

(Prepared by: Ms. Karvis Lam)

LAWASIA Annual Conference 2023 Report (24 Nov – 27 Nov 2023, Bengaluru, India)

During this Conference, I mainly attended the Streams “Human Rights & Rule of Law” and “Criminal Law”. I was pleased to be invited to attend a meeting with the Human Rights Committee where I have made great connections with individuals including the co-chairmen of the committee, professors and advocates with similar interests. The co-chairman mentioned that they are actively looking for juniors to get involved with this committee and we discussed a few potential projects (on access to justice and independence of lawyers, etc). I was also invited to take part in a meeting with the Emerging Lawyers Committee but was unable to attend so due to conflicting schedule unfortunately. I was invited to stay in touch with the organizer for future events.

Overall, it was a great experience for me to attend the Conference and to gain fruitful insights on human rights and artificial intelligence from the speeches made by numerous remarkable speakers. I also had the opportunities to discuss ideas with countless distinguished individuals such as Judges, Presidents of Bar Association and advocates from various jurisdictions.

I wish to thank the Hong Kong Bar Association for subsidizing my trip. It was an incredibly rewarding experience to attend the Conference.

Below is a summary of the sessions I attended.

Day 1: 24 Nov 2023

Opening Ceremony:

The conference commenced with an Opening Ceremony featuring esteemed speakers, including Mr. SS Naganand, the Vice President of the Bar Association of India and Co-chair of the 36th LAWASIA Conference; Dr. Gordon Hughes AM, the Secretary-General of LAWASIA; Ms. Melissa K Pang BBS, MH, JP, the President of LAWASIA; Mr. Prashant Kumar, the President of The Bar Association of India; Dr. Soumya Swaminathan, Chairperson; and Chief Minister Mr. Siddaramaiah.

Personally, I found the speech made by Dr. Soumya Swaminathan remarkable. For instance, she discussed the importance of R&D and how it could influence decision-making, policy planning and implementation which impacts not only the international communities but also local communities in day-to-day life.

Day 2: 25 Nov 2023

Internet As a Human Right: Internet Shutdowns, Net Neutrality, and Online Harassment

This session focused on the importance of the use of internet access and AI as a fundamental human right. It covered topics such as internet shutdowns, net neutrality and online harassment. Discussions centred around the principles of using the internet, the universal right to internet access, digital literacy, the influence of social media and the manipulation of information.

Contempt of Court, Anachronism or Necessary Bulwark?

In this session, the speakers discussed the relevance of contempt of court in the modern legal landscape. The discussion revolved around the balance between freedom of speech and the rights of parliament and judiciary. Speakers also explored civil and criminal contempt, the social cost of contempt and the importance of protecting the integrity of the legal system and enforcing court orders.

Reeling in Social Media: Content Regulation

The focus of this session was on the challenges of content regulation in the age of social media. Participants delved into topics such as deep fake content, the definition of legal terms and the need for proper implementation of existing laws. Discussions touched upon the harmful effects of platform addiction, malicious use of social media leading to defamation and even suicide, and the distinction between soft law and hard law in content regulation.

Day 3: 26 Nov 2023

Guilty Until Proven Innocent: Murky Thresholds and Reverse Burden of Proof

This session addressed the challenges surrounding the presumption of guilt in legal systems. The discussions focused on specific examples such as Malaysia's approach to dangerous drugs and corruption, where the burden of proof is reversed. Speakers explored the implications for judicial integrity and the need to strike a balance between the rights of individuals and the interests of society.

Disability Rights and the Family

The session shed light on the rights of individuals with disabilities within the context of family dynamics. Participants discussed mental health, rights of children and parenting arrangements when a parent suffers from a disability. Case studies were presented, including scenarios involving parents with bipolar disorder and ADHD. This session also highlighted the exceptional difficulties faced by women with disabilities at homes with domestic violence.

Legal Responsibility Arising from the use of Artificial Intelligence and Machine Learning

This session explored the legal implications of utilizing AI and machine learning. The discussions centred around transparency, fairness, and privacy concerns. Speakers examined AI legislation, the intersection of existing laws with AI and the need for human intervention in AI design. The challenges of interpreting AI decisions and determining liability were also addressed.

AI/Chat GPT: Friend or Foe to the Legal Profession?

This session focused on the impact of AI and chatbots on the legal profession. Speakers discussed the importance of access to AI as a fundamental right and the need for accountability. They also explored the productivity benefits of AI in legal research, due diligence and review. Limitations such as accountability and the infringement of intellectual property were also discussed.

Day 4: 27 Nov 2023

Judiciary Plenary Session - The Most Enjoyable and Challenging Aspect of Judging

The final day featured a plenary session where judges shared their experiences and insights into the most enjoyable and challenging aspects of their work. Matters discussed included the interpretation of constitutions, resilience in the face of appeals, language barriers, and the importance of simplifying legal language for the benefit of the general public. This session also touched upon the impact of technology on the judiciary.

