



HUMAN RIGHTS EDUCATION IN ASIA-PACIFIC

VOLUME NINE

HURIGHTS OSAKA

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IN ASIA-PACIFIC
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Human Rights Education in Asia-Pacific—Volume Nine

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WE ACKNOWLEDGE the authors who patiently worked with us in preparing the articles in this volume. We appreciate their support for the continuing work of gathering and disseminating human rights education experiences that can hopefully be useful to other people who would like to start their own human rights education program or would like to improve existing program.

We also acknowledge Fidel Rillo of Mind Guerilla for the lay-out and cover design of this volume.

Foreword

WE HAVE ANOTHER IMPORTANT COLLECTION of articles in this volume that presents a variety of human rights education experiences in Asia.

As many of us are aware, human rights institutions and defenders in the region have been facing serious challenges and obstacles to achieve human rights in many places of the world. Human rights education as well as legislations and policies in respective country will certainly play a crucial role to ameliorate the situation, and in this sense, we believe that this volume will provide you with insights in advancing the promotion of human rights.

We would be happy to receive any feedback on this volume's articles from readers.

ATSUKO MIWA
Director

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Introduction

THE 2019 GWANGJU PRIZE FOR HUMAN RIGHTS SELECTION COMMITTEE awarded an Indonesian choir the Special Prize. The Committee cites the choir for using¹

its singing not just for self-healing but also to help their fellow survivors. Its songs convey a message of peace and solidarity, in the hope that it will educate the country of its forgotten past, in particular the young generation.

This choir is named Di Atas Lima Puluh Tahun (Above 50 Years Old) or Dialita whose “members choose to tell their stories by singing, and together... co-initiate social change, co-constructing new meanings of health and resilience.”²

As a 2016 newspaper report states:³

Dialita is a choir that is made up of women whose parents, relatives and friends were captured, tortured and exiled during the 1965/1966 communist purge in Indonesia. In their late sixties, the members of Dialita co-initiate social change through singing performances. Their performances challenge the dominant style of communicating about 1965 and co-create alternative narratives filled with melodious dialogues and joyful hope for the future. This communicative approach is in contrast to the sufferings they have experienced since the purge that wiped out their family members and took away their freedom and dignity. Through their voices, singing has improved their health.

What is striking in the idea behind Dialita is the use of singing as a medium to communicate truth, facilitate healing, and invite calm reflection on the past. The songs of Dialita are very much like traditional songs that convey hopeful messages.⁴ As described in the 2016 newspaper report:

In each of their performances, the Dialita choir invites the audience to experience the beauty of their voices and sincerity in their songs. Therefore, although the younger audience members had never heard about the songs and the choir, Dialita performances became an open field for interaction and communication. The boundary between the performers and the audience disappeared as audience members turned into performers of

stories based on their lived experiences, engagement, dreams, aspirations and imaginations.

This seemingly “mild” approach of singing to change public understanding of a historical issue is an example of the use of artistic expression to reach out to the people. Theater (formal or the street performance type), puppetry, dancing (including hip hop) and rapping, visual arts (painting, drawing, sculpting, etc.) and films/videos are artistic expressions that can attract people’s attention to issues and human rights without appearing too somber and serious. Thinking may start once attention to the message is secured. Artistic expressions have that capacity of entertaining people to lead them into thinking of the message being conveyed.

Several articles in this volume discuss the use of artistic expressions as mediums for messaging justice and human rights to the public. Cecille Montenegro learned how to use painting as a way to express her own bitter experience as a migrant worker. She decided to use her art to express feminist thinking on social issues and to provide therapy to distressed women.

Persons with disabilities in Jogjakarta learned how to act in plays and staged a theatrical production to portray their real life and thinking. Irfan Kortschak explains that this project aims to make people see the need to provide a proper environment that supports the realization of the rights of persons with disabilities, and to appreciate their (persons with disabilities) capacity to do things on their own.

To counter the traditional bias against women and girls, the Asian Development Bank-supported legal literacy project uses puppetry to raise and discuss issues according to laws that protect women and girls and to recognize their rights as equal to those of men and boys. The project also uses the traditional painted decoration of trucks to promote “messages that are pro-women and pro-girls, highlighting, for example, the right of women and girls to inheritance.”

Traditional puppetry and truck designs are also cultural expressions. They speak of local cultures both in terms of medium and message. Local cultural expressions are likely to attract more attention in the community.

Equally important is the need to consider the local culture in introducing educational initiatives to indigenous communities. Butet Manurung learned the importance of understanding the local culture in order for her and her colleagues to develop an educational program that serves the needs of the indigenous community such as stopping encroachments on their an-

cestral land and preserving their own culture in order to survive as indigenous people.

The use of the information and communication technologies is an important field that has to be further explored in promoting human rights. Akihiko Morita provides an example of the use of such technologies in his article on learning language that promotes human rights.

Empowerment measures

The use of law to address issues requires appropriate understanding of relevant local laws and processes, as well as development of skills on using them. Paralegal training has long been a major component of legal empowerment, specifically on its focus on practical use of law. Paralegals help people prepare necessary legal documents and seek the services of government. This is seen in the article of Khalid Hussain that explains how the community-based paralegals provide services to members of the community. In a different setting, paralegals can help fellow inmates and even people outside the prison on legal matters. This is the project being implemented by the organization of Haya Zahid and Shahzaman Panhawar. Prisoners and under-trial inmates are trained as paralegals to enable them to help others in the prison facilities address their legal problems.

Wider Reach

The articles of the National Institution for Human Rights in the Kingdom of Bahrain and the Human Rights Commission of Malaysia (SUHAKAM) provide an overview of their human rights education programs and activities, which cover different issues and aimed at different audiences (from government officials to young students). The articles explain the important role of national human rights institutions (NHRIs) in human rights education, especially in reaching out to people in the various agencies of government.

Non-governmental institutions also reach out to the government agencies, business and civil society in order to promote human rights. The article of Vicky Bowman and Donna Guest explains a variety of educational activities on the business and human rights issue being offered to government, business and civil society organizations. They stress the need to develop ma-

materials in the local language to be able to reach those in government, business and civil society.

Educational institutions can also join efforts to promote human rights within the academe through the development of teaching lessons that address a basic need for such materials. Among higher educational institutions, lack of teachers who are familiar with human rights and who can teach them in different subjects is a problem. Thus, developing teaching materials for higher educational institutions can help develop such capacity among the educators. The materials can be adjusted to local situations for greater relevance of the content. The use of these teaching materials requires complementary training. This is what Mike Hayes explains in his article on the role of a network of universities in promoting human rights in Southeast Asia. The university network developed teaching materials and provided training to teachers in the member-universities.

Review of Experiences

The articles of Fumiko Noguchi and the Osaka Prefectural Teachers Union review the challenges posed by existing educational approach and policy. Fumiko stresses the need to give utmost importance to the perspective of the people who are affected by human rights issues. In the context of community development, the educational initiative should have “synergy between timely learning and facilitation and social actions such as policy advocacies and lobbying.” To Fumiko, understanding how the affected people think is essential in making Education for Sustainable Development (ESD) effective. An “understanding [of] the totality of suffering the marginalized people have experienced psychologically, physically, economically, and socially” must be the basis of such educational initiative like ESD.

The Osaka Prefectural Teachers Union, on the other hand, has to contend with a new national school curriculum that can possibly set aside human rights education. The moral education subject in the new curriculum has the potential of promoting ideas that oppose human rights. There is fear that the subject would be teaching a “particular sense of norms or values and ... instructions that interfere with the freedom of thought.” Thus the task at hand is on finding ways of ensuring that human rights are taught in the moral education subject.

In all these experiences, the message remains the same: we have to continue all forms of human rights promotion based on our capacity, area of work and issues.

JEFFERSON R. PLANTILLA
Editor

Endnotes

¹ “2019 Gwangju Prize for Human Rights Winners Announcement,” May 18 Memorial Foundation, 15 April 2019, <http://518.org/Mayzine/201904/sub-page/subo801.php>. The “winner of the main prize is Ms. Joanna K. Cariño of the Philippines. Ms. Cariño is founder and an advisor of the Cordillera Peoples Alliance (CPA) and also the chairperson of SELDA Northern Luzon.”

² Dyah Pitaloka and Mohan J. Dutta, “From victims to survivors: The healing journey of the Dialita choir,” *The Jakarta Post*, 27 September 2016, www.thejakar-tapost.com/life/2016/09/27/from-victims-to-survivors-the-healing-journey-of-the-dialita-choir.html.

³ Pitaloka and Dutta, *ibid*.

⁴ Watch the choir members sing “Lagu Untuk Anankku,” (A Song for my Child), “Salam Harappan” (Greetings of Hope), “Ujian” (Test) in [DAY01] Dialita Performance on YouTube, www.youtube.com/watch?v=7N5vdjbq56w.

Indigenous Peoples and Culture: Orang Rimba's Education

Butet Manurung

THE SURVIVAL of many indigenous peoples around the globe depends on the preservation of their cultures. Their cultures teach them three main relationships in life: maintaining harmony with nature, other human beings and the Creator. Therefore, culture plays a very significant role in the way they educate themselves. I apply this principle in my work with the Orang Rimba community in Sumatra and indigenous peoples in other parts of Indonesia during the past twenty years. My team and I believe that culture should be the DNA in the educational program for indigenous peoples.

The Orang Rimba

The estimated 5,700 Orang Rimba are nomadic hunter-gatherers living in the central part of Sumatra island.¹ Majority of them live in two national parks in Jambi and Riau provinces – Bukit Duabelas (Twelve Hills) with approximately 2,500 Orang Rimba, Bukit Tigapuluh (Thirty Hills) with four hundred people and along the Trans-Sumatran Highway with 1,200 people.

The Orang Rimba communities have a clan-based structure, with each clan headed by a chief (*tumenggung*), who is assisted by various intermediate-level leaders including an advisor (*tengganai*), *depati*, *mangku*, *menti*, and *anak dalam*, all of whom have specific tasks within the clan (known as *rombong*).

The communities are not in regular contact with each other, and marriage usually occurs within the clan. The Orang Rimba family is matrilineal with husbands usually residing with the wife's extended family and parents preferring daughters rather than sons.

The Orang Rimba classify the forest area into several types of use: living, birthing, farming, burial, religious rituals, and place for good and bad spirits. Each clan has a specific territory; in some cases, if members of other clans want to use a clan's area, permission has to be sought. But due to the

pressure of encroachment by mining and agricultural industries, some clans are forcedly displaced and wander around mainly along the Sumatran highway or become dwellers at palm-oil plantations.

The Orang Rimba believe that the forest has many gods who exert a powerful influence in their lives. Gods can be benign or malevolent but many Orang Rimba regard their gods with fearful respect, believing that most misfortune is due to behavior that angered the gods. Particular areas are designated as the preserve of gods and Orang Rimba do not live or cultivate such areas. They also believe that gods move about the forest through rivers and creeks and they thus place great emphasis on the cleanliness of waterways. Only shamans (*dukun godong*) have the power to intercede with gods and dispense natural remedies and mantras to cure illness or to counteract evil spirits.

The Orang Rimba hunt and eat almost all forest animals, including snakes, bears, wild boars, bats, lizards and birds. They domesticate animals only as pets and do not hunt animals regarded as belonging to the gods, such as tigers and Hornbill birds.

Though they want little contact, outsiders increasingly come to them as government officials, doctors and nurses, teachers or non-governmental organization (NGO) activists, miners, loggers, surveyors and illegal hunters.

Community-Orang Rimba Relationship

The mainstream community in Jambi in Sumatra island tends to view the Orang Rimba with prejudice, often using denigrating language to describe them and perpetuating unflattering stereotypes about their culture, intelligence and intentions. The Orang Rimba are called *kubu* to mean primitive, lacking good hygiene, ignorant, immoral and lacking any religion. Local communities have popular sayings that express their dislike for the Orang Rimba such as having black magic powers to lure business clients, seduce potential lovers and cause or heal sickness.

In recent years, indigent Orang Rimba have been traveling to the cities and towns around Jambi and the Trans-Sumatran Highway to beg for money or food, or sell forest goods such as animal skin. People in the cities and towns do not see these activities in positive light.

However, many Indonesians want the Orang Rimba (and other indigenous peoples for that matter) to have a greater role in the country by giving them education, housing, employment and even religious enlightenment.

State Policies

The Dutch colonial government did not pay much attention to the indigenous peoples of Indonesia; but its transmigration programs in the 1920s² adversely affected them. Under these programs, many people from Java cleared the forests of Sumatra and settled there. Agricultural plantation and extractive industries started to spread in the island.

After independence, the Indonesian government classified the indigenous peoples as isolated and undeveloped communities (or *masyarakat tertinggal* which literally means “left-behind communities”) and thus sought to bring socio-economic development to them. But the state development programs were imposed on the indigenous peoples, which marginalized rather than helped them. Laws during the Soeharto period treated the indigenous peoples as incapable of developing their lands and displaced them by promoting investments in forestry, agricultural and mining industries in their (indigenous peoples) areas.³

The government also imposed new political structures that disregarded *adat* (traditional) structures and installed new administrative systems at the village level headed by people who needed to have certain level of literacy and formal educational attainment.⁴ These structures and systems effectively excluded the indigenous communities including the Orang Rimba from participating in decision-making processes. In other words, the Orang Rimba communities were systematically disempowered in governing their own areas.

The post-1998 Reformasi period (post-Soeharto government reform process) has mixed results for indigenous communities. Some laws and government regulations allowing exploitation of forest areas and permitting state intervention in *adat* areas continued the New Order policies. In recent years, there has been increasing awareness of Orang Rimba rights and cultural richness, accompanied by government attempts to better protect their communities. However, the devolution of state power to the local level (under Law number 22/1999 and Law number 25/1999) had not brought relief to the Orang Rimba and the other indigenous communities because it allowed local businesspeople and political elites much freer access to natural resources with little or no scrutiny from national authorities. More income from the exploitation of the local natural resources meant more funds sent back from the national government to the local administrations. Thus there

was reason to exploit the forest and other natural resources in the areas of the Orang Rimba and other indigenous communities. For the Orang Rimba, devolution left them much more vulnerable to the economic predations of the so-called “lesser kings” (*raja kecil*), local powerful figures who used the new decentralized system for their own wealth accumulation.

Changes to forestry management laws during Reformasi also had significant consequences for the Orang Rimba. In 2000, after concerted advocacy by conservation groups, the area of Bukit Duabelas was converted into National Park. Since 2002, the Natural Resources Conservation Institute (Balai Konservasi Sumber Daya Alam, BKSDA), under the Ministry of Forestry, has advised the government on regulating the National Park. BKSDA meetings involve various stakeholders, including local governments, national park experts hired from the US and non-governmental organizations (NGOs) that work with the Orang Rimba. Although BKSDA was welcomed as means of pooling information and discussing policies, its glaring failure was the refusal to invite Orang Rimba leaders to meetings, seemingly because officials were worried that the Orang Rimba might not understand Bahasa Indonesia. The largest NGO working with the Orang Rimba, Sokola Institute, of which I am a co-founder, initially participated in the meetings, but was later excluded after querying about the absence of Orang Rimba representatives.⁵

The national park regulations were introduced progressively from 2004 and immediately caused problems for the Orang Rimba, particularly relating to the park zoning system that heavily restricted human movement and activities in specific areas. Although the management regulations did recognize areas for sacred trees and plants such as Sialang honey trees and Sentubung and Songoris⁶ plants, in general, they did not correspond to the Orang Rimba’s own customary zoning. These competing zoning practices soon led to clashes between the Orang Rimba and forest rangers. For example, rangers cut down all the trees planted by the Orang Rimba in a core zone where humans were prohibited and also shot and injured an Orang Rimba man who planted trees in the same zone. The rangers’ actions triggered large and angry protests from the Orang Rimba community especially from young, literate students.

Since 2010, the Orang Rimba in Makekal Hulu (one of the twelve clans in Bukit Duabelas), have tried different strategies to counter the forest regulations. In 2016, they independently mapped their own traditional territory

in Jambi under the supervision of a NGO, the Ecological Justice for People Foundation (CAPPA Foundation). For several months, every family contributed Rp 50,000 (about three and a half US dollars) per month to support the costs of the mapping. In 2017, the mapping project was completed and submitted for registration with the Board for Customary Land Registration (Badan Registrasi Wilayah Adat). This map has become an important resource for BKSDA in revising its management regulations.

First Contact

I started visiting the Orang Rimba villages in October 1999 as staff of the Indonesian Conservation Community, more known as WARSİ. I was tasked to continue the education program started by WARSİ several years before. WARSİ is an environmental NGO that operates in Jambi province, whose primary programs consist of advocating the living space for Orang Rimba, facilitating their education by teaching them basic reading and math, and supporting the Orang Rimba's children in getting formal education.

My first attempts at giving literacy to the Orang Rimba were met with resistance. I was confronted with their thinking about outsiders giving education to them. One mother told me “Sokola hopi ado dalam adat kami, kalu kami keno bala, yoya ketinye kamu nang bekin kedulat!” – School is not in our tradition, if calamity befalls us, you are the one who caused our damnation.⁷

How does one react to such thinking that honestly expresses the fear of the unknown, the literacy program? How does one assure the Orang Rimba that literacy is not evil, but has value for their future?



I did not want to impose on the Orang Rimba my literacy work. I had to slow down, and waited for the right moment to get them to feel safe in learning reading and writing.

I decided that I should start with the children, instead of the adults. I identified potential students among the Orang Rimba children. But while I was able to initially talk to the boys (aged four to sixteen), I had a hard time communicating with the girls.

I had the impression that women and girls have been taught to be cautious of outsiders, making them more difficult to reach. I had to behave like the Orang Rimba women to follow their culture. I felt, for example, that



Orang Rimba students.

there was a traditional rule that prohibited women from teaching anyone – male or female. I learned at least that it was considered *hopi beik* (out of place) for women to teach men. At the same time, women were probably disinterested, or a little fearful.

Perhaps the Orang Rimba did not need education after all. But the fact that they had been cheated (through land agreements for example), there was a basis for saying that they were treated unfairly for not knowing how to read and write in Bahasa Indonesia.

Initial Learnings

My short experience of giving literacy classes to the Orang Rimba children gave me the chance to rethink my concept of education. I drew up an education program that I believed would be relevant to them.

I believed that any educational program for the Orang Rimba should be guided by the following basic requirements:⁸

Lessons need to be tailored to the Orang Rimba's daily activities.

The education materials should be relevant to the needs and way of life of the Orang Rimba. These materials should also be designed appropriately to take into account the comprehension levels of the Orang Rimba.

For example, in undertaking an education program for nomadic people, the school needs to be mobile. During *melangun*, when the Orang Rimba leave the place where a person died and stay far away, I walk with them bringing all the school materials in my big backpack. I teach them during their rest period and only when they ask, because *melangun* is a painful and exhausting moment for the Orang Rimba.

The materials and subjects should also be only on things that are relevant to their life. I did not know this before, and learned it from them. When I taught multiplication for example, they asked why was that relevant to their life, when will they use it? They refused to learn about the planets and the solar system thinking that they were not interesting, and irrelevant to their situation.

The Orang Rimba need to receive some benefit from any education program.

The recognition of the benefits of education by the Orang Rimba themselves is very important. I recall the advice of the then Dean of Anthropology, Parsudi Suparlan, whose book I read when I was a student in the Padjadjaran University. Known to some as headstrong but also as a very pragmatic person, he said that any program seeking to re-direct a certain community outlook would not succeed if the people it is seeking to help do not share the belief that change is beneficial to them. Program benefits must far exceed the negative spillover resulting from the acceptance of the change. It is also necessary that the benefits of change are sustainable for a long time, while also subject to improvements whenever necessary.

The education process needs to be locally organized.

The involvement of local people, bringing their language, local perceptions and culture into the mix, is likely to aid learning. Total integration by the teacher into the life of the Orang Rimba, with intermittent time outside the community, would contribute profound insights into any perception gaps between the two worlds.

The education program needs to facilitate critical analytical skills and provide skills to assist the community in coping with the development challenges ahead.

The Orang Rimba have to develop critical analytical skills to deal effectively with development and environmental changes that are threatening the existence of their communities. Development plans need to be explained in a transparent and honest way to each decision-maker and the inherent risks, which might affect their lives, need to be made apparent.



The basic goal of any education program includes facilitating the Orang Rimba's capacity for self-realization, providing a vision for the future and developing self-integrity within the Rimba community.

Education programs should aim at preparing the Orang Rimba to fend off external pressure, thus enabling them to determine their own future.

The Orang Rimba must represent themselves, voice their own needs and have their own point of view. Self-representation avoids an over-reliance on intermediaries to communicate with the outside



Classroom in the forest.

world. In their own words, the Rimba can articulate in greater detail and with force their own views and identity, their own rights and needs.

My dream is to have one of my students speak up with humility and confidence in a public forum. Building confidence is important. Whenever possible I include in my lessons various topics which can nurture their self-respect and pride. Hopefully, this addresses the erosive influences of the outside world, like the use of the derogatory term “Kubu”, which has been used for years as a substitute word for Orang Rimba.

As I see it, as soon as the Orang Rimba have a clear perspective about where they stand and their predicament, they will be able to think independently. I am confident that they will find a way out, as the Orang Rimba would likely do. Another wish is for the Orang Rimba, when faced with outside pressures, to take a stand and decide freely for themselves what to do.

I cannot bear to see the Orang Rimba put in a position where they have no room to maneuver. Once cornered they will have no capacity to objectively assess the problems coming their way. On a more pro-active note, I would like the Orang Rimba to have a say in their future destiny, and to do so they need to be empowered.

For me, therefore, this is not just about rainforest conservation. It is also about the survival of the Orang Rimba.

I come to the conclusion that reading and writing alone are not adequate preparation for the Orang Rimba to chart their future.

The need for critical analytical skills was demonstrated, partly at least, when an Orang Rimba boy told the elders not to sign the written agreement between them and the villagers in settling a dispute on the boundary of a land until after reading the document. He then proceeded to read the document out loud that not only made the elders know the contents of the document but also showed how literacy could be properly used for their benefit.

Provision of educational services has proven to be one of the most vexed issues for both the Orang Rimba and national government. For many years, government officials prefer to provide standard schooling using the national curriculum to Orang Rimba children. The focus has been on literacy, numeracy, and education on national history and principles. But most Orang Rimba are sceptical about the benefits of formal schooling and seek an education that is more closely tailored to their community needs and traditions of learning. A good example of their view of education comes from a class that I was teaching in the forest in 2000. Our class was interrupted by the growl of distant chainsaws and the eerie sound of falling trees. A child stared at me and asked: '*Ibu*, once we master reading and writing, we can then stop the logging, right?' In effect, the child was asking what was the use of education if it would not prevent the destruction of the forest which is so precious to the Orang Rimba. It was indeed a difficult question to answer as it raises issues about the purpose of education.

Among indigenous peoples, state schooling has been somewhat ruefully labeled as 'Sekolah Untuk Pergi' (School for Leaving), capturing the apprehension that going to formal schools prises students away from their traditional lands and community. Indeed, the experience of the Orang Rimba over many years is that their children who study in formal schools are far more likely to leave their homelands. The higher their education, the greater the chance of them departing. Orang Rimba contend that the national curriculum is created in the capital Jakarta for students who will live and work in cities and towns; it is not intended for jungle dwellers. It does not teach them the things they need to know to live in the forest, such as how to climb honey trees, to hunt for wild boar, to treat scorpion bites, to look after rivers and their gods, and to stop deforestation and forest fires. These are the skills the Orang Rimba regard as important.

Effects of Educational Activities?

Several years of interacting with the children made me realize the initial limitation of literacy program. Instead of empowering the children, the little knowledge I have given them burdened their hearts. Once they were able to read, they became aware of their issues. Then they became depressed when they realized that they were unable to defend their own rights.

Once they learned to read, the Orang Rimba became avid readers. From magazines, they learned about the law, and came to know that illegal logging was a punishable offense.

However, there are still important lessons to learn from the attempts of the children to act on the problems faced by their community.

In 2002, the children proposed to organize a battalion of rainforest wardens. The idea was to have a group that could prevent theft in the rainforest. They could write the names of the thieves along with the kind of wood being stolen and where were they being sold. They wanted to call this group *Pasukan Rimba Bungaron Rayo* (Strong and Mighty Rainforest Battalion) or PBPR. With money they collected, uniforms like the green military outfits were bought in the town. They observed that people in uniform (defense personnel, police, doctors) in the outside world were treated with respect.

However, the battalion idea failed to get support from WARSI, the NGO working with them. Nevertheless, they went around the rainforest watching out for thieves. But they could not be wardens all the time because they had to look for food for themselves and their families.

They then changed the name of the group from PBPR to Bramatala, “*BRAni, MATi, TAcut Lapar* – ready to die but afraid to starve!”⁹

Some Orang Rimba expressed the desire to share their knowledge of the rainforest with the outside world. Others would like to write about rainforests for newspapers, although their writing skills are not yet up to the standard required for publication.

Developing a New Educational Program

Orang Rimba youth are concerned about issues of income diversification as well as maintaining their local traditions. To ensure a source of income, we thought that the students who reach adolescence should become role models for the younger students. This idea was modeled on the practice

used by Orang Rimba parents to pass down rainforest responsibilities to the next generation. Our older students would like to have cultivation plots and learn to plant and harvest them. At the same time, these plots would deter the thrust of land clearance by the village people.

The students said, “This is the real school, learning how to live and have a good life.” This saying became the basis for SOKOLA. SOKOLA contributes to matters related to daily living and prepares people to deal with the onslaught of new experiences brought on by changing times. The rainforest is diminishing and the Orang Rimba are already becoming integrated with the market system. If there are well-protected rainforests and the Orang Rimba are able to become completely self-sufficient within them, without any market exchange with the outside world, we might assume that they would not need schooling. However, all the evidence point to the contrary.

We came up with the idea of a boarding school where children stay at school and away from their parents (though still within the territory of the group). The school would provide everything and all activities would be done there. Every day would be school day and daily life would center on the school. And so, school would no longer be just books and pencils. Naturally, the children would be allowed to visit their parents, especially those children beginning to shoulder family responsibilities.

We focused on the concept of school centers to cater to the dispersed and changing pattern of Orang Rimba *rombong* (clan) locations. Each center focused on a different program, depending on the needs of the surrounding Orang Rimba. Some placed environmental study, agriculture and forestry at their core, while others concentrated on reading and writing. But we found this idea difficult to sustain due to the need for more people, funding as well as monitoring. We decided to establish one school site where all programs were done for one *rombong*, and which moved whenever the Orang Rimba transferred to another place. We established such schools in other *rombongs*.

We began to expand our curriculum to include knowledge of flora and fauna. We dissected a frog to show its respiratory and digestive systems. We stressed however that only frogs could be subjected to this exercise, not humans.

We also took the children to attend Orang Rimba’s *adat* meetings. All of us, the children, my colleagues and I took notes during the proceedings. We learned how the elders subtly created rhymes to convey their messages or to share their feelings.

We encouraged the children to speak up and express themselves in open forums. If a government official was present, the children tended to whisper among themselves, too timid to stand up. Here we would encourage them saying, "Pak, this is Pengendum and he has something to say." We set them up to talk, which otherwise would not have happened. If Pengendum sulked, we would deal with it later.

We often invite the Orang Rimba elders to chat with us at SOKOLA. Through casual chatting, the children picked up knowledge and guidance from the elders' life experiences. The children asked about legends, spells, traditional medicine, ghosts, mythology, and a myriad of other things.

Apart from running the school, we also made the rounds visiting each of the Orang Rimba homes spread out in the forest. Occasionally, we would have sessions with the wider *rombong* group, depending on their issues. Usually this was done upon the request of the Orang Rimba. If the request is during the *melangun*, then we traveled with them.

In the context of the Orang Rimba, a school curriculum must be designed according to the needs of its pupils, not a form of template that has been approved by others. Even the best of intentions can flounder when we do not comprehend the needs of the intended recipients. The Orang Rimba would feel humiliated and hurt receiving what would be termed by the outside world as "donations" or "aid". People might find it idealistic or heroic in giving things such as cloths because they see the Orang Rimba as not clothed enough, but this aid can be perceived as an insult.

These activities started the formal establishment in 2003 of the Sokola, a not-for-profit organization which provides educational opportunities and advocacy skills for indigenous people. Its vision is for indigenous peoples "to have the ability to determine their own destiny and be sovereign over their territory and natural resources through learning processes." It specializes in providing schooling to the Orang Rimba which is sensitive to their culture and tailored to their specific needs.

In 2005, SOKOLA became a legal entity and spread its activities to other provinces: Makassar, Aceh, Flores and the Moluccas. Some of the schools were closed due to either financial limitations or the fact that the indigenous community could run their education or advocacy programs by themselves (they are at the stage where they are able to identify their problems and seek support to resolve them through their network). When schools close down because of financial problems, we seek donation and reopen again.

Impact of SOKOLA

At various forums, Orang Rimba youth have been campaigning on the significance of their forest - the forest being their life, their home, their identity and source of food. Destroying the forest means ending their world. They share stories of their wisdom about ecology or their tradition in the jungle. Also, they want to raise awareness on their values about life, meaning of happiness, view on what is meant by being civilized or having wealth. They basically want to be left alone in the jungle and to be free to choose the changes or the way they would adopt modern things/life. This is in response to the many programs provided by the government and other institutions to “modernize” them (by introducing a new religion, housing, clothes, state school, etc.).

Their attempts at communicating to the outside world are meant to prove that they are just fine without the meddling by those from the outside world about their life in the jungle. And while they need support, such help must be sensitive to their ways of life. They often mention indigenous rights especially in relation to making informed decision in communicating to the outside world.

During the 2004-2018 period, the young Orang Rimba teacher trainees went many times to the National Park Board office and the Forestry Department to request for the protection of the Bukit Duabelas National Park where they live; gave two presentations at the Constitutional Court of Indonesia in 2007 and 2010 about customary law, community and recognition of their/indigenous peoples belief; joined the forum organized by the National Commission on Violence Against Women and spoke about indigenous life especially the women’s important role in the Orang Rimba tradition; shared the 1999-2017 experience of the Jungle School/SOKOLA RIMBA and its impact at the World Indigenous Peoples Conference on Education (WIPCE) held in Toronto in 2017; discussed the topic of children and biodiversity at the Terre Des Hommes South East Asia Forum in Jakarta and Yogyakarta; fundraised at the Asia-Pacific philanthropy events of the Rotary club in Bali, and attended several meetings with officials of the Education Ministry to discuss the proposed curriculum for indigenous people.

They also gave presentations at other occasions such as the forums organized by the different Ministries (such as those of Social Welfare, Education, National Development Planning Board) to discuss child rights in relation

to the rights of indigenous children to hunt or help parents in the farm or in fishing though they were below eighteen years old. Rather than see these activities as against the international conception of child rights, these activities of the indigenous children should be understood as “education” and not “work/labor.” Their activities should be seen in their context, not from city people’s mindset. They also attended seminars at several universities in Indonesia; taught at student nature lovers’ clubs in universities; gave interviews for TV and radio programs, and newspaper; spoke occasionally at the



Introducing forest materials to visitors.

celebration of the National Education Day; and shared their experiences in sessions during NGO/civil society group events.

The young Orang Rimba teacher trainees formed an organization called *Kelompok Makekal Bersatu* (Makekal Group United).

Changing Situation of the Orang Rimba

The Orang Rimba’s life is directly being challenged by the changing times. The forest kept on disappearing, while government programs try to modernize them (by offering housing, clothing, religion, state schools, etc.). Where

will these changes lead to? Should we re-focus our education objectives? Can changes brought by the outside world be avoided? Do we fight these changes or just go along with them? Given the rate of change, I realize that we are racing against time. We must push to continue studying and striving so that we can cope with this new future. It is like developing anti-viruses for computers, forever chasing one's tail.

Sokola continues to examine its role in the life of the Orang Rimba. Its program has to fit the changing situation. To do so, two cases of education for Orang Rimba¹⁰ are important considerations.

Besudut

Besudut was one of my first students when I started teaching in 2000. I gave him intensive tuition for about four months until he mastered basic literacy and numeracy. I then lost contact with him as I moved to other parts of the jungle to teach new students. He and his Bedinding Besi clan had a high level interaction with the outside world, including selling permits to loggers to fell trees. Besudut always longed to have a modern schooling of a type he could not obtain in the forest. He gained his wish when a rattan merchant from the village of Tanagaro, Raman Kayak, adopted him and sent him to elementary school starting at grade 3. Besudut converted to Islam and changed his name into Irman Jalil.

People in the village and at school enthusiastically assisted Besudut, so keen were they to prove to the world that an Orang Rimba can be "successful." They wanted him to go to university, then become a public servant – a model for what other Orang Rimba might achieve. At primary and secondary school, his teachers, the principal and other education authorities gave him special attention, perhaps more than what was wisely needed. He was assisted to pass his examinations, even though he did not always attend and perform well at school.

When Besudut graduated from high school, the government enrolled him in a primary school teaching degree at the University of Jambi, the first Orang Rimba to attend university. Metro TV interviewed him on the high-rating talk show "Kick Andy," during which Ministry of Education officials appeared to present him with his scholarship and commend his example to others. The local regent also gave him scholarship and WARSI provided him with additional financial support. Thus, he became a "poster boy." Unfortunately, despite the generous funding, Besudut did not complete his

studies. He dropped out in the second year of his course and turned up at a SOKOLA basecamp saying: "I can't do this [university] anymore (*Akeh hopi endok lagi*).” Soon after he was offered an honorary public servant position in the Social Affairs Ministry. He remained there for about two years doing little more than preparing coffee for guests, doing photo-copying and other menial tasks. After this, another honorary administrative position was given to him, this time in the local sub-district head's office, performing similar work. He soon left that job after becoming bored. Now in his mid-30s, Besudut recently accepted nomination by a political party for the local Jambi legislature (DPRD). If elected, he will be the first Orang Rimba to be a legislator.

Besudut was viewed as a success by the mainstream media,¹⁰ and by many in the general public who followed his career. Many people personally congratulate me for assisting with Besudut's achievements, even though I try to tell them that the case is more complex and less positive than they realize. For the Orang Rimba community, Besudut was a failure. To them, his story proved that formal schooling takes Orang Rimba away from their land and alienates them from their traditions. The Besudut case shows the marked contrast in aspirations between the Orang Rimba and Indonesian society in general. The things that many Indonesians think are important and would like indigenous people to achieve are not those that most Orang Rimba value. Formal education, salaried government jobs, recognition in the media are all matters of little moment to the Orang Rimba, though Besudut's case illustrates that these are markers of success for the wider society and officialdom. Besudut sees himself, in some ways, as a failure too because he cannot be himself and is tired of trying to meet the expectations of others, particularly those outside his Orang Rimba community. He may yet become a successful politician or official, but it is unlikely that his community will praise his achievement.

Pengendum Tampung

Pengendum, who is now in his late 20s, began his schooling at Sokola Rimba in 2001. He did so against the wishes of his parents, who believed that reading and writing would make him evil as they involved the use of pencils, which they regarded as wicked. He was the only one among his siblings to join the school and complete his education (this means having enough capacity to become a "teacher" for other Orang Rimba and to be an "advocate"

who can represent the Orang Rimba community). Although he intensely disliked math and science subjects, he was drawn to studying words and the law, saying that he wanted his literacy to be of use to him and his people. He would often ask about legal matters and rights, particularly when there was a difference between *adat* and Indonesian civil law. As he got older and gained a better command of Indonesian, he began studying legal texts and travelling to the Legal Aid Office (Lembaga Bantuan Hukum, LBH) in Padang, Jambi and even Jakarta to learn more about human rights, especially relating to *adat*. He was also a gifted public speaker and debater and quickly developed a reputation in indigenous circles for his articulate advocacy on behalf of the Orang Rimba. Over the last decade, he has appeared several times on local and national television, speaking on indigenous issues, has given expert evidence to parliamentary committees and the Constitutional Court on the *adat* and rights of the Orang Rimba, and has also spoken at an international conference for indigenous peoples in Canada in 2017. All of this was achieved without any formal schooling.

Pengendum also went against his parents' advice and married an outsider, a Jambi woman of Javanese descent, with whom he now has a family. He lives in, and moves easily between, both the worlds of the Orang Rimba and mainstream society. He and his family have a house in the district capital of Bangko, about two hours from his clan's traditional land, but he di-



Pengendum speaking at an international conference for indigenous peoples in Canada, 2017.

vides his time evenly between living in the city and the forest. He has been involved in producing and appearing in documentary films on *adat* communities, for which he and Mijak, one of his friends, won an award from the Melbourne Film Festival. In addition to his cultural activities, Pengendum has been successful in business as well. Like many Orang Rimba, when the forestry management guidelines were announced, he claimed an area of land as a plantation lot. He now has a sizeable number of rubber trees – a common practice for the Orang Rimba as rubber trees can be planted within the forest causing minimal harm to the existing flora and fauna – and has also developed rattan farming which has proven lucrative.

Pengendum represents a different kind of “success” to Besudut. He remains an integral part of his clan and is equally at home living its culture as he is residing in mainstream Indonesian society. He has been able to engage with the outside world and advocate on behalf of his community without abandoning his identity as an Orang Rimba. Indeed, at every point in his career, he has made decisions on his own terms and not succumbed to pressure to become something other than what he wanted to be. He is much admired in Orang Rimba communities as someone who has not “lost his soul” or his dignity, despite partly living in the city and being feted by state institutions and the media. Interestingly, he and Besudut are good friends and the latter often expresses admiration for how Pengendum has managed his life.

What then is the future for the educational program of Sokola for the Orang Rimba? SOKOLA has become the largest NGO provider of educational services to the Orang Rimba.

Future Plans

In 2018, after fifteen years of existence, we renamed SOKOLA as Sokola Institute to become a professional organization not only doing education work for indigenous peoples but also advocacy and consultancy on indigenous peoples’ issues. In order to cover these activities, we added a new department in the Institute: research and development division.

For the advocacy work, the Institute mainly undertakes activities to 1) influence policy and programs toward indigenous people and 2) raise awareness among the public on how indigenous/local wisdoms and their survival have to be supported. The Institute, for example, has been an advisor to the

Ministry of Education for the past three years in developing a curriculum for indigenous peoples.

For consultancy, the Institute provides experts and trainers to anyone who wants to develop educational programs for indigenous peoples. It has programs being undertaken as part of corporate social responsibility, or those of the government, NGOs/civil society, teachers or the public.

The Institute has been campaigning to present the great value of local knowledge through public events, social media such as the introduction of the hashtag #pendidikanlokaluntukdunia (this means local knowledge for the world), and publication such as my book the *Jungle School* and its award-winning film with the same title. The film has been screened around the world including Japan.¹²

And to fulfill this, the Institute is committed to developing a module/guide book for people who want to do educational activities in indigenous communities and within their organizations/institutions.

Apart from that, the Institute is still continuing its educational programs. It manages an average of four programs (one program for one indigenous community) at a time in different parts of Indonesia. The schools run with varied duration, depending on the complexity of the situations faced by the local communities. There was one program that ran for two years, others for eight years. The program in Orang Rimba Sumatra has been running for fifteen years and will perhaps run for another five years or more. In this program, we in the Institute are actually the learners rather than the teachers. We always believe that we have to learn first from the indigenous people before we can teach them, and the indigenous students are our best teachers.

Endnotes

1 Central Sumatra has four provinces: South Sumatra, West Sumatra, Jambi and Riau.

2 The Dutch colonial government launched programs that brought people from the highly populated Java to other islands in Indonesia to make them clear land and start agricultural activities. See Hilda Masnari Pohan and Yodi Izharivan, "Inside The Indonesian Migration: A Historical Perspective," *Jurnal Manajemen Maranatha*, Volume 16, Number 2, May 2017, 133-212, available at <https://pdfs.semanticscholar.org/2910/991758515478aa4cf75e7322eced74109686.pdf>.

3 The 1967 Law on Foreign Investment is a prime example of laws that displaced the indigenous peoples.

4 See Law no. 5/1974 on Village Government and Law no. 5/1979 on Regional Governance.

5 Sokola Institute was established in 2003, is a not-for-profit organization which provides educational opportunities and advocacy skills to indigenous people.

6 Every Orang Rimba has her/his own Sentubung and Songoris. Sentubung is a tree under which the umbilical cord of someone is buried under, while Songoris is a tree whose part is used for a ceremony by the shaman for a newborn baby. Orang Rimba prohibit cutting down both trees, believing that any harm to these trees would also hurt their "owner."

7 From my book, *The Jungle School*, SOKOLA (Jakarta, 2012), page 82

8 This list is from *The Jungle School*, pages 100-101.

9 *The Jungle School*, page 178.

10 Excerpt from Butet Manurung, 'Normalising' the Orang Rimba: Between Mainstreaming, Marginalisation and Respecting Indigenous Culture, undated.

11 For an article about Besudut as a success story, see <http://thejakartapost.com/news/2013/05/28/first-orang-rimba-graduates-senior-high-school.html>

12 See Focus on Asia Fukuoka International Film Festival, www.focus-on-asia.com/2014/entry/5131.

Bahasa Indonesia words

Adat – (traditional) structures

Kubu – primitive, lacking good hygiene, ignorant, immoral and lacking any religion

Melangun – time when the Orang Rimba leave the place where a person died and stay far away

Rombong – clan

Acronyms

BKSDA – Balai Konservasi Sumber Daya Alam (Natural Resources Conservation Institute)

WARSI – Indonesian Conservation Community

Empowering Art

Cecille Pauline Sanglap Montenegro (Yllang)

I AM A FEMINIST, an artist, and a former migrant worker.

I always wanted to draw and paint since I was a child. But the pursuit of my dream of becoming a visual artist ended when I had to work abroad because of poverty. I and my four siblings were neglected by our parents after my father returned home as an Overseas Filipino Worker in Saudi Arabia in the early 1990s.

As the eldest child, I chose to work for my family. But I also tried to study at the same time. I studied fine arts and majored in interior design at the University of the East Caloocan City, Philippines from 1998 to 2000 because I wanted to become a designer or artist. But I had to give up my education when I was seventeen years old when I decided to go to Japan in 2000 to work as an overseas performing artist (OPA). As an OPA in Japan, I experienced different kinds of harassment and abuse that led me to pursue my fight as an individual. When I met people from Batis-AWARE in 2015 and heard the stories of women and children who were suffering from lack of support from their Japanese husbands/partners or fathers, I decided to work for the rights of the migrant women who returned to the Philippines with their children, who were mostly abandoned by their fathers. I also became interested in supporting the transnational children.¹

After a decade of working in Japan, I returned to the Philippines for good. In 2014, I started to paint in my own studio, Yllang Artworks. I also became an active book illustrator, designer, layout artist, writer and editor registered with the National Book Development Board.

I am currently taking a course on fine arts majoring in painting at the University of the Philippines, Diliman.

I also became a member of Linangan ng Kulturang Pilipino, visual artist section, an organization that promotes nationalist culture and KASIBULAN (Kababaihan para sa Bagong Sibol na Kamalayan) an all women artists' organization of the Philippines.

Migrants Advocacy through Art

In the Philippines, I became interested in the plight of Filipino women who have children with Japanese men. Some of them were married to Japanese men, similar to my case. Having known the Batis Center for Women (Batis), a Philippine non-governmental organization focusing on Filipino migrant women, I volunteered to join the center.

I was elected President in 2015 of an organization supported by Batis consisting of migrant women. This was the Association of Women in Action for Rights and Empowerment (Batis-AWARE). I supported the programs of Batis-AWARE regarding the following:

1. Breaking down barriers to access to justice for women survivors of domestic violence and trafficking in the guise of marriage (affected by expensive and tedious process of judicial recognition of foreign divorce)

This program includes legal consultation and exploratory discussions with concerned government agencies and legal professionals in the Philippines regarding marriages between Filipino women and Japanese men that are considered trafficking cases. The women receive legal support in having their divorce obtained in Japan judicially recognized in the Philippines in the proper and least expensive manner.

2. Struggling against the trafficking of Japanese-Filipino children and Filipino mothers to Japan; and women domestic workers to the Middle East particularly Lebanon

This program covers self-development and empowerment activities for Japanese-Filipino children through their organization (Batis-YOGHI) such as summer camps, organizational meetings, discussion of issues, cultural exchange and exposure activities for members of networks of supporters from Japan.

It also covers

- Capacity-building and skills-training activities for the members of Batis-AWARE on livelihood and entrepreneurship, and organizational development;
- Empowerment of the members of Batis-AWARE through networking and advocacy activities using art and publications;

- Serving as resource persons on trafficking and domestic violence issues, healing and rebuilding of life (through sharing of life experience) as part of network activities; and
 - Organizing of returned women migrant workers to become members of Batis-AWARE.
3. Promoting safe migration and ethical recruitment (discouraging shortcuts to migration, information drive on the legal process of migration and ethical recruitment to minimize vulnerability to trafficking).

In March 2016, fifteen women including myself joined a creative writing workshop facilitated by Chingbee Cruz, a professor at the University of the Philippines, a poet and Trustee of Batis-AWARE. In the workshop, we simply wrote down our experiences working abroad, as if we were writing daily journals. We also started composing poems from these experiences. In the end, all participants started to realize the importance of writing.

I recounted our fears in joining this workshop:²

Writing was a tough one, I along with 15 women of Batis AWARE, were excited and [at the same time] nervous that day. Not all of the women of Batis-AWARE [had] the capability and courage to express their own experiences through writing, so some of the women did illustrations and poetry to summarize their stories. ...[S]ome women [were] afraid and ashamed to write their past experiences, some also [pitied] themselves [as they recalled their experiences]. I was scared that people, the readers, might know my past, mis[understand] my situation and be judged.

As an illustrator, I also facilitated a separate workshop on the use of art to add illustrations to the writings. But not all members of Batis-AWARE were interested in making drawings.

The Batis-AWARE women collectively decided to produce a magazine that would compile the writings and artworks produced in the creative writing workshop. We named the magazine *Daloy* (Flow). The first issue (*Daloy 1*) had fifty-six pages and was launched in August 2016. In 2018, Batis AWARE in collaboration with Youth and Beauty Brigade and Gantala Press published *Daloy 2*. The compositions in *Daloy 2* are more informative and dis-

cuss more deeply the issues of Batis-AWARE, such as being migrant workers, our rights as women, our battles in everyday life.

I saw the importance of writing while producing *Daloy*. Despite the weaknesses of Batis-aware, it was able to facilitate the dissemination of stories of vulnerabilities of women migrant workers which could also be testimonies of success. *Daloy* has become the voice of voiceless women in my community of migrant workers. Through writings and illustrations, Batis-aware provides a forum to express the emotions and problems of the women, as well as exposes issues on addressing the shortfall of the society and government and the current situations of women in the marginalized sector.³ I myself get empowered in the process of producing *Daloy*.

Daloy became an informative material for the advocacies of Batis-aware. It also helped the women in the empowerment program, with some of them becoming interested in writing. I also started to write and publish on-line issues at World Pulse. *Daloy* is also helping raise income for Batis-aware. Sale of *Daloy* has become a source of funds that would help sustain the activities of the organization.



Daloy magazine⁴

Advocacy Program

Inspired by the stories of the women in Batis-AWARE who survived human trafficking and other forms of human rights abuse, I decided to use my painting skills to empower the mothers and their children to share their stories through art.

I got an opportunity to use art to advocate for the betterment of migrant women when I did a mural entitled “Empowerment of all People” in a restaurant in Kobe city in 2016. This restaurant, named SALA Asian Shokudo, was established with the help of migrant women in the city. My connection to this restaurant started after I met a group of Japanese students from Kwansei Gakuin University in Hyogo prefecture during their visit to Batis-AWARE.

The mural, conceptualized by Mr Oku, the father of the owner (Ms Naoko Kuroda), gave me the power to continue to use art to fight for human rights. Some of my paintings are displayed in this restaurant.



"Empowerment of all People"⁵

A visitor in SALA Asian Shokudo describes the mural in the following manner:⁶

While scanning the room, my eyes were fixated on a mural on one side of the wall of a group of women of various complexion[s] in traditional dresses. This artwork was painted by Cecil a couple of years ago. The women exude strength as well as warmth and they embody the spirit written on the upper left corner of the mural, "empowerment for all."

To continue my support for migrants through art, I thought it would be good to empower communities through art. Empowerment Through Art basically facilitates interpretation of our experiences, frustrations, hopes and dreams through poetry and painting. Personally, the effect of creating something from my imagination and experience is liberating.

In April 2017, I set up Empowerment Through Art (ETA) for this purpose. ETA initially functioned as an awareness and fund-raising campaign vehicle for Batis-AWARE and for aspiring artists. ETA aims to empower people in distressed communities. It provides art workshop and art therapy to distressed women victim-survivors of all forms of human rights violations. I myself found out that interpreting memories (such as memories as a migrant worker) through painting has therapeutic effect.



Other paintings in SALA Asian Shokudo

I held art workshops in different places and each workshop generally involves several components:

- a. Teaching of
 - basic drawing concept
 - basic techniques on using the materials and dry media tools
 - basic painting techniques using wet media such as acrylic or water color paint;
- b. Introduction of “I am poetry” template to encourage to put in writing what they feel and think; and
- c. Transforming the words they formulated that prick the heart into artwork.

The art workshops include human rights as one of the themes of art work.

In 2017, I was alone in this journey. I organized everything by myself until 2018 when ETA became a group of fifteen self-taught and trained artists who wanted to advocate the rights of migrants and to promote awareness and change in the society through art.⁷ We collaborate with individuals, organizations, institutions to serve and empower people.

I introduced ETA activities to communities, organizations and academic institutions in the Philippines (such as Batis-AWARE, Buklod Tao, Homenet Cooperative, Pambansang Kongreso ng Kababaihan sa Kanayunan (National Rural Women Coalition, PKKK), UP SOLAIR, University of the Philippines Center for Women's and Gender Studies, Infant Jesus Academy, Philippine Commission on Human Rights, etc.) and abroad (such as Caritas Lebanon, SALA Asian Shokudo in Kobe city, Art Represent London, Vital Voices and World Pulse).



Art workshops.



Art workshop in a Caritas shelter in Lebanon.

Artist's Statement

Painting is my meditation, diary and main weapon in amplifying women's voice. I use my imagination and creativity using social artistry to create an impact and be a voice for the voiceless women in the society. I paint what is on my mind and in my heart. My interest in and work on women and chil-



"Si Berta at ang mga Bata"⁸

dren's empowerment concepts inspired me to create artworks out of the stories of women in my organization. I want my artworks to become the voices of migrant women and their children, testify to the issues that affect them but which the general public does not know fully about. I also create art out of frustration that I am poor and lack knowledge in painting. Because of this, I want to improve my craft so that I can also teach low-income people who cannot go to art school but have the talent and creativity. This is my way of helping them find their voice so that they can raise awareness and solve the problems affecting them, especially women and children from poor communities. I always want to develop myself as an artist and leader. I want to help people.

My art themes expanded from 2016 after Rodrigo Duterte became the President of the Philippines. Issues such as extra-judicial killing and misogyny became concepts of my artworks.

I still did not know that my art had assumed a feminist perspective until I did the mural project in Kobe city in 2016.

Since then my paintings have focused on feminist themes. I exhibited in several venues in cooperation with different non-governmental organizations (NGOs) and institutions such as the following:⁹

- “YLLANG Artworks (Women Empowerment) and Batis-AWARE,” 7th Philippine International Literacy Festival Against Forgetting, QCX Museum, Quezon City (April 2016);
- “Only women bleed,” in support of Gabriela and Linangan ng Kulturang Pilipino, Sikat Events, Quezon City (March 2017);
- BLTX Women and Queer small press expo, Better Living Through Xerography at UP Village, Quezon City (May 2017)
- 7 YLLANG Artworks, SALA Asian Shokudo, in Motomachi, Kobe, Japan (May 2017, ongoing);
- “Pangalagaan ang Kalikasan, Gawang Sining ng mga Kababaihan, Handog kay Petrona Nakpil-Bautista” (Protect the environment: Women's Artworks for Petrona Nakpil-Bautista), Bahay Nakpil-Bautista, Quiapo, Manila (17 – 30 September 2017);
- “Pagsibol, Adhikain Paghilom para kay Juana,” NRH Exhibit Hall, Far Eastern University, Manila (27 – 29 November 2017);
- “Rise up, Resist!: Art exhibit on Women's Strength and Resistance amid violence,” House of Representatives North Wing lobby, Quezon City (27 November - 7 December 2017);

- “Women Empowerment Through Art” featured Artist in celebration of Women’s Month, Local Water Utilities Administration complex, Quezon City (19 – 23 March 2018);
- “Philippine Heroines” with KASIBULAN (Kababaihan sa Sining at Bagong Sibol na Kamalayan), National Commission for Culture and the Arts, Manila (26 - 31 March 2018)
- “Empowerment Through Art : An Exhibit for a Cause for the Benefit of Batis-AWARE and YOGHI,” Ignition Venture Studio, Taguig city (6 April – 15 May 2018);
- “ETA: Pop Up ART Exhibit” in collaboration with Gabriela PH, Voices of Women for Justice and Peace and Commission on Human Rights, Commission on Human Rights, Quezon City (20 April 2018);
- “ETA’S PEARL ALEXANDRITE,” National Parks Development Committee, Museum and Archive Gallery at the Rizal Park, Manila (April 2018 – May 2019);
- “Empowerment Through Art Exhibit: Connecting Informal work and Unpaid Work,” an exhibit for the 13th anniversary event of Homenet Cooperative Philippines, in collaboration with Homenet and UP School of Labor and Industrial Relations, University of the Philippines Diliman, Quezon City (6 May - 6 June 2018);
- “ETA’S MURAL: Equal Rights for Marginalized,” The School of Labor and Industrial Relations, University of the Philippines Diliman, Quezon City (30 April 2018);
- “Kasibulan’s Mother’s Day exhibit: I am my Mother’s Heart,” START101 Gallery, Diliman, Quezon city (7 – 16 May 2018);
- “Empowerment Through Art Exhibit: Women and Children in the communities: Real Struggle,” in collaboration with Commission on Human Rights, Quezon City (9 - 31 July 2018);
- “Empowerment Through Art: Health and Protection for all Women,” an art exhibit for a cause in collaboration with UP Center for Women and Gender Studies and Homenet Cooperative Philippines, Magsaysay Ave, University of the Philippines, Diliman, Quezon City (24 September - 24 December 2018);
- “Narratives of Women Artists: When Empowering Women Becomes Truly Empowering,” in collaboration with University of

the Philippines and UP Center for Women's and Gender Studies, UP Diliman Quezon City (29 March 2019).

