

Preface

On behalf of the editorial office, we are really grateful to publish Volume 3 Issue 1 2019 of the Journal of Southeast Asian Human Rights (JSEAHR). All manuscripts were selected by the editorial team by virtue of their substance, analytical ability and a particular relevance to human rights issues in the region. Additionally, all manuscripts were carefully evaluated by anonymous reviewers in order to guarantee the neutrality of substantial and quality assessments. Finally, the Editor-in-Chief chose eight manuscripts from various academic backgrounds with different approaches to enrich this June edition. We believe that all published manuscripts met academic standards and are ready to distribute human rights knowledge for all readers.

This is the third volume of the Journal and with each issue we have been able to reach a wider range of academics and therefore provide a larger platform. Volume 3 Issue 1 of the Journal begins with a provocative commentary by Guy Ankerl challenging the well-accepted notion that humans are born free and equal. Following this introduction, research is presented within the Philippines, Cambodia, Malaysia, Thailand, and Indonesia. As an academic journal, we are proud to present the findings on topics such as constitutional enforcement, the detention of refugee children, migration and human trafficking, and the right for women to access higher education.

Yet, the editorial office also admits that all of the articles still cannot respond to all current human rights issues in Southeast Asia. All countries in the region have their distinct rule of law, democracy, and human rights concepts which make human rights issues in the region dynamic. The complexity of human rights issues in Southeast Asian countries is marked by the variance of democracy, ideology, racial sentiment and religious influence. These socio-political landscapes have gone hand in hand with the lack regional legal framework to tackle human rights violations making the region fragile regarding the mechanisms for human rights protection. For example, Southeast Asia has been silent in response to the Brunei plan to introduce Sharia Law which threatens the death penalty for sexual minorities and adultery.¹ This “inhumane and cruel” plan has not only shocked

¹ See Mustafa Akyol, “Opinion | Stoning Gay People? The Sultan of Brunei Doesn’t Understand Modern Islam”, *N Y Times* (12 April 2019), online:

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the international community but might also worsen the human rights transition in the region.

Besides facing a future of human rights that is in peril, Southeast Asia has also faced religious radicalism and extra-legal enforcement of discriminatory laws by religious hardline groups in Myanmar and Indonesia. While radicalism in Indonesia has affected communal conflicts and persecuted minorities, hate speech by radical Buddhist groups in Myanmar forced the Rohingya to flee from their homes which resulted in a catastrophic humanitarian crisis in the region. Unfortunately, the Southeast Asian human rights mechanism is weak to respond human rights violations due to the principle of sovereignty and non-intervention. These two magic words have been notoriously used by all countries in Southeast Asia as an excuse for no improvement, protection or fulfillment of human rights.²

The complex reality of human rights in Southeast Asia has also dealt with the claim that human rights in Southeast Asia is part of “Asian Values,” which give more focus on economic and development rights than civil and political rights.³ The genuine nature of a human rights dimension that does not discriminate against a particular group or individual has never been seriously taken in the political realm. For example, the rights of religious and sexual minorities, including the 1965 massacre that killed almost a million of Indonesians, had not been tapped by either presidential candidate during the 2019 Indonesian election.⁴ Both candidates failed to fully address human rights issues within their platform.

The failure of these presidential candidates to address human rights issues will not only be an Indonesian issue. The Association of South East Asian Nations (ASEAN) community today is plagued with immeasurable counts of human rights violations, and Indonesia is not excluded. As a prominent part of ASEAN, Indonesia must lead by example to secure human rights for its citizens. All countries in the region must be aware that the global world has changed rapidly. While countries in the Middle East have been in war in the last decade, most countries in Western Europe, East Asia and Northern America have developed their human rights protection and promotion. They also shifted their attention to a

<https://www.nytimes.com/2019/04/09/opinion/bruneis-stoning-law-is-out-of-touch-with-modern-islam.html>.

² Attilio Pisanò, “Human Rights and Sovereignty in the ASEAN Path Towards a Human Rights Declaration” (2014) 15:4 Hum Rights Rev 391 at 409.

³ See for a more detailed analysis about “Asian Values” at Pisanò, *supra* note 2.

⁴ Soe Tjen Marching, “2019’s real winner: Stigma of human right victims”, *Jkt Post* (22 May 2019), online: <https://www.thejakartapost.com/academia/2019/05/22/2019s-real-winner-stigma-of-human-right-victims.html>.

new paradigm of human rights fulfilment under the title Sustainable Development Goals (SDGs).

The universality of the SDGs, and its 232 indicators of success, when dealing with human rights issues may seem to be a bit idealistic. How could a framework encapsulate all countries' needs according to each of the nations' specific cultures? More than ever, ASEAN countries need to express their own ideals according to their own needs. This calls not for a relativist view of human rights but a carefully crafted particularization and identification of ills; voices from Southeast Asia should have more room to express ASEAN's human rights' needs.

To respond to these human rights realities, JSEADR caters to academics and researchers as a space for open dialogues to demonstrate the multi-faced nature of human rights in the region. The Journal provides a place for empirical, multi-disciplinary, and doctrinal approaches in exploring historical and recent conditions of human rights in Southeast Asia in order to bring attention to issues that may have been once overlooked.

Finally, as the Editor-in-Chief, I would like to thank the support of Jember University, all researchers at the Centre for Human Rights, Multiculturalism and Migration (CHRM2), and also the members of the Indonesian Consortium for Human Rights Lecturers (SEPAHAM) Indonesia. We also would like to thank to all anonymous reviewers for this volume and the tireless support from Eleanor C. Jones of the VIA Global Fellows who edited all manuscripts for them to meet the academic standard of article publication.