Sanae Fujita (Supervisor)**



(Photos credit to Ronit Matar and Dr. Sanae Fujita )