Challenges and Future Plans

I think the number one challenge in using art for empowerment is funding. I am glad that there are people and organizations who support and collaborate with ETA in its activities.

I really wanted to train women and children in art such as poetry and painting. I believe that women and children are creative. Everyone, every woman has a story to tell and art is a great way to express it.

After returning from a series of meetings in Japan in 2018,¹⁰ I thought of creating a place like a gallery or museum of people's stories like the stories of migrant workers, the refugees, the trainees, student workers, etc. to learn more about their issues and to further work on upholding the rights of people.

The visit to Japan also inspired me to make a new painting and poem entitled "Sirkulo ng Impukang Gahamang Kalayo," (The Cycle of Addiction from the Saving Fire) about the misgivings of being a migrant worker.¹¹

I am working hard, creating artworks from my heart and believing that someday women migrant workers will be treated equally anywhere in the world.

Endnotes

1 Transnational children refer to children whose parents have different nationalities like Japanese-Filipino children (JFCs).

2 YLLANG Montenegro, "DALOY, Wealth of Batis-AWARE Women," World Pulse, 28 July 2018, www.worldpulse.com/community/users/yllang/posts/88289.

3 Montenegro, *ibid*.

4 Photo of two issues of Daloy magazine from yllangmontenegro, www.instagram.com/p/BpVhkrhRc2/.

5 Photo of mural taken from SALA website, <http://kobe-sala.asia/2018/11/27/cecil%E3%81%A8sala%E3%80%82%E3%82%A8%E3%83%B3%E3%83%91%E3%83%AF%E3%83%BC%E3%83%A1%E3%83%B3%E3%83%88%E3%81%AE%E9%80%A3%E9%8E%96%E3%81%AF%E4%B8%96%E7%95%8C%E3%81%A7%E8%B5%B7%E3%81%93%E3%82%8B%E3%80%82/>.

6 Daniel Awigra, "Asian Women Migrant Workers Offers Food to Cure Homesickness in Kobe Restaurant," Magdalene, <https://magdalene.co/story/asian-women-migrant-workers-offers-food-to-cure-homesickness-in-kobe-restaurant>.

7 For information on some of my colleagues at ETA see YLLANG Montenegro, “The Power of 12: The Artists and their creations,” 18 May 2018, www.worldpulse.com/community/users/o813freak/campaign-updates/85687.

8 Berta, www.artrepresent.com/yllang.

9 Other art exhibitions and publications

ART EXHIBITIONS:

“My Prayer,” Beyond Borders Solidarity Arts and Crafts Mercadito in collaboration with Las Adelitas Art Collectives, in celebration of International Migrants Day in Oakland, California (December 2016);

“Ang Mga Bata” (The Children), BLTX Better Living Through Xerography, Quezon City (October 2016); 2nd National Family Court Summit, Supreme Court of the Philippines (December 2016);

“Empowerment Through Art, Organized and Curated Community Exhibit,” in collaboration with BUKLOD TAO Organization: OUR STORY EXHIBIT, San Mateo, Rizal (16 December 2017 – 30 January 2018);

“GGSSG: Gandang Ganda Sa Sariling Gawa,” exhibitor at Cultural Center of the Philippines, Manila (24 March 2018);

“ETA: Pop Up Art Exhibit” in collaboration with Batis-AWARE and NBDB National Book Development Board, Plaza Moriones, Fort Santiago, Manila (23 April 2018);

ArtSpire: An exhibit featuring self-taught artist and formally trained artists from all over the Philippines, Start 101 Gallery, Quezon city (12 – 25 July 2018);

Empowerment Through Art Exhibit: Share your Blessings, Share your HeART, in collaboration with Homenet Cooperative Philippines and Felicidad Restaurant, Quezon City (11 August 11 2018 – 11 March to 2019);

“KASIBULAN: Colors of September,” Cadis Art Gallery, Pasig City (1 – 14 September 2018);

Empowerment Through Art : *Daloy* 2 book launching and E.T.A. illustrations and painting exhibit, in collaboration with Batis AWARE, Youth and Beauty Brigade and Gantala Press, Quezon City (20 October 2018 - 20 March 2019);

Contributing artist for 2019 Ibon Foundation Planner (January 2019);

“ARTIMONAN 2019: Likhang Sining para sa Kalikasan,” an exhibit for a cause for Grades 4 – 12 students in Atimonan, Quezon province (26 May 2019);

“Isyu hindi Kandidato: What food system shall we grow?,” a public mural making with the community in collaboration with Good Food Community and Green Peace, at Good Food Sundays, Shaw Bvd. Pasig City (5 May 2019);

“The Making of Hardin ni Isko,” a public mural making with the community at Brgy. Ugong, Pasig City (21 April 2019);

“Empowerment Through Art meets Dakila,” Art talk with Ms. Sandra Torrijos at UP Center for Women’s and Gender Studies, UP Diliman Quezon City;

“Empowering Artists, Art Exhibit and Talk,” Start 101 Gallery, Quezon City (2 – 22 April 2019).

PUBLICATIONS:

Editor, Project Coordinator, Layout and cover design, *Daloy*, A collection of writings by Filipino migrant women, Youth and Beauty Brigade and Gantala Press, September 2018;

Contributing illustrator and cover artist, *Daloy*, A collection of writings by Filipino migrant women, Youth and Beauty Brigade, August 2016.

10 The series of meetings was held in Japan under the project entitled “International Labor Migration and the Role of Civil Society in Asia” of the Sasakawa Peace Foundation. For more information, see “Migrant labor and human rights: building connections between civil society in Japan and Southeast Asia,” Sasakawa Peace Foundation, 11 January 2019, www.spf.org/en/spfnews/information/20190111_01.html.

11 Yllang Montenegro, “A Mission for Change,” World Pulse, 12 January 2019, www.worldpulse.com/community/users/yllang/posts/89535.

Jogja's Community Theater for Radical Change for the Difabled

Irfan Kortschak

Theatre is the art of looking at ourselves
– AUGUSTO BOAL, Founder of the Theatre of the Oppressed

A GROUP OF PEOPLE with disabilities and with little or no previous acting experience came together to develop the skills required to perform a play to express their hopes, aspirations and frustrations. They are known as 'difabled' or differently abled people.

The Performance

The performance took place on a makeshift open-air stage using only the simplest of props, in the *pendhopo*, a large pavilion-like structure, attached to the sub-district office in Berbah, Sleman, on the outskirts of the city of Jogja (Yogyakarta). The performers were mostly amateurs with limited experience. They came together a week before to develop the concept for the play, to create a scenario, and to practice the skills required to convey their story. They were an extremely diverse group, including teachers, traders, activists, housewives and unemployed dependents, with widely varying backgrounds, characters, needs and aspirations. Prior to preparing for the performance, the single common denominator between them was that all of them had previously acted as informants for a work of participatory research conducted by Ekawati Liu, a PhD candidate from Deakin University in Australia, into the livelihood choices of Indonesian villagers with disabilities.

Together, the group presented a performance consisting of two acts, with the first involving villagers with hearing impairments describing the difficulties they had in accessing effective hearing aids and other assistive equipment, and telling the audience how this affected their ability to participate in the life of their communities. Despite the participants' lack of experience with theater, they performed with passion and conviction.

They were telling their own stories, based on their own experiences. During the preparations for the performance, Ratna had been having issues



Dian and two other performers, performing on the stage.

Irfan Kortschak



The chorus claps and sings to accompany the performance.

Irfan Kortschak

with a home-made wheel chair her father had built for her, a modified plastic chair with wheels. While social welfare agencies do sometimes provide support so that people with disabilities can obtain proper wheel chairs, this support is inconsistent and not everyone who needs one is provided with one. Like many other assistive devices, they are prohibitively expensive in Indonesia, subject to taxes and excessive markups by distributors. During the preparations, Triyanto, a hearing impaired participant, had trouble following the discussion. One of the sign language interpreters had been late in arriving, so he was trying to lip read. He was angry that he had never been able to access a hearing aid that met his needs.

The second act portrayed the story of a young man raising chickens who needed a loan to expand his business. When the financial institution's field officers visited to inspect his business, they learned that he was blind. Without ever referring to his disability, the field officers found various barely plausible excuses to refuse the loan. The story of the young man whose loan was refused had no clear conclusion, and it was not clear how the issue of the lack of access to hearing aids and other assistive devices was to be resolved.

In effect, the discussion that followed the performance was its third act. At this point, the performance expanded to encompass the audience, which was required to participate in determining how the story would unfold, not on the stage – but in real life, in their real lives. Many in the audience had their own experiences with lack of access to the facilities they needed to participate fully in community life, and this was a chance for them to express their own frustrations and hopes. It took effort and energy for many of them to do so, with many of the audience having conditions or issues that made communication challenging. Interpreters conversant in sign language were available to ensure that those of the audience who used this language to communicate were able to participate in the forum. But everyone made the effort, and those expressing their opinions were confident that at this forum, when they spoke, they would be listened to.

Disability in Indonesia: An Evolving Paradigm

Indonesia has a long history of social welfare programs for people with disabilities, with these programs based to a large extent on community attitudes that recognize social obligations to protect and provide for the weak and the poor, often through religious and community institutions. These

programs have been based on a paradigm that regards disability in terms of medical conditions or impediments that restrict a person's activities and prevents him or her from participating in the social and economic life of the community. According to this paradigm, the state and the community have a duty to care for those who, for no fault of their own, are unable to look after themselves and therefore need to be helped. Thus, government agencies, religious institutions and community organizations have regarded "handicapped people" as the "deserving poor," worthy objects of charity, to be placed first in line to receive handouts of rice, cash, clothes and other benefits.

In recent years, disability activists and development actors have challenged this paradigm, advocating for an approach that recognizes a bio-psycho-social model of disability that "conceives of disability as arising from the interaction between a person's functional limitations and the environment."¹ According to this model, people with functional limitations are only disabled to the extent that they are unable to participate fully in the community due to the physical and social environment in which they operate. This model implies that disability can be addressed by making physical environments more accessible to a wider range of people of varying abilities. Also, it implies that people who need them should have ready access to assistive devices, including hearing aids, modified transportation, wheel chairs, and prosthetics, and to services and applications that enable them to use communication and information technologies. Finally, the new model recognizes that disability is shaped by social attitudes. People have to believe that people with varying abilities can make valuable contributions, including the people with disabilities themselves. Thus, it is vital to encourage social attitudes that work to ensure inclusion. In general, then, rather than on providing for needs, the focus of the new paradigm is on enabling *participation* and ensuring *access*.

As a result of this advocacy and activism, Indonesian policy makers' ideas have begun to be shaped by this new paradigm, as reflected by changes to policy and legal instruments related to people with disability. In 2006, the Indonesian government ratified the United Nations Convention on the Rights for Persons with Disabilities, which is clearly informed by the participation paradigm, defining people with disabilities as "those who have long-term physical, mental, intellectual, or sensory impairments which *in interaction with various barriers may hinder their full and effective participation*

in society on an equal basis with others." [added emphasis] Reflecting similar principles, in 2016, the Indonesian government enacted Law No. 8 on People with Disabilities, which explicitly adopts a human-rights based model that recognizes the rights of people with disabilities to participate as full members of the community, including through participation in employment. The law and related documents state that this is to be achieved through the creation of an enabling legal and policy environment; the promotion of skills development opportunities; and measures to eliminate discrimination.²

Lack of Understanding of Disability Undermines Good Intentions

Of course, it's one thing for the government to ratify a convention and to promulgate a new law, and quite another to ensure that people with disabilities are really able to participate. Not only do official statistics paint a fairly bleak picture regarding the situation of people with disability in Indonesia in terms of economic status and of participation in education and employment,³ but these statistics systematically underestimate their number and fail to capture the real impact of disability on people's lives.⁴ This is largely because of a general lack of understanding about what disability is, with this lack based on entrenched, unexamined beliefs regarding what people with varying abilities should be able to do and what roles they should play.

It is relatively easy to recognize that people of working age who are completely blind or totally dependent on wheel chairs for mobility are disabled. These people are the ones captured by the official statistics. However, many other people who experience significant barriers to participation just are not recognized as having a disability. Their inability to participate is regarded as an unfortunate fact of life, to be accepted without thought. Community members and government agents just don't think of people such as older people with a disability who cannot leave their homes; autistic children who do not attend school or who perform badly there; or people who are significantly hearing impaired without being totally deaf as having a disability.

During my work for community development programs, I have often visited villages and talked with village leaders who simply tell me that there are no disabled people in their community. Invariably, if you ask the right questions, you will find that there are many people who cannot or do not work, who never leave their homes, who are regarded as anti-social or insane or possessed by demons – but they are not considered to be disabled.

It's a matter of definition, of recognition, of understanding what disability means.

Community-driven Development: Lack of Mechanisms to Listen to People with Disabilities

Not only do people in local communities, including officials, not really have a clear idea of what constitutes disability or how many people with disability there are, their mechanisms for listening to them to understand what they want and need are often limited, ineffective, or non-existent. Over the past few decades, following the end of an intensely authoritarian, paternalistic regime in 1998, Indonesian society has been involved in a massive decentralization initiative. This initiative has worked to ensure very high levels of community participation, with the emergence of a wide range of small, devolved village-level institutions that are meant to enable all citizens to voice their aspirations and to have a say in how public funds and community resources are used.

In particular, until 2014, an umbrella program known as the National Community Empowerment Program (*Program Nasional Pemberdayaan Masyarakat*, PNPM) provided block grants to communities to enable them to establish participatory councils to determine their own priorities and plans, with funds to build good, cost-efficient, fit-for-purpose, village infrastructure, including roads, health centers, water facilities, and so on. Following the conclusion of the PNPM program, in 2014, Indonesia's parliament enacted the Village Law, which was intended to build upon the principles and structures of PNPM to allocate up to 10 percent of the national budget for disbursement to village-level institutions to provide public services and community infrastructure that met the needs of all members of the community.

Peduli: Need for a Program to Include the Excluded

While these initiatives have often been very successful in general terms, providing public infrastructure and services that do benefit almost all members of the community, making sure that the infrastructure and services not only benefit members of marginalized groups, including people with disabilities, but that these people actually play a role in determining that the

resources are used to meet their needs, has been a persistent challenge. To be fair, quite a few high-level policy makers and program implementers have been aware of this failure and have tried to address it – but often with limited success. Many community development programs pushed and required village facilitators to ensure that women and poor people at least attended meetings. Even so, their attendance was often *pro forma*, with their influence over decision-making often limited, despite constant monitoring and tweaking of the program to overcome this issue. Ensuring the participation of people with disabilities, who often had difficulty leaving their homes, difficulty communicating, and limited self-confidence, was even more challenging, particularly when neither the community nor even the people themselves were ever really convinced that they needed to be involved or that they needed special consideration. Often, community groups just had no idea that it was possible to change the way infrastructure was built or meetings conducted or services provided, because they had no idea what people with different abilities needed.

At the same time, many people with social, physical and other disabilities were working together in groups to solve their own problems. They often do so with little help from government programs. People with leprosy-related disabilities, women-headed households, people with HIV, and many others were working together to ensure that they could establish businesses, access health care, borrow money, learn to read and write, on their own initiative and using their own resources. Of course, in every region, there was always a handful of officials who were unusually committed to ensuring inclusion, and they often did what they could to support these initiatives. And there were also a number of high-level officials who were also unusually committed to the achievement of inclusion and social justice who felt that it was their duty to ensure that the state provided a fair share of resources to support these initiatives and to encourage their replication elsewhere. Village-level facilitators, community activists, non-governmental organization (NGO) workers, journalists, and many others were also becoming increasingly loud and insistent in their demands that these sorts of resources should be made available. Something of a social movement began to emerge, leading to a commitment on the part of a number of high-level officials who had been involved in designing and implementing the community empowerment program to trying to develop a new program specifically to include the excluded by encouraging excellent local initiatives, providing resources

so they could do their job better, and pushing other communities to learn from them.

Peduli and SIGAB

While the PNPM program had started out as small, highly-idealistic pilot study that was widely expected to fail dismally, over the decades, it had proven to be an extremely effective way of building high-quality infrastructure at relatively low cost, infrastructure that was usually not only cheaper, but that better met people's needs – because they had been directly involved in planning, designing and building it. The government had recognized that this program was an effective means for it to meet a wide range of development goals by scaling up and expanding the project across the nation. With the recognized success of the program, those involved in designing and implementing it had accumulated a fair amount of political capital, which enabled them to advocate and push for the allocation of public resources for a new approach and a new program to benefit people that had until then not really been involved in the discourse.

At the instigation of this coalition, in a radical and somewhat controversial initiative, in 2011, the Indonesian government established Peduli, initially under the PNPM umbrella, with the specific intention of including groups and individuals who had been excluded from the development process. The program was intended to provide resources and to give a voice not only to people with disabilities, but to members of stigmatized ethnic minorities, sex workers, transsexuals, former political prisoners, and drug users, among many other groups that had often been excluded, often because other people in their community did not even recognize them as full members of the community, let alone recognizing their right to participate in determining the use of community resources. This program worked by providing resources to civil society organizations involved in poverty reduction, social justice and inclusion, with specific experience with these groups, including disabled people's organizations, preferably those established and managed by disabled people themselves.

The focus of all these civil society organizations varied from region to region and between the groups of people they served, but they all tended to work to build their members' confidence and belief in themselves, as well as building their capacities to earn a living and to otherwise par-

ticipate meaningfully in their community. The program has had significant success in some areas and with some groups, often seriously challenging paradigms that have prevailed for decades. One startling example of this was a small livelihoods program conducted in a few villages and intended to benefit former political prisoners, mostly former members of the suppressed Indonesian Communist Party, (*Partai Komunis Indonesia*), most of whom are now elderly, infirm and desperately poor. For decades, it has been taboo to even mention the existence of these people except in terms of fear and loathing. No government program prior to Peduli had ever been implemented to benefit them specifically, as a group, in any way. In fact, they were more likely to be specifically excluded, with access to health care, the right to move freely, and even the right of their children to attend school often restricted or curtailed. It was even illegal for them to meet in groups, so when this particular initiative first started, police and local officials often visited, unable to believe that their meeting together was conducted under the auspices of a government program.

SIGAB: A Difabled People's Organization Establishes Model Villages around Jogja

However, even compared to the challenges related to taboo and stigmatized groups the challenge involving disabled people's organizations has been harder than was envisaged. In whole regions of Indonesia, autonomous organizations managed by people with disabilities to advocate for their own rights have never existed, and those that do are often poorly developed, particularly outside the large urban areas, with limited capacities, resources and experience. Of course, there were also exceptions, outstanding, inspirational individuals and organizations that could be held up as an example to be emulated. One organization that has been involved in innovative and exciting initiatives is SIGAB (*Sasana Integrasi dan Advokasi Difabel*, the Institute for Integration and Advocacy of the Difabled), an independent non-governmental organization established in Jogjakarta on 5 May 2003, to defend and fight for the rights of the "difabled" (differently abled) throughout Indonesia and to ensure their full inclusion.

Following the promulgation of the Village Law, which requires the central government to provide funds to the villages for their development initiatives, SIGAB sought to develop eight "good practice" model villages in the

region around Jogja from which other villages could learn. The idea was to actively include people with disabilities in village-level processes to develop a full range of services and resources that were accessible to everyone, including people with disabilities. Specifically, this involved ensuring access to communication facilities and resources such as livelihoods and savings and loan programs, with measures to establish networks between people with disabilities and other marginalized groups. To develop these facilities and resources, SIGAB worked with a coalition of grassroots disability organizations, villagers and community leaders to map the conditions of people with disabilities and the service gaps that affected them. This mapping process was vital to ensure that everyone involved, including the disabled people themselves, had a better understanding of what disability was, how many people experienced it, who they were, and what they needed.

Ekawati Liu (Eka), a feisty activist with a long involvement in disability issues in Indonesia, took advantage of this initiative to conduct her research to gain a better understanding of how people with disability participate in economic activities at the village level.⁵ She wanted to gain a better understanding of how people in villages earned a living or found means of meeting their needs, what options were open to them and which options were not, and what strategies they used to negotiate for access to resources and services at the village level. Most importantly, she wanted to know what they wanted. Too often, government and community initiatives for people with disability have failed simply because nobody had any idea what the intended beneficiaries wanted or needed. For decades, government agencies have thought in terms of cookie-cutter solutions to the problems that they imagined existed for people they did not understand. For example, across Indonesia, social welfare agencies have been obsessed with programs to teach massage skills to the blind and sewing skills to sex workers. Very often, these programs do not work, simply because the people they were intended to benefit did not want what was being provided. So, Eka thought it was important to ask, to find out what the people actually thought they needed. Even just the act of asking was a radical act.

Developing a Theater Performance

The theatrical performance described in the opening paragraphs of this article was an integral part of Eka's research process. Eka and the activists at

SIGAB were committed to the idea that people with disabilities should participate fully in the research process, not just as informants, but in its conceptualization and formulation. One means to achieve this was by inviting a group of villagers with wide-ranging and diverse disabilities to come together to identify the issues that affected them and the solutions to these issues, and to produce a theatrical performance on the basis of that discussion.

To stage the production, Eka worked with SIGAB to conduct a five-day workshop. The workshop was facilitated by Joned Suryatmoko, a theater maker, playwright, community facilitator and researcher, whose role was to manage the logistics of the process and to establish a framework by which the participants could explore and express their experiences, while at the same time intervening in or guiding the actual content of the performance and the associated preparatory processes to the very least extent possible. Clearly influenced by the ideas of Paulo Freire and Augusto Boal, who established the "Theatre of the Oppressed," a theatrical form originally used in radical popular education movements, Joned believes that all members of the community, including those with no formal training or experience as artists, have the agency to transform their own knowledge into aesthetic practices and arts making – and that by doing so, the performers have the power to transform both those who perform and the audience with whom they interact. Reflecting Boal, Joned believes that theater is "... a means of transforming society. Theatre can help us build our future, rather than just waiting for it."

Becoming Aware of Shared Interests and Concerns

In order for the individuals participating in the workshop to be able to produce a story that reflected their aspirations and concerns as a group, they first had to become *aware* of their shared interests and common concerns. This was by no means an automatic process, as each member of the group had developed their own means for dealing with their own life, and did not necessarily see what they had in common with the others. For example, while the fiercely independent seventy-year old Mbah Muji had previously participated in village-level disabled people's groups, he barely seemed to accept that the label "disabled" applied to him. Sure, he was completely blind, but he was an active professional musician, he was able to climb trees to harvest coconuts, and he had worked as a masseur. Not only did he meet

his own needs, he supported an elderly mother and often made material contributions to his adult children. Through his work as a musician, he was actively involved in, and valued by, the broader community. It might not have been easy for him to see what he had in common with Ibu Karyati, who had previously been hospitalized and medicated for schizophrenia and who had periods where she felt unable to interact with others or look after herself, and was dependent on siblings who provided for her. The degree to which members of the group felt constrained by functional limitations varied considerably. It became clear that no two people with disabilities experience their disability in the same way as another, and that their individual needs are highly variable.

Thus, for the group to perform a story that was *their* story, each performer had first to reflect on her or his own personal story and to become aware of how this story intersected with those of the others in the group. To facilitate this, participants were invited to engage in a brainstorming session. This involved gathering together in small groups with a range of photos and visual prompts, with the pictures and images described in detail to those who were visually impaired. The participants were invited to use these prompts to define their current economic and social circumstances, the circumstances to which they aspired, and the obstacles they faced in achieving these aspirations.

Developing a Story

Each member of the group interpreted this task in their own way. The irascible Mbah Muji at first stubbornly insisted that he did not have any problems (*Mboten wonten masalah!*). Others focused on their aspirations, with one hearing impaired man stating simply “I want to work (*Aku ingin punya pekerjaan*). Others focused on their own attitudes, their lack of belief in themselves, while Mbak Dian, an extroverted activist whose mobility had been affected by polio, stated that the problem was that other people did not trust in her ability to be a useful member of the community (*Kurangnya kepercayaan*). Others focused on the practical equipment and facilities they needed, particularly assistive devices such as hearing aids and wheel chairs. Each participant wrote down a simple phrase, short sentence, or single word on a piece of paper to summarize the aspiration or constraint they had identified. In small groups, the participants discussed and explained their reasons for



The group during a rehearsal.

Irfan Kortschak

their choices. Shifts began to occur and the participants began to see how the ideas of other participants related to them. For example, after hearing others talk about their need for assistive devices, Mbah Muji began to talk

about how a government agency had previously provided him with a reach pole for the visually impaired, but that it had been poorly designed, so he left it behind. When he was asked if that meant he could not go out, he laughed out loud and described going out to gather grass for his goats without any assistive device at all, saying that he knew every inch of a wide area around his house and could navigate it confidently.

Following the discussion, with the collage of printed statements expressing the wide range of ideas, hopes, and expressions of frustration, the participants were invited to try to determine the relationship between their different statements, to identify cause and effect between them, to formulate a “problem tree.” For example, most of the participants saw that “lack of access to assistive devices” contributed to “lack of self-confidence,”



A hearing-impaired participant addressing the group in sign language.

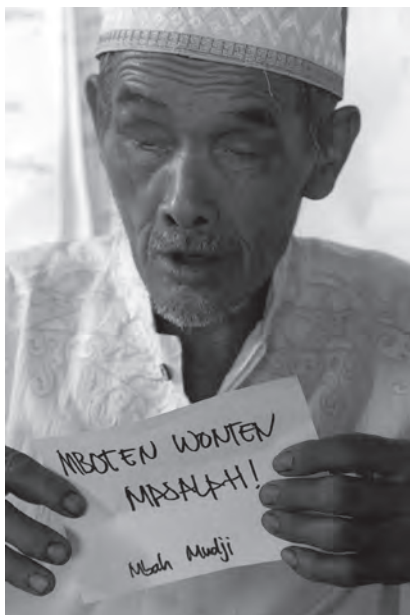
which in turn led to failure to apply for work. This linked to other people's lack of trust in the ability of people affected by disability, which also contributed to the participants failing to apply for work or to develop businesses, being convinced that their initiatives would be rejected or denied support. The process of drawing up these problem trees involved intense and lively discussion by which the participants became aware of how their own perceptions of their individual circumstances were related to those of the others in the group.

Once the relationship between each participant's individual story and ideas with those of the others in the group became clear through the process of establishing problem trees, the next step was to create a story that expressed the relationship between these ideas. To enable the participants to create a dramatic story, the facilitators provided them with an example of a story, the story of Si Nia, a blind woman who, despite her desire for independence and autonomy,



The group prepared a problem tree.

Irfan Kortschak



Mbah Muji, holding a sign saying "I don't have any problems!"



Dian, holding a sign saying "Lack of trust."

was constrained by overprotective parents, who objected to her relationship with a man called Anggoro, also visually impaired. By discussing the themes in this story, the participants were able to see how the themes that they had raised when drawing up the problem trees could also be dramatized.

Belief that People with Disabilities Cannot Work

A major theme that had emerged from the process of creating the problem tree and the surrounding discussion was that the biggest challenges the participants faced related to the beliefs of the people in their community that disabled people were unable to work or to be productive, even though work and productive opportunities were exactly what the members of the group needed to address their exclusion from the community. The group collectively formulated a single short sentence that summarized their frustration: "It's because we are disabled that we need work!" (*Justru karena aku difabel, aku harus bekerja!*). To express this idea dramatically, the group conceived of the story of the young man raising chickens, whose inability to expand his

business had nothing to do with the fact that he was blind, and everything to do with the fact that the financial institution's field officers assumed that he would not be able to make a success of his business *because* he was blind.

Interestingly, when I asked the participants if any of them had ever applied for credit themselves and had their applications rejected, they all shook their heads. They all described struggling to establish their own businesses with the limited resources that were available to them, sometimes using soft loans or small gifts of money or other resources provided by family members or members of the surrounding community, sometimes just building on the fruits of their own labor. Not a single one had ever applied for a loan from a formal institution. Dian, the bubbly and extroverted village activist, who certainly did not seem to lack self-confidence, said: "I think most difabled people just think there is no point applying, so we work out other ways of doing things." The story the group presented was not so much about what *had* happened to anyone in the group, but what they *feared* or *believed* would happen.

So I asked Dian if she thought that maybe she or other members of the group might be more confident about applying for a loan after taking part in the workshop, if it had given them the courage they needed to face their fears. She smiled and shook her head doubtfully: "It's not just about our attitudes. Our attitudes can only change if other people's attitudes change too." And so I asked if she thought performing the group's play could help change the attitudes of the broader community. And now she laughed outright at the naivete of my question:

I hope so. But it's just a small step. It's part of an ongoing process. It won't change anything unless we keep on pushing to make things change.

Endnotes

- 1 See Sri Moertiningsih Adioetomo, Daniel Mont and Irwanto, *Persons With Disabilities in Indonesia - Empirical Facts and Implications for Social Protection Policies*, Fakultas Ekonomi Universitas Indonesia, September 2014, [www.tnp2k.go.id/images/uploads/downloads/Disabilities%20report%20Final%20sept2014%20\(1\).pdf](http://www.tnp2k.go.id/images/uploads/downloads/Disabilities%20report%20Final%20sept2014%20(1).pdf)

2 See International Labor Organization, “What’s next after Indonesia’s new disability law: disability management in the workplace,” www.ilo.org/jakarta/info/public/pr/WCMS_475052/lang--en/index.htm.

3 For example, the data show that less than half (46.21 percent) of disabled people from the age of 7 to 24 attended school. Up to 65 percent of people without disabilities within that same age group attended. Many disabled people cannot find jobs. The data recorded that only 24 percent of people with disabilities aged between 18 and 64 were recruited in 2015. The recruitment rate for people without disabilities within the same age group was 42.8 percent. (See *Profil Penduduk Indonesia Hasil Supas 2015*, Bappenas, at <https://www.bps.go.id/publication/2016/11/30/63daa471092bb2cb7c1fada6/profil-penduduk-indonesia-hasil-supas-2015.html>)

4 According to official statistics, only 1.4 percent of Indonesians have disabilities. This is barely plausible, considering that the World Health Organization estimates the international average to be around 15 per cent of the global population, or one billion people. By contrast, in Thailand, the government estimates that 2.9 percent of the population has a disability, while in Vietnam the figure is 7.8 percent (See “Disability data and the development agenda in Indonesia” *Inside Indonesia*, Edition 119: Jan-Mar 2015 at <https://www.insideindonesia.org/disability-data-and-the-development-agenda-in-indonesia-2>.)

5 Ekawati Liu’s research and the SIGAB theater workshop were funded by Indonesia’s Peduli program, through the Asia Foundation.

Attaining Justice for Women and Girls in Islamic Countries

Irum Ahsan and Maria Cecilia T. Sicangco

THE ASIAN DEVELOPMENT BANK (ADB) is a multilateral financial institution established in 1966 to promote economic and social development in Asia and the Pacific. ADB has sixty-seven member countries, forty-seven of which are classified as “developing member countries” (DMCs). These DMCs benefit from ADB initiatives intended to advance the interdependent agendas of environmentally sustainable growth, inclusive economic development, and regional integration.

ADB’s overall approach is contained in Strategy 2030, its long-term strategic framework. It outlines the bank’s focus on seven operational areas, two of which are accelerating progress in gender equality, and strengthening governance and institutional capacity.¹ Strategy 2030 is supported by several institutional documents, including ADB’s Policy on Gender and Development (GAD) which serves as the guiding framework for gender and development activities. The Policy adopts gender mainstreaming as the core approach to promoting gender equality and women’s empowerment across the entire breadth of ADB operations – from country partnership strategies to the design and implementation of gender-inclusive projects and programs.²

The Law and Policy Reform (LPR) Program of ADB’s Office of the General Counsel reinforces this approach by focusing on legal development through strengthened policy, legal, judicial, and regulatory systems. The central premise is that the “rule of law” – a functioning legal system – that is, comprehensive legal frameworks and effective judicial, regulatory and administrative institutions that implement and enforce laws and regulations fairly, consistently, predictably and ethically – is essential for inclusive and sustainable development.³ Broadly, the LPR Program is composed of five pillars – (i) environmental law and sustainable development, (ii) infrastructure law and regulation, (iii) financial law and regulation, (iv) private sector development, and (v) inclusive growth and access to justice. ADB’s work on justice sector reform in Islamic countries, discussed below, comes under the fifth pillar.

Contextual Background and Overview of the Project

Worldwide, women survivors of gender-based violence often face significant access to justice challenges. However, the situation in Islamic countries is often exacerbated by factors both intrinsic and extraneous to the justice system and the actual language of the law.

First, the legal framework of Islamic countries allows justice sector decision-makers to draw from Sharia law, i.e., religious law forming part of the Islamic tradition. This in principle should have prompted improved justice outcomes considering that Islam strongly promotes the dignity of women and girls. In reality, however, society generally tolerates violence against women due to a misreading of, among others, Verse 4:34 of the Quran,² which is often mistakenly interpreted as allowing the “beating” of women in certain circumstances. As a result, many legal service providers in Islamic countries – such as judges, lawyers, prosecutors, and the police force – tend to erroneously believe that Islam tolerates turning a blind eye to, or even justifies, gender-based violence. This kind of mindset undermines the ability of women survivors to use the legal system to vindicate and protect their rights.

Second, independent of religious factors, local communities in Islamic South Asia also operate with unconscious biases rooted in centuries of customary norms. The social structure is extremely patriarchal, in which women are viewed as property and subservient to men. Women are also perceived as bearers of family honor, such that customary practices often involve the use of women and girls to resolve unrelated disputes, or forcing them into marriages as compensation (e.g., *vani*, *swara*, *baad*). Women are thus caught in a web of poverty, patriarchy, and a weak protective infrastructure, resulting in increased vulnerability to violence and discrimination both inside and outside their homes. This spills over to the legal domain through perceptions or unconscious biases carried by justice sector stakeholders that informally affect their decision-making process. For example, a woman who wears tight clothes and make-up is “asking for” sexual assault, and a woman or girl who does not immediately report an alleged assault must be lying.

Third, women and girls rarely turn to the formal justice system even in cases of the most egregious assaults. The court environment is perceived as unwelcoming – crime survivors are forced to share a small confined space

with their assailant, and discomfort while testifying is perceived as a point against credibility. Furthermore, women and girls do not know their rights under the law, and are forced by social and family pressure to settle disputes through informal means (such as a tribal council of local men known as *panchayat* or *jirga*).

ADB's Legal Literacy for Women project, developed in 2015 and which started implementation in 2016, targets both male and female justice sector stakeholders in Pakistan and Afghanistan. In Pakistan, the project has thus far focused on Punjab Province, which is the epicenter of gender-based violence crimes in the country. In Afghanistan, the project was implemented nationwide, including the remote Taliban-held areas.

ADB opted to pilot the project in these two countries because, despite several pro-women laws and policies in place, more than 80 percent of women in these countries have suffered at least one form of violence. Gender-based violence is endemic and pervasive across class, religion, ethnicity, and the urban and rural divide. The United Nations' Gender Inequality Index confirms this state of affairs, with Afghanistan ranked 153rd, and Pakistan ranked 133rd, of one hundred fifty-four countries.⁶ A survey of global experts has revealed that Afghanistan is the second most dangerous country in the world for women, while Pakistan is ranked sixth.⁷

The project addresses gender-based violence in Pakistan and Afghanistan by taking a two-pronged approach:

1. developing the capacity of legal service providers like judges, prosecutors, magistrates, and religious scholars in responding to clients on gender issues; and
2. increased awareness of and support for women's legal literacy and access to justice through a positive media campaign.

Capacity-Building of Legal Service Providers

Top-Down Approach

Legal literacy for women is not a new concept but the ADB conceptualization is innovative in several ways. First, ADB worked directly with the Chief Justices in the respective countries, because in countries with weak political institutions, judiciaries are often seen as the bastion of last resort. Chief Justices, if motivated, could bring change with just one directive. In addition, most development partners typically work with executive and leg-

islative bodies, but legislative reforms will not bear fruit on the ground if legal service providers lack capacity to enforce rights and resolve disputes.

Training of the judiciary required a change in mindset; understanding of the judicial system; understanding of Islamic, national, and customary laws; and international law expertise. The ADB team was a most diverse and multi-skilled team, which included (i) a gender and development law expert from ADB, (ii) a former Justice of the Supreme Court of South Australia, (iii)



The project leader, Irum Ahsan, with Chief Justice Sayed Yousuf Halim of Afghanistan.



The ADB Team in discussion with then Chief Justice of the Lahore High Court, Pakistan (now Justice of the Supreme Court) Syed Mansoor Ali Shah.

a human rights expert and Islamic scholar from Malaysia, who is a former Chair of Women Living Under Muslim Laws, (iv) an award-winning anthropologist and filmmaker whose documentary on compensation marriages in Pakistan contributed to a Federal Supreme Court decision declaring that customary practice as illegal, and (v) local experts on domestic laws and customs, who are active in capacity-building and law reform in both Pakistan and Afghanistan.

With the support of the Supreme Court of Afghanistan, the Attorney General of Afghanistan, the Lahore High Court, and the Punjab Judicial Academy, ADB developed and delivered gender-responsive trainings for the judiciary and the prosecutorial service. The training programs were customized specifically for each country, and utilized multi-techniques which



The ADB Legal Literacy Team (From left to right: Maria Cecilia T. Sicangco, Senior Legal and Policy Specialist; Zarizana Abdul Aziz, Professor of Law, International Human Rights Expert, Islamic Law Expert; P. Imrana Jalal, Principal Social Development Specialist (Gender and Development); Samar Minallah Khan, Expert on Customary Practices Affecting Women and Girls, Anthropologist, Filmmaker; Saima Amin Khwaja, Expert on Pakistani laws, Islamic Law Expert; Irum Ahsan, Principal Counsel for Law and Policy Reform; Gladys Cabanilla Sangalang, Senior Legal Operations Assistant; and Robyn Ann Layton, Former Justice, Supreme Court of South Australia, Professor of Law, and Expert on Women and Children as Witnesses)

were interactive and encouraged discussion and critical thinking. To ensure that the trainings respond to both need and demand, the team of trainers designed the trainings on the basis of focus group needs assessments with judges and prosecutors in Pakistan and Afghanistan. ADB especially encouraged the participation of women judges and prosecutors.

The Pakistan trainings covered (i) the basics of gender sensitization, (ii) national and Islamic gender laws and culture of Pakistan, (iii) relevance of international standards, (iv) gender-sensitized judicial conduct in gender-

based violence cases, (v) gender-based violence against women, (vi) attrition and compromise, which was highlighted as a major issue in the needs assessments; and (vii) children as witnesses – giving evidence in court. On the other hand, the Afghanistan trainings threshed out the relationship of the Elimination of Violence Against Women (EVAW) Law with both the Old Penal Code and the New Penal Code, specifically with respect to general doctrines and principles, offenses covered, and applicable penalties. Withdrawal, compensation and mediation, as well as international human rights norms and best practices on court environment and conduct from other jurisdictions, were also discussed. The ADB team also produced customized manuals for each training.



Customized training manuals for judges and prosecutors in Pakistan and Afghanistan.

More than gender sensitization, these trainings focused particularly on outcomes which can change not only attitudes but actions by judges and prosecutors. In both countries, the interactive workshops began by drawing to the forefront unconscious biases that people may have regarding gender roles in society. For instance, most participants associated “brave”, “toy cars”, and “strategic thinking” with men, and “washing”, “cooking”, and “sympathy” with women. But the trainers then highlighted that the gendered perception of these words is not intrinsic but a social construct – after all, women can be brave as men can be sympathetic.

In addition, central to the trainings is the concept of “oneness” – that Islamic law, Afghanistan’s and Pakistan’s constitution and laws, and international human rights law all promote the dignity of women and girls. Judges and prosecutors therefore should not feel conflicted in drawing from international conventions, instruments and norms, or from best practices in other countries, for fear that these are “Western concepts” anathema to *sharia* or domestic law.

For instance, on the issue of economic abuse in Pakistan: Islam mandates that women and girls are entitled to a share of their parents’ properties upon the latter’s death. However, females are often coerced into signing these off to male family members to “keep the properties within the family.” The ADB trainers thus highlighted Section 498A of the Pakistan Penal Code (1860), which prohibits depriving women of their inheritance, along with several Quranic verses with the same message. In particular, the ADB team emphasized Surah-An Nisa 4:7⁸ and Surah-An Nisa 4:13-14,⁹ which state that not giving women their inheritance is an offense against God whose corresponding punishment is “entering a fire [...] for good.”

All told, ADB was able to train nearly five hundred judges and prosecutors in Afghanistan¹⁰ and Pakistan.¹¹

Right after the initial batch of trainings in Pakistan, the (then) Chief Justice of the Lahore High Court, the Hon. Syed Mansoor Ali Shah (now Justice of the Federal Supreme Court), requested that ADB conduct a Train-the-Trainers course so that the training program could cascade to the remaining 1,500 judges in Punjab. ADB thus trained a cohort of twenty judges as trainers who are now delivering similar trainings using ADB’s modules. ADB also developed three courses on gender sensitization and decision writing of gender-based violence cases for the Punjab Judicial Academy. These courses are now being taught as mandatory subjects to all levels of



Training sessions in Pakistan.

the Punjab judiciary. In addition, ADB also delivered a specialized training on evidence, court procedure, and litigation processes to another batch of twenty judges who are specifically handling gender-based violence cases.

In Afghanistan, ADB, the Supreme Court, and the Attorney General's Office are now discussing a possible Train-the-Trainers program.

Bottom-up Approach

ADB supplemented the top-down approach with a bottom-up approach. Other capacity-building initiatives under the project include training workshops for grassroots women, members of the youth, nongovernmental organizations, paralegals, religious leaders (*imams*), and informal mediators. Topics ranged from practical matters such as life skills and self-confidence



Training sessions in Afghanistan.

for women, to religious matters such as women's rights in Islam, and finally to legal and remedial matters, such as referral mechanisms, effective mediation methodology, and women-related legislation such as family law and the EVAW Law.

Positive Media Campaign with a Ripple Effect

ADB utilizes a positive media campaign using both traditional and nontraditional media. The positive media campaign has centered on women's rights that are often misunderstood, e.g., the right to inheritance and the right to education. It provides information and education with an approach that



Training on legal and remedial matters for community men in Kunduz, Afghanistan.



Training on life skills and self-confidence for grassroots women in Kunduz, Afghanistan.

empowers women to know how to exercise their rights, and to inspire men to support women and girls.

Traditional media initiatives include short documentaries from both Pakistan and Afghanistan. ADB has also supported legal literacy round-

tables, in which women and activists shared their success stories, and live radio shows where lawyers and other legal professionals raised awareness on gender-based violence and rights of women under the law.

Non-traditional media initiatives involve the creative, innovative, and culturally sensitive use of art, music, and film. For example, trucks in Pakistan have traditionally been painted with decorative floral, ethnic, commercial, or other pop culture designs. ADB utilized this art form to promote messages that are pro-women and pro-girls, highlighting, for example, the right of women and girls to inheritance. In the truck art below, the girl has



ADB's Samar Minallah Khan was interviewed on women's and girls' rights by a popular radio personality.

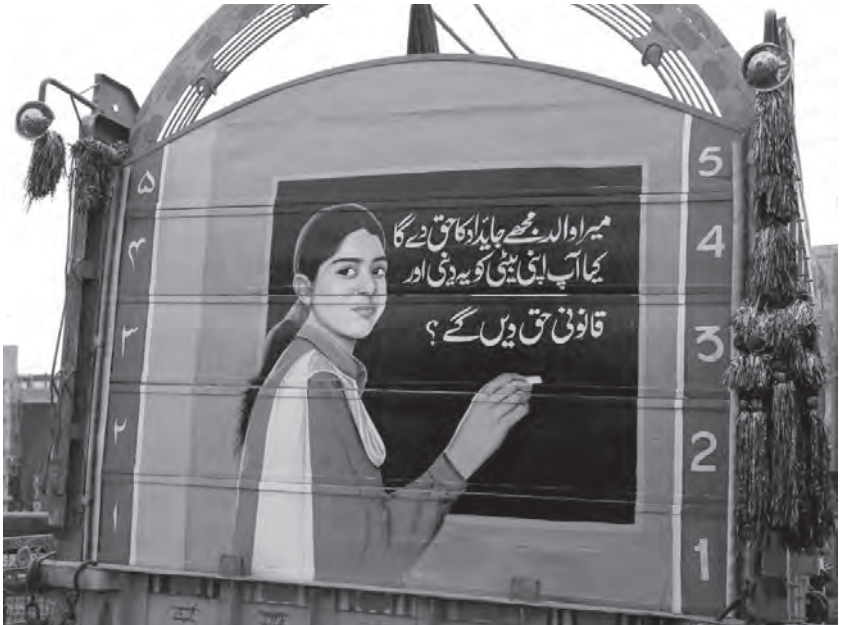
written on her blackboard "My father will give me my rightful share in his property. Will you also give your daughter her due share?"

It was important that the truck art imparted legal and social messages in an easily digestible way. For instance, the illustration below underscored the right of women and girls to inheritance simply by saying "Depriving daughters of their right to inheritance is un-Islamic and illegal."

Another variant of truck art ADB produced emphasized the value that Islam places on daughters and sisters, and the blessings that God would give



A live radio show where a lawyer would answer calls regarding legal disputes involving women and girls.



"My father will give me my rightful share in his property. Will you also give your daughter her due share?"

a man who treats them with love and kindness. Jabir ibn Abdullah, a companion of the Prophet Mohammad, reported that the Prophet had stated: “The one who has three daughters or sisters, or two daughters or sisters, and he accommodates them, show mercy toward them, and supports them,



“Depriving daughters of their right to inheritance is un-Islamic and illegal.”

Paradise is definitely guaranteed for him.”¹² The truck art below, showing a man lovingly gazing at his daughter, comes with the painted message “My daughter, you are the light in my eyes. You are my ticket to paradise.”

ADB also produced puppet shows with positive messages through local community puppeteers and singers.¹³ The puppets and theaters took on a very traditional look, so that the rural communities in which they were shown could identify with them. Furthermore, the puppet shows highlighted the legal and religious basis of the specific right discussed, with banners identifying the law and religious text on both sides of the theater set-up. ADB held these puppet shows in numerous urban and rural communities in Pakistan, including Multan, Vasindawali, Khangarh, Muzaffargarh, Bahawalnagar, Khanewal, Mohri Pur and Kabirwala.

In Afghanistan, ADB worked with local artists to stage interactive mobile theater shows highlighting the rights of women and girls, the evils of domestic violence and child marriages, and other illegal customary practices. Collectively, more than 3,000 people in the provinces of Baghlan, Kunar, Kunduz, and Nangarhar were able to see the theater shows.¹⁴



“My daughter, you are the light in my eyes. You are my ticket to paradise.



Theater set-up, with banners on either side identifying the legal and religious aspects of the right.

ADB is currently working on other non-traditional media platforms. Other products being developed are: (i) lullabies specifically for girl children in Afghanistan; (ii) positive, pro-women songs sung by famous artists



(Above) ADB used culturally sensitive puppets and design. (Bottom) Urban and rural communities in Pakistan participated in the puppet shows.



in Pakistan and Afghanistan; (iii) public space artwork (bridges and walls) in Afghanistan; and (iv) short animated messages for messenger apps such as WhatsApp, Viber, and Facebook Messenger.

Ultimately, media is being used not just as an awareness-raising tool for the masses, but also to highlight positive news to motivate women, girls, and



(Top, center, bottom): Local artists in Afghanistan staged mobile theater shows with pro-women messages.



(Top and bottom): The mobile theater shows were seen by more than 3,000 people, collectively.

men supporting them. And, especially for non-traditional media platforms such as truck art and theater shows, it is also used to sensitize the artists and community level business owners. Now, the community level truck artist has become a celebrity in Pakistan for continuing to replace frivolous messages with pro-women messages on trucks. Local puppeteers and singers are replicating the shows on their own. Wall artists and mobile theater groups are also independently planning more shows and art displays.

Institutionalizing Reforms: The Model Gender-based Violence Court

After the gender sensitization and gender-based violence trainings in Pakistan, then Chief Justice Syed Mansoor Ali Shah of the Lahore High Court requested ADB's assistance in establishing a model gender-based violence court (GBV court) in Lahore. This GBV court, Asia's first such court, aims to have gender-based violence cases prioritized and conducted in a gender-inclusive manner.

Victims of gender-based violence are mainly women (and girl children) and they often do not report violence against them for fear of retribution, humiliation, shame, social stigma and loss of honor. In addition, victims are also fearful of coming to the court to give evidence because the court processes are intimidating and they feel re-victimized. The GBV Court is a response to allow them to give their best evidence and minimize the trauma. Examples of innovations in the GBV court are:

- The GBV court is presided over by the trained judge, prosecutor and staff.
- The court has special infrastructure such as (i) larger courtrooms so the distance between the victim, lawyers, and audience is increased; (ii) e-court facilities so that women can give evidence through video transmission, should they so choose; (iii) screens alongside the witness box so that women who are victims of violence are not forced to see the offenders when giving evidence; and (iv) provision of female support officers who will escort the victim to a protected place, settle the victim, and remain with the victim while the victim gives evidence.
- ADB also developed the following, which have all been adopted by the GBV court: (i) court procedures based on international best practices and human rights norms; (ii) formal procedures in case the victim or the witnesses resile; and (iii) Practice Notes on evidence and other court matters, e.g., testimony recording protocols (for instance, questions put in cross-examination on behalf of the accused will be given in writing to the Judge, who will be putting them to the victim or to a vulnerable witness in a language which is clear and not degrading).

The judicial trainings, coupled with the new GBV court, have strengthened access to justice by resulting in a streamlined complaint process, sensitized judges, and provision of support to the victims. They have also challenged widespread negative perceptions that women lie when they complain of violence. Prior to establishment of this court in October 2017, the conviction rate in rape cases was 2 percent; in 2018, the conviction rate has risen to 20 percent.

Sustainability of Reforms and Project Impacts

There are several factors that contribute – and are in fact essential – to the project's sustainability. First and most important is the access to, and the support given by, the senior officers of the relevant government institutions. This project would not have gotten off the ground without the support of the Chief Justice and Justices of the Supreme Court of Pakistan, the Chief Justice of the Lahore High Court, the Director-General of the Punjab Judicial Academy, the Chief Justice and the Director of Policy and Planning of the Supreme Court of Afghanistan, the Attorney General and the Deputy Attorney General for the Elimination of Violence Against Women, and the



Inauguration of the GBV Court by then Chief Justice of the Lahore High Court, Hon. Syed Mansoor Ali Shah (now Justice of the Supreme Court), with other distinguished guests.



The GBV court, with trained personnel and physical infrastructure that is compliant with human rights norms.

Minister for Women Affairs of Afghanistan. In countries with fraught political situations and weak civil societies, and especially those transitioning to formal governance, the will of institutional heads gets things done.

ADB actively consulted these individuals (and the institutions they represented) every step of the way to ensure that they will have a deep sense of ownership over the project. This likewise assures them that the project is designed and implemented in a manner that is sensitive to the country's unique legal, political, social, and religious circumstances. This kind of institutional buy-in has led to reforms that were implemented subsequent to project activities, and feeds into the project's overall long-term sus-

tainability. For instance, on top of the GBV Court and the gender sensitization trainings, ADB also assisted the Lahore High Court in notifying the Gender Equality Policy for Punjab Judges. The Policy invokes the Pakistan Constitution, Islamic precepts, and the Convention on the Elimination of All Forms of Discrimination against Women; and mandates that special measures be undertaken, whenever necessary, to ensure that female judges enjoy substantive equality with male judges.

Second, ADB's multi-skilled team was also deliberately multi-cultural and multi-religious. The team had members based in Southeast Asia, South Asia, the Pacific Islands, Australia, and United States; some were Muslim, and some were Christian. It was important for the training participants to see that GBV is a problem that affects societies of different economic status and various faith traditions. At the same time, having Muslim members in the team was crucial to the project's success and sustainability, because at the heart of the project is the fact that Islam is a religion of peace and promotes the dignity of women and girls. Having trainers who looked like them and believed like them helped establish rapport and goodwill between the trainers and participants, and dispelled any notion that the ADB team merely sought to bring in "Western" concepts. ADB was able to build on this rapport by selecting promising participants from the initial training program, and training them specifically as accredited trainers who can deliver the modules to other judges and prosecutors in the future.

Third, sustainability of GBV court reforms depends on whether the sitting judge actively implements the guidelines, court practice notes, and court procedures, which were all developed by ADB to promote fair trial principles and justice to both the victim and the accused. In ADB's continuing audit of the GBV Court, ADB's team has determined that the judge initially had the tendency to default to processes he was familiar with which were not necessarily suitable for proper GBV case management (e.g., the process that must be undertaken by the judge when the women survivor or a witness resiles from her previous statement and chooses to withdraw the case). With proper guidance and training, the GBV Court judge became more adept in applying the rules of evidence and case management specific to GBV cases.

Fourth, the project allows for flexibility, as well as responsiveness to the cultural, social, and religious contexts of the country's laws. It is also based on international norms and provides approaches which were culled from international best practice and could be relevantly applied in the country having regard to legal systems and unique country features.

Moving Forward

ADB intends to scale up the project in several ways. First, the Pakistan leg of the project has been limited thus far to Punjab province. In 2019, ADB will be broadening the project scope in Pakistan by (among others):

- Coordinating with technical committees in Pakistan's Federal Parliament, as well as other development partners, in reforming the legal framework that applies to GBV offenses and courts;
- Undertaking discussions with the Federal Supreme Court and officials of the Federal Judicial Academy (the Academy) to discuss possible courses on gender sensitization to be designed and delivered by ADB under the auspices of the Academy;
- Assisting other courts in Pakistan in developing similar reform initiatives; and
- Amplifying the positive media campaign. The response to the initial batch of truck art (twenty trucks traversing Punjab) and puppet shows has been extremely positive. ADB is in the process of having a second batch of trucks painted, and another batch of puppet shows produced, in addition to other traditional and non-traditional media platforms.

In Afghanistan, both the capacity development program and positive media campaign are being scaled up. Afghanistan's Supreme Court has given permission to ADB to train a cohort of fifteen-twenty judges (who initially participated in the December 2018 Kabul trainings) under the auspices of a Train-the-Trainers program. These judges, once accredited by ADB, will be able to teach the training program to other judges in Kabul and elsewhere. ADB is also developing an access to justice and violence against women course for the Supreme Court's Judicial Training Program (locally called the "STAGE" program). Furthermore, ADB is in the process of producing a customized benchbook on violence against women cases for use by prosecutors, judges, lawyers and other stakeholders. On the media campaign front, ADB has started working with local artists who are to paint pro-women and pro-justice messages on public walls, including the walls near the Attorney General's Office and the Supreme Court.

Lastly, ADB is exploring the possibility of replicating project activities in Tajikistan, another predominantly Muslim Asian country. ADB will be

fielding an exploratory mission to Tajikistan in the second or third quarter of 2018 to meet justice sector stakeholders. The objective is to determine need and demand for access to justice and violence against women training programs.

Endnotes

1 Asian Development Bank, *Strategy 2030: Achieving a Prosperous, Inclusive, Resilient, and Sustainable Asia and the Pacific*, July 2018. See www.adb.org/sites/default/files/institutional-document/435391/strategy-2030-main-document.pdf, last accessed on 24 February 2019.

2 See Policy on Gender and Development at www.adb.org/themes/gender/policy, last accessed on 24 February 2019.

3 See Law and Policy Reform Program: Effective Legal Systems for Sustainable Development at www.adb.org/sites/default/files/publication/183511/law-policy-reform-brochure.pdf, last accessed on 24 February 2019.

4 Examples of the English translation of Verse 4:34 of the Quran:

Sahih International translation: "Men are in charge of women by [right of] what Allah has given one over the other and what they spend [for maintenance] from their wealth. So righteous women are devoutly obedient, guarding in [the husband's] absence what Allah would have them guard. But those [wives] from whom you fear arrogance - [first] advise them; [then if they persist], forsake them in bed; and [finally], strike them. But if they obey you [once more], seek no means against them. Indeed, Allah is ever Exalted and Grand."

Pickthall translation: Men are in charge of women, because Allah hath made the one of them to excel the other, and because they spend of their property (for the support of women). So good women are the obedient, guarding in secret that which Allah hath guarded. As for those from whom ye fear rebellion, admonish them and banish them to beds apart, and scourge them. Then if they obey you, seek not a way against them. Lo! Allah is ever High, Exalted, Great.

Yusuf Ali translation: Men are the protectors and maintainers of women, because Allah has given the one more (strength) than the other, and because they support them from their means. Therefore the righteous women are devoutly obedient, and guard in (the husband's) absence what Allah would have them guard. As to those women on whose part ye fear disloyalty and ill-conduct, admonish them (first), (Next), refuse to share their beds, (And last) beat them (lightly); but if they return to obedience, seek not against them Means (of annoyance): For Allah is Most High, great (above you all).

Mohsin Khan translation: Men are the protectors and maintainers of women, because Allah has made one of them to excel the other, and because they spend (to support them) from their means. Therefore the righteous women are devoutly obedient (to Allah and to their husbands), and guard in the husband's absence what Allah orders them to guard (e.g. their chastity, their husband's property, etc.). As to those women on whose part you see illconduct, admonish them (first), (next), refuse

to share their beds, (and last) beat them (lightly, if it is useful), but if they return to obedience, seek not against them means (of annoyance). Surely, Allah is Ever Most High, Most Great.

5 See Gender Inequality Index at <http://hdr.undp.org/en/composite/GII>, last retrieved on 24 February 2019.

6 Experts' survey by Thomson Reuters Foundation. See www.reuters.com/article/us-women-dangerous-poll-factbox/factbox-which-are-the-worlds-10-most-dangerous-countries-for-women-idUSKBN1JMo1Z, last retrieved on 24 February 2019.

7 For men is a share of what the parents and close relatives leave, and for women is a share of what the parents and close relatives leave, be it little or much - an obligatory share." [Quran, Surah-An Nisa 4:7]

8 "These are bounds set by Allah. Allah will let the ones who obey Allah and His Messenger, enter gardens beneath which rivers flow. There, they will settle for good. That is the great triumph.

Whoever disobeys Allah and His Messenger and transgresses the bounds set by Him, Allah will cause him to enter a fire, and there, he will settle for good. He will have a humiliating punishment." [Quran, Surah-An Nisa 4:13-14]

9 A video featuring the Afghanistan trainings is available online at www.youtube.com/watch?v=xEvE5cUSMAQ, last accessed on 24 February 2019.

10 A video featuring the Pakistan trainings is available online at www.youtube.com/watch?v=yYZ5RFQAJIU, last accessed on 24 February 2019.

11 Hadith

12 A video featuring these puppet shows is available online at www.youtube.com/watch?v=oVhBOKBhQHo, last accessed on 24 February 2019.

13 A video featuring these mobile theater shows is available online at www.youtube.com/watch?v=it4JxFsyzaA, last accessed on 24 February 2019.

Pakistan's Prison Paralegal Program

Haya Emaan Zahid and Shahzaman Panhawar

PAKISTAN'S CRIMINAL JUSTICE system, similar to many other legal systems, is based on a complex web of procedural and substantive laws. Marred with colonial era legislation, there are numerous challenges facing those who are caught in its vicious trap. To begin with, the police service is designed to act more as a "force" for exercising control over the local population as opposed to building ties with the community for furthering law and order. Investigations typically rely on torture to extract confessions. An overburdened judicial system provides little light at the end of the tunnel for the exasperated litigant or the innocent under trial prisoner languishing behind bars. This situation is exacerbated by frequent adjournments of court hearings and weak court caseload management system that protracts cases. The prison, probation and reclamation departments remain underutilized and underfunded and fail to provide viable alternatives to custodial sentencing which would yield rehabilitation related outcomes. Added to this are the endemic levels of corruption that are deeply entrenched at each stage of the criminal justice process. Underprivileged, marginalized and illiterate citizens face impossible odds that lead to inevitably desperate solutions. Worse yet, the miserably low conviction rate, estimated to be under 4 percent for convictions on merit, indicates that the criminal justice system is not only failing to deliver justice, it is simply incarcerating the innocent and is being deliberately misused by those that wield influence and power.

Committee for the Welfare of Prisoners

In this backdrop, the provincial government of the province of Sindh in Pakistan established a quasi-government committee called the "Committee for the Welfare of Prisons" (CWP) in 2004. The CWP has since its inception been headed by Justice Nasir Aslam Zahid, a retired Chief Justice of the province who was later elevated as a Judge of the Supreme Court. The CWP was tasked with primarily providing legal aid to female prisoners and

juveniles and to undertake related welfare work. Over the course of the last fifteen years of its trajectory, the CWP has strengthened and institutionalized into a premiere legal aid service provider which offers legal aid to first time petty offenders incarcerated in twenty five of the province's twenty seven prisons. Its reach was expanded to adult male prisoners in 2011 and the terms of reference were widened to include policy and research work but most notably "legal empowerment" related work. The CWP has continued to play the role of a *de facto* public defender's office in the absence of such agency within the formal state apparatus. The unique aspect of this quasi-government initiative is that it is premised on a public-private partnership model in which its operations are privately managed.

As part of its on-going research mandate, the CWP conducted a baseline survey of 1,042 adult male and female prison inmates from across five prisons in early 2018. The primary purpose of this starting point survey was to identify, for the first time, the current levels of situational and legal awareness, empowerment and access to legal representation and legal aid for prisoners. The study also provided the opportunity to assess inmates on rehabilitation needs including vocational and skills-based training and medical and psycho-social services. The study allows for an evaluation of the satisfaction of under trial prisoners with the legal representation that they are currently receiving from the CWP and allows measured assessments of the awareness of legal aid services in general.

The principal findings of the survey reveal that when prisoners were asked if they had legal representation, only 58.35 percent answered in the affirmative (four hundred thirty one under trial prisoners [UTPs], one hundred seventy seven convicts) while 36.85 percent prisoners indicated they had no legal representation (three hundred thirty UTPs, fifty four convicts). The majority of female respondents (91.84 percent) had legal representation (thirty five UTPs, ten convicts) which is not a surprise considering that they comprise small numbers in the overall population of prisons.

Out of the 1,042 prisoners surveyed, only four hundred forty six (43.56 percent) knew what stage their trial was at and five hundred eighty respondents (56.66 percent) did not know. Out of the five hundred eighty respondents that did not know what stage their trial was at, four hundred sixty-four were under trial. Further to this, three hundred thirteen who had legal representation had no understanding of the trial process. Absence of such basic information about their own case indicates a complete exclusion from

their own defense or control over the trial process. When prisoners were probed further about whether respondents know about the various stages in a criminal trial two hundred thirteen male respondents (20.80 percent) knew the stages in a criminal trial, while the vast majority – eight hundred twenty-two respondents (78.89 percent) – did not know the stages in the criminal trial. This figure included one hundred sixty nine convicts that had been through the process themselves.

There is a marked difference in knowledge levels between male and female inmates with 42.22 percent of female inmates knowing the various stages in a criminal trial. This can be attributed to the fact that a legal literacy initiative has been running in the female prison in Karachi for a longer time than in the other prisons.

In discussing the state of legal literacy or general awareness of legal rights it appears that a large percentage of respondents 88.89 percent of the males and 77.55 percent of the females could not identify a single fundamental right provided under the Constitution of Pakistan, including the right to a fair trial, prohibition against torture, illegal detention, the freedom of movement etc. For male respondents, 9.75 percent of respondents could only identify one out of the twenty-three Fundamental Rights and only fifteen out of the 1,026 male respondents could identify two or three rights. No respondent could identify more than three fundamental rights.

In terms of assessing the potency of such laws and rights through application and utilization, the respondents were asked “What can a person do if they are illegally detained?,” “if their property is taken by the government to construct a road?,” “if their child is prevented from going to school?,” “if they are denied government employment based on their religion?” 76.34 percent male and 79.59 percent female respondents did not know what to do if they were illegally detained. 76.88 percent male and 77.55 percent female respondents did not know what to do if their property was acquired by the government for public use. 77.88 percent male and 81.63 percent female respondents did not know what to do if their child was denied education. 88.21 percent male and 93.88 percent female respondents did not know what to do if they were discriminated against based on religious beliefs.

Much like the criminal and civil procedure codes applicable in Pakistan, prisons are governed and managed under colonial era legislation. While the enabling framework is found in the Prisoners Act and Prisons Act, the day-to-day administration is detailed across 1,250 rules contained in what is

known as the Jail Manual/Pakistan Prison Rules (1978). Segregation, food, admission, visitation, remissions and other aspects are detailed in these. Access to and knowledge of prison rules and legal entitlements created by these rules can help detained people improve their lives in detention, and benefit from rehabilitation and reform activities as well as earn remissions in their sentence. Prison rules also provide a system of protection by providing for an oversight and complaint mechanism for inmates who may have a grievance against another inmate or against prison staff.

To gain an understanding of the level of knowledge prisoners had of this scheme, the respondents were asked basic questions such as “Are there any rules regulating prison living conditions?” or “Is there a mechanism to file a complaint against another inmate?”

Respondents were asked about prison rules governing living conditions; 35.22 percent of adult male respondents were able to state one or more rules governing living conditions, 10.75 percent of respondents said there were no rules governing living conditions in prison, whereas 53.74 percent of adult male respondents said they did not know if there were any rules. Awareness of prison rules appears to be higher at the Women Prison Karachi with 59.18 percent of female respondents knowing rules governing prison conditions while 18.37 percent of respondents said there were no rules and 20.41 percent said they did not know any of any rules. When asked if there were any rules regulating prison visits, only 28.98 percent of male respondents answered yes and could specify how often a prisoner could receive visitors every week. The majority of adult male respondents (68.81 percent) said they did not know of any rules regulating prison visits. Knowledge of prison rules regarding visitation was significantly better among female respondents with 75.51 percent of respondents knowing that there were specific rules regarding visitation and that prisoners could meet with visitors every week. 14.29 percent of female respondents said they did not know of any rules regarding visitation.

Remissions in sentences, i.e., reduction in the number of days a convict has to remain in prison, are allowed for various charitable and rehabilitation-oriented activities including donating blood, gaining education, learning the Holy *Quran* by heart, or for good behavior and assisting with prison chores, etc. Unfortunately, the vast majority of male (68.81 percent) and most female (40.81 percent) prisoners did not know of this available incentive mechanism while a further 7.1 percent male and 28.57 percent fe-

male respondents said that there was no such system. Only 23.70 percent of adult male and 26.53 percent of female respondents said they knew of the remission system.

Prisons are a setting in which the imbalance of power is at its greatest between the detained and the detainer. Hence, knowledge of redressal mechanisms and how to access them effectively is essential in ensuring transparency in the systems and accountability for state actors involved. Respondents were asked about their awareness of procedures for filing a complaint against another inmate. 38.87 percent of male and 69.39 percent of female inmates knew how to file a complaint against another inmate. Only 29.27 percent of adult male respondents said they knew of prison rules permitting them to file a complaint against a prison official. This is significantly lower than the 73.47 percent of female respondents that reported that they knew of the mechanism for filing a complaint against a member of the prison staff.

Moving Towards Legal Empowerment Methods

The CWP has been providing legal assistance to underprivileged under trial prisoners since 2004. Over the course of its operations during the last fifteen years, it has provided legal representation to 16,674 prisoners and has assisted 4,300 prisoners secure bail. On average, it is estimated that about ninety-two cases of incarcerated prisoners are resolved every month through its efforts. However, at any given point in time, the CWP's resources permit it to provide legal representation to around 1,000 prisoners. The population figure of under trial prisoners had fluctuated between 12,000 to 18,000 over the last thirteen years. As of 31 December 2018, under trial prisoner population stood at approximately 15,040. One can easily conclude that the need for free and effective legal representation continues to exceed the supply of this service.

Rule of Law and Access to Justice oriented initiatives tend to focus singularly on improving the capacity of the state and state actors to provide justice-related services. On the other hand, legal empowerment programming works on improving the capacity of the consumer of justice, i.e., the citizen struggling for the entitlements the law provides him or her with. In 2014, the CWP shifted its gears from an approach that relied exclusively on the supply side of providing pro bono legal representation to an approach

that includes legal empowerment approaches to increasing legal knowledge among prisoners. The approach is understood in three parts:

- **Knowing the Law:** Prisoners form one of the vulnerable segments in the justice system, and as such focus was placed on enhancing legal awareness and access to practical information which could help them understand their legal position and their legal options. This can in turn uplift them especially out of the vicious circle of victimization. This can vary from simply knowing who to approach to complain against an abusive prison warden or understanding the rights and modalities of filing appeals;
- **Using the Law:** Unfortunately, simply knowing the law is often not enough to be able to use it. Once a person knows about the relevant substantive and procedural laws, they should be able to use them, i.e., act upon them to seek justice. This translates into being able to know which judge you can complain to or how and when you can approach the members of the local district oversight committees that are meant to conduct external oversight over the local prison. There are still numerous barriers to justice that an average person has to overcome. They may need resources to seek legal representation. They may need community support to stand against a powerful opponent. Legal empowerment programs extend support to justice seekers to help overcome these odds and actually use the law;
- **Shaping the Law:** Quite often governments, especially those in developing countries, suffer from resource constraints which do not permit them to collate the latest statistics and data to base their policy decisions on. As a result, they often rely on stale data. Regrettably, this is the case with most policy reform in Pakistan as we notice new policies being based on perception rather than evidence. There is a severe lack of primary data, without which there can be no meaningful impact assessment or continuous improvement. Legal empowerment programs can help gather primary data. In assisting people to access the justice system, programs can document user experiences to create an evidence base for policy reform. If we look at the data that the CWP has collected, meaningful recommendations can be made based on an analysis of sentencing patterns, procedural issues such as non-appearance of witnesses, or non-production of the accused etc.

These three components of a Legal Empowerment program can improve the outcome for an average justice seeker. An empowered justice seeker can compel justice providers such as the police, judges, lawyers, prosecutors, investigation officers and prison officials to improve their performance and deliver on their duties and obligations. The collective experience of a large number of justice seekers can help improve the state of the justice system by making it more responsive to the needs of the people. Within this context, this paper describes the workings of the unique prisoner-led paralegal program conceived by the CWP to assist a wider array of prisoners in achieving justice outcomes and is currently operational in four prisons in Sindh province.

Prison Paralegal Program

The prison paralegal program was conceived in 2014 by the CWP. The objective was to create a sustainable mechanism for all new inmates in the prison



A trained female prisoner leads the paralegal class at the Women's Prison in Karachi. The class is attended by new admissions in the prison. The prison currently accommodates one hundred twenty-three adult female prisoners.



Lawyers from the Committee for the Welfare of Prisoners monitor and supervise the paralegal class which is being conducted by a trained prisoner at Karachi's largest prison facility the Central Prison. The prison currently accommodates 4,758 adult male prisoners.

system to be informed on prison norms and rules, prisoners' rights and duties as well as the criminal justice system and to spread legal literacy among all prisoners in selected prisons.

The basic concept of legal empowerment is gaining an understanding of the law and having the ability and human agency to make independent decisions and to exercise control over one's life. A paralegal is a person who is trained on substantive knowledge of legal matters but is not qualified as a lawyer.

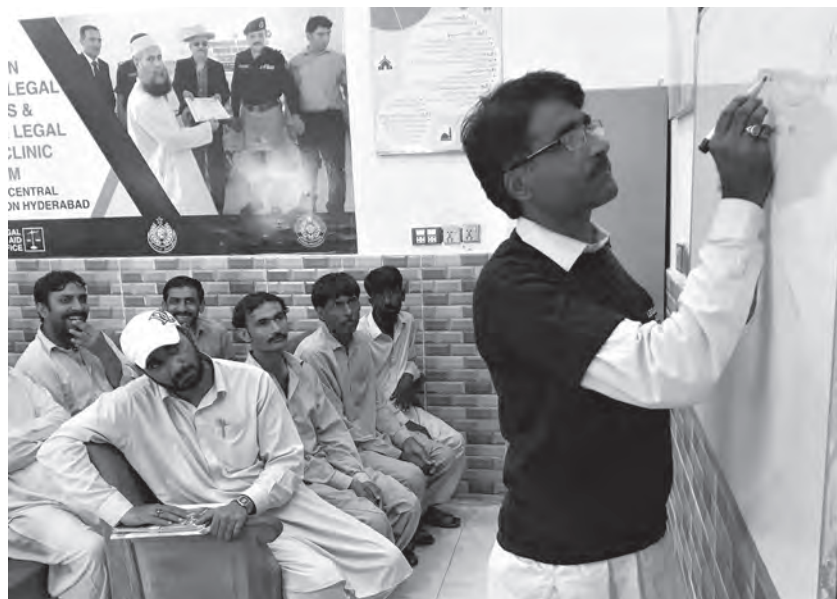
Paralegals work to help their community and assist individuals and the community on different legal issues. A "prison" paralegal is a prison inmate who is trained on knowledge of basic laws including criminal law, prison rules, fundamental rights, criminal trial process, as well as other relevant civil laws such as property law and family law. What this paralegal can do is provide information instead of rendering legal advice. All Prison Paralegals are volunteers who take up the role because of various motivations most of which stem from an internal need to find satisfaction. Prison Paralegals are convicts and have experienced the frustration of being a new arrival in

prison with little knowledge of laws and procedures and limited options of navigating through the system effectively.

Paralegal programs inside prisons in countries such as Malawi and Sierra Leone are successful. However, their model has utilized community paralegals, i.e., paralegals who are non-prisoners accessing prisons to provide legal literacy and information. The CWP model, therefore, differs as the main providers of information are those who have the same set of experience in most cases as that of those who are seeking justice. The prison paralegal is from the same community in this way and hence the authenticity of his or her voice is established from the onset in terms of him being empathetic towards others. His or her legitimacy is further established as the convict has experienced the trials and tribulations of the criminal justice system as a whole in some ways.

Selection of Trainees

A unique methodology was established for selecting and training paralegals as well as monitoring and supervising their performance. Each prison has a



A trained prison paralegal conducts a class at the Central Prison in Hyderabad. The prison currently accommodates 2,300 prisoners and is classified as a high security prison.

unique environment and peculiar culture (quite often the tone is set by the relevant Superintendent in-charge) and inmates of different profiles. District prisons house the under trial prisoners or those that are serving shorter sentences for less severe crimes while the Central Prisons have the high value targets or those convicts serving longer sentences. When implementing the Prison Paralegal Program across four different prisons variations had to be made keeping in mind the prison population, ratio of convicts to under trial prisoners, security concerns, resources and the cooperation of prison authorities.

CWP has trained staff with relevant knowledge of substantive laws and training on adult teaching methodologies. This staff engages in screening convicts and selects suitable candidates who are given substantial legal training.

The training comprises of eight training sessions which vary depending on whether the program is in adult male or female prisoners. The substantive areas of training include

- What is Law and the Constitution,
- Fundamental Rights,
- Criminal Law,
- Criminal Procedures,
- Probation & Parole, and
- Prison Rules.

Additional customizable topics include laws about the family, domestic violence, property and inheritance. Juvenile justice may be added for legal literacy classes conducted in juvenile detention facilities. Once this basic training is provided an advanced class session is held to enhance paralegal skills which also revises the substantive content but focuses on the teaching techniques. It is pertinent to mention that the selection of the right candidates for the training plays a big role in ensuring the success of the program in the future.

Paralegals are not remunerated or compensated in monetary terms. They are volunteers who show interest in performing the tasks of a paralegal. Hence during the screening the selectors look for a long-term engagement. The convicts who are serving sentences in excess of five years as a minimum threshold are screened. The paralegal must be literate and must be able to read and write in the local language (Urdu/Sindhi).

Training of Paralegals

The first stage in the training consists of eight training sessions that cover substantive topics as mentioned above. The training is carried out by an



Trained prisoners are selected based upon their ability to read and write Urdu and Sindhi. The trainees in this picture are convicts serving time at the Central Prison in Hyderabad.

experienced lawyer who has been trained in adult teaching methodologies and is an expert in using interactive teaching techniques. The training uses a Paralegal Reference Guide, developed in English, Sindhi and Urdu languages, which is an illustrated tool kit with lesson plans and content for each of the eight sessions.

The substantive training component is spread over eight classes (varying between two to three hours depending on the topic). Once completed, a post-assessment is conducted to ascertain shifts in knowledge base. This is primarily done through a show of hands method. This post-assessment is preceded by a pre-assessment at the beginning of the training.

Out of the batch of trainees, those who would advance to the next stage are carefully selected based on the ability to read and write, eagerness and commitment along with length of conviction. These selected trainees then

progress to stage two of the training. In this stage, sessions focus entirely on delivery of content, teaching methods, interactive teaching and other training skills as opposed to the substantive content. Lesson plans developed by experts at the CWP are used. Each selected trainee is given a chance to conduct a mock training session. Feedback is provided and the process is repeated for improvement. These sessions are attended by other trainees and new jail admissions.

Stage three of the process results when the trainees have become comfortable doing training and have obtained the approval of the supervising lawyers. In this stage the paralegal trainees have progressed onto becoming prison paralegals and are conducting the entire session independently.



A prison warden looks on as a lawyer from the Committee for the Welfare of Prisoners conducts a master training of selected prison paralegals at the Central Prison in Karachi.

Paralegal Work

Once the training component is over, the implementation part commences in which CWP's lawyers robustly supervise and monitor the quality of the sessions the paralegals are conducting. The selected convicted prisoners working as paralegals commence orienting new jail admissions on legal rights, remedies and criminal law and procedure. They use interactive

teaching methods in order to ensure participation and meet learning objectives. The population of the prison and estimates on admissions determine how often the classes take place. Sessions are planned twice a week at Central Prison Karachi but only once every two weeks at the Women's Prison. The CWP provides training material, a Paralegal Reference Guide, posters and pamphlets, etc. along with training equipment and resources like whiteboards, markers, note pads, etc. and assist the paralegals in securing adequate teaching space inside prisons.

Successes and Advantages of the Prison Paralegal Program

The Prison Paralegal Program was rolled out in the Women Prison in Karachi in 2014 which has an average population that fluctuates between one hundred fifty to two hundred fifty women. After four years, the program is operational in four prisons (three adult male facilities and one female facility) located in the cities of Karachi, Hyderabad and Sukkur. The program interventions have recorded one hundred eleven prisoners having been trained as master trainers through training sessions. These trained paralegals have provided legal information to 2,569 prisoners. In fact, the paralegals have also facilitated prisoners in connecting them with support services such as the lawyers of the CWP. The program has secured allotment of three teaching/working rooms for the paralegals in the prisons in Karachi and Hyderabad. This allows the paralegals to feel a sense of belonging and pride and ensures visibility as others can access them routinely in this office space during scheduled times.

Upon completion of the training itself, trained paralegals are entitled to obtain fifteen days of special remission in their sentence granted at the discretion of the Inspector General of Prisons, who heads the department. This incentivizes convicts to sign up and attend the screening sessions. In addition those who undergo the training experience improvements in their legal knowledge and skills as well as enhance their communication, leadership and organizational abilities. Paralegals also develop an ability to teach and may learn social mobilization skills. Further to helping those that attend the training sessions or information sessions, a multiplier effect is observed in the prisons as the flow of information passes. Inmates who need other types of assistance can be connected to other service providers, such as medical services, or to other rehabilitation services such as literacy or vocational

skills classes and this multiplier is likely to continue once paralegals complete their sentences and return to their communities as reformed and law abiding citizens.

Since 2014, CWP has trained more than one hundred prison paralegals in the four prisons of the Sindh province.

Individual stories provided below illustrate the value of the paralegal program.



Paralegals in the Karachi Women's Prison use role play techniques to help prisoners understand the system of rights and privileges they are entitled to.

Asim was a twenty-eight year-old paralegal who had been working with the CWP since 2015. He attended the paralegal training classes when he was an under trial prisoner and showed great enthusiasm and promise as a trainer and over the course of three years became the most experienced paralegal that CWP had trained.

He was deployed at the Central Prison in Karachi, which is the biggest prison in the province. The Central Prison currently accommodates 4,876 prisoners.

Asim came from a large family, with five sisters and three brothers. He was the youngest in the family, and being the most educated, he took on all the financial responsibilities for his mother and sisters when his father passed away in 2007. Asim's family is from the Swat Valley, however his fa-



Lawyers working for the Committee for the Welfare of Prisoners assist the trained prisoners in conducting a class at the Central Prison in Sukkur. The prison currently accommodates 1,310 adult male offenders.

ther moved the family to Khairpur in the province of Sindh in search of better economic prospects. The family moved again from Khairpur to Karachi when Asim was in primary school. Asim continued his education completing his Intermediate and some basic computer courses to get a start in the Information Technology (IT) sector.

He was enrolled in the first year of his undergraduate degree in Computer Science when he was arrested and put in prison for the first time in 2012. He was merely twenty-two years old at that time. The arrest was over a dispute relating to his ancestral lands in Swat. When his father passed away in 2007, the family found out that they had substantial property in Swat. The insurgency was in full swing in 2007 and Swat was practically a no-go area. However, Asim returned to Swat to claim his father's property. The property had been adversariously possessed and claimed by distant relatives. A local influential person who refused to recognize the family's claim threatened Asim with dire consequences. Undeterred, Asim pressed his

claim and began the process of regularizing the paper work. When the occupiers of the property realized that Asim would not back down, they used their influence to register multiple cases against him in Karachi, Lahore and Peshawar alleging that Asim was driving a car with fake number plates. All the cases were registered within days of each other and a First Information Report [FIR] was first registered against him on 28 March 2012. Asim has been confined in prison since 2012, and continued to prove his innocence.

Asim has also been the victim of a predatory legal profession and has engaged four different lawyers over the course of his first two years in prison. Each lawyer charged between twenty and fifty thousand Pakistani Rupees. Eventually fed up with inadequate representation, Asim decided to fight his cases himself. He was acquitted in the last case against him in April 2017 and was then transferred to Peshawar to face the cases lodged against him there. The CWP assisted Asim in securing his transfer, which was pending for no reason for almost a year after he had been acquitted of cases in Karachi.

Asim's involvement in the paralegal program proved to be beneficial to the program and to Asim himself. His experience in navigating the legal system on his own has been a big asset for the program. He credits his ability to argue his own case to his learning about the law from the paralegal training sessions and from his interaction with CWP lawyers who would guide him from time to time. He also feels the program has helped him develop teaching skills and improved his relationship with prison administration.

Asim has also been a keen advocate for the program, spreading awareness of the service among prison inmates as well as the prison administration and the media. His commitment to the program was entirely voluntary and was based on his desire to assist others who are in the same position as he once was. Asim claims the program has been hugely beneficial for new inmates – helping them to come to terms with the new environment. Before the paralegal program, older inmates would help explain the law and other issues to new inmates, however, having a structured program to create basic legal awareness has really helped participants feel more confident and helped give people hope. Improved legal awareness can empower people to seek relief. Access to reliable legal information and advice through CWP lawyers is also an essential service. Most inmates in prison complain about being taken advantage of by their lawyers or not being given updates or explanations about case progress. Some unscrupulous lawyers make big promises and then consistently fail to deliver once they have received fees. In such

situations, the paralegal program and access to legal advice can help inmates by either guiding them on procuring legal services or in understanding their cases better.

The Prison Paralegal Program has a long way to go, and Asim's advice is that the program should be spread to reach every prisoner in the province. He says a prisoner is completely cut off from society and compares inmates to a mobile phone from which the SIM (subscriber identification module) card has been removed. Over time, relatives visit less frequently and trips to court, the only temporary respite from prison, also become less frequent. In such situations, any service that can help people secure early release or a reduction in their sentence, or can make their lives in prison more humane and tolerable is a valuable service to society.

Case Study: Naila

Naila Gulfaraz has two sons aged between ten and sixteen years. She belongs to a conservative family and was married off at an early age. Prior to being imprisoned she worked as domestic help and earned 15,000 Pakistani Rupees a month. Naila has been incarcerated for ten years at the Women's Prison in Karachi. In August 2008, a FIR was registered by the police in Police Station Sachal (AVCC), Karachi under section 365-A/34 PPC R/w Section 7 (e) of Anti-Terrorism Act which provides for a maximum sentence for life imprisonment and forfeiture of property to the extent of 100,000 Pakistani Rupees. She had been punished for the alleged crime of kidnapping of an eight-year-old boy. At the time of her incarceration, she was four months pregnant and her husband abandoned her and took away her eldest son. Her second son was born in prison, and eventually upon her request shifted to an orphanage where he resided for five years. Despite her abandonment and challenges, Naila continues to fight for her rights. In prison, she has participated in several activities including both recreational and capacity-building activities. These have included parlor training, stitching, computer training, and attending the paralegal classes.

Naila is one of the convict paralegals trained by CWP-LAO (Legal Aid Office). As a paralegal she has been able to help herself, and also other female inmates and people in the community by guiding them on different legal issues. She was sentenced to life imprisonment by the court within

eleven months of her case. When she first went to court, she did not have any knowledge on how and what to say before a judge. She said:

If I had knowledge of the law then I would definitely have taken a stand for myself and my scenario would have been different now. Now as I see my case, I totally get it that the crime was imposed on me. False witnesses were presented and I remained silent as I was totally blank and shocked at the moment and had no legal knowledge.

Through the legal aid clinics and paralegal training, she gained legal knowledge and is now able to answer and guide others in avoiding and stopping injustices.

During her imprisonment, she filed a case of *Khula* (divorce) against her husband and won the case. In 2014, she filed an application for her children's custody so the same may be awarded to their maternal uncle and aunt.

She continues to support and help other female prisoners, particularly the newly incarcerated inmates:

New incarcerated inmates discuss their cases and ask me for the best possible option. I provide them with legal knowledge as per my understanding and the limit to which I can counsel them being a paralegal. I have also guided them not pay for the copy of documents even if a court clerk demands for it.

Most of the female who are incarcerated commit heinous crimes after being victim of domestic violence and being abused by husbands. We guide them that it is not necessary for you to adopt the wrong path by doing unnecessary crimes instead of it there are legal ways through which issues can be solved, which includes: by complaining at the police station, through advocacy of media and by support of NGOs.

Naila has been able to extend her support, knowledge and help even outside prison. She advised her cousin Asma who was suffering from an abusive marriage and whose abusive husband took away her son. Naila guided her cousin in using legal options and in successfully filing a *khula* and custody case against him, providing legal support throughout the process. She also counseled Asma's father, her uncle to take a more gender-friendly

and supportive approach towards his daughter, resulting in a happy resolution for Asma.

Experience shows that most of the inmates come to prison with little to no knowledge about the due process of law including the procedures governing bail, prison decorum, types of crimes and their corresponding punishments. Thus, it becomes essential to make the prisoners become aware of these procedures and codes of conduct. This helps them utilize available remedies and also helps them to frame their conduct according to the prison rules and other concerned codes of conduct.

Under the Prison Paralegal program, the convicts are provided training and resources for this purpose, and in turn are rewarded by remissions and the sense of purpose and fulfillment. For prisoners, there is a readily available resource within the prison to provide them with basic legal information.

Future Directions

In order to make the program sustainable, it is imperative to expand the non-financial incentives being provided. Currently, the provision is limited to a fifteen-day remission for every six months of teaching. Additional incentives in the form of special allowance for transferring a convict paralegal to a prison closer to her/his relatives may also be provided. In this way the convicted prisoner is likely to receive more visits from his family members than would be the case if she/he is imprisoned and serving sentence in a far away district prison. The CWP is also desirous of helping reintegrate those trained convict paralegals who complete their sentences and require support to start over in society. The proposal is to reach out to them and connect them to work as paralegal staff or clerks with law firms.

The scaling of the program and its replication in other prisons will require funding for the CWP's trainers and supervisors. It is proposed that one new prison facility be added every year for the CWP. Once the initial three stages of training are completed, monitoring costs will also reduce over time and the program can run sustainably.

Legal Empowerment Approach through Community Paralegal Project

Khalid Hussain

URDU-SPEAKING BIHARIS, a linguistic minority, are living in one hundred sixteen inhuman camps in Bangladesh. Numbering approximately 300,000, they are identified in the local community by different names, such as non-Bengalis, Biharis and Urdu-speaking. Prior to 2008, they were stateless.

The history of the Urdu-speaking Bangladeshi community goes back to the partition of the Indian sub-continent. In 1947, the sub-continent experienced two historical events: the creation of India and Pakistan and the mass migration of Hindus, Muslims and Sikh communities. When India was divided, the creation of Pakistan forced many Indian Muslims to migrate from their original homeland to what were known as East and West Pakistan. Most of immigrants from the Indian States of Bihar, Uttar Pradesh and West Bengal came to East Pakistan (which is now Bangladesh). The majority of them were Urdu-speaking. They were called “Mohajir” meaning refugee, and later they became known as Biharis and Stranded Pakistanis in Bangladesh.

In December 1971, Bengalis in East Pakistan won independence after fighting the nine-month war of liberation against the Pakistan Army. During the war, a section of the Urdu-speaking Bihari community opposed the creation of Bangladesh. Because of this, the Biharis became victims of political violence after the emergence of Bangladesh in 16 December 1971. About 100,000 Biharis were killed by Bengali freedom fighters. They lost their properties, jobs, and became homeless and stateless.

During that time the Geneva-based International Committee of the Red Cross (ICRC) took the responsibility of providing the Urdu-speaking community with food and health care and built refugee-like camps in urban centers in different districts in Bangladesh. Geneva Camp in Dhaka is one of the first camps established.

Bihari camp dwellers are Bangladeshi citizens. However, they are not treated as a linguistic minority in Bangladesh. They remained camp dwellers for forty-six years after the independence of Bangladesh. They have stayed in subhuman conditions in the camps for over four decades.

In 2008, the High Court of Bangladesh confirmed the Bangladeshi citizenship of the Urdu-speaking camp dwellers. This landmark verdict raised a hope among the young Urdu-speakers on ending the decades-long struggle with statelessness. The landmark decision was the result of a writ petition filed by eleven camp residents on behalf of the whole community.¹ After this 2008 verdict, the Election Commission ordered to enroll camp dwellers in the national voter lists and issued national identity cards.

Issues

Due to lack of mass awareness of the landmark High Court verdict among the people in general and government officials, the camp dwellers failed to get the services and treatment they deserve as citizens depriving them not only of their civil and political rights but also their socioeconomic and cultural rights.

The Urdu-speaking camp dwellers are yet to enjoy their citizenship rights and have been facing difficulties to get their national identity card and passport, enroll in voter list, and access to basic services provided by government and non-governmental service providers.

Council of Minorities

The Council of Minorities (CoM) is a human rights organization with a special focus on the enforcement of the rights of minorities and indigenous peoples in Bangladesh. There are forty-five indigenous communities and religious, ethnic and linguistic minority communities in Bangladesh. With the majority of the Bangladeshis being Muslims, the indigenous, religious, ethnic and linguistic minority communities appear as pressure groups due to the difference in religion, language and culture.

Without proper government policy, it is not possible to ensure any positive changes in the overall enjoyment of minority/indigenous peoples rights in Bangladesh.

Through partnership, networking, advocacy and lobbying with the government, CoM has been trying to bring changes in the society to ensure that the minorities and indigenous peoples would enjoy their social, cultural, political, constitutional and economic rights. It promotes and fosters mass awareness on minority rights and duties, creates social awareness against social stigma, discrimination and xenophobia through the performing arts (including drama and documentary films) and enhances the capacity of minorities and indigenous peoples to organize their members through training, seminars, workshops, summits and minority fellowship program.

National Annual Minority Youth Leadership Summit

Since 2011, CoM has been organizing the National Urdu-speaking Youth Leadership Summit by inviting sixty Urdu-speaking youth from all the camps in Bangladesh. They attend three days of residential training on minority rights, leadership, community activism, personal skill development, and rights to housing, health and education. In March 2016, CoM hosted for the first time the three-day National Minority Youth Leadership Summit with the participation of seventy youth from different minority and indigenous groups.

Projects of CoM

CoM runs a live radio show and conducts research and advocacy projects.

Shomprity (Harmony) Live Radio Show

CoM has a live radio show on social awareness and civil documentation issue. The CoM radio show called *Shomprity* is aired on Ekattor 98.4 FM every first and third Sundays of the month. In every episode, CoM invites renowned speakers to talk about issues and their solutions. Broadcast media is a very strong instrument in promoting mass awareness on social issues and civil documentations.

Research

CoM is currently implementing a research project on minority profile mapping in twenty districts within the five divisions in Bangladesh. This project is supported by the Bangladesh Rural Advancement Committee-Human Rights and Legal Aid Services (BRAC-HRLS) department. Through

this research project, CoM maps the different types of minorities in the twenty districts and the issues related to access to justice.

Advocacy

CoM has an advocacy unit focusing on the different issues related to access to justice, citizenship and civil documentation. CoM has organized different strategic advocacy activities on the draft Bangladesh Citizenship Bill currently being considered at the Bangladesh Parliament. If passed by the Parliament, the Bangladesh Citizenship Bill will replace the 1951 Citizenship Act. The provisions in the Bill will create new situations of statelessness and perpetuate statelessness for some populations. CoM has organized a workshop, a roundtable, a press conference and a live radio show as advocacy strategies on the draft citizenship bill.

Empowering Linguistic Minority to Realize Citizenship Rights

Considering the deprivation and sufferings of the Biharis caused by lack of full access to citizenship rights, CoM has been running since June 2013 a paralegal project entitled “Empowering Linguistic Minority to Realize Citizenship Rights in Bangladesh” in partnership with Namati.² The project has the following objectives:

- To build an effective model in using legal empowerment approaches, specifically community-based paralegals, to facilitate the acquisition and use of identity documents to gain access to rights and opportunities as part of the core content of citizenship;
- To gather robust evidence on the relationship between identity documentation and statelessness, including the current discriminatory government practice that may contribute to an ongoing lack of effective exercise of citizenship, despite the possession of identity documents; and
- To encourage the use of this evidence in litigation and national or international advocacy efforts regarding access to effective citizenship rights by the Urdu-speaking Bangladeshis, if necessary.

What is the Work of the Paralegals?

Paralegals do every day door-to-door visit and organize community group meeting and community forum. At paralegal centers, paralegals provide in-

formation about the law, prepare application documents in the paralegal center, accompany the clients to the government office to apply and follow up on delays in processing, or denials, of the application.

Every day, paralegals are doing outreach activities inside the Camp. During the outreach activities, they disseminate the message of the 2008 High Court of Bangladesh judgment, and the importance and uses of the civil documentation like birth certificate, national identity card, passport, trade license and other services. Every day, the paralegals visit at least five houses in their rotational weekly plan. The paralegals interacted so far with 8,620 Camp dwellers through their daily outreach activities.

CoM has been providing paralegal support through six community-based paralegal centers in Dhaka (Mirpur and Mohammadpur), Mymensingh, Khulna, Chittagong and Syedpur. Camp dwellers and others who have questions on or need for legal support come to the paralegal centers. Fifteen youth are assigned as community-based paralegals to provide knowledge on law and government information to the community people and give skills training on negotiation, community education, organizing and advocacy to enable them to seek concrete solutions to instances of injustice. In addition, serving as dynamic “frontline” of justice service providers, paralegals focus on empowerment. They are not only working to resolve legal issues but also to build the people’s capacity to deal with problems related with access to justice in the future.

Legal Education

Paralegals organize community group meetings and community legal forums every month. They invite ten to fifteen women, men, boys and girls to attend the community group meeting where they learn about the 2008 High Court judgment and how it ended the statelessness of the Biharis. They discuss also the importance and uses of the civil documentations in their daily life.

Legal Empowerment for Women and Youth groups

The CoM established a pro bono legal empowerment women’s group in 2014 in the six centers. Forty women attend a monthly session to enhance their legal knowledge that they disseminate to their neighbors. They also help

the paralegals do outreach work, organizing community group meeting and community legal forum. In the same way, CoM has pro bono youth group in the six centers. They are helping the paralegals organize meeting and forum and also assisting the camp dwellers to obtain civil documentations like the paid paralegals. The establishment of these two pro bono groups is one way of making the paralegal project sustainable. When support from donors of the paralegal project ends, these pro bono women and youth will help the camp dwellers in the documentation needs.



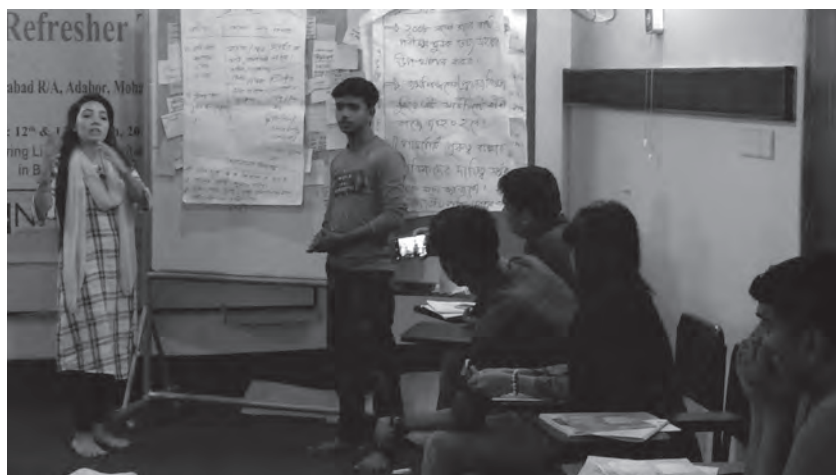
Legal empowerment group meeting.

Paralegal Training and Refresher

At the beginning of the project in July 2013, CoM organized three basic paralegal training activities in Dhaka with ten youth as newly-appointed paralegals. The basic paralegal training program was designed by the Bangladesh Legal Aid Services Trust (BLAST). The basic paralegal training activity covers learning about the paralegal and her/his role and responsibilities, code of conduct of the paralegal, civil documentation rights covering birth certificate, Councilor Certificate, national identity card, passport and trade license. After the basic training, CoM organizes a two-day refresher paralegal training. Every year, all paralegals come together in Dhaka and share their experiences, success stories and challenges.



Paralegal training.



Presentation by paralegals during training.

Achievements in Civil Documentations

CoM has helped numerous camp dwellers over the years in obtaining birth certificate, Councilor Certificate, passport and Old Age Allowance. It also held a number of activities.

The birth certificate is one of the most requested documents in the Bihari camps. Without a birth certificate no one can be enrolled in school.

Councilor Certificate is needed to apply for passport, jobs, open bank account and obtain national identity card.

Urdu-speaking Camp dwellers, despite being Bangladeshi citizens, face discrimination in getting passports. Government authorities in different places have different practices in accepting and rejecting the passport applications of the Camp dwellers.

Poor men and women living in the camps receive Old Age Allowance, which helps them to survive.

From June 2013 to December 2018 paralegals in six centers have helped camp dwellers obtain different types of civil documentation, as shown in the tables below.

Table 1. Summary of Activities (June - November 2018)

Center	Birth Certificate	Councilor Certificate	NID Card		Passport		Trade License		General Dairy	Bank Account	Death Certificate	Old age allowance	Disabled person Allowance	Total
			New	Renewal	New	Renewal	New	Renewal						
Chittagong	1,645	132	34	24	3	-	4	-	15	1	4	1	1	1,864
Khulna	589	293	47	5	24	-	15	5	11	53	5	-	-	1,047
Mdpur	2,982	53	11	28	21	3	3	1	24	9	-	177	34	3,346
Mirpur	2,032	47	104	66	50	7	3	-	136	18	1	1	-	2,465
Mym	499	244	42	70	3	1	6	8	23	2	2	-	-	900
Syedpur	1,508	37	-	5	7	-	1	-	57	19	1	-	-	1,635
Total	9,255	806	238	198	108	11	32	14	266	102	13	179	35	11,257

Table 2. Community Group Meetings (June 2013 - December 2018)

Center	No. of Meetings	Male	Female	Boy	Girl	Total
Chittagong	233	283	1,438	534	792	3,280
Khulna	148	422	778	300	370	2,018
Mdpur	230	287	1,492	394	858	3,261
Mirpur	231	322	1,523	378	919	3,373
Mymensingh	83	267	492	162	220	1,224
Syedpur	169	323	1,234	266	525	2,517
Total	1,094	1,904	6,957	2,034	3,684	15,673



Bihari resident receiving a birth certificate.

Table 3. Community Legal Forums (June 2017 to December 2018)

Center	No. of meetings	Female	Male	Boy	Girl	Total
Chittagong	19	52	465	118	186	840
Khulna	19	49	515	95	161	839
Mdpur	19	50	490	79	196	834
Mirpur	19	43	486	84	202	834
Mymensing	19	48	446	97	229	839
Syedpur	19	47	520	75	189	850
Total	114	289	2,922	548	1,163	5,036

Case Studies

Access to Passport

Masum Hussain is a 32-year old resident of Camp number 7, Khalishpur Khulna. He is a tailor master by profession. He was very eager to start a



(Left) An elderly Bihari with her old age allowance document. (Right) A Bihari camp dweller receiving his trade license from a paralegal.

business by importing fabric from India to improve his economic status. In August 2018, he went to apply for a passport. However, the passport authority rejected his application due to his Camp address and said that Bihari camp dwellers cannot get a passport. After some days, he met brokers in front of the passport office who offered to get him a passport but for double the cost. The amount asked was a big amount for him. He discussed the matter with his wife, who suggested that he visit the paralegal center to meet the paralegal.

His wife attended a community group meeting and learned about the 2008 High Court judgment and the Home Ministry order regarding the issuance of passport for the Bihari camp dwellers. When Masum heard about the order from the Home Ministry, he got the confidence to re-apply with the support of the paralegal.

According to his wife, with information about the paralegal support and home ministry order he visited the paralegal center and met Naz, a community paralegal in Khalishpur, Khulna, and briefly described his passport rejection issue. Paralegal Naz updated him about the 2008 High Court judgment and citizenship laws, paralegal activities and process of passport application. Two days after the paralegal completed all his paper work, Naz went to the passport office carrying a copy of the 2008 High Judgment and order from the Home Ministry. After the successful submission of passport application Masum got his passport within two months. Now he has learned the process of obtaining a passport and got the Indian visa to start his fabric business.

A bigger business for Nadim

Nadim Hossain stopped studying to support his family after his father suddenly became ill, while his elder brother is physically challenged. Nadim lives with his parents and three siblings in Camp No. 1 in Khalishpur area of Khulna district. He took a job at a medical store but struggled to provide for his family with the little salary he received. He tried to convince his employer to increase his salary but the employer did not agree. However, the owner advised him to open a medical store inside the camp if he wanted to earn more money. He took this advice and soon opened a small medical store inside the camp. He started doing good and the store became quite popular among the camp residents. He then wanted to expand his business which required a larger capital. He tried to get a loan from banks and non-governmental organizations (NGOs) but his application for loan was rejected because he did not have a trade license.

Nadim went to the city corporation and applied for a trade license. But his application was rejected because he was a member of the Urdu-speaking community living in the camp. Unable to get the trade license, Nadim visited the local paralegal center run by CoM to get help from the paralegals. He again submitted an application for trade license at the city corporation accompanied by a paralegal. When the application was again not accepted, the paralegal informed the officials of the city corporation about the citizenship status of the camp dwelling Urdu-speaking community. The paralegal presented a strong argument saying that since the camp dwellers carry national identity cards they have the right to get a trade license. His argument convinced the authorities and Nadim's application was successfully processed. Within a few days a received his trade license.

After obtaining a trade license, Nadim easily got a loan of 150,000 *takas* (1,800 US dollars) from a bank that he used to expand his store. Now his income has increased from just 6,000 *takas* (70 US dollars) per month to 15,000 *takas* (178 US dollars) per month. Not only is he now able to decently provide for his family, he is also able to save some money every month with an aim to further expand his business in the future.

Shabnam gets her job back

Shabnam Parvin is a resident of Wireless Line No. 9 in Chittagong. Her husband Mohammad Shamsad is unemployed. Shabnam used to work at a ready-made garment factory. She took leave from her work for three months

when she became pregnant. After her daughter was born she went back to work at the garment factory. But the officials in charge in the factory told her that in order to get her job back she will have to show them the birth certificate of her child. Like many other members of the Urdu-speaking community living in camps Shabnam was unaware of the importance of a birth certificate and also did not have any idea about how to obtain one. Her husband tried to get a birth certificate from the local ward councilor's office but failed. Getting back her job thus became very uncertain.

At this time, a CoM paralegal met Shabnam while doing outreach activities in the camp. Shabnam invited the paralegal to her house and told her about the difficulty she was facing in obtaining a birth certificate. After listening to her the paralegal helped Shabnam to fill up the birth certificate application form and took her to the city corporation office. With help from the paralegal Shabnam submitted her application for her daughter's birth certification and paid the fees at the office. Within a few days she received the birth certificate from the city corporation office. The paralegal also helped her to obtain a Commissioner's certificate from the local ward councilor.

Shabnam submitted copies of both the birth certificate and the Commissioner's certificate at the garment factory. She then got her job back. The factory authorities also paid her back some arrears which she was entitled to. Shabnam is now working at the factory very sincerely and also providing for her family.

Mostafa's passport

Mostafa works as a barber. He is also a singer. He lives with his parents in Geneva Camp in Mohammadpur area of Dhaka city. For a long time he has been yearning to visit Ajmer Sharif (a Sufi shrine) in India and pay his respect at the shrine. Mostafa did not have a passport and he heard about the difficulties other members of the Urdu-speaking community living in the camps faced while trying to get a passport.

Mostafa came to know from his neighbors about the paralegals of CoM in his area. He then went to the paralegal center and asked support from a paralegal to apply for a passport. A paralegal helped him fill up the passport application form and submit the application at the regional passport office on 30 May 2016. A week later an officer from the Special Branch of Police

(SB) came to verify the information Mostafa provided on the passport application. He asked for copies of utility bills but Mostafa informed him that camp residents did not get any utility bills. On this ground the passport office refused his application. With help from the paralegal, Mostafa submitted an application for passport twice (on 5 September 2016 and on 1 January 2017) and both applications were denied. They found out that the SB officer had written in his verification report that Mostafa was a stranded Pakistani, a cause for declining the application.

The paralegal took Mostafa to meet a higher official at the SB office. She explained to the official about the citizenship status of the camp dwelling Urdu-speaking community and assured him that Mostafa was a Bangladeshi citizen with a valid national identity card. The official asked them to present a copy of Mostafa's national identity card verified by the election commission office along with his application. Accordingly, Mostafa applied for passport for the fourth time on 2 July 2017 and submitted all required documents including a verified copy of his national identity card. This time his passport application was approved.

Mostafa finally received his passport on 30 July 2017 after more than a year of repeated applications. Mostafa planned to visit India with his father and pay respect at the Ajmer Sharif.

Mim gets a job

Mim Akhter lives with her parents, her brother and sister in a rented house in Mirpur area of Dhaka city. Her father is unemployed and her brother works as a driver. With the small income her brother makes, Mim's family barely managed to get by every month. Mim wanted to pursue her studies but could not continue as her family was unable to afford it. She then started to look for a suitable job. After searching for a job for some time she finally came across a job opportunity. But to apply for the job she was asked to submit a copy of her birth certificate along with her resume. Mim had no idea how or from where to get a birth certificate. She was at a loss and did not know what to do.

Mim talked to her neighbors and some people in her area to get suggestions about how to obtain a birth certificate. They advised her to talk to a paralegal from the CoM who worked in their neighborhood. They told her that the CoM paralegals help people to get birth certificate, passport, and

national identity card. Mim then went to meet the paralegal and informed her of her need for a birth certificate. The paralegal helped Mim fill up an application form and accompanied her to the city corporation office to submit her application form. The next day her birth certificate was ready and again the paralegal assisted Mim to receive it from the city corporation office.

As soon as she received her birth certificate Mim applied for the job and got it. She is very happy that she is now able to support her family. The money she earns from the job helps ease her family's financial constraints and allows them to have a better life.

Nazma registers her land

Nazma bought a piece of land but she could not get it registered on her name. Whenever she tried to get the land registered she was told by the authorities that she had to present a copy of her birth certificate. Nazma is a resident of Thirteen Heart Camp in Mirpur section 10 area of Dhaka city. She lives there with her husband and three sons. Like many members of the Urdu-speaking community living in camps Nazma did not have a birth certificate. She did not even know how or from where to obtain a birth certificate. As a result she was facing different problems such as not being able to register the land she had purchased.

One day Nazma saw a paralegal from CoM doing household visits in her community. She invited the paralegal to her house and asked her about her work. The paralegal told Nazma about the work CoM does including providing support in obtaining birth certificates, national identity cards, passports, etc. On hearing this, Nazma told the paralegal about the problem she was having with land registration due to lack of a birth certificate. The paralegal assured her that she would help Nazma obtain a birth certificate. Accordingly, the paralegal assisted Nazma file her application for a birth certificate at the city corporation office. The paralegal had to follow up three times with the city corporation officials to ensure that a birth certificate was issued for Nazma. Finally, after a few days Nazma's birth certificate was ready. The paralegal collected it and handed it over to Nazma.

After getting the birth certificate, Nazma was able to register the land in her name. This ensured her legal ownership of the land. And with a birth certificate, Nazma is able to get service from any government or private organization.

Challenges

All the Bihari-Urdu-speaking camp dwellers are citizens of Bangladesh and have national identity cards. However, Biharis are citizens without full access to related rights and benefits. At the beginning of the CoM paralegal project, the paralegals helped the camp dwellers to apply for birth certificates, national identity cards, passports, and trade licenses. However, passport applications were rejected by the investigation officers due to the camp address, which is often how members of the Urdu-speaking community are identified. Verification officials also informed the paralegals that they have an internal written letter from the Home Ministry that Rohingya and Biharis are not able to get passports.

On 11 August 2014, CoM filed a Right to Information petition to the Home Ministry to ask what policies exist regarding issuing passports to the Bihari camp dwellers. After follow-up and the involvement of the Information Commission, CoM received a copy of a 2009 order from the Home Ministry that stated Bihari camp dwellers who have national identity cards can get passports. After receiving this order, paralegals again assisted community members in re-submitting the rejected passport applications. Investigation officials visited applicants inside the camp and said “you do not have any permanent address, gas, water and electricity bill so I am not going to write a positive report for you” then the paralegals showed him the Home Ministry order. As a result two clients residing in Market Camp (Dhaka) received their passports.

However, around the same time a client from Geneva camp re-applied for a passport for the second time and showed the Home Ministry order but the investigation officer said “I am not going to issue passport to you because you are living inside the camp and you do not have any gas, water and electricity bill.” He also mentioned that he had not received this Home Ministry order directly so the order was not acceptable for him.

In 2015, CoM assisted this Geneva Camp client in re-applying for a passport five more times. Each time the investigation officer rejected the application due to the applicant’s camp address and not having gas, water and electricity bills, which afflict all camp residents. These rejections occurred despite showing the positive order from the Home Ministry. After that, CoM submitted a complaint to the National Human Rights Commission (NHRC) on 5 April 2015 about this case. Since April 2015 the NHRC has issued

seven letters to the Home Ministry with copy provided to Khalid Hussain of CoM. However, until now there is still no response from the Home Ministry to resolve the passport issue. Camp residents have national identity cards and their names are enlisted in the voter rolls, but they do not enjoy their fundamental rights in Bangladesh.

Conclusions

Following the 2008 High Court judgment, the government did comply in issuing national identity cards to most camp residents. However, voter enrollment is still low and the government must do more to treat the Urdu-speaking community members as full Bangladeshi citizens and provide proper rehabilitation with decorum. A tolerant attitude is one of the most important elements to reduce the discrimination against the Bihari community. We propose that the government of Bangladesh establish a rehabilitation trust fund by securing funds from international Islamic organizations, bilateral donors and other national and international donor agencies in order to ensure a safe and secure future for generations of Urdu-speakers in Bangladesh. We need to remove racism, xenophobia and intolerant attitude to help make Bangladesh one of the most vibrant multi-lingual and multi-cultural countries in the world.

Endnotes

1 See Khalid Hussain, “Biharis: On Becoming Citizens of Bangladesh,” *FOCUS Asia-Pacific*, March 2016, volume 83, for more information on this issue. The article is available at www.hurights.or.jp/archives/focus/section3/2016/03/biharis-on-becoming-citizens-of-bangladesh.html.

2 For more information about Namati, visit <https://namati.org>.

Business and Human Rights Education in Myanmar: The First Five Years of Myanmar Centre for Responsible Business

Vicky Bowman and Donna Guest

FOUNDED IN 2013 by the Institute for Human Rights and Business (IHRB) and the Danish Institute for Human Rights (DIHR), the Myanmar Centre for Responsible Business (MCRB) has become an important neutral platform in the country's emerging political economy. The Centre was established in Yangon after assessing local needs through consultation with Myanmar and international stakeholders. It is believed to be the first such organization of its kind – one which is not only dedicated solely to human rights and business based on international standards and best practice, but is also fully operational in one specific country, creating a safe space for dialogue among businesses, civil society and the government. The Centre has been funded by contributions from development and foreign policy budgets from the governments of the United Kingdom, Norway, Netherlands, Denmark, Switzerland and Ireland.

In order to encourage responsible business conduct in Myanmar, MCRB aims to provide a trusted and impartial platform for the creation of knowledge, building of capacity, undertaking advocacy and promotion of dialogue among businesses, civil society, governments, experts and other stakeholders. Central to all of these activities is education about human rights, and its relationship to business activity.

MCRB defines “responsible business” as “business activities that work for the long-term interests of Myanmar and all its people.” This means business activities that comply with the law and international human rights and labor standards. It includes responsible social and environmental performance within the context of international standards. Responsible business also requires enhanced due diligence to determine what impacts business activities may have on human rights. This is critical in countries such as Myanmar with a population of at least one-third ethnic minorities, ethnic-based armed conflict, and which is emerging from decades of authoritarian rule and a long period of economic sanctions.

MCRB has framed its activities around “responsible business conduct” (RBC), rather than “CSR” (Corporate Social Responsibility), due to the tendency in Myanmar - and Asia more widely - to understand “CSR” as primarily about philanthropy, as well as the fact that those companies who have the most developed approaches to responsible business anchored in respect for human rights often eschew the term CSR for the same reason in their internal and external communication. MCRB has similarly sought to encourage the Myanmar government to shift their emphasis from simply encouraging philanthropic donation – the traditional approach in Myanmar - towards a focus on encouraging responsible business behavior: legal compliance, combatting corruption, and human rights due diligence to identify and mitigate negative social and environmental impacts.

What does a responsible business do?



“Responsible business conduct” concept.



Spectrum of responsible business conduct.

MCRB draws on both Myanmar and international expertise in its work. Almost all of its core staff are Myanmar nationals, with backgrounds in business and human rights, civil society advocacy in the extractives, journalism, and the private sector. IHRB and DIHR provide expertise on international standards and links to international networks.



MCRB officers and staff.

Myanmar's Reform Process

Since the unprecedented economic and political reform process began in Myanmar during 2011, the climate for responsible business has improved and the authorities now tolerate a greater degree of political and civil society activity. Reformers in the government have begun to liberalize the economy; recognize the relevance of human rights to business; and support the concept of responsible business. One such example is found in the objectives of the 2016 Myanmar Investment Law, which include *inter alia*: “to develop responsible investment businesses which do not cause harm to the natural environment and the social environment for the interest of the Union and its citizens;” (Article 3(a) and “to develop businesses and investment businesses that meet international standards” (Article 3(i)¹.

Other improvements include the adoption of a new Environmental Impact Assessment (EIA) Procedure; new labor laws which *inter alia* permit independent trade unions for the first time in fifty years; and the establishment of the National Land Use Policy (NLUP), which calls for protection for small-holder farmers and indigenous peoples and equal land rights for women. However the NLUP has not been enacted in law and remains aspirational.

But the human rights risks identified at the beginning of the reform process remain, including arbitrary expropriation of land; denial of freedom of expression and peaceful assembly; arrests of land and labor rights activists; and concerns over complicity risks of potential business partners, particularly military-owned companies. Moreover, the treatment of ethnic minorities, particularly the Rohingya,² remains problematic, amidst heightened ethnic-based internal armed conflict and widespread and systematic violence by the military against the Rohingya and other ethnic minorities. Discrimination against minorities in the workplace, the family, and in society more generally is widespread.³

To address these challenges, the Centre provides training to Myanmar businesses on these and many other topics, including anti-corruption, business integrity, and labor rights.⁴ Moreover, in both its Sector Wide Impact Assessments (SWIAs) (see below) and Briefing Papers, MCRB has focused on *inter alia* land rights, indigenous people's rights, and discrimination in order to raise awareness of these issues and provide recommendations to businesses and the Myanmar government.

Using International Standards on Business and Human Rights

As mentioned above, MCRB bases its work on international standards on business and human rights. Governments, intergovernmental organizations, civil society and businesses themselves have increasingly recognized the importance of human rights to sustainable business operations. As a result, the United Nations (UN), the International Finance Corporation (IFC) of the World Bank Group, the Asian Development Bank (ADB) and industry associations among others have developed a range of initiatives, tools and principles to address the human rights challenges businesses face. These include but are not limited to the 2011 United Nations' Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy," Framework (UNGPs) adopted unanimously by the Human Rights Council in 2011, which outline the government's duty to protect; business's responsibility to respect human rights; and the need for both to provide effective remedy to the victims of human rights abuses by business. MCRB includes these as the starting point in all its training. Other standards MCRB references and which integrate the UNGPs include the International Finance Corporation (IFC) Performance Standards

(2012) and Environmental, Health and Safety (EHS) Guidelines, as well as the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises on Responsible Business Conduct (2011) and associated due diligence guidance.⁵

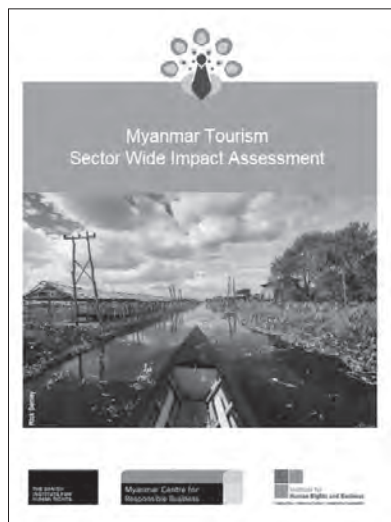
MCRB has been a pioneer in encouraging the application of the UNGPs to the business environment in Myanmar, and encourages businesses and governments to refer to these and IFC Performance Standards, particularly where domestic law and safeguards are absent.

Research and Knowledge as the Basis for Business and Human Rights Education

In order to build both credibility and a knowledge base to train business, government and civil society stakeholders in Myanmar, MCRB began by undertaking Sector Wide Impact Assessments (SWIAs) of a number of important sectors for investment with a variety of human rights impacts. These include oil and gas (2014); tourism (2015); information and communication technology (2015); mining (2018); and oil palm (2019).

The SWIA concept was invented by MCRB and its founding members the IHRB and DIHR. SWIAs draw on established environmental and social impact assessment methodologies, but apply a human rights lens.⁶ The information in the SWIAs is drawn from in-depth legal and policy research, and

field research in targeted geographical areas that have experienced investment in these sectors. SWIAs highlight the actual and potential impacts of each sector and make recommendations for government, businesses and other stakeholders on how to increase positive and reduce negative impacts, including through making use of relevant international standards and guidance. Public consultations have been held for all SWIAs, and MCRB has undertaken follow-up work on each sector after its publication, both in terms of advocacy on regulatory



frameworks, and using them as a basis for training and multi-stakeholder dialogue.

In addition, MCRB has researched and published cross-sectoral briefing papers on issues for business and human rights that cut across all sectors, most notably land rights,⁷ indigenous peoples' rights,⁸ children's rights,⁹ discrimination,¹⁰ disability¹¹ and biodiversity.¹²

These Briefing Papers, available in both English and Burmese, are primarily targeted towards business, and contain actionable recommendations. They have been compiled on the basis of research for sectoral SWIAS and on the legal framework and international standards, as well as consultations with a wide range of stakeholders, including companies, civil society groups, lawyers and government officials.

In partnership with the Danish Institute for Human Rights (DIHR), in 2015 MCRB published a more general Myanmar Human Rights and Business Country Guide for companies,¹³ part of a global DIHR-sponsored series, and will publish an updated version during 2019.

Building Capacity

The MCRB main activity uses the knowledge in these Briefing Papers and SWIAS, as well as its networks - including connections with other development partners - to build capacity among businesses, the Myanmar government, and civil society to bring about more responsible business practices. In addition to making written material available in hard copy and online, as well as one-on-one discussion, MCRB organizes free events in the form of panel discussions, seminars and workshops. These include participants and speakers from civil society, government and business, as well as the media in some cases.

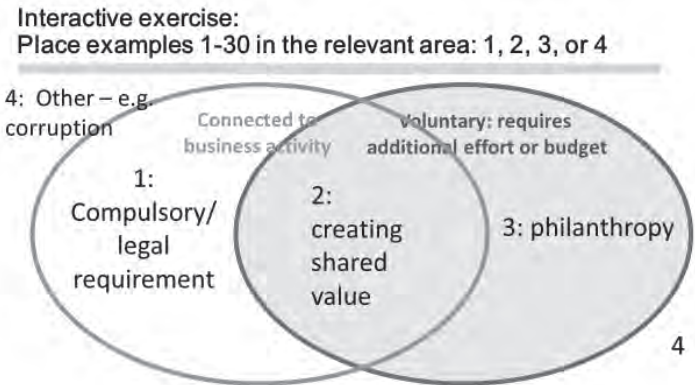
Having a mixture of participants allows for different perspectives to be shared and heard, and new connections made. Participants have the opportunity to ask questions of other stakeholders, particularly government officials, to whom they often do not get access. It thus also contributes to public-private dialogue (PPD) which the Myanmar government has made a commitment to enhancing.

Responsible Business 101

A regular request from a variety of groups including parliamentarians, companies and civil society is for training on “Responsible Business 101” (RB101) which MCRB increasingly undertakes at the subnational level with local partners. These cover the basic principles of business and human rights, different understandings of CSR, creating shared value, transparency and stakeholder engagement, and existing Myanmar legal frameworks in areas such as Investment Law, Companies Law, Environmental Impact Assessment (EIA), anti-corruption and sectoral laws.

These have been conducted in 2016 in Kayin (Karen) State with Hanns Seidel Foundation and Peace Nexus with business representatives from timber production, farming, construction, local civil society organization (CSOs) and Kayin ethnic armed organization,¹⁴ in Kyaukphyu and Sittwe in December 2017 with Scholar Institute, and in July 2018, working with National Enlightenment Institute, at the Mon State Parliament.¹⁵

Workshops are conducted in Burmese, with English interpretation. All presentation materials are subsequently published on MCRB’s website. A particularly popular part of the workshops involves the use of Keypoint polling software (‘clickers’), a novelty in Myanmar. This enables all participants, including the shy, to express an opinion - for example on the top problem associated with a sector - and see the results immediately presented so that they can be discussed. Quantitative information reflecting participant views also allows for a news ‘hook’ for the report of the training events to be in-



cluded on MCRB's website, and for these views to be fed back into future advocacy.

Workshops also include interactive activities such as stakeholder mapping. Another popular activity to reinforce the distinction between donations and responsible conduct is a quiz on whether particular examples of business conduct constitute compliance requirements, creating shared value, philanthropy or corruption. Examples include companies deciding to cover trucks carrying dusty coal, or providing scholarships to local high school students. In some cases, the answers can be multiple, depending on the context, which allows for a debate.

Where possible, local Myanmar examples are used in the training including inviting company officials and/or activists to make presentations. Where there are Burmese language videos available and/or local examples, these have been used, such as for a local company (Myanmar Petroleum Resources Limited) on its experience of developing an operational grievance mechanism.¹⁶



Training for civil society groups in Loikaw, Kayah State, December 2018.

Capacity-building for Civil Society Organizations (CSOs)

Sometimes at the request of partners, MCRB is a resource person for CSO-focused training events along with other organizations working on business and human rights from the perspective of human rights defenders such as Oxfam, Earthrights International, and the International Commission of Jurists (ICJ). This has included several sessions for CSOs on how to do effective advocacy to business¹⁷ and also inputs on content and translation into a local language advocacy guide for activists.¹⁸

MCRB has also provided training on human rights documentation, including labor rights for grassroots activists in July 2014, and land rights documentation in response to a request from various farmers' networks in December 2014.¹⁹ In May 2018 MCRB provided training on report-writing to labor activists/garment workers on the informal economy and the garment sector.

In November 2016, MCRB responded to a request from local human rights NGO Equality Myanmar to help them develop a business and human rights module for the human rights trainers. However, given that the topic of business and human rights is still very new in Myanmar, and most human rights trainers are unfamiliar with business, training of trainers is challenging and where possible, MCRB tries to use its local core team to respond to requests directly from Myanmar CSO stakeholders.

Recent sessions for CSOs have included a number of sub-national workshops conducted in 2018 with Vermont Law School (VLS) and their local CSO partners that combined EIA and responsible business in cooperation with the governmental Environmental Conservation Department.²⁰ The EIA training included the government's draft EIA Public Participation Guidelines and how civil society organizations can use these.²¹ The draft Guidelines are designed to be a reference tool for government, the private sector, and impacted communities on how to implement the public participation and information disclosure requirements in Myanmar's EIA Procedure. They were developed at national level on the basis of an ASEAN regional project supported by PACT-Mekong Partnership for the Environment into which both MCRB and VLS made inputs.²²



Training for Businesses

MCRB, as a publicly funded organization, offers training on responsible business for Myanmar companies on a collective rather than individual basis, in the expectation that individual companies can source consultancies to train them on a commercial basis. Sometimes MCRB speakers are resource people for sessions organized by multinationals for their local Myanmar supply chain, which means that MCRB's

reach extends beyond those familiar with the organization, and local companies are more incentivized to attend in the knowledge that this is a supplier requirement.²³

Another incentive for larger Myanmar businesses to participate in MCRB activities and learn more about business and human rights and transparency has been the Pwint Thit Sa/Transparency in Myanmar Enterprises²⁴ (TiME) report launched in 2014. This annual report examines and ranks the transparency of Myanmar company websites relating to information on responsible business practices with the aim of creating a competitive desire to rank higher by disclosing more, as well as reinforcing the business case for doing so as a means to attract business partners and investors who value corporate governance.

The first three reports in 2014, 2015 and 2016 analyzed how much information company websites provide on anti-corruption, organizational transparency, and human rights, health, safety and the environment (HSE) and were based on Transparency International's TRAC (Transparency in Corporate Reporting) reports. The 2018 Report switched to primarily using the ASEAN Corporate Governance Scorecard and assessed information disclosure on the corporate websites of one hundred eighty-two large Myanmar companies, including listed and public ones.²⁵ The 2019 report builds on this approach with more performance criteria.²⁶

To accompany Pwint Thit Sa, and help companies improve their corporate governance performance, MCRB has offered training workshops on

corporate governance, anti-corruption, and business and human rights, including human rights policies,²⁷ reporting, and operational grievance mechanisms, as well as its publicly available briefing papers and toolkits in English and Burmese²⁸ and by initiating or quality-controlling Burmese-language translations of other relevant business and human rights materials and making them available in hard-copy and online.²⁹

Training sessions have also been held for specialist groups such as EIA consultants, in partnership with Vermont Law School and the government's Environmental Conservation Department, and in some cases with other organizations such as the IFC.³⁰

At sub-national level, MCRB has presented on "RB101" to Chambers of Commerce in Tanintharyi and Mandalay. Between 2014 and 2017 it supported the Myanmar Business Coalition on Aid, a local initiative to raise awareness of responsible business with local SMEs (small and medium enterprises) in regional centers such as Mandalay, Pakokku, Sittwe, and Dawei.

In all of its business-focused activities, MCRB again tries to draw on local best practice examples, either from foreign investors or local companies. Some of these are identified through the Pwint Thit Sa process which shows which Myanmar companies are addressing business and human rights, *inter alia*. Some are drawn from multinational companies investing in Myanmar which understand that part of their contribution to creating shared value for Myanmar should be to help others conduct business responsibly, safely and with respect for human rights.

In mid-2018, MCRB therefore launched a series of "Responsible Business Seminars" for Myanmar businesses in partnership with a group of western multinationals who had also embarked on a deeper dialogue on business and human rights with the Myanmar government, partly as a consequence of the Rohingya crisis. Seminars involve presentations on international standards, Myanmar legal frameworks, and expertise and practical experiences, from international and local companies. They have been well-attended by Myanmar companies and other stakeholders, with MCRB partnering with organizations and businesses who bring expertise to the subject. In 2018, the first three seminars have covered anti-corruption; dispute resolution in the workplace; and the importance of due diligence in identifying human rights risks for companies. Future topics include environmental stewardship, community engagement, and inclusion and non-discrimination.³¹

Engagement with Asian Companies

One of the main priorities for MCRB – including for these responsible business seminars – has been to engage with Asian companies, including Chinese, Japanese, Korean, Singaporean, Thai, and Indian businesses. Generally, these tend to be less subject to their home government or shareholder or societal, media and NGO pressure to do business responsibly in Myanmar. In the absence of an effective and enforced Myanmar legal framework, some are inclined to cut corners on issues such as community engagement and EIA. However, with the National League for Democracy (NLD) Government since 2016 explicitly emphasizing responsible investment, and with Myanmar civil society organizations seeking to holding them accountable, some Asian companies are showing greater interest in the advice and networks which MCRB can offer.

MCRB has generally sought to engage and train Asian businesses through their Chambers of Commerce. For example, in June 2018 MCRB, JETRO Yangon (Japan External Trade Organization) and Nippon Koei conducted a seminar in Japanese for some eighty Japanese companies to enhance understanding of responsible business conduct in the Myanmar context. Speakers mentioned the similar challenges in conducting responsible business in Myanmar to those faced by Western – and Myanmar – companies, which include gaps and lack of clarity in the legal framework, labor conditions, corruption, land rights, and problems of discrimination.³²

Training for Government

Soon after MCRB was established in late 2013, the Directorate of Investment and Companies Administration (DICA) asked MCRB to help them understand what a “responsible business” looked like. MCRB developed a short training course for DICA staff on international standards and how to screen companies for their commitment to those standards, including through company reporting.³³ Since then MCRB has run a series of weekly responsible business training seminars for DICA’s countrywide staff, and they have also participated in other events at sub-national level.³⁴ Other Ministries with whom MCRB has most contact, including for training purposes, are the Ministry of Natural Resources and Environmental Conservation and the Ministry of Energy.

Training for the National Human Rights Commission

During 2015 MCRB, along with one of its founding organizations, the Danish Institute for Human Rights, provided blended online and face-to-face training to the Myanmar National Human Rights Commission (MNHRC) using the DIHR e-learning on business and human rights for NHRIS.³⁵ Senior and junior MNHRC staffs were introduced to the UNGPs. Face-to-face discussions focused on labor issues, the impact of extractive industries on human rights and on land, all of particular relevance in Myanmar.³⁶ A repeat of this blended training, with an increased focus on Burmese language delivery, will take place in 2019.

Training with Academic Institutions

MCRB team members have also been speakers at local privately-owned business schools, for example teaching “Responsible and sustainable business” on the MBA course of the International Leadership University in Naypyidaw in January 2019. MCRB team members have also spoken at state-funded universities in Mandalay and Yangon, with a particular focus on encouraging students to see a future career path in environmental impact assessment.³⁷

MCRB team members have also regularly presented on RB101 and sectoral issues such as mining, tourism and ICT to the Bachelor of Arts and Religious Studies (BARS) course at Myanmar Institute of Theology (a well-



Discussing responsible tourism in Kalaw at the 3rd National Conference, June 2018.

established social science course with a focus on ethnic minority students), and other local educational and training initiatives.

Educating through Dialogue and Advocacy

Human rights education by MCRB is not limited to workshops and seminars. As a result of its work on specific sectors through the SWIAS, the Centre has alone and in partnership with others facilitated multi-stakeholder dialogues on a number of topics where Myanmar is developing policy and regulation, and where all stakeholders are learning about good practice and international standards. Each of these discussions involves education on basic human rights principles and the role of government and business, as well as specific human rights impacts and how to address them.

MCRB has undertaken extensive work on tourism, both at the national and sub-national levels. In partnership with the Hanns Seidel Foundation (HSF), MCRB has held workshops on responsible tourism including tourism and human rights, and community-based tourism including a series of three National Conferences on Communities and Tourism.³⁸ With HSF, two multi-stakeholder dialogues have also been held to discuss beach tourism in Ngapali in 2016 and 2017.

Furthermore, in 2016/2017 MCRB and Flora and Fauna International (FFI) held three multi-stakeholder workshops on sustainable tourism in Tanintharyi Region, southeast Myanmar. In these workshops, FFI presented its work which had been undertaken over four years to identify environmentally sensitive areas on which to develop a zonation map of the area, to allow for decisions to be taken by government on permitting and regulating investment and other activities.³⁹ In each multi-stakeholder forum, MCRB sets the business and human rights framework based on its findings from the Tourism SWIA and participants from government agencies, tourist businesses, and local CSOs share experience and concerns, learn from one another, and identify actions to reduce negative and enhance positive human rights impacts. From these discussions, MCRB also draws advocacy points for use with government and Parliament when they are considering policy and legislation.

A similar approach has been taken with other sectors on which MCRB has conducted SWIAS. In the information and communications technology (ICT) sector, the Centre co-hosted the Third Digital Rights Forum in

January 2019, attended by some two hundred fifty participants from government, civil society, and ICT companies with a focus on the rights to privacy, information, and freedom of expression.⁴⁰ Again, these multi-stakeholder discussions are an opportunity for learning, and for developing advocacy strategies.

At the cross-sectoral level, discrimination, and in particular, discrimination on grounds of disability has been a focus. In November 2017, the Centre and the International Labor Organization (ILO) co-hosted a workshop on promoting employment opportunities for people with disabilities. Over a hundred people from government, companies, Myanmar civil society organizations, and international experts attended.⁴¹ A further multi-stakeholder workshop will take place in March 2019.

On security and human rights, MCRB took on the role in 2018 of Secretariat of the In-Country Working Group on the Voluntary Principles on Security and Human Rights (VPSHR). The VPSHR is a multi-stakeholder global initiative established in 2000 designed to guide companies in maintaining the safety and security of their operations within an operational framework that encourages respect for human rights. While the VPSHR is designed specifically for extractive industries, it is of wider application for other sectors, and brings together companies, NGOs, and governments. The initiative seeks to minimize and address the risks of human rights abuses in communities adjacent to extraction sites that are associated with public and private security provision. In its role as VPSHR Secretariat, MCRB has hosted several multi-stakeholder meetings, including two awareness-raising sessions in Yangon and Naypyidaw, the capital, in November 2018, and for civil society organizations in January 2019 in Yangon, building on networks of human rights defenders built during the oil and gas, and mining SWIAs.⁴²

Lessons Learned, Looking Ahead

An independent evaluation of MCRB's first five years was conducted in 2018.⁴³ Based on the changing context, and experience to date, MCRB's program for the 2019-2021 period will focus more on capacity-building, advocacy and dialogue, and less on field research and building knowledge, although it will continue to collect Myanmar good practice examples and case studies to use in training.

Demand for MCRB's team as resource persons by others is growing, and the Centre is working hard to ensure that more of its training material is available in Burmese language, and in a sufficiently simple and relevant format to engage local participants, whether business, civil society or government officials, most of whom have little if any knowledge of how business relates to human rights or the Myanmar legal framework which supports the government's "duty to protect."

From its own activities and observation of the human rights education provided by others, MCRB has seen much human rights training activity by development partners and international experts wasted through an assumption of too much prior knowledge, too great a focus on international standards, poor translation of slides and written material and poor interpretation (bearing in mind that accurate Burmese translation requires around 50 percent longer time than the original English).

MCRB will therefore step up its efforts to find Myanmar examples that resonate with Myanmar audiences, such as the human rights and business issues associated with Facebook, or Letpadaung copper mine, and good practice examples by companies in Myanmar. The Centre will look for ways to present material in Burmese, and to encourage the audience to interact and express a view, whether through quizzes, polling or other activities.

In the meantime, to address the other challenge of capacity-building in Myanmar, namely the duplication of effort, MCRB will continue to make its training materials freely available on its website, and also publicize its activities through the media, Facebook, and a monthly e-newsletter.

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National Institution for Human Rights in the Kingdom of Bahrain: Human Rights Education Program

National Institution for Human Rights

HIS MAJESTY THE KING established the National Institution for Human Rights (NIHR) on 10 November 2009 by Royal Order No. 46 of 2009, and granted it mandates and powers in line with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (United Nations General Assembly Resolution 48/134, 1993).

Further independence for the NIHR was sought and four years later, the Council of Representatives and the *Shura* Council endorsed Law No. 26 of 2014 establishing the National Institution for Human Rights, which was issued by His Majesty the King.

Based on the observations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI) and to ensure the introduction of a model law that is an outstanding addition to the status of human rights in the Kingdom of Bahrain, His Majesty the King issued Decree Law No. 20 of 2016, to amend the previous law of 2014.

NIHR is a permanent and effective member of GANHRI, and the Asia Pacific Forum of National Human Rights Institutions (APF). NIHR can participate actively in the Human Rights Council sessions, and treaty body meetings, Special Procedures, Sub-committees and Working Groups, and acts as an independent institution that aims to promote and protect human rights.

In order to achieve its goals and desired results for the protection and development of human rights, the NIHR has defined the scope of its work and terms of reference as follows:

- Participate in the formulation and implementation of a national plan for the promotion and protection of human rights;
- Study human rights legislation, recommend amendments or propose the enactment of new legislation, and ensure compatibility of the laws with regional and international treaties;

- Submit an annual report on progress in the human rights situation, the efforts of the NIHR and its activities, and the submission of parallel reports;
- Receive and examine human rights complaints, refer them to the competent authorities, clarify the relevant procedures and monitor violations of human rights;
- Conduct announced and unannounced field visits, and monitor the human rights situation in correction facilities and detention centers;
- Cooperate with national bodies, regional and international organizations, as well as relevant institutions in other countries that work for the promotion and protection of human rights; and hold meetings and joint activities, cooperate, coordinate and consult with civil society and non-governmental organizations (NGOs) and human rights defenders; and
- Host conferences and organize training and educational events, and issue newsletters, printed materials, statistical and special reports.

NIHR Strategies and Action Plans

NIHR Strategy and Action Plan (2015-2018):

This NIHR adopted the Strategy and Action Plan (2015-2018) (Strategy) that represented the goals envisaged by His Majesty the King's initiative under Law No. 26 of 2014. The Strategy has five main themes:

1. Engagement in human rights protection efforts;
2. Promotion of efforts toward legislative development and review;
3. Participation in the preparation of an extensive national program for human rights education;
4. Preparation of a specialized program to promote citizenship rights and support its values; and
5. Reinforcement of cooperation at the national, regional, and international levels.

NIHR Strategy and Action Plan (2019-2021):

For the following years, NIHR adopted its Strategy 2019-2021 which is based upon the promotion and protection of human rights in accordance

with the international human rights principles, frameworks and best practices. It focuses on the following four main strategic goals:

1. Environmental Impact on Human Rights;
2. Human Rights for Sustained Economic Development;
3. The Right to Equal Opportunities; and
4. Promotion of Human Rights Principles in Civil Society and Business.

Overview of the Role of the NIHR

The provisions of Law No. 26 of 2014 establishing the NIHR, amended by Decree-law No. 20 of 2016, emphasize its role in the field of human rights promotion. Article No. 12 affirms a constellation of jurisdictions of the NIHR for purposes of achieving its goals in this field, including participation in laying down and implementing a national plan for promoting human rights at the level of the Kingdom of Bahrain, and studying the existing legislations and regulations related to human rights and to recommend the amendments it deems appropriate, especially those related to the harmony of those legislations with the international human rights commitments of the Kingdom of Bahrain, and to recommend enacting new legislations related to human rights.

The law provides the NIHR the authority to discuss the harmonization of laws and organizational stipulations with the regional and international conventions concerned with human rights issues, including the recommendation to accede to concerned regional and international conventions, to present parallel reports, to contribute to formulating and discussing the reports which the Kingdom of Bahrain undertakes to submit regularly and to express observations on them, in compliance with regional and international conventions particular to human rights, to spread them in the media, and to cooperate with national bodies and regional and international organizations and the relevant institutions in other countries concerned with promoting human rights.

Moreover, those provisions entrusted the NIHR to hold conferences, to organize educational and training seminars and courses in the field of human rights, to conduct research and studies in this regard, and to participate in local and international forums and in the meetings of regional and inter-

national organizations, in addition to issuing bulletins, printed materials, statements and special reports and to post them in its website.

In conformity with the law, the NIHR played an active role in the field of promoting human rights by publishing a number of educational bulletins and printed materials related to human rights, the holding of a number of seminars and lectures, and the signing of a number of Memorandums of Understanding with various civil society organizations and concerned regional parties. It also played an effective tool in the field of legislative review in cooperation with the Council of Representatives and the Shura Council, in addition to its regional and international participation in numerous seminars, workshops, training courses and conferences connected to its activities.

Concerning international human rights conventions, the Kingdom of Bahrain ratified and acceded to seven basic international conventions related to human rights out of a total of nine basic international instruments: International Covenant on Civil and Political Rights in accordance with Law No. 56 of 2006, and International Covenant on Economic, Social and Cultural Rights in accordance with Law No. 10 of 2007, International Convention on the Elimination of All Forms of Racial Discrimination in accordance with Decree No. 8 of 1990, Convention on the Elimination of All Forms of Discrimination against Women in accordance with Decree-Law No. 5 of 2002.

Moreover, the Kingdom of Bahrain acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in accordance with the Decree-Law No. 4 of 1998, the United Nations Convention on the Rights of the Child in accordance with the Decree-Law No. 16 of 1991, and finally the Kingdom of Bahrain ratified the Convention on the Rights of Persons with Disabilities in accordance with Law No. 22 of 2011. The Kingdom of Bahrain has not ratified or acceded to date to the International Convention on the Protection of the Rights of All Migrant Workers which was adopted by the United Nations General Assembly (UNGA) on 18 December 1990, and the International Convention for the Protection of All Persons from Enforced Disappearance, which was adopted by the UNGA on 20 December 2006.

While acceding to or ratifying the basic human rights international conventions requires the signatory states to submit as an obligation tentative or regular reports to the treaty bodies in the United Nations which are respon-

sible for monitoring the extent of the progress achieved by those states in implementing their obligations, the Kingdom of Bahrain has fulfilled its obligations in submitting its preliminary report concerning the International Covenant on Civil and Political Rights, and the regular reports concerning Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Within the framework of the NIHR building bridges of cooperation with academic quarters operating in the human rights field, it signed two memorandums of understanding with the Royal Police Academy and the Human Rights Institute of Lyon in France for future cooperation in the human rights field.

Regarding partnership with concerned local, regional and international quarters, the NIHR has held consultative activities with a number of ambassadors and diplomats accredited in the Kingdom of Bahrain, and also with the international organizations and bodies concerned with human rights affairs, in addition to a set of regional and international experts operating in the human rights field. They discussed a number of topics, most prominently, the establishment of the NIHR, its legal framework, and its role in promoting and protecting human rights, in addition to the role of those institutions and their activities related to human rights, the means for bolstering joint support and cooperation between the two parties, and the readiness of the NIHR to offer its experience in the field of training in human rights cases and building the capacity of the affiliates and personnel of those institutions regarding the various international human rights conventions and the obligations of the Kingdom of Bahrain under them, and the international mechanisms related to the UN Human Rights Council.

The NIHR participated in the meetings of the GANHRI and the regional meetings of the Asia Pacific Forum (APF) in Geneva, Switzerland.

Statements and Publications

NIHR Statements¹

NIHR participated in international events related to promoting human rights in the society. It issued in 2017 a number of statements on different occasions, such as: International Women's Day, Arab Human Rights Day, International Day for the Elimination of Racial Discrimination, World Health Day, World Press Freedom Day, World Elder Abuse Awareness Day,

International Day in Support of Victims of Torture, and International Day of Peace.

During 2018, thirteen statements were issued on these and other occasions (International Workers' Day, World Day against Trafficking in Persons, International Day of Democracy, International Day of Older Persons, International Day of the Girl Child, Human Rights Day, Universal Children's Day and Bahraini Women's Day).

NIHR Publications²

As to the publication of printed materials, the NIHR printed a number of international and regional documents in Arabic and English languages related to human rights, such as the Paris Principles related to the National Institutions for the Promotion and Protection of Human Rights, Universal



NIHR print publications.

Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights, and the two Annexed Protocols, International Covenant on Economic, Social and Cultural Rights, Arab Charter on Human Rights (ACHR), Cairo Declaration on Human Rights in Islam (CDHRI), and the Constitution of the Kingdom of Bahrain.

NIHR published a colouring book concerned with child rights, which was distinguished by its addressing children about their rights in a simple language and beautiful drawings, in both English and Arabic languages.



Coloring books on child rights.

NIHR also published a flyer for children to promote the articles in the UDHR.



Flyers for children.

NIHR also published a leaflet about its role and the procedures for receiving complaints in six different languages: Arabic, English, Filipino, Hindi, Malayalam and Thai. NIHR also distributed bookmarks to spread awareness on its role in protecting and promoting human rights in the society.



NIHR leaflet about its role and the procedures for receiving complaints in six different languages.

NIHR published four books under the human rights cultural series publications, where the first book entitled *Rights of the Worker in light of the Bahraini Labour Code*, the *International and Arab Labour Standards and Human Rights*, with five chapters addressing the right to work, the financial and non-financial rights of the worker, the rights of the worker after the expiry of the employment contract and the guarantees for securing these rights. The second book was entitled *Human Rights in the Code of Criminal Procedure*, with eleven chapters dealing with the human right to dignity, non-restriction of freedom, the sanctity of private life, and the right of the accused to be tried before a neutral judge, and the right of the accused to exercise the rights to defence, presumption of innocence, and the right to a fair and full trial, the right to appeal decisions, and the right of the accused to raise the invalidity of the illegitimate criminal procedures and for the court to preclude illegitimate evidence, in addition to the right of the accused to abatement of criminal proceedings and the punishment by virtue of prescription.

The third book was entitled *The National Institution for Human Rights in the Kingdom of Bahrain*, with three chapters regarding the human rights “concept and frameworks” and the national institutions for human rights, and the National Institution in the Kingdom of Bahrain in terms of establishment, formation, duties, powers and independence, in addition to the mechanism for receiving complaints, monitoring, national and international cooperation in the field of human rights, the action plan and future horizons.

The fourth book on Human Rights Culture Series entitled *Legal Protection for Persons with Disabilities between Reality and Hope* was published. It focuses on the idea of underlining the need to empower people with disabilities to achieve comprehensive and fair sustainable development, noting that the empowerment of people with special needs is an integral part in the Economic Vision of Bahrain, 2030.

Human Rights Reporting

The NIHR has submitted parallel reports to United Nations treaty bodies such as the Committee Against Torture (CAT), Human Rights Committee (CCPR), Committee on the Right of the Child (CRC), and the Universal Periodic Review (UPR).

In the same context, and by virtue of the interaction of the NIHR with the regional mechanisms in the field of promoting and protecting human rights, it submitted its parallel report to the Charter Committee concerning the first regular report of the Kingdom of Bahrain on the progress achieved in applying the provisions of the Arab Charter on Human Rights (ACHR), ratified by Law No. 7 of 2006. The NIHR prepared its parallel report in accordance with the methodology adopted by the Charter Committee regarding the civil, political, economic, social, and cultural rights covered in the ACHR, with a view to presenting a number of recommendations it deems suitable for improving the respect for human rights in the Kingdom of Bahrain.

NIHR Activities³

As an expression of interaction between the NIHR and the various segments of society, it undertook a number of field visits to the local communities with a view to presenting an overview of what it does and the services it offers in the field of protecting and promoting human rights. The most prominent places visited were: King Hamad University Hospital, Salmaniya Medical Complex, Psychiatric Hospital, Al-Jazeera Cultural Center, Faculty of Law in the Royal University for Women (RUW), UCO Parents Care Center.

The NIHR received on 4 February 2018 in its Training Center in Seef District the first batch of students under its cooperation program with the College of Law in the Royal University for Women (RUW) based on their Memorandum of Understanding on human rights. This is in line with the NIHR's role in disseminating and promoting a culture of awareness of the respect for human rights among members of the society.

The event was inaugurated by the Secretary-General of the NIHR who, in wishing all the students success, stressed the importance of the program in helping increase the legal and human rights skills necessary to engage in the labor market and respond to its requirements, with a view to achieving the goal of contributing to serving the Kingdom of Bahrain.

The program features the participation of a number of specialist cadres from the staff of the NIHR and continues for a full semester, three days a week. It was attended by a number of students selected by the College of Law in the university.

This event falls within the mandate of the NIHR in the area of promotion and dissemination of human rights through lectures, other educational ac-

tivities and training courses for all segments of society, especially university students, on subjects related to human rights.



Visit of RUW student to the NIHR headquarters.

With a view to enriching the academic and intellectual understanding of human rights among the public, the NIHR held a seminar on “Human Rights and the Environment,” which aimed to spread and instil the principles of the culture of environmental right in institutional and social practices, develop awareness and devote care to the right to the environment, and ensure the safeguarding of this right from any faulty practices. The seminar took up the topics on the legal, administrative and judicial mechanisms for protecting the environment, and the social responsibility of promoting the culture of environmental protection. This seminar was characterized by the wide



Seminar on “Human Rights and the Environment.”

participation of the representatives of the executive, legislative and judicial branches of State, civil society organizations, and a number of people interested in environmental issues.

In conformity with its strategy and action plan in spreading the culture of human rights in line with the best international practices, the NIHR has through SMS and social media⁴ implemented an awareness-raising campaign aiming to foster the culture of awareness of the rights of domestic workers in accordance with national laws and relevant international and regional instruments and conventions.



Domestic workers awareness campaign.

With a view to promoting and developing the culture of human rights in the Kingdom of Bahrain for the various segments of society, both public and civil, the NIHR participated in the fifth season of the Al-Basta Market event in the Bahrain International Circuit where a variety of its human rights publications were distributed, in addition to a coloring book on child rights which was distinctively addressing children about their rights in simple language and beautiful drawings. It should be mentioned that the pavilion of the NIHR had a big number of visitors - citizens and members of various communities residing in the Kingdom of Bahrain.



The National Institution hosted students of the Royal Academy of Police (RAP) during its summer camp.

Moreover, the NIHR, in striving to convert knowledge of human rights into practical skills, held a training program for students of the ninth summer youth camp to prepare them for the future. They were students of the Royal Police Academy who received human rights training on various topics (the right to life, the right to health care, and the right to care of the disabled child) and voluntary work. In addition, the NIHR held a lecture on “International Humanitarian Law” for the law students of the Applied Science University.

In this connection, the NIHR contributed effectively to the “the legal human rights clinic in the University of Bahrain,” a practical training pro-



University of Bahrain Legal Human Rights Clinic.

gram for the Faculty of Law students. The NIHR held workshops and visual presentations for fifteen weeks on its role in promoting human rights and on protecting human rights by discussing the mechanism for receiving complaints and related procedures, legal assistance and consultation service and the processes of monitoring human rights violations.

In line with its role in the dissemination and promotion of the culture of human rights among different groups of society, the NIHR organized an introductory lecture on “NIHR’s Role in Promotion and Protection of Human Rights in Bahrain” for students of Human Rights Diploma (5th batch) and students of Social Service Diploma in Security Institutions (2nd batch), in partnership with the Royal Academy of Police (RAP).

In the same context, and emanating from its relationship with the civil society which is considered a fundamental partner in promoting, protecting and enhancing human rights, the NIHR organized in cooperation with the Embassy of the Netherlands a training program targeting civil society organizations in the Kingdom of Bahrain. The program aimed to enhance and



Training for the 5th batch of students of the Human Rights Diploma and students of Social Service Diploma in Security Institutions, Royal Academy of Police.



NIHR event with Civil Societies.

develop the capacities of civil society organizations in the field of human rights and to convey to them the culture and way of life supporting human rights. Three hundred and eighty individuals from civil society organizations and affiliates participated in the program.

Actually, the training program tackled a number of topics related to raising the awareness and capacities of those affiliated to civil society organizations regarding their role in protecting and promoting human rights. The topics include the international and regional mechanisms for promoting and protecting human rights, civil society organizations and their role in promoting and protecting human rights, the rules in exercising freedom

of opinion and expression, methodology in preparing parallel legal reports, and monitoring and documentation in the field of human rights.

Moreover, the NIHR devoted attention to the training of the youth sector, by organizing an intensive program for the youth in cooperation with the Embassy of Netherlands under the heading: “Youth Leadership for Peace and Human Rights.” The program addressed topics related to peace and human rights, and most importantly: human rights and good governance, the process of peace building, and advocacy campaigns. Around fifteen youth availed of this program including those affiliated to youth associations and university students.

Moreover, the NIHR was keen on building the capacity of its staff by participating in a number of workshops and local training courses, including a training course on the rights and duties of an employee in Bahraini legislation, a training course on the analysis and interpretation skills to produce synergy between national legislations and international human rights standards, a training course on the international, regional and national mechanisms for promoting and protecting human rights, a training course on monitoring and documenting in the field of human rights, a training course in international humanitarian law, and a workshop elucidating the mechanism on legislative proposal project of the government sector.

The NIHR held a workshop in cooperation with the British Foreign and Commonwealth Office under the title “Fair Trial Guarantees.” The workshop addressed a number of subjects including the international system and its mechanisms for protecting human rights, fair trial guarantees in accordance with the international standards, regional and international agreements on fair trial guarantees and pre- and post-trial rights.

NIHR conducted a training program for the National Security staff from January to September 2018, including a series of workshops, training courses and integrated awareness lectures regarding national human rights mechanisms, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and its Optional Protocol, as well as a review of the international treaty mechanisms of the Human Rights Council.

On the occasion of the World Down Syndrome Day, which falls on the 21st of March every year, the NIHR organized a roundtable on the reality surrounding people with Down syndrome in the Kingdom of Bahrain, attended by a number of Excellency members of the Council of Representatives and

Shura Council and civil society representatives, as well as parents of people with Down syndrome to discuss the challenges faced by people with Down syndrome and their enjoyment of various rights and public freedoms.

The NIHR organized a workshop on “the Rights of People living with HIV/AIDS” in the Kingdom of Bahrain with the aim of identifying the rights of people living with HIV/AIDS, providing them the means to obtain legal protection, seeking to eliminate all forms of discrimination against people living with HIV/AIDS, illustrating some of the misconceptions on the disease, raising legal awareness of the disease and enlightening the members of the society about the danger of HIV/AIDS and ways of its transmission.

The NIHR’s Secretariat-General, in cooperation with the Professional Standards Bureau of the National Security Agency (NSA), held a seminar on the Code of Conduct of NSA personnel promulgated under Resolution No. 31 of 2012. The seminar, presided by the Professional Standards Bureau of the NSA, discussed the doctrine of the NSA that is based on providing security and safety throughout the country, while protecting the rights and freedoms safeguarded by the Constitution and the laws.

The lecturer emphasized that the Professional Standards Bureau of the NSA was established under Decree No. 28 of 2012 to supervise the objectives of the NSA based upon the respect for public rights and freedoms, and stressed the duty of NSA personnel to perform their work in a manner that does not violate the provisions of the Constitution, the laws and the International Bill of Human Rights.

The NIHR organized a capacity-building training course on human rights monitoring and documentation covering a number of important themes on human rights monitoring and documentation mechanism, the experiences of the participating institutions on human rights monitoring and documentation, and the general concepts of monitoring economic and social rights, correctional institutions, detention centers, child rights and the election process.

The program had two stages; the first stage was the online course. The participants who obtained 70 percent and above grade were promoted to attend the two-day training (second stage). The program was attended by a number of staff members of the Ombudsman, Prisoners and Detainees Rights Committee (PDRC) and the NIHR’s Secretary General staff. This training course is in line with the Memorandum of Understanding between the

NIHR and the APF, which aims to implement capacity-building programs and train human rights facilitators.

The NIHR participated in the 10th edition of the annual Bahrain Summer Festival (July 2018), one of the most anticipated events in the Kingdom of Bahrain due to its multi-cultural programs. The festival runs for two consecutive months and offers a variety of activities and workshops, especially for



Child rights awareness lectures in Bahrain Summer Festival, July 2018.

children. The NIHR held a series of awareness lectures on child rights contained in the Convention on the Rights of the Child (CRC), in which more than four hundred children of different ages and their families participated. Gifts and coloring books on child rights were distributed to the children, which encouraged them to understand their rights through drawings and basic language, combining education and entertainment.

In April 2018, NIHR launched the second edition of “My Rights” program. My Rights 2 program was organized by the NIHR in partnership with Bahrain Institute for Political Development (BIPD), Judicial and Legal



(Top) NIHR at “My Rights 2” program, 11 July 2018. (Bottom) NIHR lecture entitled “Human Rights and Sustainable Development”, 9 August 2018

Studies Institute (JLSI) and the Supreme Council for Women (scw), and it continued till the end of 2018. The program targeted employees of government institutions and members of civil society organizations. It had five packages, namely, the national institutions in the Kingdom of Bahrain, the culture of citizenship, the human rights skills, culture, the rights and free-



NIHR participation at “Youth City, 2030”, 30-31 July 2018.

doms and constitutional and human rights. For the 4th package, the NIHR presented a lecture entitled “Human Rights and Sustainable Development.”

The NIHR participated in the events of Youth City 2030 organized by the Ministry of Youth and Sports Affairs in cooperation with Tamkeen Labor Fund, in an attempt to create a national partnership for the young people and to develop their skills and intellect to enable them to shape their paths in all fields.

On the occasion of the International Literacy Day, the NIHR in partnership of the Youth and Technology Association organized a workshop entitled “The Role of Technology in Literacy.” The workshop was aimed at introducing the participants to the importance of technology in eradicating illiteracy by presenting the practical experiences of the Kingdom of Bahrain in the eradication of information illiteracy, the role of technology in developing skills and creating job opportunities for young people, as well as the role of civil society institutions in refining technical talents.

The NIHR organized a roundtable entitled “The Reality of People with Autism Spectrum in Bahrain” that was attended by a number of Their Excellency members of the Council of Representatives, the *Shura* Council, representatives of relevant government agencies, civil society organizations and a number of parents of persons with autism, in order to discuss some of the challenges that people with autism may face and their enjoyment of various rights and public freedoms.

The event highlighted the suffering of young and old people with autism, and mostly focused on the needs of this group, the main challenges they faced and how to integrate them into society since the main problem of this group lies in the community’s awareness of their situation.



NIHR event on “The Rights of the Girl Child,” 11 October 2018.

On the occasion of the International Day of the Girl Child (IDGC), the NIHR, in partnership with Shaikha Hessa Girls School, organized an awareness lecture entitled “The Rights of the Girl Child” for the girl students of primary school, in order to strengthen their culture on the rights of the girl child and the most important rights of the girls in general and children in particular. In the same context, the NIHR organized a session about the rights of children for the students of the same school during the celebration of the Universal Children’s Day.

The NIHR organized a training course entitled “Analysis and Interpretation Skills for Harmonizing National Legislation with International Human Rights Standards.” The workshop was attended by a number of law enforcement officials, public sector employees, post-graduate students, human rights defenders and human rights activists.

Within the scope of its role in disseminating the culture of human rights and raising awareness of residents on their rights and duties, the NIHR organized awareness lectures on its competences and mechanism for submitting complaints for members of the Nepalese community, Sudanese Club in the Kingdom of Bahrain and The Bahrain Keraleeya Samajam, and Filipino residents in the Kingdom of Bahrain. The lecture for the Filipinos was held at the Philippine Embassy.

Coinciding with Bahrain's celebration of Bahraini Women's Day, the NIHR in cooperation with the Supreme Council for Women organized an awareness lecture on "The History of Bahraini Women in the Legislative Field and Municipal Work." The lecture, attended by the staff of the NIHR's Secretariat-General, dealt with a number of essential themes in Bahraini women's march as well as the most important articles of the Constitution of Bahrain and the National Action Charter on the Rights of Bahraini women, the establishment of the Supreme Council for Women and its role in supporting women, and the role of women in the Government Action Program 2015 - 2018.

Also coinciding with the International Day of Disabled Persons, 3 December every year, the NIHR launched a book on "Legal Protection for Persons with Disabilities between Reality and Hope," which is one of the publications in the Human Rights Culture series. The book was written by Salah Mohammed Diab, PhD, Associate Professor of Civil Law, Faculty of Law.

The NIHR hosted a meeting with the Masters students of Criminal and Police Sciences, Administrative and Security Sciences and Crisis Management organized by the Royal Academy of Police, in order to inform its academic staff about the work and services of the NIHR in the promotion



NIHR event organized for Master's students at the Royal Academy of Police, 4-5 December 2018.

and protection of human rights, with a view to providing participants with practical skills in this area.

The NIHR participated in the 25th edition of Al Ayam Cultural Fair 2018 by distributing its publications to the public. This exhibition has an important role in enriching peoples' consciousness and thought because of the variety of participating publishing houses from Arab and other countries.

Statistics on NIHR Activities

The following table and charts show the number of activities held and their participants in 2017 and 2018.

Table 1. Training events, programs and beneficiaries - 2017 and 2018

Number	Subject	Number/Percentage	
		2017	2018
1	Number of Events	56	49
2	Number of Participants	1,218	2,773

Chart 1. Training events, programs and beneficiaries - 2017

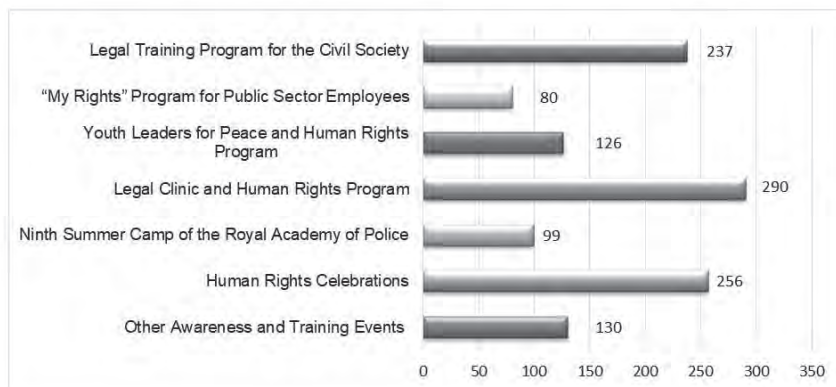


Chart 2. Training events, programs and beneficiaries - 2018.

Conclusion

As stated above, the main role of the NIHR in Bahrain is to promote and protect human rights. This is in addition to its work of striving to consolidate the relevant values and awareness of human rights, and ensuring that these values are practiced freely and independently, in line with the Paris Principles which form the legal reference of its establishment.

NIHR believes that training and education are the main gateways for the promotion of the culture of human rights for all groups in society. Therefore, it will continue to put this mandate in its priority list in the coming years to reach its vision of turning human rights culture as a lifestyle for all.

Endnotes

- 1 See NIHR website, www.nihr.org.bh/en/About/Statement.
- 2 See NIHR website, www.nihr.org.bh/EN/eLibrary?type=2.
- 3 See NIHR website, www.nihr.org.bh/EN/News.
- 4 See NIHR twitter account, <https://twitter.com/nihrbh>; www.instagram.com/nihrbh/.

SUHAKAM: Education, Promotion and Publicity*

SUHAKAM

THE HUMAN RIGHTS COMMISSION OF MALAYSIA (SUHAKAM) has come a long way since its founding. It has made huge strides in improving the human rights situation in Malaysia, always working with the Government, ministries, Civil Society Organizations and activists to further its goals. SUHAKAM will continue to carry out its work diligently and purposefully to achieve its vision of a “Malaysian society where human rights are fully respected, protected and enjoyed equally by all” in the not too distant future.

Human Rights Education

The ultimate purpose of human rights education is to empower the people with human rights knowledge so as to ensure the protection, respect and fulfilment of human rights of every individual. Recognizing the importance of human rights education, SUHAKAM through its Education and Training Division conducted several human rights education and training programs. SUHAKAM collaborated with local and international organizations such as the Judicial and Legal Training Institute (ILKAP), Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to organize programs during the year. SUHAKAM also expanded its target group to include the Immigration Department, National Anti-Drug Agency, parliamentarians and private entities.

In 2018, University Utara Malaysia, signed a Memorandum of Understanding (MoU) with SUHAKAM to undertake several joint programs pertaining to human rights and education. To further realize SUHAKAM’s vision for human rights education to be taught in schools by 2020, SUHAKAM organized several strategic meetings with key actors in education. SUHAKAM met with Education Minister YB Dr. Maszlee Malik on 11 December 2018, Deputy Minister of Education YB Teo Nie Ching on 22 October and Director General of Education Datuk Dr. Amin Senin on 25

June. SUHAKAM briefed them on SUHAKAM's Human Rights Best Practices in School Programme (ATHAM) and Human Rights Modules for post-Primary School Achievement Test (UPSR) and post-Form 3 Assessment (PT3) students. SUHAKAM's idea to introduce human rights education in schools was well-received. SUHAKAM was requested to cooperate with the Ministry of Education (MOE) to develop a human rights training module for the Teachers Training Institute and to give its input on human rights education to MOE's Curriculum Division.

In order to gauge how well its training sessions were conducted and the level of knowledge the participants gained, SUHAKAM introduced a more structured evaluation using an online form as well as a pre- and post-tests approach.

Human rights modules for post-UPSR and PT3 students

As highlighted in the 2017 Annual Report, SUHAKAM completed two human rights modules for post-UPSR and post-PT3 students in June 2018. Each module contains thirty activities. The objective was to educate students in primary and secondary schools on human rights through fun activities. Though the modules were developed for Standard 6 and Form 3 students, who would have had more free time in school after their UPSR and PT3 examinations and before the school break at the end of the year, the activities are suitable for all primary and secondary students irrespective of their standard and form. SUHAKAM appreciates the contributions of MOE officers as well as teachers from several schools in finalizing the modules during the two workshops which were held on 3 May and 28 June 2018, respectively.

Following the completion of the modules, SUHAKAM organized three Training of Trainers (TOT) sessions to ensure that the teachers from ATHAM schools could carry out the activities, as well as equip them with sufficient knowledge of human rights, particularly on the rights of the child. About sixty-two secondary school teachers and fifty-one primary school teachers attended the TOT, see Table 1.

Although the MOE did not make the modules compulsory, it was interesting to note that several schools, among others, Sekolah Menengah Kebangsaan (SMK) Sentul, SMK Gombak Setia and SMK Taman Seri Kluang, carried out the activities with their students this year. SUHAKAM also distributed compact discs of the modules to all ATHAM schools to encourage them to utilize the modules.

Table 1.

No.	Program	Date	Venue
1.	Training of Trainers on Human Rights Module Post-UPSR/PT3 for South zone	3 – 5 July	Port Dickson, Negeri Sembilan
	Training of Trainers on Human Rights Module Post-UPSR/PT3 for North zone	10 -12 July	Alor Setar, Kedah
	Training of Trainers on Human Rights Module Post-UPSR/PT3 for East zone	17 – 19 July	Kota Bharu, Kelantan



Training of Trainers on Human Rights Module Post UPSR and PT3 students for South zone held on 3- 5 July at Port Dickson.

Moving forward, SUHAKAM plans to publish and distribute the modules to all ATHAM schools in hardcopy; expand TOTS to other ATHAM and non-ATHAM schools; and develop a mechanism to monitor the implementation of the activities in schools in the next two years to ensure that the objective of introducing the modules has been met.

Awareness program on a Child's Right to Safety

Due to the good feedback from twelve MARA Junior Science Colleges (MJSCs) on the Child's Right to Safety Awareness Program last year, SUHAKAM organized a similar program at another ten MJSCs during the year,

which involved about 5,000 students, as well as follow-up programs at a few MJSCs that were visited in the previous years. During the year under review, programs were held in the following MJSCs:

Table 2.

No.	Location	Date
1.	Jeli MJSC, Kelantan	10 March
2.	Kota Putra MJSC, Terengganu	9 April
3.	Besut MJSC, Terengganu	9 April
4.	Batu Pahat MJSC, Johor	16 April
5.	Kubang Pasu MJSC, Kedah	29 April
6.	Tun Ghafar Baba (Jasin) MJSC, Melaka	9 May

Whereas, the follow-up programs were held at the following MJSCs:

Table 3.

No.	Location	Date
1.	Tumpat MJSC, Kelantan	1 January
2.	Pasir Salak MJSC, Perak	5 February
3.	Taipung MJSC, Perak	19 February
4.	Kuching MJSC, Sarawak	23 February
5.	Pontian MJSC, Johor	29 March
6.	Pengkalan Chepa MJSC, Kelantan	3 September

The follow-up program was basically a continuation of the introductory program in which the students were divided into small groups and asked to prepare a chart based on one of the following themes:

1. What has your school done (activities or programs) to educate the students on bullying?
2. Senior vs Junior, who normally does the bullying? And how to overcome bullying from always taking place?

As SUHAKAM has conducted the program at all MJSCs nationwide over the past three years, SUHAKAM plans to shift focus to ATHAM schools next year.

Roundtable with parliamentarians: Aligning national legislation with international standards on freedom of expression, access to information and press freedom

In conjunction with International Day for Universal Access to Information which was celebrated on 28 September 2018, SUHAKAM, UNESCO and the Parliament of Malaysia co- organized a “Roundtable with Parliamentarians: Aligning National Legislations with International Standards on Freedom of Expression, Freedom of Information and Press Freedom” on the same day. Apart from raising the awareness of the newly elected Members of Parliament (MPs) on international standards with regards to freedom of expression, freedom of information and press freedom, the roundtable also served as an opportunity for lawmakers to have an in-depth discussion with local and international experts in order to identify the weaknesses of domestic laws with a view to narrowing the gap with international standards. About seventy participants attended the program. Apart from MPs and their officers, officers from the Attorney General’s Chambers, the Parliament of Malaysia and the media were also present.

There were four discussion panels:

- i. Session One on the interplay between international standards, national laws, and the Federal Constitution was moderated by Dr. Lim Ming Kuok. The panelists were Mr. Amos Toh, legal advisor



Roundtable with Parliamentarians: Aligning National Legislation with International Standards on FOI Access to Information and Press Freedom.

- to the Special Rapporteur on the Right to Freedom of Opinion and Expression; Ms. Jennifer Jokstad, Human Rights Officer at the Office of the High Commissioner for Human Rights (OHCHR) in Bangkok; and Emeritus Professor Datuk Dr. Shad Saleem Faruqi, the holder of the Tun Razak Chair in Universiti Malaya;
- ii. Session Two on access to information, a pre-requisite for a functioning democracy, was moderated by Ms. Masjaliza Hamzah. The three panelists were Ms. Kishali Pinto-Jayawardena, the Right to Information (RTI) Commissioner of Sri Lanka; Mr. Toby Mandel, the founder and Executive Director of the Centre for Law and Democracy, a Canadian-based international human rights NGO and Mr. Steven Sim Chee Keong, Malaysian Deputy Minister of Youth and Sports;
 - iii. Session Three on “Proportionate, Necessary, Legitimate, and Prescribed by Law: Considerations to Defamation and Hate Speech” moderated by Commissioner Mr. Jerald Joseph. The panelists were Ms. Barbora Bukovska, Legal Director of Article 19; and Mr. Edmund Bon, the Malaysian Representative to the ASEAN Intergovernmental Commission on Human Rights (AICHR);
 - iv. Session Four on collaboration between Parliament and other stakeholders was moderated by Dr. Lim Ming Kuok. The panelists were Mr. Bambang Harymurti, a former member of the Indonesian Press Council and CEO of TEMPO; Mr. Pieter Knapen, Secretary-General of the Belgium Press Council; and Datuk A. Kadir Jasin, Media and Communications Adviser to the Prime Minister.

Seminar on human rights and policing

The police are the first line of defense for human rights. They are the guardians of the law, including human rights law. Cognizant of the important role played by the Royal Malaysia Police (RMP), SUHAKAM, with the collaboration of RMP, organized a “Seminar on Human Rights and Policing” for high-level police officials on 2 August 2018 at the Royal Malaysia Police College in Kuala Lumpur.

The seminar served as a platform for a discussion on how to balance public order and human rights, contemporary challenges, as well as the need to ensure that public and police rights are always prioritized. This includes the provision of enough facilities, as well as looking after police welfare and

security. The seminar also discussed steps that were needed to be taken to achieve a better balance between public order and human rights.

The seminar was officiated by Inspector General of Police Tan Sri Mohamad Fuzi Harun. Ministry of Home Affairs (MOHA) Deputy Secretary-General Dato' Indera Khairul Dzaimiee closed the event after reading out the speech of the ministry's secretary-general. About forty participants, which included all the directors and deputy directors of various departments in Bukit Aman, Chiefs of State Contingent and Commandants of RMP training institutions, attended the seminar. Four senior officers from MOHA also participated to ensure the matters discussed would be taken up to the ministry for consideration. Commissioner Professor Dato' Dr Aishah Bidin moderated the session. The speakers were Associate Professor Dr. Shamrahayu Ab Aziz from the International Islamic University Malaysia (IIUM) who spoke on the "International Human Rights Standards and Practices In Law Enforcement," Commissioner Dato' Mah Weng Kwai who discussed about "SUHAKAM's Observations and Recommendations on Human Rights for RMP" and ACP S. Shanmugamoorthy from Bukit Aman who spoke on "Human Rights in the Context of Policing in Malaysia."

Human rights workshop for district police officers in charge of criminal investigations

Following the good response from participants of the "Human Rights Workshop for District Police Officers In charge of Criminal Investigations (OCCI)" in the central zone in 2017, SUHAKAM conducted a similar workshop in the northern zone covering the states of Perlis, Kedah, Pulau Pinang and Perak in 2018. The program, held from 23- 25 July in Penang, was attended by thirty-four OCCIS. The workshop helped SUHAKAM and RMP exchange views on human rights and policing. There was a marked difference between the participants' pre- and post-workshop scores when tested on their knowledge of human rights and its application in their work. The average pre-workshop score for correct answers was 36.3 percent. After the workshop, their scores averaged at 72.5 percent. One of the participants suggested to SUHAKAM to organize a similar workshop for community leaders to enhance their understanding of human rights. SUHAKAM plans to continue the training program for the police in the southern and eastern zones in the following year.

Workshop on human rights and justice

On 7 July 2018, ILKAP jointly organized a workshop on “Human Rights and Justice” at its institute in Bangi for thirty Session Court judges and magistrates from the Klang Valley and ten legal officials from the Attorney General’s Chambers. It was aimed at raising greater awareness and understanding of human rights among members of the judiciary and their application domestically. It also provided participants with a platform to impart, receive and exchange views and knowledge of human rights.

The workshop had five sessions. While “Introduction to the Core United Nations International Human Rights Treaties” was delivered by SUHAKAM officer, Ms Rafi Yahya, and “Human Rights in the Federal Constitution” was dealt with by Emeritus Professor Datuk Dr Shad Saleem Faruqi, “Gender Issues and Women’s Rights in Malaysia” was delivered by Commissioner Associate Professor Dr Nik Salida Suhaila Nik Saleh and “The Application of Human Rights Standards/Principles in the Criminal Justice System” was discussed by Commissioner Dato’ Mah Weng Kwai. UNHCR’s Ms Caroline Samuel and Mr Devendiran Paramanantham dealt with “Refugee Protection: UNHCR Mandate and Operations in Malaysia.”

Several participants applauded the program and suggested that the workshop program be extended to run over a day and include lower court judges in other states as well. SUHAKAM plans to conduct similar training workshops in other states in the coming years.

Human rights workshop for Record Officers and Medical Assistants in prisons

In 2018, SUHAKAM organized four human rights workshops with the cooperation of the Prisons Department, focusing on the “Right to Health in Prison and Effective Management of Prisoners’ Record” as shown in Table 4 below:

Table 4.

No.	Program	Date	Venue
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	7 – 9 August	Kota Kinabalu, Sabah
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 16 August	Correctional Academy of Malaysia, Langkawi, Kedah
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia	15 – 17 October	Correctional Institute Malaysia, Tanjung Kling, Melaka
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia	13 – 15 November	Ipoh, Perak

The two human rights workshops for medical assistants were a continuation of similar sessions conducted in 2017 for medical officers seconded to the Prisons Department. About sixty medical assistants who were working in prisons nationwide participated in the workshops. Apart from SUHAKAM officers who provided information on international human rights standards in relation to the right to health in prison, SUHAKAM also invited Dato' Dr Zahari Noor, Head of the Forensics Department at Penang Hospital, and Dr Mohd Nor Hayat Mamat, Head of the Medical Unit in the Prisons Department, to share their knowledge and expertise in medical treatment for prisoners as well as the role of MAs in providing health services in prison.

The two workshops for Record Officials focused on the effective management of prisoners' records and issues that may obstruct the practice of human rights in the officials' daily tasks. M. Masran Muhamad, Assistant Commissioner of Prison (ACP) from the Security & Intelligence Division of the Prisons Department was invited to share his knowledge on managing the records and violations of human rights that might occur because of a poor records management system. The workshops increased the participants' knowledge of human rights and this is reflected in their average pre- and post-test scores of correct answers:

Table 5.

No.	Program	Pre-Test Average Score	Post-Test Average Score
1.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 7 – 9 August	20%	67%
2.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 16 August	51.25%	69.93%
3.	Human Rights Workshop for Medical Assistants, Prisons Department of Malaysia from 15 – 17 October	34.82%	79.48%
4.	Human Rights Workshop for Record Officers, Prisons Department of Malaysia from 13 – 15 November	46%	79%

Both workshops were well received. Participants shared some of their challenges and made recommendations for improving prisons by taking a human rights-based approach (HRBA). Most of the suggestions called on SUHAKAM to continue providing capacity-building training programs for the Prisons Department.

Human rights workshop for Directors of National Anti-Drug Agency (NADA) rehabilitation centers

During the year, SUHAKAM expanded its collaboration with another agency, namely NADA, following a working meeting with the Director General of NADA, Dato' Dr Abd Halim Mohd Hussin earlier this year. From 12 - 14 March 2018, SUHAKAM conducted a human rights workshop for thirty directors of NADA rehabilitation institutions. They included the directors of the Cure and Care Rehabilitation Centre (CCRC), Cure and Care Vocational Centre (CCVC) and Cure and Care Clinic (C&C) in Malaysia. The training workshop was conducted at the NADA Training Centre in Sungai Petani, Kedah. Officers from NADA's headquarters attended as well.

The participants were introduced to human rights, SUHAKAM, international human rights standards on the treatment of detainees, the right to health in places of detention and current human rights issues in Malaysia. Taking up the participants' recommendation, SUHAKAM plans to expand the workshop for NADA officers, including enforcement officers, officers-in-charge of treatment and rehabilitation at the institution as well as the auxiliary police in NADA, in the following years.



SUHAKAM officer conducting a session during Human Rights Workshop for Directors of National Anti-Drug Agency Rehabilitation Centers.

Joint workshop with the Office of the UN High Commissioner for Refugees for Immigration Officials

Under a MoU between SUHAKAM and UNHCR last year, a workshop on the “Monitoring of Immigration Detention for Senior Immigration Officers” was conducted from 29 - 30 January 2018 in Putrajaya. The session was aimed at bringing about policy changes in the treatment of refugees and asylum seekers as well as improving the standard of treatment in detention centers. The lectures were attended by thirty-two senior officers from various departments at the Immigration Department headquarters. The participants were also taken to the UNHCR office to better understand the work carried out by this United Nations (UN) agency in Malaysia, especially in the documentation and determination of refugee status.

Several training workshops were also jointly conducted by SUHAKAM and UNHCR for ground officers and staff at eleven immigration depots in Peninsular Malaysia, with the aim of increasing their knowledge of international standards in relation to detention and refugee-related issues. The following were the sessions conducted:

Table 6.

No.	Depot	Date
1.	Bukit Jalil (Kuala Lumpur)	11 October
2.	Kuala Lumpur International Airport (KLIA)	11 October
3.	Semenyih (Selangor)	16 October
4.	Lenggeng (Selangor)	16 October
5.	Machap Umboo (Melaka)	24 October
6.	Pekan Nenas (Johor)	25 October
7.	Juru (Penang)	1 November
8.	Langkap (Perak)	8 November
9.	Belantik (Kedah)	21 November
10.	Ajil (Terengganu)	27 November
11.	Tanah Merah (Kelantan)	29 November

Training of trainers program and training module on business and human rights for Felda Global Ventures Officers

In the MoU between SUHAKAM and Felda Global Ventures Holdings Bhd (FGV) signed last year, SUHAKAM made a commitment to develop

a training module and conduct a Training of Trainers (TOT) session on Business and Human Rights for FGV Operational Level Officers.

The module was divided into three sections, namely, “Introduction to Human Rights and SUHAKAM,” “Introduction to Business and Human Rights,” and “Human Rights Issues relating to Business and Human Rights.” Among the issues that were discussed were the rights of employees (minimum wages, contract, safety and health, right to be involved in a union, freedom to speak, passport storage and housing), sexual harassment, discrimination, human trafficking and forced labor, child labor, environment, indigenous peoples’ right to their native customary land and forced eviction as well as complaint mechanisms.

Following the development of the training module, SUHAKAM conducted a TOT workshop at the FGV Training Centre, Kuala Lumpur, from 4 - 6 December 2018 for thirty FGV officers who will then go on to conduct a one-day training session in 2019 for operational officers at all FGV estates.

Human rights workshop for administrators of *tahfiz*/religious schools in Kuala Lumpur

Several incidents were reported to have occurred at *tahfiz* or religious schools in the country, including the death of twenty-one students in a fire in 2017. This prompted SUHAKAM to organize a program for the administrators of such schools to educate them on the right of a child to education and safety. With the collaboration of the Federal Territory Religious Department, SUHAKAM managed to organize a human rights workshop for administrators of thirty-eight *tahfiz* schools in Kuala Lumpur on 3 and 4 December 2018.

Besides educating the participants on the Convention on the Rights of Child (CRC), the workshop also enlightened the participants on the safety requirements for their buildings. The latter was provided by the Fire Department of Kuala Lumpur. The Federal Territory Health Department also taught them health aspects of living in boarding schools.

The workshop was well-received. The religious department suggested that another workshop be held next year for other *tahfiz* schools in the Federal Territory that were unable to participate this time.

MoU with Universiti Utara Malaysia (UUM)

SUHAKAM and UUM signed a MoU on 16 January 2018 to enhance, encourage and develop mutual cooperation pertaining to human rights, in re-

spect of education, research and community service. Several collaborative programs have been planned for the three-year period of the MoU.

On 25 April 2018, SUHAKAM and UUM collaborated to deliver an introductory talk on the rights of the child, focusing on the issue of bullying, to students of Sekolah Kebangsaan Tunku Abdul Rahman Putra in Kedah. Several activities were conducted with the assistance of volunteers from UUM. Although it was challenging to keep the students (from standard 4 to 6) focused throughout, they participated earnestly in the activities as well as in the Q & A session. On 26 April 2018, the same program was conducted for the students of SMK Syed Ibrahim, Kedah.

During the talk, the students were asked about human rights and SUHAKAM. The spontaneous survey showed that less than 5 percent of them have a basic knowledge of human rights. This is perhaps because their homes and school were in a rural area. However, the program managed to enlighten the students on human rights and the rights of the child.

Invitations to deliver human rights talks and training

In 2018, SUHAKAM received several invitations from government agencies and other organizations to deliver talks and conduct training workshops on specific and general human rights topics. They were:

Table 7.

No.	Topic	Date	Venue	Organizer
1.	Human Rights talk to RMP officers	29 January	RMP Training College, Cheras, Kuala Lumpur	Royal Malaysia Police (RMP)
2.	"Human Rights in Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	5 February	Intan Bukit Kiara, Kuala Lumpur	National Institute of Public Administration (INTAN)
3.	Human Rights talk at "Ijtima' Pentadbir Pentadbir-Pentadbir Maahad Tahfiz dan Pondok Negeri Pahang 2018"	13 February	Raub, Pahang	Pahang Religious Department

No.	Topic	Date	Venue	Organizer
4.	Talk on "Death in Custody: Human Rights Perspective" for Prison Officials	20 March	Correctional Academy of Malaysia, Langkawi, Kedah	Prisons Department
5.	One-day Human Rights Training for Prison officials	24 March	Malaysian Prison College, Kajang, Selangor UNIMAP Perlis	Prisons Department
6.	Half-Day Human Rights Training for RELASIS UNIMAP	21 April	Malaysian Prison College, Kajang, Selangor UNIMAP Perlis	RELA Brigade of University Students (RELASIS)
7.	One-day Human Rights Training for Prison Officials	24 April	Prison Officers Training Centre, Taiping, Perak INTAN Bukit Kiara, Kuala Lumpur	Prisons Department
8.	"Human Rights in the Federal Constitution" talk to Administrative and Diplomatic Service trainee officers	30 April	Prison Officers Training Centre, Taiping, Perak INTAN Bukit Kiara, Kuala Lumpur	INTAN
9.	One-day Human Rights Training to Prison Officials	10 May	Seremban Prison, Negeri Sembilan	Prisons Department
10.	"Human Rights and the Rights of Migrant Workers" training for Penggerak Malaysia	15 May	SUHAKAM Office, Kuala Lumpur	Penggerak Malaysia
11.	Talk on "SUHAKAM's roles in Human Rights Issues" to the RMP	May	PULAPOL, Kuala Lumpur	RMP
12.	Talk on "Human Rights Issues in Malaysia" to the RMP	May	PULAPOL, Kuala Lumpur	RMP
13.	Talk on "Patients' Right to Health" to the Malaysian Nurses Association	28 July	Pulau Pinang General Hospital, Pulau Pinang	Malaysian Nurses Association
14.	Human Rights Talk to MACC officers	31 July	Kelantan MACC Office, Kelantan	Malaysian Anti-Corruption Commission (MACC)

No.	Topic	Date	Venue	Organizer
15.	Human Rights Training for Henry Gurney Telok Mas officials	13 September	Henry Gurney School, Telok Mas, Melaka	Prisons Department
16.	A series of three Human Rights talks on "Human Rights and SUHAKAM," "Current Issues on Human Rights," and "Human Trafficking from Human Rights Perspective" for RMP recruits during basic police training	20 & 21 September	PULAPOL, Kuala Lumpur	RMP
17.	Human Rights Training for prison officer recruits	21 September	PULAPEN, Taiping, Perak	Prisons Department
18.	Human Rights Training for the offi of Rumah Seri Kenangan, Johor Bharu	30 September	Rumah Seri Kenangan, Johor Bharu, Johor	Social Welfare Department
19.	Human Rights Training for enforcement officials of Kulai Municipal Council	7 November	Mersing, Johor	Kulai Municipal Council

SUHAKAM welcomes invitations to conduct training or deliver talks on human rights from any other stakeholders with the aim of promoting human rights in Malaysia.

Promotion and Outreach

During the year, SUHAKAM continued to discharge its core mandate of raising awareness of human rights through a range of outreach programs and partnerships with various stakeholders in Malaysia.

1. Protection against torture and other cruel, inhuman, or degrading treatment or punishment

- a) UNCAT Programs with various stakeholders

As a follow-up to the dialogues on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) held from 5 - 7 July 2017, SUHAKAM organized another series of UNCAT pro-

grams from 2 - 5 July 2018 in Kuala Lumpur with Malaysian Islamic groups and religious authorities, MPs and officials of various government agencies, as well as Minister of Foreign Affairs Dato' Saifuddin Abdullah.

The programs sought to examine the obstacles surrounding Malaysia's non-accession to UNCAT, particularly the incompatibility of domestic, civil and *Syariah* laws with UNCAT, as well as to learn from other jurisdictions and to gain support from various key stakeholders advocating for Malaysia's accession to the convention.

Among the key issues and recommendations derived from the programs were:

- i. The assumption that Islam and UNCAT are incompatible should not be an obstacle for Malaysia to ratify the convention and to advance the human rights agenda in the country;
- ii. The *Syariah* law was not a hindrance to Malaysia's accession to the UNCAT as the provisions of *Syariah* offences and punishment under *Syariah* Courts (Criminal Jurisdiction) 1965 (Amendment) 1984 and *Syariah* Criminal Procedure (Federal Territories) Act 1997 fell outside of the definition of "torture" under the UNCAT;
- iii. The education and awareness of UNCAT among the Muslim community in Malaysia should be based on the fundamental belief that Islam forbids torture and cruelty;
- iv. There should be regular dialogues with Malaysian religious scholars and academics to look into the compatibility of UNCAT with the Federal Constitution of Malaysia and the Islamic principles upheld by the Muslim community;
- v. Malaysia should emulate the best practices of other Islamic countries like Tunisia and Qatar, which have replaced corporal punishment with other forms of punishment such as imprisonment for criminal offences;
- vi. There needs to be a constructive discussion among members of the public on Malaysia's accession to UNCAT despite their differing views with regard to the integration of universal values into a domestic context. It is vital for Malaysians to understand that the purpose of UNCAT is not to impose another set of values and culture with the aim of undermining existing religious beliefs and values in Malaysia;
- vii. "Prevention" is the key element under UNCAT, which seeks to prohibit torture and ill-treatment and to uphold the State party's accountability in undertaking effective measures as underlined in the convention;

viii. Each State Party is allowed to make declarations and reservations to certain articles in UNCAT. However, this must be done based on solid justification so as not to undermine the objective of the convention;

ix. The implementation of caning in schools contradicts Article 16 of UNCAT which stipulates the obligation of the State Party to develop interventions to prevent cruel, inhuman or degrading treatment or punishment. There is a need for educators to review their disciplinary methods so as to respect the human dignity of all children in meeting the objectives of education;

x. Human rights should be taught to school children - as is implemented in Indonesia through a school program called "Student Community of Human Rights" - to tackle the problem of bullying as well as through the introduction of a subject on respecting the rights of the people in the school curriculum;

xi. The justice system should focus more on the rehabilitation and re-integration of ex-offenders into society as good citizens instead of retribution;

xii. The prevalence of corruption, including in law enforcement and the justice system, could have an adverse impact on the fight against torture and other forms of degrading treatment as enshrined in a resolution (A/HRC/37/L.32) adopted by the UN Human Rights Council on 23 March 2018;

xiii. The ratification of UNCAT could bring mutual confidence between UN Member States in the context of international cooperation relating to prosecution and/or extradition of individuals alleged to have committed acts of torture; and

xiv. The implementation of UNCAT is a crucial process and SUHAKAM should include the promotion of greater understanding among law enforcement agencies such as the RMP.

2. Public Outreach and Engagement

a) SUHAKAM *Bersama Masyarakat* ("Meet-the-People") Program

SUHAKAM continued to raise public awareness of human rights through its "SUHAKAM Bersama Masyarakat" program in various parts of the country. During the year, SUHAKAM conducted a series of five such sessions in the Federal Territory and three other states with 1,848 people participating. The details of the sessions are as follows:

i. PPR Beringin Kepong, Kuala Lumpur (25 March 2018)



Workshop on UNCAT with the Malaysian Islamic Community on 2 July 2018

- ii. PPR Pantai Dalam, Kuala Lumpur (29 March 2018)
- iii. Kuala Kangsar, Perak (24 July 2018)
- iv. Hulu Terengganu, Terengganu (4 October 2018)
- v. Langkawi, Kedah (22 November 2018)

Issues of concern

The following were the key issues raised by the participants:

Education

Concerns were raised regarding the need for MOE and the state religious authorities to look into religious schools, namely Sekolah Agama Rakyat (SAR) and *tahfiz* schools, in Malaysia to ensure that these schools comply with the required standards in terms of safety, content delivery, capacity development for the teachers as well as a quality learning system.

Some parents voiced their concern over heavy schoolbags and the possible health risks their children faced from carrying overweight schoolbags. They expressed hope that MOE would lift the burden off the students by reducing the number of textbooks they have to carry to and from school.

The matter of stateless children's basic right to education was also raised in one of the sessions by a concerned citizen who hoped that stateless children would be given an equal opportunity to receive proper education in Malaysia.

A representative from a Parent Teacher Association in Langkawi raised a concern about underperforming schools on the island. The representative flagged the need for SUHAKAM to study the matter and make the necessary recommendations to MOE.

Right to Vote

Some participants expressed their concern about unequal voting rights. Registered voters in the Federal Territory of Kuala Lumpur can only vote for representation in Parliament unlike voters in other states who can vote for representatives in the state legislative assembly and in Parliament. While acknowledging that Kuala Lumpur is governed directly by the Federal government through the Ministry of Federal Territories together with a local authority, namely Kuala Lumpur City Hall, the participants expressed hope that the government would give due attention to this matter.

Freedom of expression

The rise of racial and religious hate speech and fake news on social media platforms was a primary concern for several participants. They asked SUHAKAM and other key stakeholders to play their respective roles to mitigate the problem.

Employment

A participant requested SUHAKAM to look into the termination of 1,200 civil servants from the Special Affairs Department (JASA), under the new government.

Freedom of religion

There were repeated queries about the right to freedom of religion in the context of Malaysia and the role of SUHAKAM in this regard. Some participants saw Article 18 of the UDHR - on an individual's right to freedom of thought, conscience and religion - as a threat to Islamic teaching in Malaysia. Similarly, they also saw the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) as a threat to the Muslim community in Malaysia.

Perception Survey Findings

SUHAKAM continued to conduct perception surveys of participants at these sessions to assess their understanding of human rights as well as the work of SUHAKAM in general.

Based on the feedback of 1,001 respondents, the following key outcomes were identified:

i. That 87 percent of the respondents were of the opinion that human rights are basic rights and freedoms that belong inherently to all human beings while 12 percent perceived human rights as a basic right belonging to certain groups. The remaining 1 percent viewed human rights as foreign values or western ideology;

ii. That 85 percent of the respondents believed that human rights protect all people including detainees and inmates while 10 percent opined that human rights protect only children and women. There were 4 percent who confined human rights protection to only persons with disabilities and 1 percent confined it to only politicians;

iii. That 74 percent of the respondents indicated that they were concerned about human rights while 25 percent were concerned to a certain extent, and 1 percent were not concerned about human rights at all;

iv. That 49 percent of the respondents thought that SUHAKAM was an NGO that championed human rights as opposed to 42 percent who thought SUHAKAM was an independent statutory body that promoted and protected human rights. The remaining 9 percent thought that SUHAKAM was a government department;

v. That 95 percent of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 3 percent who thought that SUHAKAM worked on issues related to interests of particular political parties, and 2 percent who thought that SUHAKAM worked on issues related to the misconduct of government agencies;

vi. That 60 percent of the respondents opined that SUHAKAM did the best it could to fulfil its responsibility while 25 percent thought that it did not do well enough because of a lack of follow-up action by the government. The remaining 15 percent said SUHAKAM did not do well enough because of limitations on its powers.

The survey result shows that over 70 percent of the respondents were concerned about human rights and understood the basic concept of human

rights and subscribed to the notion that human rights protection extended to all people including detainees and inmates.

There was a marginal difference (7 percent) between the percentage of respondents who mis-perceived SUHAKAM as a human rights NGO (49 percent) and the percentage (42 percent) of respondents who understood that SUHAKAM was a statutory body that promotes and protects human rights. Nevertheless, it was encouraging to note that the majority (95 percent) knew that SUHAKAM worked on a whole range of human rights issues in the country.

The results also reflected that over 60 percent of the respondents were satisfied with SUHAKAM's performance while some 20 percent felt that SUHAKAM did not do enough and they attributed this to the lack of follow-up action by the government or its limited powers.

These results are indicative of the continued need for SUHAKAM to raise greater public awareness of its role and function as a National Human Rights Institution created by a statute of Parliament, and to eliminate the erroneous perception that it is an NGO.



“SUHAKAM Bersama Masyarakat” session in Langkawi, Kedah.

Exhibitions

SUHAKAM held nineteen exhibitions at various events hosted by SUHAKAM and other organizations. They were:

Table 8.

Date	Organizer	Details
4 February	Kuala Lumpur City Hall (DBKL)	This was held in conjunction with a Federal Territory program titled "Kenduri" 1 Wilayah Persekutuan".
24 February	Kuala Lumpur City Hall (DBKL)	This was also held in conjunction with a Federal Territory program titled "Kenduri" 1 Wilayah Persekutuan".
17 – 18 March	Ministry of Finance (MOF)	This was held in conjunction with MOF's program series titled "Fiesta NBOS" at Segamat, Johor.
25 March	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Kepong, Kuala Lumpur.
29 March	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Lembah Pantai, Kuala Lumpur.
31 March	HELP University	This was held in conjunction with HELP University's "The Tan Sri Dato' Seri Dr Abdul Malek Law Students' Conference 2018."
15 April	MOF	This was held in conjunction with MOF's program titled "Fiesta NBOS" at Bentong, Pahang.
15 May	SBM Offshore	This was held in conjunction with SBM Offshore's program titled "SBM KL Life Day 2018" at Platinum Sentral, Kuala Lumpur.
2-3 June	Greenpeace Malaysia	This was held in conjunction with Greenpeace Malaysia's program "The Rainbow Warrior" at Pelabuhan Klang, Selangor.
16 – 18 July	Universiti Sultan Azlan Shah (USAS)	This was held in conjunction with USAS's program "World Conference on Islamic Thought and Civilization" at Ipoh, Perak.
24 July	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Kuala Kangsar, Perak.
14 August	Monash University Malaysia (MUM)	This was held in conjunction with the MUM program "Monash Internship and NGO Fair 2018" in Subang Jaya, Selangor
25 September	SUHAKAM and UNESCO	This was held in conjunction with SUHAKAM and UNESCO "Roundtable with Parliamentarians: Aligning National Legislation with International Standards on Freedom of Expression, Access to Information and Press Freedom" in Kuala Lumpur.
4 October	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Hulu Terengganu.
6-7 October	SUHAKAM	This was held to promote the UNCAT Campaign to members of the public in Kuching, Sarawak.
29-30 October	Asian Confederation of Institutes of Internal Auditors Conference (ACIIA)	This was held in conjunction with the 2018 ACIIA Conference in Kuala Lumpur.
3 November	Jawatankuasa Kawasan	This was held in conjunction with the Rukun Tetangga (KRT) program "Karnival Masyarakat Perumahan Awam Seri Negeri Penyayang" in Kuala Lumpur. Sembilan, Bandar Baru Sentul
22 November	SUHAKAM	This was held in conjunction with the Commission's "SUHAKAM Bersama Masyarakat" program in Langkawi Island, Kedah.
8 December	SUHAKAM	This was held in conjunction with the celebration of the 2018 Human Rights Day in Kuala Lumpur.

Empowerment of Youth

SUHAKAM continued to educate and empower youths on human rights principles through its “Youth for Rights” program that was held in various local universities. During the year (2018), SUHAKAM conducted a total of seven workshops and reached out to 1,535 youths from various local universities and youth groups as follows:

- a. Universiti Selangor (UNISEL) and Members of Malaysian Youth Parliament, Shah Alam, Selangor, 31 March;
- b. University Kuala Lumpur (UniKL), Kuala Lumpur, 2 May;
- c. Universiti Sultan Azlan Shah (USAS), Kuala Kangsar, Perak, 27 June;
- d. INTI International University & Colleges, Nilai, Negeri Sembilan, 26 September;
- e. Universiti Sultan Zainal Abidin (UniSZA), Kuala Nerus, Terengganu, 3 October;
- f. Universiti Sains Malaysia (USM), Penang, 12 November; and
- g. Universiti Malaysia Pahang (UMP), Gambang, Pahang, 28 November.

As with the previous year, SUHAKAM continued to survey the perception of youths to gauge their understanding of human rights as well as the work and functions of SUHAKAM. This was the feedback from five hundred fifty-two young respondents:

- i. Almost all, 95 percent of the respondents, opined that human rights were basic rights and that freedoms belonged inherently to all human beings while 4 percent perceived human rights as basic rights belonging to certain groups. The remaining 1 percent viewed human rights as foreign values or western ideology;
- ii. A large majority, that is 79 percent, of them believed that human rights protect all people including detainees and inmates while 17 percent opined that human rights protect politicians. Of the remaining, 2 percent thought that human rights protect children and women and 2 percent confined human rights protection to persons with disabilities only;
- iii. More than half, 66 percent, of them indicated that they were concerned about human rights while 33 percent were concerned only to a certain extent. The remaining 1 percent were not concerned about human rights at all;

- iv. 44.4 percent of the respondents understood that SUHAKAM was an independent statutory body that promotes and protects human rights as opposed to 42.4 percent who thought that it was an NGO that championed human rights. The remaining 13.2 percent thought that SUHAKAM was a government department;
- v. That 66 percent of the respondents understood that SUHAKAM worked on all issues related to human rights in the country as opposed to 31 percent who thought that SUHAKAM worked on issues related to the misconduct of government agencies. The remaining 3 percent of the respondents thought that SUHAKAM worked on issues related to the interests of political parties;
- vi. While 57 percent thought SUHAKAM did the best it could in fulfilling its responsibility, 20 percent opined that SUHAKAM did not do well enough due to limitations of its powers. The remaining 23 percent felt that SUHAKAM did not do well enough due to the lack of follow-up action on the part of the government.



“Youth For Rights” programme held in Selangor on 31 March.

Although most of the youths opined that human rights protect all people including detainees and inmates, 17 percent believed that human rights protect a specific group, namely the politicians and only 4 percent of the respondents attributed human rights protection to vulnerable groups like children and women as well as persons with disabilities. In comparison, the percentage of “SUHAKAM Bersama Masyarakat” respondents who held the view that human rights protect politicians was relatively low.

Similar to the survey results of the “SUHAKAM Bersama Masyarakat” program, there was a marginal difference between those who misperceived

SUHAKAM as a human rights NGO and those who understood that SUHAKAM was a statutory body that promotes and protects human rights.

While 66 percent of the respondents understood that SUHAKAM worked on all issues relating to human rights, 30 percent thought that SUHAKAM worked on issues concerning the misconduct of government agencies. This seems to suggest that some youth tended to view SUHAKAM as a grievance-handling mechanism that deals with complaints and wrongdoings of government functionaries.

SUHAKAM was pleased to note that the overall evaluation for the Youth for Rights program was very encouraging. The participants also provided various constructive suggestions to enhance the delivery of the program.

Media

Overview

Throughout the year, SUHAKAM issued a total of fifty-two press statements on various human rights issues including children, the 14th General Election, women, education, death penalty, migrants, freedom of thought, conscience and religion or belief, unilateral conversion, human trafficking, freedom of movement, Sedition Act, Anti-Fake News Bill 2018, Anti-Discrimination Bill, National Harmony and Reconciliation Commission Bill and Racial and Religious Hatred Bill, Official Secrets Act 1972 (OSA), the smoking ban and police lock-up conditions.

It is noted that media coverage, including mainstream media, increased towards the end of the year. It can be concluded that while most media outlets covered accurately SUHAKAM's stance on various human rights issues through its press statements, some media institutions seem to provide erroneous reporting of it. This misleads readers, resulting in a lack of understanding of SUHAKAM's messages.

Media institutions play an enormously important role in the promotion and protection of human rights and SUHAKAM hopes that the media will continue to support, disseminate information and provide the public with full, fair and accurate information on human rights issues. SUHAKAM will continue to raise awareness of the importance of ethical journalism and human rights protection and how, together, they can contribute to a better society.

1. Social media engagement

SUHAKAM actively disseminates information on its activities, releases press statements and promotes human rights understanding through Twitter, Facebook and Instagram. As of this year, SUHAKAM has 14,355 followers on Twitter, 10,572 likes on Facebook and four hundred ninety-eight followers on Instagram.

2. Human rights documentary

In June, SUHAKAM collaborated with the United Nations Association of Malaysia (UNAM) Youth on a project to produce a documentary entitled, “Hak Yang Hilang.” The purpose of the documentary was to raise awareness, spark conversation and understanding among the public on the issue of child marriage, Orang Asli and migrant workers.

Over twenty interviews were conducted with experts, Members of Parliament (MPs), religious leaders, community leaders and members, among others. The twenty-minute documentary was screened during SUHAKAM’s Human Rights Day celebration on 9 December 2018 and will be made available on SUHAKAM’s YouTube channel at www.youtube.com/user/SukahamVideo.¹

Publication and Documentation

The Publication and Documentation Division was established in 2018. The division comprises three units, namely, Publications, Libraries and Document Management. Its objective is to promote, empower and develop the community’s minds and disseminate information on human rights through printed or electronic materials in various fields and themes.

1. SUHAKAM Short Video Competition 2018

In 2018 SUHAKAM organized a Short Video Competition to garner public views on their understanding of human rights. The competition was opened to the public from 15 August to 15 October 2018. With the theme of human rights in the context of Malaysian society, the Publication Unit received one hundred seventeen entries. The scoring and evaluation were based on content, storyline, creativity and technical aspects. The winning videos were showcased at SUHAKAM’s Human Rights Festival on 9 December 2018.

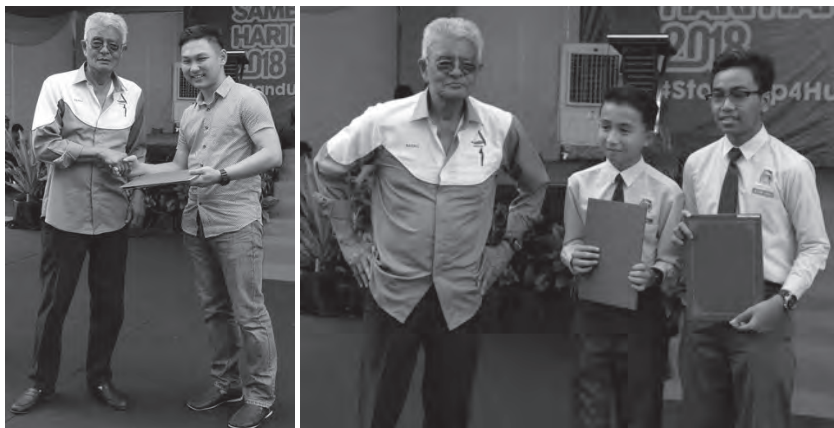
The 1st prize winner received cash worth RM 5,000, 2nd prize RM 3,000 and RM 1,000 for the 3rd prize. All winners and those who had submitted their short video received a certificate of participation. The winners are listed below:

Table 9.

No.	List of Winners	Title	Theme
1st Prize	Yuvan Raj Ganesan Mathan Amuthan Selvam Nanthakumaran Rajavijayan Deena Pravinah A/P Nagarathnam Dineshwaran Bole Ar Seng Mohanakumaran A/L Rajavijayan Kabilan A/L Shunmuganathan Jaygentaran Raj A/L Mahagentharan	Wheels (Roda)	Persons with Disabilities
2nd Prize	Albert Wong Tuong Chui Belinda Yii Sii Yung Joan Sim Jo Jo Dr. Ting Chuong Hock Emilia Ting Ing Chieh Yong Wan Rong Lau Buong Yan	Can you give us more love? (Bolehkah anda memberikan kasih sayang kepada kami?)	Persons with Disabilities
3rd Prize	Muhammad Zaim Aiman Bin Kamaruddin Izz Danial Bin Muhammad Hisham Dennis Vissa A/L Eh Run Muhammad Alif Ikhwani Bin Mohd Nawi	Chance (Peluang)	Education



The 1st prize was awarded to the short video entitled “Roda” which focuses on the rights of persons with disabilities. The team was represented by Nanthakumaran Rajavijayan, Deena Pravinah A/P Nagarathnam and Yuvan Raj Ganesan.



(Left) Dr. Ting Chuong Hock, representing his team to receive the 2nd prize award for the SUHAKAM Short Video Competition 2018. (Right) Muhammad Zaim Aiman bin Kamaruddin and Izz Danial bin Muhammad Hisham won the 3rd prize, representing their team from Sekolah Menengah Kebangsaan Tok Janggut, Kota Bharu, Kelantan

The Way Forward

SUHAKAM is encouraged to note the increased interest from Parliament, government and enforcement agencies, schools, universities, the private sector and general public, to know more about human rights. This is evident from the increased number of invitations received by SUHAKAM in 2018 to deliver talks, conduct training as well as to hold public exhibitions and briefings on general or specific human rights themes. Joint training programs with government and UN agencies, the judiciary, and universities have also increased.

In order to satisfy its mandate to promote awareness and provide education on human rights, SUHAKAM – after a meeting with the Minister of Education on 11 December 2018 – will work on how to realize its organization-wide focus of having “Human Rights Education (Taught and Practised) in All Schools by 2020”. Towards this goal, SUHAKAM will expand its Human Rights Best Practices in Schools (ATHAM) Program to other schools. SUHAKAM has obtained an agreement from the MOE to expand the ATHAM Program to another two hundred schools in 2019, bringing the total number of schools involved to four hundred twenty-two.

With respect to the completed Human Rights Modules for post-PT3 and -UPSR students, next year, SUHAKAM will proceed with TOTS involving

MOE master trainers. MOE has agreed for SUHAKAM to train master trainers at the national level, who would then be tasked to train other trainers at the district level. These trainers would then conduct training sessions on implementing the modules for the relevant school teachers. In order to further strengthen the placement of human rights subject in school, SUHAKAM will also work with MOE to insert human rights issues in civics education.

* This is an edited excerpt from the Annual Report 2018 of the Human Rights Commission of Malaysia (SUHAKAM) focusing on the institution's human rights education programs and activities.

Endnote

¹ This is the url of the full documentary, three chapters in one video, www.youtube.com/watch?v=OhAmxv7xaPc.

Developing Networks of Human Rights Teaching Universities in the Asia-Pacific: The Establishment of SEAHRN and AUN-HRE

Mike Hayes

HUMAN RIGHTS AS A SUBJECT taught at university is now established in a number of curriculums around the Asia-Pacific. While there are still glaring gaps in the teaching and research on human rights, there is no question that it is a legitimate subject with both students having interest in it, and many academics identifying it as their area of expertise. Looking at the landscape of human rights at universities in the Asia-Pacific twenty years ago, this was far from the case. In the 1990s, human rights had little presence in the classrooms and lecture halls in the Asia-Pacific. There were no degrees in human rights, though there may have been some individual courses, mainly in law degrees. Research on human rights coming out of Asia-Pacific universities was rare, and there was little demand from students to study it. A huge change has occurred over the last twenty years because of a handful of reasons, and this article describes the contribution of a university network to this development.

Before detailing the emergence of human rights as a subject at the university, it is important to first justify why this is a positive development. It is still common to see human rights not as a university subject but rather an activity of civil society. Some civil society actors can be heard demarcating the tasks of non-governmental organizations (NGOs) from that of universities, with the division of labor commonly seeing universities as doing the less important conceptual work and civil society doing the activities in the real world, the actual protection of rights. Or, there are others who see universities as quasi-State agencies, and thus on the wrong side for human rights protection. This attitude is far less common now than it was some decades ago, and people realize that neglecting universities in the promotion and protection of right comes at a cost. While NGOs are far better suited to programming activities and working directly with human rights stakeholders, the university can, and should, play a critical role. Though university

work is more conceptual, this is needed for human rights to evolve. The development of human rights should come from evidence-based ideas, from new and critical thinking, and from understanding and evaluating current processes in promotion, protection and prevention. Greater protection does come from greater understanding. Further, the people now working in the human rights and related sectors (such as the environment, democratization, peace and development sector) continue the work with more capacity because they have been able to study the sector through the increasing number of available degrees. And while it is true that most universities are government bodies and therefore face challenges to their academic freedom, academics, students, and programs rarely are the voice of government.

As this paper details, through establishing a network of universities active in human rights, the study of human rights has been legitimized, the academic freedom for students and academics has been growing, and currently there is an increasing capacity of stakeholders across all sectors to promote and protect human rights. This paper examines the foundation of the two main Southeast Asian human rights university networks, the Southeast Asian Human Rights Network (SEAHRN) and the ASEAN University Network, Human Rights Education Focal Point (AUN-HRE).¹ While the discussion on universities covers the broad Asia-Pacific region, for reasons detailed later in the paper, the focus will be on networks in Southeast Asia. The paper also addresses the benefits of a human rights network, what these networks do, and importantly what they should be doing. Some of the points raised in this paper are also reflected in the larger study: *The Mapping and Analysis of Human Rights and Peace Education in Southeast Asia* conducted by the AUN-HRE in 2013.² Though this study was conducted during 2011-12 and published in 2013, the main findings are similar, such as the challenges faced when teaching and researching human rights.

Emergence of Human Rights at Asia Pacific Universities

Human rights courses emerged from the Asia-Pacific Universities in the 1990s. For the most part, up to this time human rights was taught in law degrees, sometimes as a stand-alone course, or as a part of a public international law course. It may have appeared in some universities in politics or international relations, but the footprint of human rights in the 1990s was extremely limited.³ This was not a reflection of what was occurring in

the world: human rights were a topic in the media; there were many human rights NGOs, and in international politics human rights were frequently mentioned. The significant global events, such as the Rwandan genocide, the Asian Financial Crisis and the IMF (International Monetary Fund) bailout, the war in Yugoslavia, and the anti-globalization movement were all spoken about in terms of human rights. Civil society throughout the Asia-Pacific actively advocated for human rights (leading to their inclusion in the Thai Constitution, the establishment of a number of national human rights institutions, and the increase in ratified conventions⁴). These achievements were undoubtedly from an engaged civil society as universities at this time had little influence. It was clear that universities needed to catch up.

The reason universities engaged with human rights is open to debate. Perhaps the rise in human rights education in the 1990s was student-driven, with a politically engaged student movement wanting to discuss more about human rights. Or it could have been lecturer-driven with more activist lecturers in the region pushing for the inclusion of human rights in curriculum and research. Regardless, the politics of the post-Cold War society demanded a greater knowledge of human rights. It can also be debated if the growth was indigenous to the region or led by European funding. While human rights NGOs in the region mostly predate more recent European NGOs, there is a longer history of the study of human rights in Europe and USA. Initial developments at universities were funded by, for example, the Raoul Wallenberg Institute (rwi) and Open Society Foundation, who were funding universities in the late 1990s. But on the other hand institutes and programs were opening to deal directly with national issues, such as the founding of the Centre for the Study of Human Rights at Colombo University in 1991 to address violations occurring as a consequence of the on-going Sri Lankan civil war.

Though this debate is interesting, this paper is not about the origins of human rights education at university, nor why it took so long for universities to bring it into the curriculum, but the impact of having human rights at Asia-Pacific universities. In the 1990s, human rights courses began to be established at research centers, in Master's degrees, or as majors in study programs. By the early 2000s, there were enough centers and programs established at universities such as Colombo University, the University of Calcutta, Mahidol University, Ateneo de Manila University, University of the Philippines, Hong Kong University and Soochow University, that

clearly it was not a coincidence, but region-wide phenomena. An important development was the offering of the first degrees in human rights in the region at Mahidol University,⁵ which opened about the same time as the LL.M. in Human Rights at Hong Kong University. Alongside these degrees were a handful of human rights centers and other activities at other universities. Around 2006, staff at Mahidol University began a conversation with partners about developing links with other universities in response to the growth of university initiatives on human rights. It seemed that a critical mass has been reached where human rights were not a trend that was going to disappear, but rather it was expanding as a discipline.

Why a Human Rights Network?

In the early days, there was an obvious question in the discussion about developing relationships between universities teaching human rights: for what reason? Most universities function perfectly on their own: they are autonomous, self-regulating, administrative bodies. How could partnerships add value? While at the time the value of a network may not have been apparent, as soon as the network began to develop clear reasons for its existence manifest. There was a clear strategic importance of such a network from the start. The answer lies in the fact that teaching human rights is unlike any other university course.

At most, human rights constituted a fringe course at the university. The fact that only a handful of students in the whole Asia-Pacific region would graduate with a basic knowledge of rights was of no concern in universities and education ministries, regardless that human rights education is a human right in itself. Human rights as a subject was entirely ignored in Myanmar, Lao PDR, Malaysia, and Singapore (though later, sometimes through the network, degrees or compulsory course are now available in nearly all these countries). As a fringe topic, it was not seen as serious enough to deserve research or space on the curriculum. Basically, human rights lacked legitimacy. It was seen as a civil society thing, or something done for advocacy only and not for academic careers. The task of establishing human rights as a legitimate discipline to university administrators, students, academics, and researchers was a task that could be assisted by a network. The fact that human rights was international, taught across different universities by academics with international profile helped it gain this. More universities

teaching similar courses, and producing more graduates, would prove it was a serious discipline.

A second reason for a network is that it can address the fact that for many countries in the Asia Pacific human rights remain a sensitive topic that attracts attention from the government, conservative groups, or the security sector. Academic freedom is already challenged at many Asia Pacific universities especially for a more politicized discipline like human rights. It needs much greater support than simply the university administration itself and there is safety in numbers. Not only are there international networks such as Scholars at Risk, but through a network threats to academic freedom can be responded to at a regional level where advocacy may be stronger. More recently the teaching of human rights itself is not often denied academic freedom as most threats to academic freedom stem from the study of cultural or religious issues, or of history.⁶ This does not mean that academic freedom is not an issue. Firstly, there is the challenge of self-censorship, where academics or students do not want to engage with human rights because they perceive it as a sensitive topic. There is also the case where discussion of human rights has to be modified to comply with national norms, for instance where human rights discussion is reduced to rights of women and children (such as in Malaysia, Singapore, and Brunei which have ratified the relevant treaties). A network of universities does add to the ability of universities to protect the teaching of human rights in the subregion.

A further reason for the network is due to the multidisciplinary perspective of human rights as a subject. If taught well, human rights covers the basics of law, philosophy, political science, development, and a range of other disciplines, according to the interest of the educator. This is a significant demand for the new lecturer. While it can be a single topic in law, most human rights is taught outside the law faculty, and to students who do not want to study law but want to work on peace, development, the environment, social welfare, public health and other issues. The capacity demands on human rights academics are greater than many other disciplines, and there is a greater need for capacity development in this area. These gaps in capacity can be addressed in a couple of ways: either to bring in guest lecturers to teach courses, or to develop programs training lecturers in human rights teaching. Both these responses have been a central feature of the human rights networks.

Finally, as a new topic, there are limited resources for teaching and researching human rights. Initiating the teaching and research in human rights in a university is not a simple task. There are no textbooks, curriculum, student interest or body of research available to lecturers, as in other more established disciplines. Only a handful of textbooks exist on human rights, and none of them directly addressing the Asia-Pacific. The tendency is for European and North American courses and textbooks to focus on human rights as a legal discipline. While currently there are a number of new multidisciplinary textbooks, there were few, if any, textbooks from the Asia-Pacific region. Similarly, there is little in the way of established curriculums. While most academics prefer to develop their own course structures and outlines, it does help to see how others structure their course outlines and degrees for ideas on the best way to teach human rights. Developing courses afresh is very much a trial and error process, but errors can be reduced by learning from the experience of others in developing and delivering their courses. As was the case in the Asia-Pacific, some MA degrees started off being based on the Mahidol University degree before evolving into their own degree suitable for the student interest and relevant issues. Pooling resources, developing capacity, and learning from each other would become central activities of the human rights network.

A second question at the inception phase was of what form should the relationship between universities take? There are a wide variety of inter-university relationships. The most common form of university relationship is the Memorandum of Understanding (or MoU), which is a simple, non-binding document indicating university interest on research partnerships, student exchanges, academic visits and so on. MoUs are easy to do, and enhances the international profile of a university, and yet they rarely result in anything significant. MoUs after all are non-binding and rarely commit any resources for their implementation. At the other end of the scale is the joint degree, where universities agree on a curriculum and jointly teach students, a deal which demands the coordination of curriculum, teaching, assessment, and academic standards. Somewhere in-between is the network. It is not as weak as a MoU, for it must exist as an established body, but it is not as demanding as a joint/double degree. The network is the most suitable form of relationship to take; where a range of activities such as academic and student exchanges, joint research projects, or short course trainings can be

done. The network structure is loose and flexible, and with it come advantages and disadvantages, which will be addressed next.

Challenges of a Network

The challenge of establishing a network is clear for human rights, as the first attempt to do so was a failure. With funding from the Japan Foundation⁷ the first meetings between human rights teaching universities across the Asia-Pacific occurred in 2006. Representatives from a range of Asia-Pacific countries attended.⁸ There were discussions on the status of human rights education, on the needs, and what could be the benefits of a network. However, without further funding, and with no university having the capacity to take on hosting a network, the plan was dropped. It was decided that there would be no attempt to found a network. Among the reasons reached at that meeting were that the goals of establishing a network were not universal. It was unclear if the network should work towards collaborating human rights research, assist in student recruitment, be an information portal on human rights education, or be an alert system for human rights issues. The purpose of a network was not clear. Also, most institutions were more concerned with the viability of human rights education in their own institution, before thinking about how to network with outside institutions, given most programs were less than ten years old and still not established. Further, the infrastructure for a network was not ready. A network needs a web page or a regular publication, and most universities had neither of these. However, there were positive outcomes. Participants gained much knowledge from talking about the issues of human rights education at university and in particular, learning about the breadth of human rights and the common difficulties of teaching human rights. Informal networks were set up between institutions which formed the basis of the next attempt to found a subregional network three years later.

There are many common faults made when networks are established, which at this point are useful to consider. The first is that many assume the main task is to establish a network alone, and from this good things will flow. The “build it and they will come” attitude means most networks fail before even getting started. It is not difficult to start a network; it can be as simple as an e-mail list or a single document acknowledging a relationship. The structure of technology and media today means that establishing a network

can be done in seconds. What is forgotten in the rush to establish a network is its function: to distribute a commodity, most commonly information but also finance, access, people, legitimacy, and so on, between the members of the network.

A network is only as useful as the resource it distributes to its members. In the first attempts to establish a network between human rights teaching universities there was a connection between universities, but not much to distribute. With little finances for research or training, and few available lecturers, what could be distributed? Most human rights programs were struggling to established themselves let alone develop their international profile. They were also more deeply involved in local human rights issues and did not have the expertise or resources to take on human rights concerns of an international nature, or in other countries.

The second important fault with many networks is misunderstanding if it is really needed by the community. A simple measure of a network's worth is to ask: what can the network do that Google cannot? Networks which are established merely so members are aware of each other, or to show there is a body of experts across different universities are done much better by Google than it is done by a network. Rather than having a database which must be periodically updated and cleaned, for most people a simple google search will provide answers much quicker and easier.

A third common mistake is assuming a network will produce something. They do not produce but they distribute. A network will not provide the missing resources unless members themselves are capable, and willing, to produce the resources and allow them to be distributed through the network. And when it comes to producing something in a network, the 80/20 rule is very common: that 20 percent of the actors will produce 80 percent of the products. The other 80 percent of the actors will be largely passive.⁹ Some actors may be upset by this, feeling they are doing most of the work while many of the participants are idle. However, this is the nature of networks.

Establishing a Network: Birth of SEAHRN and AUN-HRE

The early problems in establishing a network were to change quite quickly with the establishment of the Southeast Asian Human Rights Network (SEAHRN) and the ASEAN University Network (Human Rights Education

Focal Point) AUN-HRE in 2009. These networks were to become successful bodies and strengthen human rights education in the subregion. The reason they succeeded where the first attempts failed was that, firstly, they came with funding. The SEAHNRN network was established with funding from RWI, Sweden,¹⁰ which underwrote the costs of travel for universities to send representatives to the meetings founding the network, and funding for activities. Secondly, the networks were more focused on a subregion, in this case Southeast Asia. Establishing networks across the Asia-Pacific was too broad, and the human rights issues did not have the focus as they did in Southeast Asia. The standards and styles of Northeast Asian, Southeast Asian, and South Asian universities were diverse enough to challenge any attempt at a unified human rights discipline. Lastly, the umbrella of the ASEAN University Network (AUN) gave legitimacy to the network to establish it as a discipline at the university and not an advocacy project of a group of academics.



First meeting of the SEAHNRN members, 2009, Bangkok.

A word on these networks. SEAHNRN is a network of currently nineteen universities which teach or research human rights in Southeast Asia, with universities from Thailand, Vietnam, Cambodia, Malaysia, Indonesia, and the Philippines. There currently is interest from Timor Leste, Lao PDR, and Myanmar to join, though some administrative issues hold them back. Singapore and Brunei are the only countries not active (though individual academics from these universities do participate). The requirements to join are the active teaching or researching of human rights at a program, cen-

ter, Department or Faculty. With originally nine members, SEAHRN now has twenty-two members at both public and private universities that have human rights programs, centers and courses. The AUN-HRE is a focal point for human rights of the thirty universities who are part of the AUN – which is a network of around three selected universities per ASEAN country. Most universities are members of both networks, which lead to confusion. It is important to explain why this structure, though it is confusing to some, has been kept.

The difference between them is that the AUN-HRE is only open to the selected thirty universities, and not all of them are actively teaching human rights. Simply put, SEAHRN is inclusive, while AUN-HRE is exclusive. AUN-HRE offers access to university administrations, and adds legitimacy to the network, and SEAHRN can reach all tertiary education bodies active in human rights. Through AUN-HRE, human rights curriculum can be instituted and validated at the subregional level. However, the limit is that the AUN-HRE is exclusive to the thirty member-universities, leaving hundreds of other universities out. A mixture of both networks enables both inclusive participation and access to university administrations.

What Can a Network Do?

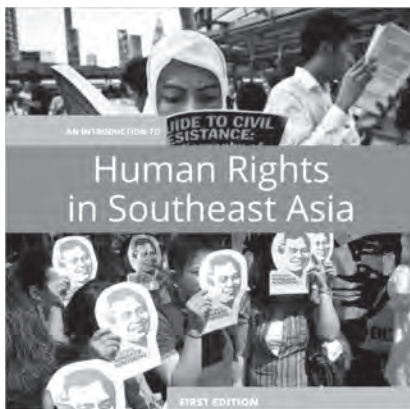
Early meetings of these networks focused on needs. As noted above, teaching human rights at university was not easy. A number of priorities were established. Firstly, teaching was difficult because of the lack of resources; basically there were few textbooks to use in the classroom. So the production of a textbook on human rights in Southeast Asia was given priority. Second, many lecturers wanted to teach or improve their knowledge of human rights, so training was identified as a second priority. Third, there was not enough support for academic research on human rights, and this was caused by a number of deficiencies. Many academics had minimal training in research, let alone in human rights. There was little support to research on rights, or to present their research work. The identified priority of the networks was the development of the capacity of researchers, and preparation of spaces to present research, such as seminars and conferences. This paper looks briefly at each of these priorities, and how they were met by the SEAHRN/AUN-HRE networks.

Classroom Resources

Developing a curriculum, topics to teach, and student resources is made much easier by having established textbooks. Well known courses such as an Introduction to International Relations, International Law, or Sociology are made easier to teach because of the large number of textbooks and student materials available. A new lecturer to any of these topics can access many course outlines through a google search, identify many textbooks, and teach themselves how to deliver the course. An introduction to human rights, especially in Southeast Asia is more challenging. While there are more textbooks available now (and a rough guess of about six to ten textbooks which could be used in a classroom),¹¹ the novice lecturer faces some difficult questions. Firstly, the texts are often limited to their discipline: either law or political science textbooks. Secondly, all textbooks are written for a North American or Western Europe student audience. While these alone will not disqualify the texts, they do limit what can be taught. Some simple examples: the civil society sector is probably the most important body in human rights in Southeast Asia, as most students entering a career in human rights will most commonly work either at an NGO or an international organization. Yet few textbooks address human rights work at NGOs in any systematic way. Secondly, human rights teaching in the subregion is closely linked to the disciplines of development, democratization, and more recently peace and the environment. There are available printed materials on civil and political rights, yet little on the developing field of economic, social, and cultural rights. Most texts teach human rights with the legal discipline, focusing on legal standards and cases. While this is still relevant, human rights work in the subregion mostly does not involve the judiciary, but involves community development, government administrations, or education. Again, these are topics not covered in the textbooks. This is not to say these textbooks are not of any worth, because they teach many critically important topics in rights such as an understanding what rights are, and what they mean. Finally, and most importantly, the texts were not accessible. A textbook costs about forty US dollars, too expensive for most lecturers, let alone students. On top of this is the problem that most undergraduate teaching in the subregion is done in national language, and few textbooks are translated.

In response, SEAHNRN developed the textbook *An Introduction to Human Rights in Southeast Asia*. With fifteen chapters over two volumes, the textbook was authored by Southeast Asia academics teaching human rights in the subregion. The textbook has been downloaded thousands of times and will soon be available in four ASEAN languages.¹² When SEAHNRN developed the human rights textbook, two simple priorities were established: the textbook must be freely and widely available, and that it is relevant to the Southeast Asian universities.

In the process of developing the textbook there were regular debates about the content in the textbook. There are so many topics in human rights that an early discussion was which ones to focus on. Should the textbook focus on civil rights, or rights in the court room, or should issues such as democracy and development be chosen? A list of twenty chapters were drawn up and divided into three volumes, and some topics given priority by appearing in the first volume. Migration was chosen for the first volume as an important topic (covering refugees, migrant workers, trafficking, and statelessness), with business, environment, sexuality and women's rights among the topics for the second volume. The textbook also was structured more around topic ideas (like business or the environment) and not focused on specific rights as a way to address its interdisciplinary nature. Students in business or environmental studies could select the relevant chapter to understand how human rights relate to their discipline. See Annex A for the contents of the two volumes.



The English and Burmese versions of *Human Rights in Southeast Asia*.

Another issue was how critical a textbook should be of human rights standards. In the worst case, a textbook can become just another form of human rights advocacy which lists violations and shows the failure of States. As truthful as this view may be, it does not necessarily mean the textbook achieves its purpose. Not only are there threats that the textbook will not be supported or distributed because it is seen as too political – by both governments and lecturers – but it may be seen not as an educational text but a political one. This was addressed by the selection of case studies to capture the ways human rights are used. Sometimes there are clear cases of rights violations, such as systemic rape of ethnic women in Myanmar or forced evictions in Cambodia. But mostly cases looked at the application of rights, such as how the United Nations Universal Periodic Review process worked or an examination of NGO activities.



Human rights textbook editorial meeting.

Another issue was about the kind of violations to focus on. The opening of the textbook describes two examples of human rights violations – the genocide during the Pol Pot Regime in Cambodia, and a homeless woman begging. Often gross human rights violations are emphasized as if these are the main, and most important, category of rights. There is a tendency for people to consider human rights as stopping torture, slavery and genocide. While these are very important, a much more common violation across the region is access to health, education, and work. Everyday discrimination of women, children, people with a disability, non-citizens is pervasive. For a textbook to have an effect and to reach its purpose, students should be able to recognize how they can contribute to a more tolerant world, and how they can contribute to everyone in their country having their human rights met.

In reality there has been little, if any, criticism or government concern about the textbook. Most likely this is because the textbook is not widely read by governments and being widely accepted by the academic community. There are some concerns voiced around two chapters. The first is the history chapter where sensitive events such as the Indonesian 1965 massacre of suspected communists, the genocide by the Khmer Rouge, and impact of the Vietnam War are discussed. Governments have official histories which may not match a human rights history and in these cases the textbook contradicts these official histories. The second area is in the chapter on political rights and freedom of expression. Given widespread censorship in the region, and the lack of democracy in most Southeast Asian countries, any human rights account would directly conflict with government's official views. Again, there has never been any direct criticism of these chapters from governments. However, translations have sometimes left sections out because they may face government protest.

The textbook had to be widely distributed and free and also available for translation to ensure that it is accessible. To accomplish this, the textbook was written under a creative commons of free non-commercial use, and the freedom of readers to adapt it (for example, taking out sections for a workbook, or producing their own translation) to their context or subject. Allowing anyone to download and use the textbook is the first step. The format of the book also fits this – it can be easily printed because it is A4 size. An obvious challenge is that the textbook cannot raise any revenue. Since the writers, editors, and page layout people have to be paid somehow, international funding was sought.¹³

The translation of the textbook was more challenging. Translation is more expensive, with a translation of the whole textbook costing up to 5,000 US dollars. Further, it is difficult to assess the quality of a translation. Many terms in human rights do not have established translations (such as degrading treatment, inalienable, or rights-based approach), and different authors may translate terms differently. People organizing the translation may not want some sensitive issues translated, so the textbook is not exactly the same in the national language. While some attempts were made to assess quality by peer review and translating back the texts (some paragraphs are translated back to English from the national language), ultimately the quality of translations cannot be assured by the textbook editors and authors.

For the textbook to be relevant to the Southeast Asian classroom it uses Southeast Asian cases, examples, and exercises. This was achieved through mobilizing the resources of the network, and asking the academics to suggest and write up case studies of rights issues. These varied from debates about the Chinese lion dance in Indonesia to cases of trafficking in Malaysia. The textbook has a focus on issues relevant to the subregion, which is reflected in the chapter structure, with chapters on the environment, business, migration, sexuality, and political rights. The textbook is the product of SEAHNRN, as it involves around thirty writers, editors, fact-checkers, and peer reviewers from around fourteen universities in Southeast Asia. It is also distributed through the network. The first two volumes of the textbook are widely taught across Southeast Asia.¹⁴ They have proved useful to lecturers, graduate students, and even the civil society sector to explain key features of human rights and show relevant Southeast Asian examples.

Developing Lecturers to Teach Human Rights

A textbook alone does not guarantee that human rights will get taught, even though its format and local content make it easier for lecturers to teach human rights. There are still issues of how to develop a human rights curriculum, how to design classes, and how to adapt human rights to the discipline it is taught in. In response, the networks started a lecturer training program. As a standard four-day short course, lecturers were given a background and update on human rights, discussed curriculum structure and learning objectives, and also went over useful texts, classroom exercises, and methods of assessment. However, training lecturers alone does not guarantee a course will be taught. There must be curriculum approval for the course and also student interest; which are growing in the subregion. Human rights courses are not only found in law faculties but also as components of courses on politics, international relations, social welfare, and development.

A further challenge is the standard of teaching across Southeast Asian universities. With basic facilities, and in some countries a history of poor funding and marginalization, universities are not a venue for innovative thinking, or widespread participation. Rote learning and memorizing text books are still common. Many lecturers have not been taught to teach, and their only experiences of learning are classrooms where rote learning is the predominant pedagogical methodology. It is not only the content of human

rights which has to be learned, but the process of teaching, including learning activities which promote participation (say small group work), or innovation (studying problem solving, debating, or simulations). Learning about these are additional values for the lecturers in training, because they enable lecturers to be better teachers in any subject as they have developed their skills in learning activities and managing the classroom.

Developing Research

Research on human rights in the subregion was dominated by researchers based outside the subregion, or working for international organizations such as the United Nations, Human Rights Watch or the International Commission of Jurists. There is nothing wrong with this research as it is high quality, and has an impact. However, there are advantages for more research coming from within the subregion. There are obvious interests for academics and universities in the subregion, as university standards and reputation are often based on the research produced.¹⁵ Part of the attraction of working as an academic is undertaking research, and academics throughout the subregion want to undertake this activity. Other advantages of having the universities active in research on human rights include the ability to engage with emerging issues. Research driven by international organizations or from universities outside the subregion tends to be prescriptive, they are responding to an already identified issue. Hence certain topics like trafficking, women's rights, and refugees receive much attention. But other topics may not receive attention because they are not as apparent. Having local academics working on local issues can open up issues to research. Further, local researchers may have the language and the access to reach topics which are not so accessible to international researchers. These points are overly generalized, and are not meant to imply that local researchers are better and are more in tune with human rights issues. Rather, there is much value in having a skilled and active local body of researchers in responding to human rights issues, and also in the prevention of human rights violations.

The networks are well situated to develop the capacity of local university researchers. In 2014, the project Strengthening Human Rights and Peace Research in Southeast Asia (SHAPE SEA) was founded by SEAHNR and AUN-HRE. The main program of this project was to fund graduate students, emerging academics, and subregional research programs in Southeast Asia.

In the first four years, around sixty research projects were undertaken including about ninety graduate students and academic researchers. During the implementation of this project, it became clear that academics in the subregion needed development in their research skills. Many academics had not designed and undertaken large research projects. While data collection skills were strong, the analysis and writing up of research findings were challenging for many researchers. Similar to developing the capacity to teach, workshops were run in methodology and research design. Support was given for the presentation of research findings at events such as the bi-annual regional conference on human rights,¹⁶ or the variety of national forums organized through SHAPE SEA.¹⁷ This project is still ongoing so the outputs and their impact as yet are not published. The ultimate aim is to have more academics publishing more research to a broader audience. The work of SHAPE SEA is complemented by the handful of human rights journals and growing number of human rights academics in the subregion.¹⁸

What's Next?

While SEAHRN has been important in establishing and energizing research and teaching on human rights, there is still more to do. The problem of academic freedom in the subregion needs to be addressed. Lecturers are still reporting that their administration requests them not to criticize the human rights situation in their own country when teaching human rights. Students still see human rights as a “political” and “sensitive” subject rather than a topic like any other. Importantly, some lecturers face harassment, security threats, and job insecurity because of what they say and write about some subjects. Much protection of academic freedom occurs at the international level, and can work successfully. But the subregional networks recognize that more should be done at the national level.

The success of a Southeast Asia network has triggered interest from neighboring subregions. Academics from Northeast Asia have piggy-backed on SEAHRN activities to have their own Northeast Asian subregional meeting. While it may be sensitive for Japanese, Taiwanese, Chinese, Korean and Mongolian academics to meet and discuss human rights in their own subregion, they can meet as an outreach of the Southeast Asian networks. As yet, the need for a Northeast Asian network has not been demanded by the universities, but there is a widespread interest in human rights at

Northeast Asian universities, though with little cross fertilization between them. Having a network would mean greater subregional student and academic mobility and closer cooperation, all of which are beneficial for the subregion. Through SEAHRN and AUN-HRE there are seeds for a Northeast Asian subregional university network.



SEAHRN Plus Northeast Asia meeting on human rights education, 2016, Bangkok.

As a final point, the next stage in human rights education at the university is mainstreaming human rights in the curriculum. Sometimes it is good to have human rights courses in disciplines where students have a specific interest (especially in law, development, and political science). But given that so few students graduate without having been exposed to human rights in the classroom, it is important that human rights be mainstreamed in the curriculum, appearing in all disciplines. Whether students are doing nursing, teaching, engineering, or physics, a knowledge of the basics of rights will ensure that there is less discrimination, more respect of others, better treatment of women, and a collective sense that the goal of education for communities, countries and regions is not just about creating wealth or knowledge, but ensuring a world fairer for everyone. This has not been achieved in Southeast Asia, but it is a goal which the networks are moving towards. Given that when the networks were established just over ten years ago human rights was a fringe topic, the realization of human rights being a necessary part of a university curriculum is now a realistic goal.

Annex A**INTRODUCTION TO HUMAN RIGHTS IN SOUTHEAST ASIA:
A TEXTBOOK FOR UNDERGRADUATES (14 FEBRUARY 2018)
SOUTHEAST ASIA HUMAN RIGHTS NETWORK (SEAHRN)**

Volume 1:

Chapter 1: Fundamentals

Chapter 2: International Standards

Chapter 3: International Treaties

Chapter 4: Protecting Human Rights in Southeast Asia

Chapter 5: Protection: The International System

Chapter 6: Refugees and Stateless

Chapter 7: Migrant Workers and Trafficked Persons

Volume 2:

Chapter 8: History

Chapter 9: Women's Human Rights

Chapter 10: Children's Human Rights

Chapter 11: Sex and Gender Diversity

Chapter 12: Human Rights and Development

Chapter 13: Business and Human Rights

Chapter 14: The Environment and Human Rights

Chapter 15: Political Rights, Democracy and the Media in Southeast Asia

Endnotes

1 Both networks were founded and are currently based at Mahidol University.

2 IHRP and AUN-HRE. *The Mapping and Analysis of Human Rights and Peace Education in Southeast Asia*. Bangkok: IHRP. This larger study performs a country by country assessment of human rights and peace studies. In much greater depth, it shows the variety of ways human rights are introduced into curriculums, and the challenges faced.

3 A point such as this is very difficult to verify. Records on university curriculum are rare. While there are a number of noted human rights academics, not all of them taught, or had subjects on human rights.

4 Thailand's 1997 Constitution, called the People's Constitution, is also known for its strong human rights provisions. In the 1990s, three national human rights institutions were established (Malaysia, Indonesia, and Thailand); and there were

nineteen treaties ratified across Southeast Asia (nearly tripling the number of ratified treaties).

5 At that time, the degree was taught at the Office for Human Rights and Social Development (OHRSD) from 1998-2006, which changed to the Centre for Human Rights and Social Development (CHRSO) from 2006-2012, before becoming the Institute for Human Rights and Peace Studies (IHRP).

6 Examples are about teaching religion in Malaysia or Indonesia, teaching about sensitive historical events such as the 1966 massacres in Indonesia, or teaching politics in Vietnam or Laos.

7 This is under the Grant Program for Intellectual Exchange of the Japan Foundation.

8 The full list of people attending: Suzannah Linton, PhD, Faculty of Law, LL.M Programme in Human Rights, University of Hong Kong; Prof. Linda Briskman, Centre for Human Rights Education, Curtin University, Australia; Atty. Amparita Sta. Maria, Ateneo Human Rights Center (AHRC), Law School of the Ateneo de Manila University, Philippines; Prof Buddhadeb Chaudhuri, International Post Graduate Program in Human Rights, University of Calcutta; Mariko Akuzawa, PhD, University of Hyogo, Japan; Nguyen Thi Xuan Son, International Law Department, Law Faculty of the National University of Vietnam; Prof. Sharya Scharenguivel, Centre for the Study of Human Rights, University of Colombo; Ms. Hesti Armiwulan, Human Rights Studies Center, University of Surabaya, Indonesia; Yang Yumin, Research Center for Human Rights, Peking University Law School; Chia-Fan Lin, Chang Fo-Chuan Center for the Study of Human Rights, Department of Political Science, Soochow University, Taiwan.

9 More commonly known as the Pareto Principle, it has been found to be roughly accurate in networks such as Wikipedia editors, Facebook contributors, and so on.

10 This is the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, for more information visit <https://rwi.lu.se/about/>.

11 Well known textbooks include Henry Steiner and Philip Alston's *Human Rights in Context*, thought intended for law students. Manfred Novak's *Introduction to the International Human Rights Regime* is extremely useful in explaining human rights, but over half the text is about the European system. Good free undergraduate textbooks include Magdalena Sepulveda, et al., *Human Rights Reference Book* from the University for Peace in Costa Rica, and Wolfgang Benedek's *Understanding Human Rights*. Other important textbooks, such as Rhona Smith's *Textbook on International Human Rights* and Michael Goodhardt's *Human Rights: Politics and Practice* are excellent but out of the price range for many students in the region.

12 The textbook is available in multiple formats, either as individual chapters or by volume. In total, there are about five hundred downloads a month. The textbook is available in English, Burmese and Khmer languages from the SHAPE SEA website, with Vietnamese and Thai versions to be made available soon. For the files of the English version of the two volumes, please visit the following url:

Introduction to Human Rights in Southeast Asia: A Textbook for Undergraduates

Volume 1 - <http://shapesea.com/wp-content/uploads/2015/11/HR-Textbook-Ed-1-Complete-low-rez.pdf>;

Volume 2 - <http://shapesea.com/wp-content/uploads/2016/10/Textbook-Vol2-complete.pdf>.

13 The textbook has been funded by RWI in Sweden, and The Norwegian Centre for Human Rights (NCHR).

14 There is no data on the number of courses or classes that use the textbook, but around eight courses are known to the author which use the textbook, and parts of it are translated and used in the Myanmar university curriculum.

15 This is even more so with many universities now engaged in academic rankings, where somewhere between 30-60 percent of a university's rank (depending on the ranking system), is judged by its research output.

16 The Conference on Human Rights and Peace in Southeast Asia has been held every two years since 2010 starting with Bangkok (2010), Indonesia (2012), Malaysia (2014), Bangkok (2016) and the Philippines (2018).

17 Regional Forums through the SHAPE SEA project have occurred in all Southeast Asian countries except Myanmar, Singapore, and Brunei.

18 The *Journal of Southeast Asian Human Rights* is based at Jember University in Indonesia, and Mahidol University has the *Human Rights and Peace Journal*.

Rethinking ESD from the View of an Ainu Fisherman*

Fumiko Noguchi

THE BURDEN OF UNSUSTAINABLE PROBLEMS is unequally shared in a society. The most marginalized are the most devastated and most vulnerable in most cases, not the majority members. The endogenous development theory of Japanese sociologist, Kazuko Tsurumi (b. 1918 - d. 2006) claims that non-exclusion in a society can be achieved through social transformation by decentralizing and repositioning its members, thereby changing its power balance (Tsurumi, 1999; Tsurumi & Kawada, 1986). The political and economic sensitivities and interests of dominant social groups may come under question in social transformation, whose process is accompanied by discomfort, pain and resistance of both majority and marginalized. Yet, this process could emancipate and empower the members of a society through their “conscientização” (Freire, 1972) of the injustice caused by the power structure of the society in which they are embedded. It is a critical informal unlearning and relearning of different members of society.

Education for Sustainable Development (ESD) can suggest theoretical and methodological framework for an effort for community emancipation and empowerment for social change. ESD aims to create “a world where everyone has the opportunity to benefit from education and learn the values, behaviour and lifestyles required for a sustainable future and for positive social transformation” (UNESCO, 2005, page 6). This aspiration has significant transformational potential, not just in its scope and goals but also because of its wide societal focus. This wide focus involves all people, young and old, and people in all sectors related to sustainable development, including people in formal, non-formal and informal education, and continues as a life-long process (UNESCO, 2005, 2012, 2014a, 2014b).

Non-formal and informal ESD in a community development context could have significant implications for community emancipation and empowerment for social change, because of its direct impact and practicality to contribute to the solution of the issues in a real life context. However, ESD through schooling and formal education system has dominated ESD policy,

research and implementation. The experiences, actions and struggles of practitioners and community members, particularly the socially marginalized, for social transformation, have been silent in ESD field, despite its wide scope and socially critical orientation of ESD. Hence, the effectiveness and appropriateness of current ESD as a theoretical and methodological framework for a community development context is not clear.

This paper aims to bridge this gap between ESD and community development, through investigation of informal learning process in a community development context. To address this aim, this paper presents a critical ethnographic study of Mopet Sanctuary Network (MSN) in Hokkaido, Japan, where I engaged as a practitioner and integrated ESD concept and methodology into the social actions for indigenous Ainu rights-based sustainable community development. This paper discusses whether the current theory of ESD is sufficiently potent and efficacious to respond to the broader scope and settings of ESD, such as community development. Identifying the key issues, it further proposes a “praxis” framework so that both ESD and community development fields would be mutually supportive to strengthen the practices.

Mopet Sanctuary Network (MSN) for Rights-based Sustainable Community Development

Mombetsu is a small rural sea town facing Okhotsk Sea in northeast Hokkaido. It is named after the main river that runs through the town and originated from the Ainu word, *mo* (quiet) and *pet* (river) (Ito, 2006, page 183). Of the official population of 24,500 individuals in Mombetsu, many engage in fishing, forestry and agricultural industries. The rich natural environment of the Okhotsk Sea result from the deposition of rich soil from the Amur River basin (Shiraiwa, 2011). The main fishing products include salmon, cod, sole, and trout from the coastal waters (Mombetsu City Government, 2013). Food processing industries using marine products are also active.

Indigenous Ainu Fisherman, Hatakeyama

The rights-based sustainable community development movement in Mombetsu was initiated by the indigenous Ainu fisherman, Satoshi Hatakeyama. Hatakeyama was born in Mombetsu in 1941 and grew up in

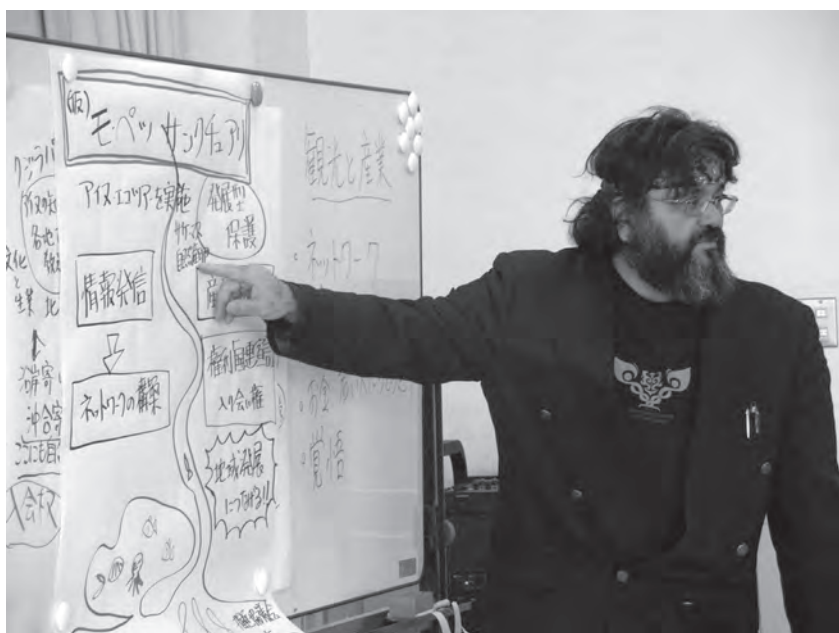
poverty and experiencing discrimination. After dropping out from junior high school at age fourteen, he simply worked as a fisherman hiding his Ainu identity. He had engaged with dolphin spearfishing and catching cod and ray for over thirty years. It was through Hatakeyama's daily fishing activities that he became increasingly concerned about the negative impacts of industrialization and commercialized fishing practices on the rich ecosystem of the Okhotsk region. He observed water pollution, an increase in garbage drifting with the current, the deformation of fish, the destruction of the sea bottom ecosystem by large trawl-boats, and decreasing sea ice each year caused by climate change. Hatakeyama eventually made the connection between local ecological problems, being influenced by his late brother who had claimed the indigenous fishing rights.

Yet, Hatakeyama struggled as he found that his rights claim did not fit in the current Ainu rights protection policies of the Japanese government, which understands Ainu culture narrowly by promoting dancing, craft making and demonstration of traditional hunting and fishing and lacks the linkage to the livelihood. *I am a fisherman; I cannot dance or do embroidery. I want to live as an Ainu fisherman.* At the age of 50, Hatakeyama decided to proclaim publicly that he was an Ainu person and began committing to the position of *ekashi* (Ainu elder) of the Mombetsu Ainu, and president of the Ainu Association of Hokkaido Mombetsu Chapter (AAH-MC). He began to link social, economic and environmental problems in Mombetsu with his own claim on the "substantive indigenous rights" (MSN, 2010b). In regards to the salmon fishing rights, Hatakeyama revived *kamuy chep nomi* in Mombetsu River in 2001. This is the indigenous ceremony (*nomi*) to welcome the return of their god (*kamuy*) fish (*chep*) (salmon) to the original river in autumn.¹ Reviving the *kamuy chep nomi* was only an entry point of his indigenous substantive rights claim for the right to access the local natural resources, in particular, salmon and whale, in which the Japanese government had significant economic and political controls.

Mopet Sanctuary Network: Bringing Individualized Concern into a Collective Social Action and Learning

In 2005, a critical event pushed Hatakeyama's activism into the limelight. The Mombetsu City Government (MCG) proposed the construction of a forty-one-hectare industrial waste plant on a mountain in the Toyooka

District, which was the source of Mobetsu River where Hatakeyama had been hosting *kamuy chep nomi*. This proposal was made to revitalize economic activity in Mombetsu, responding to the request of the local industries who had to take their waste to an industrial waste management facility outside the city by paying a disposal fee. Hatakeyama saw the further environmental damage as the extension of a hundred years of colonization by the Japanese, pointing that this “could erode the Ainu’s life foundation and their potential access rights to the natural resources” (MSN, 2011b). Despite Hatakeyama’s concern, the Hokkaido Government granted permission to



Workshop in 2010 that established MSN.

MCG for the plant’s construction in 2007. Hatakeyama who was the one of few community members who showed opposition became isolated.

In 2008, a meeting with Masahiro Koizumi, a community educator of Sapporo Free School *You (You)* brought a significant turning point in Hatakeyama’s solo activism. Koizumi, who considered the indigenous Ainu rights recovery as the critical issue in achieving sustainability in Hokkaido, was inspired by Hatakeyama’s claim. He incorporated ESD concept and ap-



Mombetsu river water quality check by MSN in 2011.

proaches into Hatakeyama's activism. He organized a workshop in Sapporo in 2008 to discuss the future of Hokkaido and invited Hatakeyama as a guest speaker. The participants of the workshop organized a Mombetsu study tour in 2009 to obtain in-depth contextual understanding of Hatakeyama's rights claim. I participated in the study tour and began engaging with "ESD" efforts in Mombetsu since then. With the focus on community emancipation and empowerment, Koizumi and I organized and facilitated learning activities such as workshops, seminars and participatory environmental and historical studies in Mombetsu. Through these efforts, in 2010, the participants from local and outside communities established Mombetsu Mopet Sanctuary Network (MSN).

Hatakeyama's "Swing"

The MSN learning activities contributed in developing Hatakeyama's solo activism into collective actions. These produced MSN, which motivated the participants to take more actions and organize more learning activities through their networks, which made the lobbying and policy advocacies for

the Japanese government and the United Nations effective. I saw this as the sign of successful community emancipation and empowerment, considering the number of mobilized stakeholders who were motivated to challenge the dominant values and systems. This “success” convinced me to understand “ESD in a community development context” as the product of synergy between timely learning and facilitation and social actions such as policy advocacies and lobbying. However, there was one who neither got emancipated nor empowered among large numbers of the participants who seemed emancipated and empowered - Hatakeyama. This was despite my intention of using ESD concept.

Hatakeyama continued his “puzzling” behavior, which indicated his disempowerment, during and after the arbitration against the developer of the waste management facility. In 2011, MSN came up with the idea of Hatakeyama’s filing a complaint against the developer through arbitration at the Hokkaido Environment Dispute Coordination Commission (HEDCC). In the arbitration process, MSN members split into two groups, which confronted each other over the strategies of key claim at the arbitration meetings. One group (tentatively called Group “A”) was formed by the members of MSN who supported the strategies of taking a “realistic” approach based on what current Japanese legal provisions could provide. The other group, (tentatively called “Group B”) was identified by the members who had what was considered “hard requests” to submit, according to “Group A.” They intended to use the arbitration to suspend the construction as long as possible, and, eventually, wanted to cancel the construction (MSN, 2011a, 2011c). They asserted that the “compromise” within the current Japanese legal system was ineffective in realizing Hatakeyama’s indigenous rights claim, drawing on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and Convention of Biological Diversity. By so doing, they also intended to open up a new path to the Ainu’s indigenous rights recovery by developing a more appropriate legal system in Japan (MSN, 2011b). Between the two groups, Hatakeyama lost his leadership; he accepted one group’s opinion whenever he went and spoke to them, denied the other group but then repeated the same ideas as he did for the other group. Hatakeyama’s behavior looked like the “swinging” of a pendulum between two different groups. His behavior began to be viewed as irrational by MSN members. Some questioned his humanity and left MSN.

Due to the time constraints, in March 2012, Hatakeyama finally choose Group A's strategy and signed the agreement with the developer. The agreement gave the go-ahead for the developer to finalize the construction plan for its opening in November and recognized: (i) the local Ainu as the local key stakeholder; (ii) prevention of the negative impact by the plant operation on their cultural activities; (iii) conservation of the local natural environment; and, (iv) the rights of the local Ainu to inspect the plant operation any time upon their request. While the media and the researchers praised this agreement as the first achievement in the history of Ainu rights movement (*The Asahi Shimbun*, 2012; *The Mainichi Shimbun*, 2012; *The Yomiuri Shimbun*, 2012), Hatakeyama seemed unsatisfied with the result and continued his "irrational" behaviour. Rather than looking into any possibility to optimize the agreement for his rights claim, he began to speak a lot about his desire for "illegal" whaling.

The golden age when fishermen dreamed of making profits out of the whaling industry had already dissipated. Hatakeyama, of course, knew that whale meat had lost market value in Japan. Hence, his claim of whaling seemed unreasonable and unrealistic from the perspective of his substantive indigenous rights. What I believed about ESD that could bring the marginalized people to the locus of the society, actually, pushed Hatakeyama further to disempowerment. I could not explain his disempowerment with the current theoretical methodological understanding of ESD.

Epistemological Limitation of "Critical" Approach to Local Community

The discourses on Minamata guided me to the assumption that an epistemological insufficiency in ESD could have disempowered Hatakeyama by overlooking and oppressing his way of learning and knowledge. The problem of epistemological insufficiency in ESD was identified by borrowing the argument of Kitoh (2007) on the power differential between two contrasting views in the research on the Minamata Disease victims; "policy systemic views" and "principle of a resisting individual."

The policy systemic view characterizes the way of knowing and understanding of the modern knowledge production process. It grasps the victims of Minamata Disease from a general, universal, and bird's eye point of view and seeks the solution systemically (Kitoh, 2007, page 135). The principle of a resisting individual is the view of those who are "forced to crawl on the

bottom of the society” (Kitoh, 2007, page 141) taking the burden of the society individually. The policy systemic view is powerful as it supports those in positions of power - often government officials and researchers, who have a modern knowledge background. Because this view supports those who are in positions of power and can have the agency of knowing and understanding the victims, it deflects away from understanding the totality of suffering the marginalized people have experienced psychologically, physically, economically, and socially. It simplifies and abstracts socially complex and politically sensitive problems of victims so that everyone can easily accept and comprehend them (Kitoh, 2007, page 135). But it leaves the entire experience of the victims unknown.

The policy systemic view picks up only what it is able to perceive, and wants to know and understand, based on modern knowledge, while dismissing a significant part of the victims’ entire experiences, and pushing them to further marginalization. Hence, the research and policies with this view neither understand the overall picture of the problems faced by marginalized people, nor fundamentally solve their problems. Kitoh (2007, 2009) claims the importance of establishing the epistemology from the experiences of a resisting individual for fundamental solution of Minamata Disease.

Kitoh’s point helped me to assume that an epistemological oppression also happens in ESD. ESD, being influenced by critical theory (Habermas, 1972, 1979), concerns the issues of power and marginalization in the current dominant society and emphasizes the importance of education for social change. However, despite its strong criticism of modernity, critical theory also emerged from, and was developed, based on the same knowledge production system that supported the modern knowledge paradigm (Morris-Suzuki, 2011). There is a contradiction in critical theory that attempts to produce a new knowledge with some of marginalized people, drawing the marginalized people in and not stepping out from the ground where they are standing to challenge modernity. The knowledge is still created by “particularising, verifying and generalising (Agrawal, 2002)” and overlooking the diversity and totality of the marginalized people and their complex interactions with modernity. Then, critical theory reintegrates the new knowledge into the modern knowledge and uses it for redefining the problems of marginalized people. This has nothing to do with the power imbalance between modernity and the marginalized people.

When ESD was applied to MSN, it tended to only look at the impact to thoughts and systems that the majority support. Yet, it saw the local Ainu people as a mass and overlooked the struggles and sufferings of Ainu individuals, such as how the marginalized individuals' emotion, resistance, learning and knowledge emerge in their interaction with majorities and how those relate to community empowerment and sustainability.

Thus, ESD for MSN could not get close to the heart of "no one's exclusion."

Finding the epistemological limitation of critical theory motivated me to shift to decoloniality approach (Ndlovu-Gatsuheni, 2013). With this approach, I re-investigated the meaning of learning and knowledge of Hatakeyama by investigating how he learned and created his knowledge, i.e., establishing his epistemology.

Rethinking "Knowledge" and "Learning" from the Views of Individuality of a Life

In my decoloniality attempt, the life experience of one fisherman with Minamata disease, Masato Ogata (born in 1953) (Ogata, 2000, 2001; Oiwa, Ogata, & Colligan-Taylor, 2001) provides the strong explanations to know how the learning and knowledge creation of Hatakeyama was different from the other members of MSN.

Ogata, Minamata Fisherman and Hatakeyama, Ainu Fisherman

Ogata was born in a small fishing village of Minamata, in the southern part of Japan, when the outbreak of the symptoms of methylmercury poisoning began spreading (Ogata, 2000). Ogata lost his father when he was six from acute mercury poisoning (which was not often identified as a cause of the sickness at that time). This new disease took the lives of his brothers, sisters, nieces and nephews almost at the same time. It took over ten years for the Nippon Chisso Company (NCC) and the government to finally admit that there was methyl mercury in NCC's wastewater. It was determined that a sub-chemical product from the production of acetaldehyde caused the disease. During that time, Ogata's family was subjected to discrimination by the residents in their small village. Having experienced tragic deaths of close family members, discrimination and poverty, Ogata grew with anger and held a grudge against the NCC and society in general. "Fighting among

school kids was an everyday occurrence (Oiwa et al., 2001, page 55)". Ogata's anger drove him to social activism when he was fifteen years old.

Like Hatakeyama, Ogata also experienced his "swing" in his life struggles. He took a philosophical right-wing position in his teens, although later he switched to the left in his 20s-30s. After leaving home at the age of fifteen, he joined an organization which was a front for criminal *yakuza* operations in Kumamoto City. He spent a few years fighting against left-wing organizations and selling amphetamines and was arrested in 1971. After the arrest, he went back to his hometown where he was influenced by the leftists who supported the victims of the Minamata disease. Ogata supported the lawsuit for the official recognition of Minamata disease victims as the President of Minamata Disease Certification Applicants' Council (MDCAC) in 1975.

Ogata's way out from his "swing" occurred in 1985, when he realized that social activism, both rights and left, had to stand on the same understanding ground of modernity for the fight against modernity. He found that such activism were trapped by the idea to change the system, did nothing with the diversity, complexity and wholeness of the victims' sufferings. "There is something, which could be described as a problem of "un-savable" souls in Minamata disease, which could not be saved by institutionalization or by compensation money" (Ogata, 2001, page 137). Minamata disease destroyed the whole system around the Shiranui Sea. This system supported complex life cycles created through the interaction of the sea, rivers and mountains - including the lives of humans who subsisted on that environment (Ogata, 2001). For Ogata, the ideological right or left was not the final goal. These were just present there when he was desperately searching for any possibility of relieving them from the situation where the problems unreasonably kept occurring in every aspect of his community's lives. This realization pushed Ogata to withdraw himself from all social activism, and to choose to live as a local fisherman, wishing to re-connect his broken social ties, spiritual connection with the spirits of the dead victims, and broken ties between humans and nature.

Ogata's life story indicates that Hatakeyama might have not been "swinging" because of his weakness or a defect in his personality. Like Ogata, the political thoughts of "left" or "right" OR Group A or B, could not really give a clear answer to Hatakeyama, who might have desperately searched for something that did not fit in both. It seemed that Hatakeyama had something that could be akin to Ogata's "unsavable souls." I tentatively

labelled this “something” as “Hatakeyama’s Ainu world” and explored it by focusing on his words of “whale” to find clues to understand it deeply.

Hatakeyama’s Ainu World

For him, “whale” had more meanings beyond just catching and consuming one. Hatakeyama says:

I do not intend to make a profit out of it [hunting a whale] at all. This is my rights claim, as an indigenous individual. Challenging the largest [animal] and top [sic] of the ecosystem on the globe would be just a full privilege of being born as a man... I always perceived myself as a loser. I put on a brave face at work. However, it was only at work. I am always carrying a feeling of inferiority. I really want to tell Wajin (Japanese) who have insulted Ainu until now. Even Ainu can do. We can do, because we are Ainu. I don’t want to end my life as a loser.

Catching the largest animal on the globe might represent his revenge against the Japanese. It would demand attention given that it was the top of the ecosystem for a fisherman. It would be the biggest catch. The “whale” might have also represented himself and his people. And now, as a fisherman, his power of catching such a mighty beast had been taken away from him and his Ainu people. Hatakeyama saw an association between the unfairness and unreasonableness of the government of Japan in their control over whaling rights with the control of him and his people through assimilation and modernization policies. He viewed them as ignoring his peoples’ history in return for national growth.

For him, regaining control of whale hunting could have two implications. The Ainu rights to access natural resources based on his and his people’s decisions could be reinstituted. This point would be congruent between Hatakeyama and other MSN members. The other implication, which is different from the others, could be the spiritual emancipation of him and his people. The Ainu people traditionally believed in the spirits of all living creatures, plants and commodities that they are related to in their everyday life. In their belief, *Kamuy* (spiritual being) appears in the Ainu (human) world in the outer form of animals (such as bears, owls, and salmon), plants (such as monkshood), diseases (such as smallpox), and natural phenomena such as fire and lightning (Utagawa, 1992). The Ainu people understand that killing, consuming or using these things meant freeing their spirits from

their outer forms, and sending them back to the place where their ancestral spirits dwelled (Fujimura, 1982; Utagawa, 1992). The Ainu people conduct a ceremony to express gratitude toward the spirits for these things that they believe have been bestowed upon mankind, and this may be seen as a “respectful return gift from humanity to the heavens” (Utagawa, 1992, p. 255). This Ainu belief in the “spiritual sending-back” is “a different notion of sacrifice in Christian belief” (Fujimura, 1982, page 177).

Hatakeyama could see the spiritual connection between humans and whales, like Ogata had with his experience in Minamata. This is indicated by his memory of his *fuchi* (grandmother), who told him not to mess with a particular area near the local mountain because the ancestral local Ainu people enshrined a whale skull for their ceremony purposes. Hatakeyama might wish to return to this place, his people and connect with his ancestor’s spirits through catching a whale. Hence, the underlying meaning of *a full privilege of being born as a man* could be the emancipation of him and his people. This understanding of what Hatakeyama means by “whaling” might be the best way he could express his thinking, using his limited vocabulary that had been shaped by his life as a fisherman.

Hatakeyama speaks Japanese, and specifically, the dialect of the Mombetsu fishermen. There was a gap between his spoken language and his unspoken Ainu world. The word, “whaling” came out where Hatakeyama struggled with his oppressed and confused feeling. The Japanese and well-educated young Ainu are never going to be able to understand what Hatakeyama symbolically meant by his use of the word “whaling.” They understood his unexpressed Ainu world based on what the modern rational legal term understands as the “indigenous rights.” But, his Ainu world remained untouched.

Embodied Local and Indigenous Knowledge

According to Berger and Luckmann (1985), the process of forming identity occurred in “the period during which the human develops towards its completion in interrelationship with its environment is also the period during which the human self is formed” (pages 67-70). Drawing on their explanation, tracing how Hatakeyama formed his identity and obtained his embodied local/indigenous knowledge since his childhood helps me to know the nature of his Ainu world.

In 1940s when Hatakeyama was born, the Ainu culture had already been decimated. The values, social ties, traditional ceremonies, materials and languages that had supported Ainu society were vanishing. The Ainu adults belittled their culture and convinced Hatakeyama to believe in the superiority of the Japanese people and their culture over the Ainu's ways. Hatakeyama grew up hardly having opportunities to learn traditional Ainu culture. At the age of fifty, when he came out as identifying as Ainu for the first time, he began to explore what his Ainu identity meant. Hatakeyama had to confront memories that he had wanted to deny and forget for a long time. Then, he had to weave pieces of memories of Ainu into a ground upon which he could stand for his rights claim. However, this process was not easy as his Ainu memories were fragmented.

Hatakeyama filled the gaps in his Ainu memories with his life experiences as a fisherman. Hatakeyama obtained the knowledge to be a fisherman in Mombetsu environment. Wind, temperature, swell, humidity, smell, the colour of the ocean and sky, flying seabirds, fish running in waves, fishing techniques, business, values, trust relationship and ethics – he has experienced these and expressed them through his daily practice as a fisherman. Pálsson (1997) described that fisherman's knowledge about fishing techniques, social ties and ethics was mainly the result of practical engagement with the social and natural environment, based on his participant observation on the Iceland fishermen. This statement indicates that Hatakeyama could have learned his knowledge through observing and copying the other fishermen in his community, through his body movement and in a very local social and environmental context. It could be assumed that his knowledge was characterized as tacit and practical, and embodied bodily and locally. This knowledge can also be referred to as "embodied local and indigenous knowledge."

Epistemological Oppression

The MSN process contributed in Hatakeyama's establishing his Ainu identity, drawing on Berger and Luckmann (1985) explanation on how social interaction with others affects the process of one's knowledge creation:

Only a small part of the totality of human experience is retained in consciousness. The experiences that are so retained become sedimented, that is, they congeal in recollection as recognizable and memorable entities... Intersubjective sedimenta-

tion also takes place when several individuals share a common biography, experiences of which become incorporated in a common stock of knowledge. Intersubjective sedimentation can be called truly social only when it has been objectivated in a sign system of one kind or another, that is when the possibility of reiterated objectification of the shared experiences arises. (Berger & Luckmann, 1985, page 67)

One can identify a part of his/her life experiences and store it as his/her knowledge while he/she repeats the interaction back and forth with surrounding people. In this process, the values, thoughts, the way of understanding and knowledge of the surrounding people significantly affect one's understanding and knowing of a part of his/her life experiences as "knowledge." In MSN process, workshops, seminars and meetings provided the space where Hatakeyama shared his life experience in conversation with the people around him regarding his rights claim. Through the communications with the MSN members and wider audiences, Hatakeyama tried to cognize and find the words to express his thoughts about indigenous rights arising from his Ainu world. Such conversations might have helped him to re-form his Ainu identity.

In this process, unfortunately, there was a mismatch between two parties - Hatakeyama and others. This mismatch was caused because of the power differential between knowledge paradigms upon which both parties were standing; modern knowledge and Hatakeyama's embodied local and indigenous knowledge. These epistemologically oppressed Hatakeyama in the MSN process. He was struggling to verbalize embodied indigenous knowledge as it is difficult to verbalize from the beginning. But this power differential made even more difficult for him to cognize and express his knowledge. This happened without anyone's intention including both MSN members and even Hatakeyama. There were four obstacles that created the power differential, including "place," "language," "emotion" and "nature of knowledge."

Place

The first obstacle was the place where the social interactions happened. All the meetings, workshops and seminars of MSN happened in closed meeting rooms. Such settings physically decontextualized Hatakeyama from his local context where he lived and utilized his knowledge. Ainu communica-

tion methods, like storytelling and singing, could be incorporated in these meetings. However, these options would not be effective when these are decontextualized from the original environment. Hatakeyama struggled as he had to cognize and express what was bodily embodied and locally contextualized in an entirely different place.

Language

The second obstacle was the language used for the communication at the meetings. Ainu people cannot use their language as a result of assimilation policy and education; they use Japanese language for their everyday communication. Since this is the language of the different culture and of the colonizer, using Japanese language for the indigenous Ainu rights claim is problematic. The Japanese language cannot fully convey the meaning of Ainu world so that what is expressed in the meeting tends to be interpreted based on what is commonly understood in Japanese, which is the colonizer.

For example, MSN members discussed the Ainu rights using the following Japanese words, such as, 権利 (*kenri*; rights), 先住民族 (*senjyu-minzoku*; indigenous people), 捕鯨 (*hoge*; whaling), 鯨 (*kujira*; whale) and 鮭 (*saké*; salmon). In the meeting, Hatakeyama used these to try to express some elements of his Ainu world, but the others understood these within what they normally understand in Japanese society. Hatakeyama wanted to express something that did not exist in Japanese society, or were subjugated by the Japanese. Further, these words in Japanese inherited the oppressive relationship between the colonizers and the colonized, without anyone being aware of it, including Hatakeyama.

Emotion

The third obstacle was Hatakeyama's own emotion – that he felt inferior toward the Japanese people and their modern knowledge backgrounds. Hatakeyama grew up receiving physical and verbal abuse which imprinted on him and contributed to his feeling of inferiority. He did not complete his compulsory education due to discrimination. Remembering multiple and ongoing experiences of discrimination in the school and local community resulted in his feeling of inferiority toward the Japanese people and those with modern educational backgrounds. Even after a few decades since he

publicly claimed his Ainu identity, the feeling of inferiority still rankled Hatakeyama:

I never have the right words to describe my concerns because I do not have an education. It does not matter how many years have gone by after telling the world I am Ainu. This thought of “I am stupid” keeps haunting me, even after shaking it off again and again.

His feeling of inferiority obstructed him from cognizing and expressing what he felt through his body. Despite the strong confidence that he obtained through his hard work in his fishing business, Hatakeyama felt inferior to *Wajin* (Japanese). He felt fear and anxiety in relation to the Japanese experts who live their lives by using the skills and knowledge obtained through the modern educational system.

Nature of Knowledge

The fourth obstacle was the nature of the knowledge that predominantly underpinned the communication, thoughts and the language used for the discussions of the MSN meetings, workshops and seminars. First factor comes from the different nature of knowledges that MSN members and Hatakeyama had. His knowledge is rather bodily, tacit, local, contextual and practical. It is in contrast to modern knowledge, which is rational, universal and expressive, which most MSN members including myself possessed. The modern knowledge is superior in general so that it overlooks what is invisible, unrepresented and unspoken. The language for communication and the place for communication, including workshops, seminars and meetings are the products of modern knowledge, which naturally makes the modern knowledge predominate. This allowed the MSN members to overlook what Hatakeyama could not express and to understand literally through the lens of modern Japanese, which meant Hatakeyama could not accurately express his Ainu world.

The four obstacles blended together, creating an epistemological oppression between those with modern knowledge and those without it in the MSN. Once again, none of the MSN members had any intention to oppress him at all; rather, what was present was each member's sincerity, and all

of them did their best to try to help Hatakeyama from their own sense of justice.

I am such a dumb person. My emotion always comes first before the words... I often observed Hatakeyama putting himself down in his everyday life. However, his claims were not true. Hatakeyama could not put his concerns into articulate statements not because of his lack of an academic background. He was engaging with a very local and historically contextualized knowledge, which was far beyond the understanding, thoughts and languages of modern knowledge. Furthermore, the power of modern knowledge placed most MSN members' knowledge and their epistemology superior to Hatakeyama's knowledge and his epistemology. In so doing, it dismissed a large part of Hatakeyama's Ainu world and even re-defined it by the understanding obtained through discussions at the MSN. As a result, the MSN discussions were sometimes oppressive to Hatakeyama, even in the process of MSN that everyone believed as "participatory" and inclusive.

Rethinking Hatakeyama's Swing

Hatakeyama's "swing" emerged while he was struggling to deal with the power differential between two knowledges and epistemologies; between modern knowledge and embodied local and indigenous knowledge. He was trying to cognize what he never cognized before, and to verbalize his cognition that he never verbalized, using the words that underpinned the modern knowledge of the colonizers (Japanese). Even in this process, he still felt some comfortableness from his resistance against the power that could drag him back into the modern and colonial understanding.

MSN members with modern educational backgrounds and expert knowledge interpreted Hatakeyama's concerns and provided advice (drawing on the concepts and approaches within the modern knowledge system, such as the Japanese legal system or the United Nations Declaration on the Rights of Indigenous Peoples). Their suggestions did not fully represent Hatakeyama's true concerns. Hatakeyama even tried to make every effort to fit into their perspectives – motivated by the nature of his knowledge and his feeling of inferiority. After a while, he began to feel unsettled because he felt somewhere in his body that none of the advice fully addressed what he wanted. It was at this juncture that he would meet yet another expert. His behavior and conflicted thinking made him look like a pendulum in

motion. Like Ogata, Hatakeyama looked for whatever he could to improve his outcomes but he could not find it in either ideological camp of right or left. Hatakeyama had struggled with the power differential between these knowledge paradigms for a long time.

“Translation was never possible” (Atwood, 1986, page 5), even in the “participatory” and “inclusive” MSN process. None of MSN members, even Hatakeyama, realized that there was something that could go far beyond the words in their conversations. Ideas and *Weltanschauungen* (worldviews) are only part of the sum of what passes for knowledge (Berger & Luckmann, 1985, pages 26-27). Hatakeyama could express only a part of his “Ainu world” that arose from the un verbalized daily environment in which he lived. And then, Hatakeyama’s words were interpreted into a colonizer’s modern Japanese language and their true meaning lost their accuracy.

“Swing” was the result of him being torn between two knowledges. His behavior represented his struggles in expressing his knowledge when the power of modern knowledge excluded his knowledge from its understanding. He showed his irritation, anger and desperation when he struggled to express his Ainu world - one that he could not articulate or verbalize. From my experience, critical theory-based approaches could be effective only for those who share the same languages, ways of communicating and approaches to social change within modern knowledge. This could be an effective approach with most MSN members who possessed the modern knowledge and lived in urban cities. But, unfortunately, it was not effective for the few Ainu people, like Hatakeyama, who were contextualized in their own Ainu world.

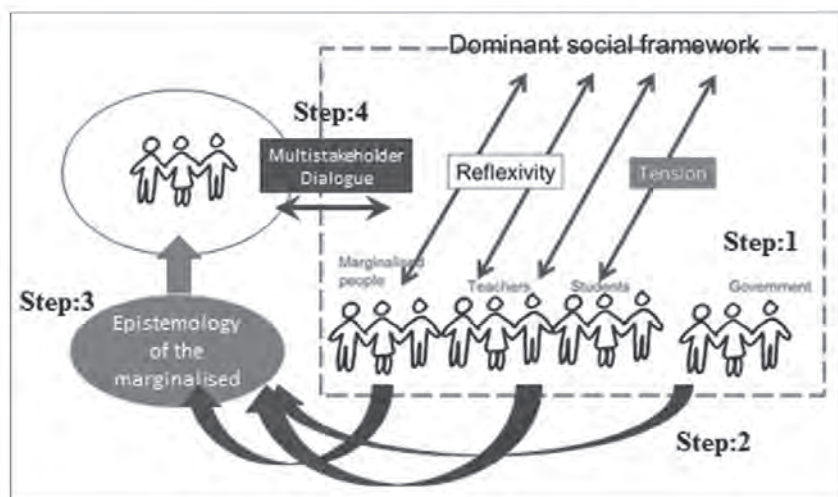
Praxis Framework for ESD in a Community Development Context

This paper identified epistemological limitations of the current ESD theory, which cause the oppression of the marginalized individual in terms of place, language, emotion and nature of knowledge, and suggested the decoloniality lens to surface what the “critical” overlooks. Integrating these findings, finally, this paper proposes a *praxis* framework that aims to integrate theory and practice, or reflection and action, for the conscientization and the emancipatory empowerment of the participants for the transformation of themselves and the society.

The praxis framework operationalizes the two findings in four steps:

- Step 1: “Conscientizing” the limitation of understanding local community problems within an understanding of critical approach to ESD;
- Step 2: “Stepping out” from the dominant frame of views and knowledge, which is supported by modern knowledge;
- Step 3: “Establishing the epistemology” of marginalized people from their perspectives; and,
- Step 4: “Re-engaging” back with dialogue about social change with majority members.

My experiences as an educator are also incorporated into the praxis framework. This included the struggles I had in finding a better methodological approach and my pursuit of understanding the real meaning of knowledge and learning of the Ainu community.



This framework can be used by anyone who is involved in seeking solutions to community problems and to support mutual learning among the stakeholders (which might, for example, include researchers, practitioners, local residents, marginalized people, and government officials). This framework encourages a mutual learning and reflection process where the diverse stakeholders have a chance to take a leadership role and to participate in actions for social change.

Step 1: Conscientization

This step encourages stakeholders who engage in the process of community development to consider three aspects of the knowledge paradigm upon which the majority people stand. Firstly, it encourages them to understand the oppression and limitations of modern knowledge that causes the marginalization of particular groups of people, their views and indigenous knowledge. Secondly, it raises an understanding that this modern knowledge (that supports the majority, critical ESD and critical theory) has epistemological limitations for understanding the knowledges and learning processes of marginalized people. Thirdly, applying modern knowledge to know and understand the problems of marginalized people can oppress the marginalized people even further.

The consideration of the epistemological limitation of critical theory involves the process of “conscientização” (Freire, 1972). Individuals within the dominant framework need to recognize the epistemological limitations of the current critical methodological and theoretical frameworks. This limitation became clearer when I confronted the problem of Hatakeyama’s “swing.” It was elaborated through discussion on the epistemological oppression caused by policy systemic perspective to the view of resisting individual in the Minamata disease research. These frameworks may guide practitioners and researchers in their engagement with marginalized people in terms of sustainability. In this process, individuals might acknowledge that knowledge paradigms exist outside the dominant framework and cannot be fully known and understood solely by remaining within the lens of the dominant framework.

Step 2: Stepping Out

This step encourages the stakeholders to step out from the knowledge framework that they are familiar with, in terms of the way of knowing and learning the knowledge of marginalized people. Individuals educated within the dominant framework need to set aside their guiding theories and thoughts, and step out from the dominant social framework to engage with marginalized people. As seen in the arbitration process of the MSN, the participatory workshops, seminars, field surveys and policy advocacies all provided informal learning opportunities but for only those who were familiar with the way of learning and knowledge within the modernity framework.

In a local community development context, the stakeholders need to be aware of the particular framework that is imposed on them, including the knowledge framework, social framework and curriculum framework. It is important for stakeholders to step out from the way of understanding and knowing that they are familiar with and to step into the context of marginalized people. This is the beginning of decolonizing process for both the majority and marginalized peoples.

The people from the majority group should attempt to hand over their agency of knowing and understanding into the hands of the marginalized people. The experiences in this step can help the modern knowledge holders to re-capture and re-identify the problems of the marginalized people. In this step, the marginalized people also need to step out from their own boundaries (such as beliefs of negativity and inferiority of their own values, images and knowledges) that were borne out of the oppressive relationship with the majority.

This step encourages both the educators and the participants to focus on what is overlooked in the understanding of modern knowledge. It suggests that stakeholders set aside their dominant knowledge, values and ways of knowing and instead immerse themselves in the very real context of the marginalized people. They should seek to experience what the marginalized people tacitly experienced in their day-to-day lives, if the situation allows.

The approaches taken here may include living in the local community context and actually experiencing the life of the marginalized people as one. They should seek to understand and listen to the knowledge of the marginalized people from their perspective. Through this, they will come to understand the totality and complexity of their issues that the marginalized people experience in their everyday life.

Step 3: Establishing the epistemology of the marginalized

This step encourages the stakeholders and educators to immerse themselves in the context of the marginalized people. It is required that they distance themselves from the modern knowledge for a certain period, and provide them with an opportunity to learn the knowledges and ways of learning of the marginalized people. The idea of establishing the epistemology of the marginalized people was developed from the Minamata disease experience. I found that it would be the only way to get close to the real problems of the

marginalized people. This meant knowing and understanding their problems from their way of understanding and knowing, or establishing “their epistemology.” Theoretically, I handed over my guiding theory (critical approach to ESD) and agency of knowing to Hatakeyama. In so doing, I immersed myself in Mombetsu local community. This, decoloniality approach brought to the surface his embodied local/indigenous knowledge and previously unrevealed oppression that he experienced in the “participatory and inclusive” process of MSN, in terms of “place,” “language,” “emotion” and “nature of knowledge.”

This step encourages stakeholders to immerse themselves in the context of the marginalized people. They are encouraged to learn the knowledge, the problems and ways of understanding from the marginalized people by immersing themselves into the marginalized people’s community context. In this step, the stakeholders might come to better conceptualize and understand the plight and perspectives of the marginalized people.

Step 4: Re-engaging back with the multi-stakeholder dialogue

Step 4 facilitates the marginalized people’s re-engaging in a dialogue with modern knowledge holders. This is based on the established epistemology of the marginalized people. The marginalized people are encouraged to re-engage back with the modern knowledge holders in the dominant social paradigm. Given the modern knowledge stakeholders now have a better understanding of the marginalized people’s plight, both parties should be able to re-engage in dialogue within the modern knowledge paradigm. This should lead to outcomes and solutions to the problems of the marginalized people.

In an interview with Hatakeyama in 2017, I noticed that there were a few words that indicated the new beginning of his own personal paradigm shift, like Ogata. In our conversation, Hatakeyama talked about his dream of creating a locally based sustainable enterprise on his land that would connect socially marginalized people in Mombetsu, including Ainu, people with disability, aged and youth. He believed that creating a space for sustainable fishing, and for socially marginalized people to get together, would comfort his ancestral spirits’ sleep.

For most MSN members, the indigenous fishing rights are about whether or not the Ainu people would catch something, such as salmon and whales.

However, what he said to me was more than that. Yes, the government still does not give him the rights to catch these, but does it mean that there has already been a recovery of some indigenous rights?

Hatakeyama expressed his thoughts about his indigenous rights in more diverse and richer words than what I had heard in my early involvement with the MSN in 2010. These words were not given to him by the experts. Years of struggling finally brought him to the landing point that is neither the Right nor the Left ideological camp. He began to localize himself; to find the right words to articulate and even to realize a glimpse of his true Ainu world.

Role of Educator: Cultural Broker and Escort Runner

Throughout the four steps of this praxis, the role of the educator goes beyond what has been recognized in the critical *ESD* literature, where the educator acts more as facilitator and coordinator. In these new roles, linked to the praxis framework, they could be described as a cultural broker and/or an escort runner. Hereafter, these roles are briefly explained based on my personal and research experiences, and supported by relevant academic literature.

At MSN, I, as the educator, experienced crossing between two knowledge systems of modern knowledge and the local knowledge of Hatakeyama. This experience allowed me to discover the role of the educator in dealing with these different knowledges. This role of crossing between different knowledge paradigms can be related to the concept of the cultural broker which has been recognized in the field of community development and social work. Particularly, this term describes a person who deals with people from multiple cultural backgrounds and multiple knowledges (see, for example, Escobar (1991) and Jenkins (2015)). The term is used to describe educators who are willing to cross over different knowledges, including both dominant modern knowledge and the knowledge of the marginalized people. They immerse themselves in the knowledge of the marginalized people to understand their epistemology and to reflect this back to the modern knowledge paradigms, but from the perspective of the marginalized people. They create the space for dialogue between the majority people and the marginalized people. They facilitate the discussions during multi-stakeholder dialogues, with the epistemology of marginalized people. The role of the educator as described in the praxis framework, as a cultural broker could be further examined in the literature and investigated in future research.

The MSN process also helped me to identify that the educator needs to go beyond the role of dealing with different knowledges. In the process of exploring different knowledge paradigms, educators also act as what I can best describe as an escort runner, who guide and assist visually impaired people in running competitions. Escort runners need to have analytical eyes because they are seeing on behalf of someone else and have to be able to communicate instructions to the runner. Therefore, they must have knowledge of the runner, their preferred language, and so on. This is similar to the role that I played in the journey with Hatakeyama. Despite the conflict between the two groups of the MSN and Hatakeyama's "swing," I attempted to go through the process with Hatakeyama, all throughout my engagement with MSN. Based on my experience, I have described the term escort runner in this research to mean a person who crosses the different knowledges, shares the experience of the "swing" in crossing different knowledge paradigms with marginalized people, but who maintains an analytical view to see what is really behind the "swing." The role of escort runner may include elements of cultural broker in terms of dealing with multiple knowledges. However, the role of escort runner is different from the role of cultural broker, in the point that it attempts to understand the learning and knowledge creation process of the marginalized people from the perspective of the marginalized people. While the role of cultural broker may concern the sensitivity of dealing with different knowledges, however, it still stands on the modern knowledge to understand the problem of the marginalized people (Escobar, 1991; Jenkins, 2015).

In the praxis framework, the two roles of cultural broker and escort runner are integrated throughout the four steps. The degree of how these two roles are integrated may vary depending on the stages of practices.

* This article is based on interviews with Hatakeyama and focus group discussions with MSN members from September 2009 to December 2017.

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Endnote

1 The Ainu people traditionally believed in salmon as one of their gods, as well as valuing it as their staple food. The assimilation policy banned Ainu people from hosting *Kamuy chep nomi*, and the development policy prohibited all Japanese residents, including the Ainu, from fishing for salmon in the rivers, to protect the commercial fishing industry.

Human Rights Education at the Digital/Global Age

Akihiko Morita

BASED ON THE INTERNATIONAL DEFINITION of human rights, how can human rights education be universal in character? How can such type of education be translated into concrete programs?

Nature and Scope of Human Rights Education

Human rights education should be able to adapt to the different dynamics in society. This adaptation to the societal situation can consist of several components.

First, human rights education must embrace intercultural education in a globalizing world. Intercultural education is education based on interculturalism, a new political ideology which has been taking over multiculturalism recently.¹

In my interpretation, interculturalism is a political ideology for managing cultural and religious diversity by explicitly addressing the de-facto inequality from the perspective of each ethnic master-narrative in the given society and ensuring all parties equal participation in the process of making the new collective identity.

Second, human rights education must be culturally sensitive, meaning, it must be attentive and respectful of individual cultures, especially those of the marginalized and oppressed people. In this connection, human rights education must take sentimental education seriously as it arguably facilitates and expands a sense of equality among human beings as Richard Rorty stressed.²

Third, human rights education must take into account the rapidly changing social/political/economic structure of societies and nurture individual mind-set, reframed by the recent development of science and technologies as the major engines of globalization. This new development is coined as “the information age”, where knowledge-production and information-processing have become part of the mainstream society.³

The recent developments of the Information and Communication Technology (ICT) are transforming the landscape of the media industry and the resulting commercialization, politicization and globalization are posing the most serious challenge to the ethics of the media.

Human rights education must address this issue squarely. In this regard, ICT and other sciences and technologies such as Artificial Intelligence, Big Data Technology and Robotics should be utilized to promote human rights education.

Fourth, human rights education must also take into account the multilingualization in the world.

For instance, English, a language spoken by 1.75 billion people worldwide (and expected to be two billion by 2020), has been radically multilingualized as much as localized.⁴ The view that there is one standard English in the world has been challenged.

Human rights education must aim at transforming societies and organizations from a homogeneity paradigm to a diversity paradigm⁵ and at reeducating monolingual English speakers who have no insight about the multicultural challenges to their English. In this regard, multilingual education must be a part of human rights education.

In summary, intercultural education, sentimental education, STEM (Science, Technology, Engineering and Mathematics) education and multilingual education must be parts of human rights education.

Language Matters: Challenge for Human Rights Education in Japan

Lam Peng-Er contends that:⁶

While the Japanese state is relatively liberal, Japanese society is not. Japanese state and society are unlikely to accept the notion that a democratic Japan should embrace distinct, autonomous, and equal Okinawan and Ainu nations within a multicultural country.

Peng-Er highlights the Japanese myth of its ethnic homogeneity and strong group orientation as obstacles and concludes that Japanese society is illiberal in the sense that a majority believes that assimilation is the best approach for foreigners and minorities.⁷

I basically agree with his analysis with one reservation: any society can change. As Peng-Er anticipated, the one-party dominant system in Japan has finally broken down, following Italy, Sweden, Mexico, India and Taiwan.

The major challenge for the Japanese society is the psychological block against foreign languages/cultures which holds back most of Japanese people from embracing different “others.”

As an ordinary Japanese student, I have also experienced many difficulties in a multinational environment. When I worked for the United Nations Development Programme in New York during the 1992-1994 period, I suffered serious culture shock in the multicultural working environment.

In my account, the initial and major block for most of Japanese people in adapting to the multicultural and multilingual environment is their low self-esteem and self-confidence, which is implanted and becomes a second-nature through their entire school days. As a result, most Japanese including myself tend to be afraid of making mistakes in public and become very nervous when they face and need to speak in foreign languages, particularly English.

There are several remedies for overcoming this mental barrier. Exposing to multilingual environment under very safe and secured conditions is one of the most effective ways, in which we naturally learn that languages are equal and English is not a special language. What we need to keep in mind in this practice is developing and maintaining joyful and relaxed safe space in which no one feels scared making mistakes or simply expressing his/her own feelings and thoughts. Non-judgmental, affirmative and mutually trusted community is the prerequisite for learning new language. In this regard, coaching exercise and mindfulness meditation could be utilized in making such a mind-set.

Once they overcome psychological difficulty and establish mutual trust in their learning group, we could move on to the next stage, cultivating and nurturing each student's motivation.

Young people in the digital age have become very diversified and individuated in interests and desires; a reality we need to accept and respect. So, it is important to facilitate and stimulate spontaneous curiosity through extensive reading and writing, following their own choices and to encourage each student to set own goal for which they need to master a particular foreign language. We, of course, should use proper audio-visual materials in making foreign languages more familiar for students. I use on-line

learning material, “model diplomacy,” developed by the Council on Foreign Relations,⁸ which is designed for participatory and flexible learning.⁹

I also use on-line conference system for organizing hybrid joint lecture with students/teachers in different parts of the world which helps students develop a natural sense of curiosity on foreign affairs and the people there.

Under the model diplomacy format, the students are assigned roles to play in a simulation of a “National Security Council” meeting. The students are oriented on the process of the “National Security Council” meeting. They do research and prepare materials to support their discussion in the meeting according to their assigned role. The role-play comprises three rounds:¹⁰

In round 1, students briefly explain their positions, summarizing their position memos. Round 2 is an open deliberation in which students argue for or against others’ positions while defending, and perhaps adapting, their own. In round 3, students state their final policy recommendations, ideally demonstrating an ability to compromise and take into account the positions presented in the preceding rounds. Finally, the president announces a policy decision. This announcement may occur at the end of the role-play or in a subsequent class session.

The teacher asks questions to the students to wrap up the role play:¹¹

Students should shed their assigned roles and discuss their personal perspectives on the simulation experience, the policy debate, and the final direction. After wrapping up, assign all students the section 4 policy review memo, which they will use to reflect on the NSC process, the case, and the deliberation. This should come from their personal perspective, not their assigned role.

I also use on-line conference system for organizing hybrid joint lecture with students/teachers in different parts of the world which helps students to develop a natural sense of curiosity on foreign affairs and people in other countries.

Finally, as the saying goes, seeing is believing, we have to develop multilingual, multicultural and multi-faith community in Japan. For this end, it is crucial to develop proper rules and regulations on the arrival of non-Japanese to the country that subscribe to respect for different languages, cultures and faiths.

Experimental Human Rights Education

I started teaching at Shokei Gakuin University in 2010 and immediately found that most of students had no experience of talking to and even meeting foreigners during their college life.

I asked all the students enrolled in my class, “Introduction to Global Studies”, to participate in the Sendai Global Festa, an annual international gathering, as volunteers. I also invited practitioners working in the international field as guest speakers in my class.

However, although their global lectures impressed my students, they often tended to take it as fire on the opposite shore. Only those who went abroad under the fieldtrip or exchange program gained some global perspective, their number was very limited and had small impact on others.

I also learned that most of the students already lost their natural interest in and even developed a sense of hatred against foreign languages, particularly English during their school days.

In 2013, I happened to meet the members of Hippo Family Club at the Sendai Global Festa and remembered how joyfully they acquired foreign languages and considered their method useful for my class.

The LEX Institute – Hippo Family Club (the Institute for Language Experience, Experiment and Exchange) is a non-profit corporation founded in 1981. Based on the theme “Scientifically exploring humans and languages,” it aims at natural acquisition of several languages (multiple languages) regardless of age through (1) community-based activities known as “Families;” (2) opportunities to meet with people from all over the world through “international exchanges;” and (3) “research activities” exploring languages through natural science.¹² There are presently about 20,000 members participating in “Families” in approximately seven hundred locations throughout Japan with members consisting of the very young (babies) to the very old (99 years old).

First trial

After an initial lecture by the Hippo Family Club member in the spring of 2014, I introduced the multilingual language acquisition program of the Hippo Family Club (Hippo) at Shokei Gakuin University as a formal curriculum for the first time in the history of Japanese higher education institutions in the spring of 2015.

Students enjoyed multilingual games and repeating recorded multilingual stories together and shared their insights.

There are many multilingual games, named SADA, created by Hippo members designed for participants to enjoy together through body-movement and dance in which students naturally learn that language is not monologue and verbal but holistic and bodily oral dialogue.

Multilingual stories are well scripted, one of which describes a history of friendship among young friends from USA, Korea, Japan, Singapore and Mexico and recorded in different languages so that students could guess what they talk about while listening to the same stories in different languages.



Group activity – Farmer in the dell.



Speaking up in public.

The reactions from the students were beyond expectations:

- My view of foreign languages has changed. I used to hate them because they were difficult and I couldn't understand anything. Now I have a grasp of what is being said and have decided to mimic them for the time being.
- I am surprised that I have begun to grasp the meaning of what is being sung in songs that I didn't understand at all in the beginning.
- I had thoughts about how fun it would be to speak with many people, but this class has convinced me that I have to speak with people from other countries.

In addition to the students' very positive comments, I also learned an extremely valuable insight from one of my faculty members. After listening to my brief explanation about my experimental multilingual class, she instantly commented that it was exactly human rights education as students learn to see any language as equal and eventually recognize every human as equal regardless of their origin, language and culture.

In fact, Yo Sakakibara, a founder of Hippo Family Club, has already discovered this multilingual dynamics:¹³

Any two-way relationship has a tendency toward the absolute, with ample potential for polarization and confrontation. A three-way relationship, on the other hand, is all about relativity; it encourages coexistence, tolerance. And the uncertainty such a relationship triggers in our mind offers us the opportunity to discover new things about ourselves.

For example, suppose we give English-only story tapes to the children in our language program. No matter how much English this exposes them to, it will always be the "other" language for them, as opposed to Japanese.

Now suppose that instead, we give the children story tapes in two or more foreign languages. As they listen to all these languages at once, their preferences fluctuate: "I like this language. No, I like that one!" These fluctuations begin to affect how they view their mother tongue, too.

Second trial

On 15 November 2016, I organized the intercultural hybrid workshop for Japanese and foreign students at Kunori Gakuen High School in Yonezawa



city, Yamagata. The students in the school interacted with students in San Francisco, Tokyo, Chiba and Nagasaki through ZOOM,¹⁴ the latest on-line conference system.

In April 2017, I started a hybrid global education program by using ZOOM. I also introduced “model diplomacy from the Council on Foreign Relations.”

At first, I invited Ms. Aya Terajima, a young English teacher, entrepreneur and a student of Meiji University who launched a revolutionary English education program, to my class through ZOOM. She developed an English education program in which students with English deviation score 30¹⁵ man-



(Top and bottom) Intercultural hybrid workshop for Japanese and foreign students at Kunori Gakuen High School



Joint lectures between Shokei Gakuin University and Hung Kuang University in Taiwan.



The future of nuclear energy policy
Lessons from the Fukushima Nuclear
Power Plant Accident
 Hybrid Panel with simultaneous interpretation



Main Venue
 Shirokashi 2 (Room7)
 Sendai International Center
 9:00-11:30a.m. Nov. 27th (Japan time)
 Online English Site
<https://zoom.us/j/936132498>
 オンライン日本語会場
<https://zoom.us/j/561161516>

aged to improve their English proficiency in half a year and become eligible for universities in the U.S. She delivered a special lecture on how students should study English, focusing on main pitfalls they tend to fall. Her lecture gave students an opportunity to reflect and review their learning method objectively and relieve them of groundless inferiority complex about English.

This time, I also connected our real classroom in the campus with the headquarters of the Hippo Family Club in Tokyo. In the hybrid class, students enjoyed interacting with the young interns from different parts of the world with different mother tongues stationed at the headquarters by

playing multilingual games and repeating recorded multilingual stories. They also shared their insights simultaneously through ZOOM.

I also held joint lectures between Shokei Gakuin University and Hung Kuang University in Taiwan through ZOOM.

On 27 November 2017, I held a special session on the future of nuclear energy policy – lessons from the Fukushima Nuclear Power Plant Accident at the International Disaster and Risk Conference 2017, Sendai, Japan with a special lecture from a professor in Turkey using ZOOM. He was able to

deliver his speech on-line and joined our discussion, with simultaneous interpretation and shared with both on-line and off-line audience.

Third trial

In 2018, I expanded the human rights education program by introducing two special lectures on languages, one on-line lecture by Ms. Aya Terajima and an off-line one by a Hippo member. The introductory lectures facilitated the interest of students on issues beyond the campus, which I hoped would lead to a sense of global citizenship for which human rights form the ethical foundation.

I also revised my curriculum about “model diplomacy,” developed by the Council on Foreign Relations. This year, I selected two topics, “Global Climate Change” and “North Korea Nuclear Threat,” and asked students to form small groups, choose one of the two topics and discuss the issue in “model diplomacy” format.

Each group made presentation in English at the end of the course.

At the first class, I explained to students that language was a core element of identity and respect to each individual unique identity was the foundation of human rights and the goal of this class was for students to learn working and developing together each unique identity in a collaborative and affirmative environment. In my account, Japanese students are educated to follow teachers and their internal majority group and have a few experiences of facing each other as unique individual because their learning environment forces them to be indifferent to others’ “difference.” It is my firm belief that individual identity could only develop through social interaction in safe and secured community and proper language education provides the most effective opportunity for identity building exercise as group work.¹⁶

In addition to standard multilingual language acquisition program of the Hippo Family Club, I also introduced experimental multilingual class in which students listened to a similar story in several languages and discussed them in groups.

At the end of the course, we organized an on-line panel with Professor Goro Christoph Kimura of Sophia University (Tokyo), Professor Ryoko Matsuzaki of Keimyung University (South Korea) and two Christian foreign missionaries.¹⁷

We all agreed on the importance of being open-minded, learning together and respecting diversity in leaning languages; the same conditions for human rights education.

Some Reflections

This experiment developed based on my experience as a human rights educator, having experimented participatory human rights education method by using expressive arts therapy for the last twelve years as well as the new insights that I obtained recently through exercising LEX multilingual program, coaching¹⁸ and mindfulness program.¹⁹

In our experimental classes, I found that a sense of equality of human beings and open-mindedness could be nurtured through developing emotional awareness of languages as equal and that a multilingual environment under affirmative conditions helps in developing such a sense of open-mindedness and a sense of compassion for the “different” others.²⁰

At the first class, I emphasized to the students who kept quiet on my question and held back from speaking in English that language was not a subject for ranking and dividing students and what you could develop together. Hippo family members always try to look for the positive side in the students’ responses and encourage them to feel relaxed and enjoy classes by demonstrating it as role-model.

We should more seriously consider how language education could and should be incorporated into human rights education. Particularly, multilingual education is yet to be explored scientifically and we need to research and develop a program in order to incorporate it into the formal curriculum in tertiary education.

Then, we need to examine how we can develop a sense of sentiment through on-line program which lacks face-to-face contact that carries body communication as basis of emotion/sentiment.

My preliminary experiment of on-line workshops ascertained the hypothesis that the crowd-based education program could be more effective if equipped properly with necessary technologies.

In order to examine the above hypothesis, we need to develop proper technologies on virtual education program and to examine how and in what setting virtual orality would deepen human compassion in the on-line coaching training session as a test case.

In this connection, we should learn from Minerva University (established in 2012) which fully employs on-line, real-time and synchronous seminars instead of lectures in physical class and succeeds in engaging students in very active and committed learning.

The university's on-line seminars with the assistance of advanced technologies, demonstrate unparalleled advantage in promoting active learning against physical classrooms. For instance, we can see only a few of participants sitting around a table simultaneously whereas we can see all faces on the computer screen, which gives each participant a sense of equal access and full participation. Moreover, computer-based virtual seminars can be supported by various technologies such as voice/facial expression sensing/analysis and engagement prompts which are not available in off-line class.²¹

We also need to examine the possibility of using the fifth generation cellular mobile communications technology (5G), which is expected to transform the entire communications industry. We need to find out how 5G can transform on-line education.

I am also planning to conduct an experiment on how new technology like Virtual Reality/Augmented Reality/Mixed Reality could expand the possibilities of on-line education. I have submitted the proposal for workshop at the Converge 2019, the global conference of International Coach Federation (ICF), a world association of professional coaches for sharing my findings.

Finally, we must delve into and revive our indigenous resources which have been marginalized in the modernization process. For instance, mindfulness meditation and whole system approach such as "World Café" are said to have originated in Japan, but became theorized/structured in the West and were recently re-introduced to Japan.

As Charles Taylor emphasized, the more we understand our own path to modernity, the better equipped we could understand and accept the difference with other cultures.²²

Endnotes

1 Charles Taylor contrasts interculturalism in Quebec with multiculturalism in English Canada as follows:

The 'multi' story decentres the traditional ethno-historical identity and refuses to put any other in its place. All such identities coexist in the society, but none is officialized. The 'inter' story starts from the reigning historical identity but sees it evolving in a process in which all citizens, of whatever identity, have a voice, and no-one's input has a privileged status.

Charles Taylor, Interculturalism or multiculturalism, *Philosophy and Social Criticism*, Vol. 38, No. 4-5, May/June, 2012, page 418.

2 Richard Rorty, "Human Rights, Rationality, and Sentimentality," in Stephen Shute and Susan Hurley editors, *On Human Rights – The Oxford Amnesty Lectures 1993*, BasicBooks, 1993.

3 It is our common understanding that we are now entering the information age as coined by Alvin Toffler, a prominent futurist. At the information age, knowledge-production and information-processing is taking over standardized mass-manufacturing and consequentially transforming a mind-set and industrial structure. Steve Case, a founder of American Online, inspired by Toffler's works, published *The Third Wave* in 2016 and presented his own interpretation of three stages of the information age focusing on Internet. In his account, there are three waves:

The First Wave of the Internet was building the infrastructure and foundation for an on-line world;

The Second Wave was development of on-line services such as Google and SNS which make it easier to utilize digital information already available on the web;

The third Wave, coined as InterNet of Everything, is transformation of major, real-world avenues such as health and education sectors by well-established and ever-expanding ubiquitous connectivity on the web.

Cathy N. Davidson, a leading scholar of higher education reform at the cyber age, emphasizes that one-size-fits-all model and standardization cannot fit in a world of social networking, crowdsourcing, customizing and user-generated content. Case says that 2016 is the starting year of the Third Wave.

See Steve Case, *The Third Wave – An Entrepreneur's Vision of the Future*, Simon & Schuster, 2016, pages 1-7 and Cathy N. Davidson, *Now You Can See It*, Penguin Books, 2011.

4 Robert Gibson, an intercultural consultant based in Munich, Germany, said that the English language is changing quite radically and the trend is not to have one or two clear standard Englishes like American English and British English, but to have a lot of different types of English. Lennox Morrison, "You need to go back to school to relearn English," in BBC Capital, 16 December 2016. Accessed on 10 June 2017.

5 Gérard Bouchard presented the five major paradigms for ethnocultural diversity; (1) diversity (English Canada, the United States, Sweden, Australia, India), (2) homogeneity (France, Japan, Russia), (3) bi-or multi polarity (Malaysia, Bolivia, Switzerland, Northern Ireland), (4) duality (Quebec), (5) mixité (Brazil, Mexico). Gérard Bouchard, *What is interculturalism?*, *McGill Law Journal* 56:2(2011), pages 441-444.

6 Lam Peng-Er, "At the Margin of a Liberal-Democratic State: Ethnic Minorities in Japan," in Will Kymlicka and Baogang He, editors, *Multiculturalism in Asia*, Oxford University Press, 2005, pages 224, 243.

7 Lam Peng-Er, *ibid.*, pages 224-225, 232.

8 U.S.-based Think Tank specializing in U.S. foreign policy and international affairs, established in 1921, www.cfr.org, confirmed on 13 November 2018.

9 Model Diplomacy from the Council on Foreign Relations, <https://modeldiplomacy.cfr.org/#/>, confirmed on 27 November 2018.

10 “Quick Start Guide,” Model Diplomacy, <https://files-md.cfr.org/Model%20Diplomacy%20Quick%20Start%20Handout%2009282017.pdf>.

11 “Quick Start Guide,” *ibid.*

12 See LEX Institute – Hippo Family Club website (Japanese language), <https://www.lexhippo.gr.jp>, confirmed on 3 December 2018.

13 Yo Sakakibara, *Language is Our Music-The Natural Way to Multilingualism*, Language Research Foundation, 2013, pages 42-43.

14 ZOOM is on-line conference system with content-sharing function, cloud-recording capacity and breakout session which makes possible simultaneous hybrid interactive class, <https://zoom.us/feature>, confirmed on 10 June 2017.

15 Deviation score is calculated by standard deviation formula and a group of deviation score below 30 briefly means the lowest 16 percent of the total examinees.

16 Identity has individual and collective dimensions and is developed through social interaction in community. Akihiko Morita, “Collective Human Right to Collective Identity,” in Paul Tiedemann, editor, *Right to Identity* (ARSP-Beihefte, volume 147), Franz Steiner Verlag, January 2016, pages 167-177.

17 Watch <https://youtu.be/HgPxdbGAiao>, confirmed on November 30 2018.

18 Coaching is “partnering with clients in a thought-provoking and creative process that inspires them to maximize their personal and professional potential”. See www.coachfederation.org/index.cfm, confirmed on 3 December 2018.

19 The mental training program is widely practiced in global corporations such as Google, see www.mindful.org/.

20 The details about the experimental class were presented at the International Conference on Innovation in Arts, Social Science and Education which was held on 21 - 23 December 2015 in New York, <<https://goo.gl/Hwgd6k>> confirmed on June 10, 2017.

21 Stephen M. Kosslyn and Ben Nelson editors, *Building the Intentional University*, MIT Press, 2018.

22 Charles Taylor, *Modern Social Imaginaries*, Durham and London: Duke University Press, 2004, page xi.

Moral Education as Special Subject in Public Schools – Implications for Human Rights Education

Osaka Prefectural Teachers Union

THE OSAKA PREFECTURAL TEACHERS UNION (Union) is a member of the national organization of teachers, the Japan Teachers Union (Nikkyoso). The Union has been promoting Dowa and human rights education, one of the major issues in its education work, as well as doing awareness-raising on human rights.

Beginning of the Union

In 1945, an organization of teachers in Osaka was formed called the Osaka Teachers Union. More than 90 percent of the teachers in Osaka prefecture joined this union to fight for improvements in labor conditions, wage and welfare. It won recognition of various rights in its struggles.

In 1965, the government published the report of the Dowa Policy Council, an advisory panel of experts established to recommend basic policies to tackle the issues of discrimination against *Buraku* people. In its preamble, the report declared that the “Dowa issue¹ is an issue of freedom and equality of human beings, the universal principles of humanity, as well as an issue of basic human rights protected by the Constitution of Japan.” It also stated that it was the nation’s responsibility to solve the issue.

The members of the Osaka Teachers Union were divided into those who rejected the report outright, and those who received it positively and called for measures to implement the recommendations. The government enacted the Law on Special Measures for Dowa Projects in 1969. Based on this law, the Osaka Teachers Union started to support Dowa education² by organizing study meetings, believing that education valued the human rights of all children. In particular, it worked with the Osaka Prefectural Dowa Education Research Association³ (currently, the Osaka Prefectural Human Rights Education Research Association) in its activities. In 1970, the teaching material for human rights education, *Ningen* (Human),⁴ was published

in Osaka, and was distributed to all primary and lower secondary school students. With the distribution of this material, Dowa and human rights education was actively undertaken in Osaka Prefecture.

The Osaka Teachers Union was reorganized in 1989 and became the Osaka Prefectural Teachers Union; the Japanese Trade Union Confederation (Rengo) was also established at this time. Today, the Union focuses its activities on peace, human rights, environment and multicultural education.

Role of Education in the Past

Before World War II (WWII), education made it possible for Japan to invade many countries in Asia and other areas, to glorify the killing of people as well as dying for the State, to objectify human beings, and to create a hierarchical military institution based on the absolute obedience of subordinates. Teachers who taught the Imperial Rescript on Education and *Shushin* (Morality)⁵ to children from young age in homes, communities and other places of education, wielded immense authority.

Nikkyoso, which was established in 1947, did a soul-searching on the role of education in abetting the war and played a part in creating a new democratic education based on the Constitution of Japan and the Basic Act on Education (Act No. 25 of 1947) under the slogan “Do Not Send Our Students Again to Battlefields.”⁶

The following is an account of the status of moral education since the 1990s as well as problems and concerns about its introduction as a school subject.

History of Moral Education

Why was moral education introduced as a special subject in the first place?

In the late 1990s, juvenile crimes attracted public attention, including the incident in which two children were murdered and three injured by a juvenile in Kobe in 1997, leading to a call for the need for “education of the heart.”

In 2000, the National Commission on Educational Reform, an advisory panel during the term of Prime Minister Yoshiro Mori, recommended introducing moral education as a subject. While this recommendation was not implemented, the Ministry of Education, Culture, Science, Sports and

Technology (hereinafter, Ministry of Education) published in 2002 a booklet entitled *Kokoro no Noto* (*Notebooks for the Heart*) for lower primary, mid-primary, higher primary school children, and for lower secondary school students. Whereas notices from the Ministry of Education is normally sent to local schools through the boards of education, copies of *Notebooks for the Heart* were sent directly to the schools and distributed to the primary and lower secondary school students.

In 2002, the year when copies of *Notebooks for the Heart* were distributed, the Iraq War began. In 2004, when the Self Defence Force was sent to Iraq as part of the rebuilding efforts, a Japanese journalist who went to Iraq was kidnapped and held hostage. The comment of then Prime Minister Junichiro Koizumi that “it was his responsibility, since he went to Iraq ignoring the recommendations to evacuate” became subject of numerous discussions.

The first Prime Minister Shinzo Abe government amended the Basic Act on Education in 2006. Before the 2006 amendment, the law was like a Constitution on education, setting forth basic principles and placing broad frameworks such as academic freedom, and creation and development of culture as goals of education. After the amendment, the terms, “public spirit” and “tradition” were included in the preamble, and the cultivation of “a rich sensibility and sense of morality,” “love of the country and regions” were explicitly placed alongside “equality between men and women” and “preservation of the environment” as objectives to be achieved through education. A new provision on education in the family placing “primary responsibility” on parents and guardians was inserted. Before the amendment, the goals of the education bureaucracy were to create and improve the conditions for education. Under the amendment, national and local governments have to comprehensively formulate and implement educational measures. Heads of local governments were given a say in educational contents through the newly-created general education conferences.

The first Abe government established the Education Rebuilding Council in 2006 in the Prime Minister’s Office. The Council argued that moral education should be included in the curriculum as a subject. Meanwhile, the Central Council for Education found that though moral education was necessary, it was not appropriate as a subject in the curriculum because of issues with evaluation, textbook screening, and qualification of teachers,

among others. Moral education was not included as a subject in the Courses of Study that was updated every 10 years.

However, the Courses of Study for primary and lower secondary school was revised in 2008 that required time for moral education and the school as a whole to conduct this education. Instruction plans were developed, indicating the relevance of other subjects with the contents of moral education given in the Courses of Study. The content items of the moral education are similar to the “virtues” in the pre-war moral education, such as “honesty and good faith” and “kindness and compassion,” and lists the morals that should be attained “in relation to oneself,” “in relation to relationships with others,” “in relation to nature and the transcendent,” and “in relation to relationships with groups and society.” The revised Course of Study also required the teachers to promote moral education. And teacher were officially assigned to teach moral education from 2010 onward. The teachers assigned to promote moral education were those already working in schools rather than new teachers.

When a lower secondary school student killed himself after being bullied by his classmates in Ohtsu, Shiga prefecture in 2011, the discussions on introducing moral education as a subject were revitalized. In 2013, under the second Abe government, the Council for the Implementation of Education Rebuilding was set up in the Prime Minister’s Office. The Council published its recommendations on bullying, making a renewed call for the introduction of moral education as a subject. In response, an expert panel on moral education in the Ministry of Education published a report stating that it was appropriate to place moral education within the curriculum. In 2014, the Central Council for Education recommended that moral education be included as a special subject. *Notebooks for the Heart*, copies of which were distributed since 2002, were substantially revised in 2014, and reissued as *Watashitachi no Doutoku* (Our Morals).

Under these circumstances, the section on moral education in the Courses of Study was partly amended in March 2015 to designate it as a special subject. Primary schools were to start teaching the special subject of moral education using textbooks and evaluations from 2018, lower secondary schools from 2019.

The Courses of Study was revised in 2016 for other subjects, and classes would be taught according to the new Courses of Study in 2020 for primary schools and 2021 for lower secondary schools, after a period of dissemina-

tion and transition. Only the special subject of moral education was implemented in advance.

This is how the special subject of moral education became a new subject in 2018. The Ministry of Education indicated that moral sense would be formed through changing moral education classes into one of “thinking and discussion,” and by fostering the ability to address learning as well as a sense of humanity through each of the subjects.

Before the official introduction of the special subject on moral education, the schools were “encouraged” to promote moral education.

Concerns about Moral Education as a Subject

The *Notebooks for the Heart* were not textbooks, as they have not gone through the textbook screening process. They are also not supplementary textbooks because they have not been approved by the Boards of Education. The Director-General of the Primary and Secondary Education Bureau of the Ministry of Education at the time stated during a session of the Audit Committee of the House of Councilor that the Ministry of Education was not forcing the schools to use the *Notebooks for the Heart*. If so, when, where and who were expected by the Ministry of Education to use them?

The amended Basic Act on Education explicitly refers to “sense of morality” and “love of the country and regions,” as well as to terms that imply moral education as a school subject. It also includes provisions on education in the family, possibly introducing the idea of self-responsibility in education. Also, with the amendment of the goals of education, general educational conferences are held with the participation of heads of local governments, giving them a say in education, even though the Basic Act stipulates that “education must not be subject to improper controls.”

The publication and distribution of the *Notebooks for the Heart*, which resemble textbooks, since 2002 and then *Our Morals* since 2014, may be seen as preparation for the introduction of moral education as a subject. In practice, the use “as much as possible” of *Our Morals* was encouraged instead of the locally prepared teaching materials being used before then.

Ever since they were officially designated in the schools, the teachers for the promotion of moral education took the lead in organizing training activities. The goal of moral education was identified as the fostering of a sense of morality through the educational activities of the school as a whole,

and moral education class hours would focus on the study of morality. Based on this idea, the annual school plan was required to state the relevance of all educational activities (including subjects, classes for integrated learning and special activities) to the content items of moral education.

During training, emphasis was placed on lesson planning for moral education classes that gave more weight to the content items given in the Courses of Study. Until then, multiple items could be taken up in a class hour, but as the class was the focal hour for moral education, it was now required that only a single item would be taken up in an hour, or if the lesson involved a story, the whole story would be read and discussed within the hour. As teaching materials, the use of *Our Morals* published by the Ministry of Education was encouraged. The contents of locally published teaching materials were considered not clearly relevant to those of the content items in the Courses of Study. Moral education classes that the Ministry of Education “encouraged” to be held were promoted.

Textbook Screening

Moral education as a special subject in primary schools was planned to be officially introduced in 2020, with the revision of the Courses of Study. However, in practice, its introduction was made in advance in 2018. As a result, the textbooks for moral education as a special subject were screened and adopted in each of the administrative jurisdictions of the Boards of Education.

A number of problems were pointed out during the textbook screenings. After the Ministry of Education expressed negative views, certain items deemed inappropriate in relation to content items were changed such as the reference to a “baker” that was changed to a “Japanese sweet shop,” and an illustration of children playing with playground equipment that was changed to one of children watching Japanese musical instruments with interest. While the Ministry of Education did not ask for specific changes, the textbook publishers complied by making changes. Some textbooks were overly political by showing photographs of the Prime Minister’s Office, for example, or raised concern such as those demanding respect for the national flag and anthem. Each textbook has a guide material, and some guide materials try to lead the children’s views to a particular sense of values. Although the Ministry stresses thinking and discussion in moral education,

it has been pointed out that by using the textbooks, there is a risk of forcing uniform sense of values.

Evaluation

The expert council on evaluation in moral education published its report on the instruction methods and evaluation in moral education as a special subject, indicating the following basic ideas regarding evaluation of the subject:

1. From the children's perspectives, evaluation should allow them to have a sense of their progress, and lead to awareness raising;
2. From the teachers' perspectives, evaluation should be materials to improve and substantiate goals, planning and instruction methodologies;
3. Evaluation should not be given in numeric values, but in descriptive account;
4. Evaluation should not be based on individual content items, but on broad sets of items;
5. Evaluation should not be done in comparison, but be based on each individual on the progress according to the respective levels of development;
6. Emphasis should be given on the development of the children's multi-faceted and diversified views, and on the deepening of their understanding of moral values by relating the values to themselves;
7. The children's specific efforts in the learning activities during moral education should be assessed broadly.

(From the report of the expert council on evaluation in moral education, Ministry of Education)

Report cards (evaluation of learning) given to the children and the parents in each school term are made and handed out upon the discretion of the schools, and are not legally required. However, evaluation must be included in the guidance records. From the perspective of the children, making evaluation through "report cards" would mean that adults are "evaluating" their (children's) "sense of morality." Evaluation should be such that the children should not see it that way. It is important that report cards give an account not on each of the content items in the subject, but on matters such

as “mainly about oneself,” on how the children considered “moral values” as something that mattered to them, and how their understanding progressed. It is possible to give an account on how they learned about the Constitution, international treaties and their rights, or how they responded to education on peace and disaster prevention, without being bound by the content items.

How Moral Education Should Develop

In moral education, students are “taught” that “you should not discriminate,” that “you should be considerate of the feelings of others,” and that “kindness and compassion are important.”

In Dowa and human rights education, on the other hand, emphasis is on “why discrimination exists,” “what discrimination is,” and “what should be done to eliminate discrimination.” These are not “taught” unilaterally by the teachers but “considered together” as a class. In the process, students learn to express their feelings, listen to the feelings of their friends, discuss with people with different views, and sympathize and connect with not one but many people. By doing so, their own views may increase in depth, or change. Then they can discuss and translate their views into action.

In Osaka, the teaching of moral education cannot be understood without taking into account the experience with *Ningen*. *Ningen* is historically significant for being part of the development of the “academic skills for liberation,”⁷ its “democratic edition of educational contents,” and “free distribution.” Learning through *Ningen* is an effort to reform humanity that addressed the issues of “*buraku*,” “Okinawa,” “Korea” and the “War, in which Japan was the aggressor.” There were seven versions, for each grade from one to six in the primary schools and for lower secondary school. It was revised in 2003 into four versions, but still maintained as its basis, the “creation of relationships in which people can recognize who they really are,” “irreplaceable life, peace,” “diversity as wealth,” and “importance of people to people connections” as in the earlier versions.

However, the Osaka Restoration Association, a political party, came into power in Osaka Prefecture through elections, and in 2008, *Ningen* ceased to be distributed, although parts of the material were put together as “human rights education teaching materials” and distributed to all schools.

By addressing the human rights issues taken up in the *Ningen*, readers will be brought face to face with themselves and their families, the lives of

their friends and peers and the local communities. Human rights education in Osaka has nurtured a concrete sense of human rights by learning about not some “moral” tales happening far away but about the injustice and conflicts right in front of the people. *Ningen* (human rights education materials) has been used and is being used in moral education in the curriculums of many schools.

Efforts of the Union

The Ministry of Education and the boards of education have been intensifying their “strong guidance” on “how things should be” with the distribution of the *Notebooks for the Heart*, the amendment of the Basic Act on Education and the distribution of *Our Morals*, even before moral education became a special subject.

With the introduction of moral education as a special subject, the Union has been informing members through study meetings and the Union Newsletter that the imposition of a particular sense of norms or values and the instructions that interfere with the freedom of thought are not permissible.

Three published news articles on the comparative examination of textbooks in view of the adoption of primary school textbooks for 2017 emphasized the following points:

1. The adoption of a “better” textbook - for education based on human rights and the Convention on the Rights of the Child;
2. The non-imposition of a particular sense of norms or values - for moral education based on the Constitution and the Convention on the Rights of the Child.

This article compared and analyzed textbooks for third and sixth graders, categorizing issues by (a) the Constitution and the law (rules and regulations for third graders), (b) peace, human rights, (c) tradition, family, and (d) persons appearing in texts. The textbooks were evaluated and identified as those that were appropriate, those with problems, and those that could be appropriate, depending on how they were used;

3. Education that takes the child into consideration.

This article argues that moral education classes should not be an imposition of uniform sense of norms or values, but a class in which participants

“think and discuss,” and this can be done by including human rights education in the subject. It also proposed how *Ningen* (human rights education materials) could be used, and presented the basic ideas on how evaluation should be.

The Union organized the following study meetings:

1. How to respond to moral education as a special subject (speaker: Kenichi Ikeda)

Held in 2015, the participants learned about the criticisms against moral education “called for” by the government taking into account the context in which it arose. They also studied morality as seen from the provisions of the Constitution as well as the image as a nation.

2. Thoughts on moral education classes (speaker: Kenichi Ikeda)

Held in 2018, Mr. Kenichi Ikeda pointed out the following in relation to human rights education:

We must consider how we can plan a moral education class that does not interfere with the freedom of thought. In doing so, the accumulation of experience in “human rights education” may be of use. At first glance, the human rights perspective seems to take up similar content to those of moral education, but it is fundamentally different.

Human rights education is “to know one’s human rights, and to act to realize those rights as rights holders.” It is an education that leads to a “regaining of humanity and transformation of society.” (Mariko Akuzawa, “Jinken Kyouiku Saikou,” Chinmoku suru Jinken, M. Ishizaki, H. Endoh, editors, Horitsu Bunka-sha 2012, pages 33-35.)

But moral education as a special subject may give the impression that human rights issues can be solved by learning moral values such as consideration and kindness.

After Mr. Ikeda’s presentation, participants created lesson plans for existing textbooks as well as materials from *Ningen* (human rights education materials), and discussed the perspectives in the materials and lesson planning.

The Union published and distributed relevant materials and introduced new publications, such as materials published by Japan Teachers Union, Courses of Study, Ministry of Education materials on evaluation, related

newspaper articles, views of academic experts, and lists of textbooks adopted by schools in Osaka Prefecture.

Education inside the Classrooms

In the academic year 2018, classes in primary schools were held using the textbooks. Due to the heavy workload of the teaching staff, schools are unable to form their own curriculums or conduct further research on teaching materials. In particular, with the introduction of foreign language activities (English), the priority of teaching materials research may further decline. In some schools, the school administration may tell false information that locally published teaching materials or materials such as *Ningen* are “not allowed,” and the uncertainty on conducting classes based on human rights.

The “guide material” at the back of each textbook also places far too much emphasis on particular content items and as a result, uniform sense of values is imposed and children are reluctant to raise diverse views. It might be effective to pause in reading a text, rather finish reading it till the end, to allow the exchange of different opinions.

The frequency of evaluation by “report cards” that the schools (teachers) give to each student differ from school to school, ranging from once a year to two to three times a year. Schools seem to be figuring out by trial and error what explanation should be written on the evaluation. The teachers are probably perplexed and would look for guidance on evaluation on moral education from books and in the internet and use them.

Morality itself should not be evaluated, but teachers should keep giving an account of what and how the child tried to learn, focusing on the child’s statements and comments.

Future Directions

There are almost no materials on “rights” or “freedoms” in the textbooks that passed the Ministry of Education’s screening. Their perspectives on “human rights” are also weak. Many of the materials try to solve social issues by increasing the “morality” of each person, and shifting the responsibility to the individual. Also, many involve events and persons that emphasize how wonderful Japan is.

Very few textbooks refer to the Constitution, the Convention on the Rights of the Child and the three human rights laws⁸ that protect people in Japan by describing how the society can take action to solve the social issues. Regarding other countries, many materials refer to how Japan helped people in other countries when they suffered from disasters or other problems, and how this led them (other countries) to extend help to Japan. None of the materials refer to how Japan invaded other countries in Asia during WWII, and how this was making relations with the neighboring countries complex today. They seem to maintain the stance of “not touching on” any matters of inconvenience to Japan.

The current Minister of Education caused an uproar when, in response to a question from a reporter, he said that there were parts of the Imperial Rescript that could be arranged to suit the modern times and used in moral education. What is the significance of bringing back the Imperial Rescript, which was declared no longer valid by the Diet, and of presenting respect for the parents and diligence in study and work as important moral values? This shows that the introduction of moral education as a special subject is an attempt to “resurrect” the moral culture education and the Imperial Rescript that was conducted before and during WWII.

Each school has the power to form its own curriculums. For the moral education class, which has been introduced as a special subject, engaging in education should not be an imposition of uniform norms and values, but one that is based on the children, and the local community, and with human rights at its core.

Endnotes

1 Dowa issue is a grave human rights issue unique to Japan, in which a section of the people of Japan is compelled to an economically, socially and culturally disadvantageous status over the years, and experience various discrimination in their daily lives, due to discrimination based on a hierarchical class system created in the process of social development in the history of Japanese society. (Ministry of Justice, www.moj.go.jp/JINKEN/jinkeno4_00127.html)

2 Educational measures in solving the Dowa issue that persisted in many areas of the society in general play an important role in character building. For this reason, the Ministry of Education, Culture, Science, Sports, and Technology has made efforts to promote Dowa education, by improving the respect for the basic human rights of the people of Japan through school and social education, and by narrowing the educational gap and improving educational and cultural levels in the Dowa areas.

Policies on Dowa education of the Ministry began in 1959 with the designation of pilot schools for research, and publication and distribution of materials.

Since 1969, additional teaching staff were assigned in prefectures with Dowa areas in response to special educational needs to increase the academic skills of children and for academic and career guidance. Since then, more than 3,000 teaching staff were assigned by 1991, by improving annually through an improvement plan for the number of teachers. (From the Ministry of Education, Culture, Science, Sports and Technology, www.mext.go.jp/b_menu/hakusho/html/others/detail/1318317.htm).

3 A research organization mainly of teachers, created in 1953, which aimed to promote Dowa education. It organizes summer seminars and other seminars for teachers in Osaka Prefecture, as well as seminars and study meetings on specific human rights issues.

4 Ningen is a supplementary textbook for Dowa education that was distributed in elementary schools and lower secondary schools in Osaka Prefecture. It was edited by Ningen Editorial Committee in the Liberation Education Institute. The Osaka Prefectural Board of Education purchased it in bulk and distributed to schools for free.

5 The Imperial Rescript on Education was issued on 30 October 1890 in the name of the Meiji Emperor. The basis of education under the Rescript was in the teachings of the imperial ancestors, and it placed loyalty and filial piety at the center of the education of the nation. In 1948, the Diet decided to void and abolish it.

Shushin means to behave correctly and bring order to one's life. It is also the title of the subject on moral education in pre-WWII school systems. It envisaged the practice of national morality and the development of virtues. It was given the highest status among primary school subjects with the amendment of the Education Order, and after the Imperial Rescript was issued (1890), it was given particular importance as the basis of the national morality and national education, not only of primary schools, but all schools. Later, it played a central role in promoting nationalist education policies, and was abolished after WWII.

6 See Nikkyoso website for more information on its post-war activities, www.jtu-net.or.jp/english/birth/.

7 *Kaihou no gakuryoku*, or academic skills for liberation, advocated by Kozo Nakamura. According to him, the skills consist of (1) self-awareness of liberation, (2) collectivism, and (3) scientific and artistic perception. The three components should not be considered separately. The (1) self-awareness of liberation and (2) collectivism should be the basis on which (3) scientific and artistic perception would develop.

Later, it was rephrased, such as into "ability to identify, to not be defeated by and to fight discrimination." Since then, education practices were created to develop the "ability to identify, to not be defeated by and to fight discrimination."

8 Three laws to solve discrimination were enacted in Japan in 2016. They are (1) the Act for Eliminating Discrimination against Persons with Disabilities, (2) the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan and (3) Act on the Promotion of the Elimination of Buraku Discrimination. All these laws seek to realize a society in which all people can live feeling safe, to build a society in which human rights are mutually respected, and an achievement of a society where there is no discrimination.

Human Rights, Culture and Education

Jefferson R. Plantilla

HUMAN RIGHTS PROMOTION takes place whenever rights are articulated in relation to issues. In expressing the need to be free from situations of poverty and injustice, the discussion of national or international human rights standards may come in to support such aspiration. In discussing how to address issues, relevant rights may be cited as part of the means to resolve the issues.

The demand to be free from abuse, discrimination, deprivation of basic needs and other forms of suffering has been expressed in artistic and cultural ways through the ages. This demand has been the subject of plays, poems, songs, art works and other forms of expression. More or less, these expressions touch on protecting human dignity as well as human rights.

Cultural expressions can have powerful influence on members of society. Those who create such cultural expressions can influence people. They have the opportunity to do human rights promotion.

Culture as a Force in Society

“Lit-Fests” are now being staged every year in different parts of India and attract thousands of people. Each festival has “interesting sessions held around contemporary topics, with live musical performances “ (Jaipur Literature Festival), “not only features writers but also facilitates workshops for prospective writers, music and dance performances and other entertaining activities” (Apeejay Kolkata Literature Festival), “includes conversations with authors, reading, panel discussion, workshop and book launches as well as cultural programmes” (Hyderabad Literary Festival); “lively debates on emerging trends and issues, new forms of literature and writing, old authors and epics” (Tata Literature Live), “showcases a perfect combination of the cultural diversity in the capital of India and is a development of the same on the intellect and academic front on a single stage” (Delhi Literature Festival); “tries to bring about multiplicity of languages like Hindi, Urdu, Awadhi and English on a common stage” (Lucknow Literature Festival); “features the

opulence of literature, cinema, and music all over the country, in addition to having captivating discussions and debates” (Times Lit Fest); “talking about books, book writing and literature amidst beautiful ambience of Kasauli is a marvel on its own” (Khushwant Singh Literature Festival Kasauli).¹

But these “Lit-Fests” have been criticized for failing to take up the Dalit discrimination issue, which remains a major problem in the country. Several groups² involved in the movement against the discrimination of the Dalit initiated a counter-festival, the first Dalit Literature Festival (3-4 February, 2019 at Kirori Mal College, University of Delhi). The organizers justified this counter-festival as a means to restrain the control of literature, culture and art by certain groups in society. They explain:³

We have been observing that literature is being appropriated by various forces that are governed by caste and capitalist formations and a trend has been created of organising **Literature-Culture Fest** in regional languages at the State level in different parts of the country. These groups are deeply entrenched into a caste and Capital entitlement and oppression. Their tendency for appropriation are driven by the understanding that Literature, culture, and Art have continued to play a significant role in making man-community-society more creative, alert, sensitive and thought-oriented. Therefore, these groups want to establish control over the domain of literature, culture and art.

The Dalit Literature Festival is designed to stress the collective responsibility of ensuring that culture would support the Dalit call for social change. The Dalit Literature Festival’s concept note explains:⁴

Amidst such a situation, it is the collective responsibility of all those who believe in the idea of Social Justice and an Egalitarian Society that we protect values of justice and equality embodied by our literature-culture-art. Also, it is our responsibility to bring together various cultural and artistic minds who believe in social change and justice, to strengthen the people oriented and change centric positive stream of Dalit. Only this positive and change centric vision can bring about momentum towards the foundation of a better society and community in [the] future.



Festival Poster.

Mahtab Alam

The Dalit Literature Festival is conceived to be the “occasion to witness the social realities through artistic expressions by various groups.” It is meant to “initiate a parallel change-oriented literary discourse in which Dalits, tribals, denotified tribes, women, minorities and *pasmanda* [Dalit Indian Muslim] communities and the literature [festival] will establish a solid platform.”⁵ It is planned as a “platform [that] would establish a dialogue so that the pains and problems of Dalit communities can be brought to light, furthermore the cultural traditions and vibrancy of Dalit literature and art can be demonstrated.”⁶

A report on the festival highlights the issues:⁷

Over the two days, participants and speakers emphasised the need for unity amongst the writers of marginalised communities and identities across religions, gender and regions. Speaking at a joint session on the identity question in Dalit literature and minority discourse, writer and literary critic Chauth Ram Yadav argued, “Pichhda-Pichhda aik samaan, Hindu ho ya Musalman” (Marginalised and Dalits among different religions are treated in the same manner). “We need to focus on the social location of the writers, not their religious location,” he said.

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Poet-activist Balli Singh Cheema, while speaking on the issue of social justice and people’s movements, said language is

important to connect with the masses. “We have to write in the language and style which is understood by a large number of people. Otherwise the very purpose of our efforts will be de-



Inaugural Session of the first Dalit Literature Festival.



Poet Balli Singh Cheema speaking at the Dalit Literature Festival.

Mahtab Alam

feated,” he said. He appealed to writers to use simple and local language.

The Dalit Literature Festival also “showcased the literary and cultural talents” of members of Dalits and marginalized groups:⁸

“More than highlighting the atrocities and injustices faced by Dalits, this festival is to celebrate the cultural talents and heritage we have,” said Sanjeev Kumar, one of the organisers.



Mehabo Alam

Members of Rashtriya Ambedkar Mission Exam Baspa Prachar Mandal at the Dalit Literature Festival.

Both the "Literature-Culture Fest" and the reaction to it (Dalit Literature Festival) celebrate the rich cultures of India as expressed in literature and other artistic expressions. But the Dalit Literature Festival advocates a cause to eliminate discrimination against marginalized peoples in India by celebrating their (marginalized peoples') rich cultures. The Dalit Literature Festival has a clear aim of using literature and art as means to address a persistent human rights issue.

Artistic expressions can mean many forms including the traditional and modern artistic expressions. They have been used as tools in influencing opinions and changing behavior.

The use of rap, currently used by young people worldwide, is one such modern artistic expression.

Dalit Rights: Rap and Hip Hop

Sumeet Samoos, "a 24-year-old rap artiste from Koraput, Odisha who has lived and survived the caste discrimination in the country.... tries to bring forward the voices of the masses which have always been unheard of in the caste-based society."⁹

Sumeet has strong words to criticize the current system that has not stemmed the continuing tide of discrimination against those who belong to the lowest caste known as Dalits. To be emancipated from “a Brahminical society,” he uses rap and Hip Hop. In the song “Ladai Seekh Le,” Sumeet explains that the song is a “critique of the caste as a system and rap is the medium for that.”¹⁰ He writes rap in Hindi and English.

The work of Sumeet is seen as a¹¹

tool to directly connect with the younger generation as well as understand and act against the stigma and harassment associated in the public as well as private lives of varied communities and caste hierarchies. A new perspective is brought into action using the popular culture of rap music in contemporary times.

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Samos’ works stands out not merely because it voices the underprivileged, but also because unlike the popular rap culture of Bollywood and Punjabi rap, it is not based on sexism. In the popular rap catered to the majority population of the urban youth, the feminine body is presented as a mere sex object not only visually but also in lyrics. It would not be wrong to say that leading rap artistes of the Hindi Film Industry have degraded the form and feminine identity to sheer slander.

His song titled “Hard Truth”¹²

aims directly to the so-called Dalit sympathizers who exploit stories and narratives of the unprivileged sections of society. This attitude of the upper caste makes Samos believe in the existing power structure of the society held in the tight grips of Brahmanism.

In his English rap “All You Know is Five Words,” Sumeet criticizes people including those in the academe, mass media, private sector and politics for not really knowing the real issues and the proper solution to them:¹³

All you know is five words,
Dalit, Merit, Caste, Ambedkar, Reservation.

Bondage in the Caste nations, Land, Resources, Education,

Looting for the thousand years,
 Still blaming Reservations.¹⁴
 Provisions in the Constitution,
 Given by Baba Saheb
 For the Oppressed Representation.
 This isn't your charity,
 No Poverty alleviation. Academics, Media, Bureaucracy, Justice
 system.
 Private sector, Politics, Cinema and journalism.
 Bunch of few Top castes are in Overpopulation.

With rap and hip hop as his medium, Sumeet aims to raise critical awareness of the age-old Dalit discrimination among the young people in India. At the same time, he is making a “counter-rap” against the mainstream rap in order to express issues that adversely affect people and society.

Engaging Traditional Culture

Cultural traditions regarding music, play, poem recitation and other forms of entertainment can be employed to raise awareness. But people who use them have to reshape cultural traditions into forms that suit the current context.

Traditional songs may have new lyrics that reflect new ideas and situations. Children in the Philippines use the traditional *balagtasan* (public debate on an issue using poetry) in the modern sense because they speak of current concerns. *Balagtasan* requires wit, quick thinking, and memorizing as well as capacity to do fast-paced prose composition. A Filipino author (Virgilio S. Almario) describes the traditional *balagtasan*:¹⁵

The protagonists in the BALAGTASAN are still required to be skillful in memorizing long verses with rhyme and meter and reciting with flair (as they say, “con todo forma”) in public.

Balagtasan had nationalist as well as cultural heritage agenda during the time when the Philippines was under the American colonial rule. Almario explains:¹⁶

As a nationalist movement, BALAGTASISMO embodies the ideals of the Philippine Revolution against Spain and continu-

ously aims to assert Philippine independence from American Occupation. But its political outlook encourages BALAGTASISMO to adopt a very conservative cultural platform. It has preoccupied itself with the preservation of Filipino heritage -- old values, folklore, customs and traditions -- as a means to strengthen the moral fiber of the people against the modern but corrupting American influences.

Thus the first decades of the 20th century under American rule were a time for intense political campaigning for Philippine independence and passionate efforts to revive cultural memories. This period helped legitimize the *kundiman* [songs] and *barong tagalog* [men's shirt] among other symbols of Filipino nationhood. It nourished the kind of rural nostalgia evoked in Fernando Amorsolo's paintings, in the designs of Isabelo Tampingco, and in the so-called "tropical art deco" buildings of Juan Nakpil. In literature, it was manifested in the cult-like worship of Francisco Balagtas. The genius of Balagtas was recalled in a manner similar to Dante as the father of the new Italian language or Shakespeare as the precursor of modern literature in English. The phenomenon suggested to me the name BALAGTASISMO. It also indicates why the poetic form invented during the period was named the BALAGTASAN.

At present, rap is considered a modern form of *balagtasan* in the Philippines. It is a form of entertainment of young Filipinos – either in small street gatherings in the community or in “rap battle” or floptop held in bigger spaces. One report states:¹⁷

While some of the older generations may not understand or accept battle rap as a legitimate form of expression and entertainment, there is some progression being seen, with some academics describing it as modern-day ‘balagtasan’ which is a formal Filipino form of debate that some educators consider an art form [and] part of the Philippines['] 21st century native literature.

The 2017 Filipino movie “Respeto”¹⁸ provides an example of the use of rap in relaying a message to society. Treb Monteras II, the film Director, explains why rap is the focus of the movie:¹⁹

“Nowadays, with people facing violence and poverty, Filipino youth have also found an escape through rap music. Because it’s

free. All you need is to gather your ka-tropa [group mates], your voice, and an exchange of rhymes and you're enjoying rap."

Yet he has a message to convey:²⁰



"But this movie is more than just a hip-hop movie," he added. "It's a reminder that we should have respect for ourselves, each other, and more importantly for human rights. It's also about martial law. I hope this becomes a reminder that we shouldn't repeat what has happened in the past."

This explains the title of the movie "Respeto," which means respect.

The movie features rap battle, reminiscent of *balagtasan*²¹:

The concept of rap battles isn't as foreign to Filipinos as one might initially think. Filipinos have been slinging saucy rhymes at each other

since April 6, 1924, when a group of writers decided to commemorate the birthday of renowned poet Francisco Balagtas through debates done in verse. Modern FlipTop has rappers; Balagtasan has Mambabalagtas poets. FlipTop has an emcee as a moderator between opposing sides; Balagtasan has the Lakandiwa/Lakambini. In certain fiestas Balagtasan debates have been replaced by rap battles, not only because of the popularity of hip hop in the Philippines, but also because it is something that has roots in our culture.

The use of rap as modern *balagtasan* illustrates the capacity of culture to change and adapt to new situations. Such culture change does not destroy the basic idea of the culture; instead, the traditional form of the culture is made relevant to the current context and given new life.



Reviving Traditional Socio-Cultural Activities

The video documentary “Drumming out a Message: Eisa and the Okinawan Diaspora in Japan” (2003)²² tells the story of young people from Okinawa who migrated to Osaka city in the 1970s looking for work.

As young migrant workers, they faced discrimination, prejudice and poor working conditions. Those who came before them, after the end of the second World War, also suffered discrimination.²³

In 1975, these young Okinawans established the Kansai Okinawan Young People's Social Club in Osaka city and adopted three slogans:²⁴

Young migrant workers stick together!

Let us protect our right to a livelihood!

Let us protect and teach people about Okinawa's natural beauty and culture.

The club, popularly known as *Gajimaru no Kai* (Banyan Association),²⁵

represents a place of healing. The [Okinawans] can always go back to Okinawa. But if they don't, the Banyan Association is a piece of Okinawa for them in Japan, where they can breathe and re-balance themselves.

The "Banyan Association planned a range of activities to help the Okinawans in Osaka and the surrounding area to retain their pride and self-respect. *Eisa* – an Okinawan tradition of drumming and dancing – became the Association's main activity."

They realized that in the presence of the mainland Japanese they were "a bit inhibited, not able to express what is on their mind." To them, this is a situation of discrimination.

This is explained by one of the leaders of the group, Yoshinori Tamaki:

"The point is if we can express ourselves openly then people who see us don't feel uncomfortable"

Kaoru Kinjo, a founding member, emphasized the importance of "cultural activity for minority individuals to fight discrimination":²⁶

The situation of not being able to behave freely, in other words, of feeling discrimination, means if there is someone around with a prejudice against you, you can't find the energy to fight back. By getting together, people felt they could stand their ground better. They could of course, get together without

anything connected to Okinawa. But it's the same. They don't go out to work united in a group. And, after spending time together everyone goes off to their separate lives. Then, if they face problems individually, they each need the energy to stick up for themselves. For that, restoring their sense of identity by expressing their Okinawan culture is a vital support, and they react by feeling bold and confident. Gradually they stop feeling so sensitive, and people stop interfering with them. Maybe they're easier to understand, or both sides are better able to accept themselves. So picnic, hiking, volleyball and other sports ... sports have nothing to do with culture, so all this can't help them generate the energy to stand up for themselves. But joining in the *eisa*, or doing drama, playing the *sanshin*, doing karate, doing Okinawan classical dance ... all done in small groups, these things are a much greater support. Some people become truer to what's inside themselves, and others reinvent themselves.

Earlier, the other older Okinawans living in Osaka did not want to display in public their sentiment. As Kazufumi Nakamura explains:

18 years earlier from 2000, Okinawa Kenjinkai, a club for Okinawans, in Taisho ward, "wasn't happy about us displaying Okinawan culture outdoors in public where everyone could see"... "they didn't agree with our showing Okinawan culture" in public place, *umui* (emotions and desires), workplace discrimination, court battles, those kinds of things."

Kinjo explains what happened when the people began to feel comfortable displaying in public their own culture:

They'd start to show who they really were for the first time ... In that sense they became themselves once more, there was a whole generation glad to have come to the Banyan Association.

Eisa is a²⁷

form of dance performed in Okinawa during the summer *bon* festival, when the spirit of the deceased are believed to return temporarily to the world of the living. The *bon* is held for three days, July 13 through July 15, as part of the lunar calendar according to which Okinawan rituals and festivities continue to be

observed. The spirits are welcomed (*unke*, July 13), entertained with food, drink, music, and dance, then sent off (*ukui*, July 15) until their next visit.

Gajimaru no Kai introduced *eisa* to the Japanese mainland through its Osaka activities.²⁸ The Banyan Association's performances inspired Okinawans living in other parts of Japan (Hyogo, Kyoto, Tokyo, Aichi and Hiroshima prefectures) to also organize their own *eisa* groups. These *eisa* groups join the annual Eisa Festival in Osaka to "acknowledge the pioneering work of the Banyan Association and to celebrate the Okinawan culture."

Eisa became the medium that helped these young Okinawan residents come together and gain the confidence to express themselves in public. As a result, they overcame the silence that they endured in the presence of the mainland Japanese in Osaka. They were able to face the discrimination that their silence had tolerated.

"Drumming out a Message: Eisa and the Okinawan Diaspora in Japan" (2003) shows how these young migrant workers from Okinawa and second-generation Okinawans in going "through the process of performing *eisa*, act on the derogatory images in mainstream culture, and at the same time transform themselves into individuals more resistant to the adversity created by such images."²⁹

This video documentary exemplifies the practical step that groups suffering from human rights violations or abuse can take to express themselves and allow other people the space to recognize them and their rights. Mere display of the cultural traditions (such as *Eisa*) of a minority group should not offend people. But such cultural display invites those who do not belong to the group to see them not as people deserving discrimination and exploitation but as people who deserve respect.

Transforming Culture

While the use of traditional culture is important in introducing and asserting identity, it is subject to change over time when used in another context. The aspects of culture that endanger people's welfare, security and rights in the current context are also subject to change.

Culture change is necessary in order to address social problems. Education is one medium that can facilitate culture (and also social) change. But how can this be done?

Ibu Nyai Eva, a teacher in a *pesantren* (traditional Islamic school),³⁰ in Indonesia, believes that “in the strong culture that favors child marriage, this cultural problem needs to be countered with a strategy that does not oppose it frontally.” She provides one answer in relation to traditional child marriage practice:³¹

“If parents come and want to take their child away to get married, I will ask what the reason is. Insofar as possible, I stretch it out and say, “Wait, not now, exams are coming, or wait, let her finish a cycle of reading the Qur’an.” If they accept this, that means there’s a postponement [of the marriage], even if it’s only temporary. So then after the harvest season, they come again, ask again, and I negotiate again. If we reach a deadlock, I let the child go, but with a promise that after the traditional wedding, she will be brought back to the *pondok* (*pesantren*). I also offer a scholarship for her husband, because often the husband is also underage. Child marriage is a cultural issue, so we have to be wise in negotiating with the parents, with people who think child marriage is not a problem; that’s how we deal tactfully with the culture.

We’re often tempted to make regulations. Of course that is important, but we also need to understand how the local tradition interprets child marriage. Here, child marriage is sometimes just like playing [with] marriage, because the motivation is to collect on a social debt, or to raise social status, or to strengthen social solidarity. Without an understanding of the culture, rules to postpone child marriage will simply be rules written on paper. To negotiate with the culture, we have to work within the framework of that culture, even while maintaining a critical stance against it. Myself, I use the framework of justice in Islam, Islam as *rahmatatan lil alamin*, a blessing for all the world, not just for males but also for females, and for those who are kept weak by the culture itself”.

The authors of the report where this quote was taken commented that this experience is not widespread. They wrote:³²

But how many educational institutions actually care and insist on ensuring equal access for girls who are married to continue their schooling? Most of the other stories are about adolescent girls who entered the world of marriage while still children, and parents who simply gave in to custom or pressure.

This experience points to the fact that the work towards culture change is not easy since those involved might not be able to stand societal pressure against change, and institutions that have capacity to push for change might not be willing to do so even if such effort is for the benefit of the affected people.

At the same time, it is also not a matter of simply confronting culture with supposedly better ideas (such as modern or international ideas) but of engaging it in ways that both respect the culture and initiate change from within it. Again, such engagement would not be easy.

Additionally, this experience shows the need to be cautious about over-dependence on enforcement of law to force culture change. Unless laws are enforced in ways that consider how culture operates and is maintained, laws will remain “rules written on paper,” rather than rules upheld by people based on their recognition of the need for culture change. The consistent criticism of governments around the world during the human rights sessions of the United Nations regarding the inability to enforce laws in effecting change (i.e., protection and realization of human rights) may be partly attributed to their failure to consider the cultural contexts and processes of people.

How far can we dive into the depths of culture to facilitate change of mindset and behavior is a question for everyone in the field of human rights education.

Facilitating Change in Mindset: “Laskar Pelangi”

Belitong island is the setting of a movie that tells the story of students in a small school. The island is described as

one of Indonesia’s richest islands. It’s an island overflowing with tin. This tempted other nations to take over...[the mining industry in the island]. And even after the country gained its independence, the people of Belitong were still unable to enjoy their own natural wealth due to bureaucratic walls. Walls which blocked off opportunities and hope. But those walls could never break our spirit especially the spirit of a poor boy from the coast ...

The building of the small school is not in good shape and people warn against bringing children there:



The school and the students (Copyright by Miles Films, 2008).

That school's roof is falling apart.

Where are you going? You're going to put children in that collapsing school?

Children from poor families are expected to end up working in the mining company. Education is not seen as a need for them. On the first day of school, the parents bringing the children to the small school were taunted:

What's the school for! He'll end up being a coolie anyways.

The school named SD Muhammadiyah Gantong needed ten students to continue operating, as ordered by the local Board of Education. It is a school for children from poor families.

The first student to enroll is the barefooted son of a poor fisher living far away along the coast. He is the first-born and only son with three younger girl siblings. He no longer has a mother, and his father is raising them alone. The father sent the boy to school despite the distance from their home.

This boy says that his father could have made him also a fisher but he sent him to school instead because he "wants me to pursue my dreams."



The Students (Copyright by Miles Films, 2008).



Muslimah, the teacher, and her students (Copyright by Miles Films, 2008).

The students consist of children of workers in the mining company, a Chinese-descent boy, a “special child” and the son of a poor fisher. There was only one girl student, although a second girl student enrolled later (who is from a rich family).

The school is the oldest Islamic primary school in the island. Harfan, the head of the school, says that it is a “school where moral lessons are taught to produce upright citizens.”

The school head is asked: “Harfan, shouldn’t we just close the Muhammadiyah Elementary?” Harfan responds,

The school should never be closed! Because this is the only school that does not teach material pursuit. It is about values. Intelligence is not measured by grades but by this [pointing to his chest] ... by the heart.

Harfan tells the students:

Live to give as much as you can, not take as much as you can.

When one teacher asked to quit teaching in the school to be able to work in another school with better pay, the distraught other teacher (Muslimah) comments:

Nobody cares about our school, Sir. Nobody believes that poor children also have the right to learn.

Harfan answers:

Yes, but what’s important is that we don’t give up hope. Our job is to encourage the children to dare to dream!

The school suffers from lack of funds causing delay in the payment of salary to the two teachers and being unable to purchase needed materials such as chalk for the blackboard.

But the school has very good students who compete against students in the other schools. They win a parade contest on mere creativity and a scho-

lastic contest because the poor son of a fisher is a genius. The school accepts Harun, the child with a mental disability.

The movie ends with a quote of Article 31 (Section XIII: Education and Culture) of the 1945 Indonesian Constitution:

Each citizen has the right to an education.

Movies as Human Rights Education Materials

Laskar Pelangi is a very entertaining movie. It is based on the bestselling novel of the same title by Andrea Hirata. It was made in 2013 and has become one of the most popular commercial movies in Indonesia in recent years. It won awards and recognition in different film festivals within and outside Indonesia.

Laskar Pelangi, meaning “rainbow troops” in English, refers to the eleven students who struggle to learn inside and outside their dilapidated school.

The theme song of the movie also entitled *Laskar Pelangi* has become a hit, both in Indonesia and abroad. The song speaks of the rainbow troops not being bound by time, not stopping in coloring the billions of dreams in this world, and of dancing and keeping on laughing

though the world is not as beautiful as heaven.

Because of the popularity of the movie, the island of Belitung has become a tourist attraction with the small school as a place that must be visited.

Such a popular movie bearing important messages has a lot of elements that make it an excellent material in teaching and learning human rights.

It speaks of social realities - domination by a mining company over the natural resources of the island, the dependence of the people in the island on employment in the company, the poverty in the island despite wealth



(Copyright by Miles Films, 2008).

from its natural resources, diversity in society with the presence of Chinese-Indonesians, the struggle to give education to children from poor families by two determined educators, the acceptance in the school of a child with learning disability, and the natural capacity of students to excel in their study despite poor educational facilities and materials.

It has messages about the purpose of education: make people give as much as they can rather than take as much as they can, encourage the children to dare to dream, and intelligence is not measured by grades but by the heart. These messages relate to one of the purposes of education from the human rights perspective, the full development of the human personality.

The ending of the movie with a quote of the right to education provision in the Indonesian Constitution expresses what the movie stands for. This constitutional provision complements the statement of Muslimah about poor children having the “right to learn.”

Laskar Pelangi is an example of a movie that can relay a human rights message to the general public. It illustrates how such right can be supported and helped realized. It provides an example of how people who have been marginalized in society can fulfil their right to education. The school setting is a natural venue in presenting in concrete this human rights message. But the movie also shows the challenge of making the society in general become supportive of the realization of the rights of its marginalized members.

Social Change and Education

Realizing human rights requires a supportive society. This even requires social change, which involves the change of mindset and behavior.

Social change cannot happen by working only on a single sector of society – be it the people who suffer from discrimination and other human rights violations and abuse, or the “other” people who may constitute the majority and can cause the suffering.

Human rights education is certainly meant to empower those who are marginalized, vulnerable and victims of human rights violations and abuse. But it is also meant to make those who are not marginalized, vulnerable and victims to respect, protect and realize the human rights of everyone.

How can formal education facilitate social change? How is human rights education in the school system able to affect those who are not supposed to be suffering from human rights violations or abuses?

Education for Non-sufferers

The case of Dowa education is a good material on this point. Dowa education is considered to be one of the pillars of human rights education in Japan. It is meant to eradicate discrimination against a section of the Japanese population called *Buraku* people who have been treated as outcast centuries ago and still suffer discrimination at present.

The movement fighting this discrimination (Buraku Liberation Movement) sees Dowa education as a “set of educational strategies for democratizing the whole society to attain true equality of opportunity for Buraku and other oppressed populations.”³³

It sees the objectives of Dowa education as follows:

1. Attaining parity in the level of educational achievement and in the rate of enrollment in secondary schools and in higher education institutions;
2. Developing critical literacy and sound learning capacities for Buraku children; and
3. Promoting community involvement in setting up school agenda.

The Buraku Liberation Movement saw the need to improve on their past experiences in Dowa education. By 1997, necessary changes had been identified:³⁴

The important lessons learned from past efforts is that it is not enough to provide better school facilities, more teachers and more financial support for Buraku children, that it is not enough to provide more books and educational stimuli at home, and that it is not enough to tell stories of sad experiences of being discriminated against repeatedly in classes to invite sympathy and empathy with those who are discriminated against.

Dowa education now has to design (1) effective methods to improve Buraku children's sense of pride and self-esteem, (2) approaches to motivate them to challenge the limit of their potential so they can participate in a wider world of opportunities, (3) stimulating ways to encourage non-Buraku children to think of Buraku and human rights issues not just as others' business but as important matters to help enrich their mind, perspective and interpersonal sensitivities, and (4) effective curricula to educate a human rights-conscious generation of youngsters.

The third idea of “stimulating ways to encourage non-Buraku children to think of Buraku and human rights issues not just as others’ business but as important matters to help enrich their mind, perspective and interpersonal sensitivities,” deserves more discussion.

The research of Nobutaka Oba points out the problem of making non-Buraku students appreciate Dowa education.

He provides what can be considered as representative of the impact of Dowa education on some of his non-Buraku students. Here are a couple of statements from his students:³⁵

I know discrimination is very unjust. But among the people around me there have never been any people who were discriminated against and I have never seen anyone discriminate. You would be better to talk to older people who don’t know discrimination is unjust. We have been taught about the issue of discrimination, and we know that in a democratic society people who are the same human beings as ourselves must not be discriminated against. It makes us interested to know who is *buraku* around us. They are the reason that discrimination continues to exist.

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Although I recognize I should stand for anti-discrimination because discrimination is unjust, I regard it as a distinct issue from that of my marriage. It wouldn’t be something I would endure alone; I think (such a marriage) would also be problematic for my parents and relatives.³⁶

Oba had been hearing these comments as a teacher year after year from his students. He categorized their comments into four types:³⁷

1. As I know discrimination is unjust, discrimination is not my business’;
2. ‘Those suffering discrimination are perhaps different’;
3. ‘Discrimination is an affair between those suffering from discrimination and those who don’t know it is unjust’; and
4. ‘If we are interested in differences, discrimination will remain.’

The comments mean that instead of convincing the students to help eradicate discrimination through Dowa education, they find justification for its existence. The other implication is that the less they know about the *Buraku* issue, the more chance that they will not discriminate.

Oba sees the problem of Dowa Education in the following manner:³⁸

... in practice, most *dowa* education, especially for non-*buraku* people, simply stated the fact that the origin of discrimination against *buraku* lay in the feudal caste system reiterating that '*buraku* people are the same as us and therefore discrimination against them is unjust'. While the approach to discrimination of focusing on the object of that discrimination has played the role of revealing the plight of the sufferers and the existence of discrimination, it has also caused various problems. This approach has the propensity to draw awareness away from political and socio-economic relationships and discriminatory relationships in everyday life and how these relationships have been and are constructed, instead encouraging people to infer why *buraku* people suffer from discrimination, attributing the existence of discrimination to the sufferers themselves.

Their education had told them 'we are all the same humans therefore discrimination is unjust' and 'even now discrimination against *buraku* remains', and they equated 'sameness' with 'equality' and 'difference' with 'discrimination'. Following this logic, they discovered an answer to the question 'Why do these people suffer discrimination?' Their answer was that those suffering from discrimination must be discriminated against because they are somehow different.

He believes that the understanding of the "political and socio-economic relationships and discriminatory relationships in everyday life and how these relationships have been and are constructed" should be the main objective in Dowa education.

This view is requiring a closer scrutiny of the dynamics that govern relationships which might have led to discriminatory attitude or behavior toward the Buraku people. How non-Buraku people label or categorize the Buraku people or any other people would be crucial to know.

Additionally, this view of human rights education supports the reality of the "ordinariness" of human rights violation or abuse. And unless we consider this, human rights education becomes a medium for knowing great issues (or great stories for Oba) that have no relevance to daily life (as Oba has argued).

This is an area that needs further study, or search for relevant practices of human rights education.

Education for the Discriminated

The desired effect of human rights education should also refer to situations outside the classroom and school. In human rights education, we speak of skills in dealing with life situations that can invariably involve human rights issues.

A study of the effect of Dowa education on the *Buraku* students is a good reference on this issue. When the *Buraku* students are outside the confines of a supportive environment (student group [*Kodomo Kai*], classroom, school, family and local community), will they be able to assert their identity and their right to be treated equal once they reveal such identity?³⁹

Christopher Bondy studied the case of *Buraku* students who went to a school that has a Dowa education program. The students are taught how to respond to situations of discrimination based on their identity as *Buraku* people. Will they be able to use what they learned in school when they are outside their own community?

He explains the issue⁴⁰

when the students move from the protective cocoon of their experiences in the community and sense of self at the end of junior secondary school, they face risk, the risk inherent in a new situation for which they must reflexively restructure their identity. How the individual reacts to the risk experience will then reshape the self. The reshaped identity, as part of the biography of the self, is changed for future experiences.

How do people then manage a buraku identity? What techniques are used to engage or not engage, with buraku issues? One method is to openly embrace being burakumin.

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How the students react to discrimination or a lack of awareness from other students once they leave the confines of Takagawa is perhaps the most telling symbol of the effectiveness of the Kaiho [Dowa] education.⁴¹

Students will have to face this “new social situation without the strength of others with them.”⁴²

And their response can be like this:

As Tetsuya, a popular boy who was active in the Kodomo Kai noted,

In junior high, we learned how to have the strength to challenge discrimination in high school and beyond... but now...I don't know... I don't really have the strength ...

Others may have a more positive experience as in the case of Junko:⁴³

With her background, her role in the movement and the engagement her family had with Buraku issues, Junko was one of those, if not perhaps the most likely, to openly maintain and interact through a Buraku identity. Yet Junko initially refrained from interacting using this Buraku identity, at least with her new friends. Despite having numerous friends and a boyfriend, she did not share her background with anyone. It was not until ten months after she began dating her boyfriend that she finally had the courage to tell him about her background. She was filled with anxiety about telling him. She had spoken at length with her parents, and they encouraged her to do what she felt comfortable with. This was something that Junko would have to deal with on her own. She did not know how he would react. Would this be the end of their relationship? Junko said she did not want this at all, but did not want to go on with such a big part of herself hidden from the one she cared about. She explained that the anxiety was almost overwhelming in knowing that sharing a part of who she was could mean the end of their relationship. At the same time, she did not feel that she could continue on with him without telling him about all of herself. She made her decision. She explained to him that she grew up in a Buraku district, that she was Burakumin. His reaction to this confession was one of the last things that Junko expected:

“Burakumin? What’s that?” though he was from the same prefecture, her boyfriend did not have any idea what this meant. She found herself explaining what it meant to her to be Burakumin. For him, this meant little in how they related to one another. He did not fully know what being Burakumin meant, but he knew that he wanted to be with her.

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Junko’s family had always taken an active role in movement activities, and Junko herself was one of the Kodomo Kai and class leaders. As such, she was one of the students most prepared to take this challenge of opening up to another.

There is indeed a big chance that the students who learned how to respond to discriminatory situations while inside their “cocoon” would not

take the risk of asserting their identity and rights outside of it. And this brings the need to enlarge that “cocoon” – education for the whole society and for everyone – so as not to put the burden of realizing rights only to those who assert them. The protection and realization of human rights is a responsibility of the society as a whole. And this requires social change.

Social change means changing mindset and behavior of most people in society. Thus educational interventions cannot be narrow in scope (not limited to either the marginalized or to the majority) and must consider the importance of education in affecting thinking and behavior in the family, community and society.

Messages of Change in Society

Messages of change are needed to facilitate social change. The messages in this case include human rights.

Human rights messages can be expressed by those who suffer from human rights violations or abuse such as through literature festivals of the discriminated peoples (such as the Dalit Literature Festival), cultural activities of a minority group in a community (such as *Eisa*), and the use of mainstream media from rap singing to moviemaking (Sumeet’s rap and the “Respeto” and “Laskar Pelangi” movies).

Messages of change can be relayed through the “soft approach” of using cultural means such as trendy new songs and dances. But how much of these “pop culture” products convey messages of change that support human rights? Or, how much of their messages are against human rights principles?

Human rights messages can be “counter-messages” to those of the mainstream pop culture and other cultural activities. But in being “counter-messages,” human rights messages cannot be extreme in terms of means and content in the sense that the general population would fail to appreciate the messages.

Human rights messages must touch the issues that affect people in their daily life, not only the big issues that affect the country. These daily issues are problems faced by people, and have human rights implications, such as being victims of discrimination, abuse (in various senses - psychological, emotional and mental), violence, displacement from sources of livelihood,

and also lack of food, shelter and medicine. Some of these issues affect all – both marginalized and non-marginalized people.

In this sense, there is no other option than to use whatever means are available in bringing the human rights messages to everyone in society.

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Dalit Literature, Culture and Art : Trends and Issues, Women’s writings: issues and concerns

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Trends and Issues, Resistance and Reconstruction, Social Justice, equality and dignity: society, literature and future, Pasamanda groups: Literature and Future

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12 Koul, *ibid*.

13 “All You know is Five words” an Anti Caste Rap by Sumeet Samos, www.youtube.com/watch?v=_2_WgAuWMQM

14 L.K. Advani, a leader of the Bharatiya Janata Party explained the opposition to communal reservation in his speech “Why We Are Opposed to Communal Reservations” delivered at the Convention Against Religion-Based Reservations Organized by Rambhau Mhalgi Prabodhini, Mumbai, on 14 August 2004.

15 Virgilio S. Almario, *Art and Politics in the Balagtasan*, Lecture delivered as part of the UCLA Center for Southeast Asian Studies Colloquium Series, 21 October 2003, <https://cloudfront.escholarship.org/dist/prd/content/qt23b7f9h6/qt23b7f9h6.pdf?t=krmzxr&nosplash=6d2639579d1ae7c137ba9442294ba0oe>.

16 Almario, *ibid*.

17 Fliptop: The World’s Most-Watched Battle League, The Lesson w/ DJ Sanchez, 9 May 2018, <http://thesource.com/2018/05/09/fliptop-battle-league-rap-hip-hop/>.

18 See movie trailer on YouTube: Respeto, www.youtube.com/watch?v=DORouU7mckA.

19 Lucia Edna P. de Guzman, “MAG-INGAY!, Business World Spark Up”, 22 September 2017, www.bworldonline.com/money-rhymes-and-respect/.

20 De Guzman, *ibid*.

21 *Ibid*.

22 “Drumming out a Message: Eisa and the Okinawan Diaspora in Japan” (2003), directed by Terada Yoshitaka and produced by the National Museum of Ethnology (Japan).

23 For a discussion on the discrimination experienced by older Okinawan residents in Osaka, read Yoshitaka Terada, “Rooted as Banyan Trees+ Eisa and the Okinawan Diaspora in Japan,” in T. Rice, editor, *Ethnomusicological Encounters with Music and Musicians: Essays in Honor of Robert Garfias*, 2011, Surrey: Ashgate, pages 235-236.

24 Terada, *ibid.*, page 237. Also the video documentary “Drumming out a Message: Eisa and the Okinawan Diaspora in Japan” (2003), *ibid*.

25 This and other quotations in this section about the young Okinawan workers are from the video documentary “Drumming out a Message: Eisa and the Okinawan Diaspora in Japan” (2003), *ibid.*, unless otherwise indicated.

26 Terada, op. cit., pages 237-238.

27 Terada, *ibid.*, pages 233-234.

28 Terada, *ibid.*, page 235.

29 Summary of “Drumming out a Message: *Eisa* and the Okinawan Diaspora in Japan,” unpublished.

30 Definition of *pesantren*:

A type of school in Southeast Asia offering second-level training in Islamic subjects. The term is *pesantren* on Java, *surau* on Sumatra, *pondok*

on the Malay Peninsula and Cambodia, and *madrasah* in the Philippines and Singapore. *Pesantren* derives from the sixteenth century, when learning centers were established, known as a place of learning for the Islamic faithful (*santris*). *Surau* was a place for worship in early Southeast Asia, while *pondok* derives from the travelers' inns (Ar., *funduq*) of the Middle East. *Madrasah* is the generic name for such schools throughout the Islamic world.

Pesantren are private ventures by scholars called *kyai* on Java, *guru* on the Malay Peninsula and Brunei, *ustadz* in the Philippines, Cambodia, and Thailand, and *'alim* in most places—usually with the assistance of their families. Many schools do not survive the founder, but others continue [for] several generations, with sons and sons-in-law succeeding to control and ownership. Prestige is gained by scholars with good contacts with other scholarly families, some in Arabia, and also through learners who establish new *pesantren* recognizing the original scholars as progenitors. Oxford Islamic Studies Online, www.oxfordislamicstudies.com/print/opr/t236/eo632.

31 Lies Marcoes and Fadilla Dwianti Putri, *Testimony of the Child Brides Summary of Results of Research Study on Cases of Child Marriage and the Role of Institutions in Nine Regions in Indonesia*, April 2016.

32 Marcoes and Putri, *ibid*.

33 What is Dowa education?, Buraku Liberation and Human Rights Research Institute (BLHRRI), www.blhrrri.org/old/blhrrri_e/dowaeducation/de_0003.htm.

34 What is Dowa education?, *ibid*.

35 Nobutaka Oba, "I have no intention of discrimination, but . . ." – Toward a Sociology of Knowledge about Discrimination," Monash University, 2013, page 7.

36 Oba, *ibid.*, page 10.

37 *Ibid.*, page 7.

38 *Ibid*.

39 Christopher Bondy, "Learning About an Identity: Schools and Buraku Youth," in *Human Rights Education in Asian Schools*, volume 12, 2009, page 88, www.hurights.or.jp/archives/pdf/education12/hreas-12-09-buraku.pdf.

40 Bondy, *ibid.*, page 88.

41 *Ibid.*, page 91.

42 *Ibid.*, page 94.

43 *Ibid.*, pages 94-95.

Appendix

WONOSOBO DECLARATION TO STRENGTHEN TOLERANCE, INCLUSIVITY AND JUSTICE IN INDONESIA

We recognize that respect, protection, and the fulfillment of human rights are the responsibility of the State, and the Government. The term “Government” includes the central government, the provincial government, the regional, and city governments.

We recognize that the implementation of respect, protection and the fulfillment of human rights require the full cooperation and participation of all parties. This includes the government, civil society and other parties.

We recognize that the Indonesian community faces challenges in the form of the emergence of practices of intolerance, which have the potential to reduce the enjoyment of human rights, and can be a source of instability which will erode and undermine the values of nationalism that are diverse, equal and tolerant.

We recognize that local governments have a very important role to play in the implementation of human rights responsibilities. This equates to, but is not limited to, maintaining and caring for social cohesion and Indonesian unity.

Therefore, in order to advocate values of diversity, and strengthen solidarity for an inclusive and equitable Indonesia, we commit and are ready to make every effort to do the following steps:

1. Improve and maintain the social values and attitudes of tolerance in every community in Indonesia through various approaches, including education and arts and culture, creating and multiplying the space for dialogue for all parties, inter-religious, inter-group, interracial, and intergenerational events. The signatories of this declaration agree that the 2019 election process will be one of the most important milestones in the process of consolidating democracy in Indonesia. As such, parties will make effort to ensure that events relating to the election will run smoothly and peacefully by promoting respect, protection and the fulfillment of human rights for all citizens.

2. Conduct multi-stakeholder cooperation in knowledge

management and action collaboration to realize inclusive development practices, for the protection and fulfilment of human rights in accordance with the principle of rights based approach and ensure that no one is left behind in an effort acceleration of achieving sustainable development goals (SDGs).

3. Strengthening the District/City Human Rights movement by establishing a Regency/City Human Rights Network, and making the Indonesian Human Rights Festival an annual agenda.

Wonosobo, November 14, 2018.

Note:

The Wonosobo Declaration was signed at the Human Rights Festival in Wonosobo, Yogyakarta (Festival HAM 2018), organized by the National Human Rights Commission of Indonesia and held from 13 to 15 November 2018, www.komnasham.go.id/index.php/news/2018/11/15/683/wonosobo-declaration-on-human-rights-festival-2018.html.

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The Asia-Pacific Human Rights Information Center or HURIGHTS OSAKA, inspired by the Charter of the United Nations and the Universal Declaration of Human Rights, formally opened in December 1994. HURIGHTS OSAKA has the following aims: 1) to engender popular understanding in Osaka of the international human rights standards; 2) to support international exchange between Osaka and countries in Asia-Pacific through collection and dissemination of information and materials on human rights; and 3) to promote human rights in Asia-Pacific in cooperation with national and regional institutions and civil society organizations as well as the United Nations.

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