Closing Ceremony:

The conference concluded with a closing ceremony, during which Dr. Gordon Hughes AM delivered the closing remarks. The ceremony also included the announcement of the winners of the LAWASIA Moot Award. Subsequently, Ms. Melissa Pang, President of LAWASIA, delivered a farewell speech, expressing gratitude to the participants and organizers. The ceremonial presidential changeover took place, and the President of Malaysian Bar announced LAWASIA 2024 Conference will be hosted in Kuala Lumpur.

The 36th LAWASIA Conference

24th to 27th November 2023

Bengaluru, India

Attendance Report

Submitted to Hong Kong Bar Association

By Dorothy Tang

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A. Introduction

The 36th LAWASIA Conference (“**LAWASIA Conference**”), held from 24th to 27th November 2023, at the Four Seasons Hotel Bengaluru in Bengaluru, India, was a significant gathering of legal professionals from across the Asia Pacific. Under the theme of "Everything, Everywhere, All at Once: Lawyering in the Digital Age," the conference aimed to explore the challenges and opportunities faced by legal practitioners in the era of rapid technological advancements.

As LAWASIA's flagship event and a cornerstone of its professional events program, the annual conference provided a platform for the convergence of bar leaders, jurists, professional organisations, and individual lawyers. It served as a catalyst for in-depth discussions on regional legal developments, encompassing various topics such as judicial practice, legal education, cross-border business and investment law, and cross-border dispute resolution.

Beyond its focus on specialised legal areas, the conference also fostered the exchange of ideas and the cultivation of professional networks. It reinforced shared professional values, advocated for the rule of law across diverse jurisdictions, and sought to advance the status of the legal profession in the Asia Pacific. As a generalist legal event, it offered a unique opportunity for legal practitioners to engage in meaningful dialogue and collaboration.

The conference covered a wide range of topics to address the multifaceted nature of legal practice in the digital age. These topics included business law, family law, human rights, constitutional and rule of law, intellectual property law and information technology, environmental law, and alternative dispute resolution. By exploring these diverse areas, the conference aimed to provide participants with a comprehensive understanding of the legal landscape in the Asia Pacific region and equip them with valuable insights and strategies to navigate the challenges posed by the digital era.

Throughout this report, I will provide a detailed summary of the conference proceedings, key insights, notable speakers, and recommendations derived from the rich discussions and presentations at the 36th LAWASIA Conference.

B. Objectives

Before attending the LAWASIA conference, I established several objectives to guide my participation and maximise the value of the experience. These objectives were centered around knowledge acquisition and understanding developments in family law, information technology, and their intersection with human rights and criminal law. Additionally, I aimed to explore the unique perspectives shared by women lawyers in the field. The following were my key objectives:

1. **Knowledge Acquisition in Family Law:** As a first-time attendee at the LAWASIA conference, I sought to deepen my understanding of family law developments and challenges faced by different jurisdictions. I was particularly interested in gaining insights into emerging trends, evolving legal frameworks, and innovative practices in the field of family law. By attending relevant sessions, I aimed to broaden my knowledge and gain a comparative understanding of how various jurisdictions approach family law matters.
2. **Exploration of Information Technology and Legal Governance:** Given my specific interest in the intersection of information technology and the legal field, I identified the need to comprehend how different jurisdictions govern the use of artificial intelligence and related technologies. I sought to explore the regulatory frameworks, ethical considerations, and practical approaches employed by diverse jurisdictions in handling information technology issues within the legal context. Understanding these aspects would enable me to contribute to the development of effective regulations and governance mechanisms in Hong Kong.
3. **Focus on Family Law, Human Rights, and Criminal Law:** Sessions addressing the issues at the intersection of family law, human rights, and criminal law piqued my interest. I aimed to attend these sessions to gain insights into the legal challenges, emerging issues, and potential solutions that arise when these areas intersect. Exploring the dynamic relationship between these fields would provide me with a comprehensive understanding of the complex legal landscape and equip me with the knowledge necessary to address related issues in my professional practice.

4. **Engagement in Women Lawyers' Sharing Session:** A specific session highlighting the perspectives and experiences of women lawyers caught my attention. I recognised the importance of diverse voices in the legal profession and sought to actively engage in this session to gain insights into the unique challenges and successes faced by women in the field. By participating in this session, I aimed to broaden my understanding of gender-related issues in the legal profession and contribute to fostering a more inclusive and equitable environment.

Through the pursuit of these objectives, my goal was to enhance my knowledge, expand my professional network, and gain practical insights that would contribute to my professional growth and development in the areas of family law and information technology. The following sections of this report will highlight how these objectives were met and the valuable insights gained from the conference sessions.

C. Summary of the Conference

The LAWASIA Conference brought together legal professionals from various jurisdictions to discuss and explore key themes and emerging trends in different areas of law. The conference featured keynote speeches and panel discussions focused on business law, family law, human rights, constitutional and rule of law, intellectual property law and information technology, environmental law, and alternative dispute resolution. Since there are three panel discussions at the same time, this summary will focus on topics related to family law, information technology, and the experiences of women lawyers. The following is a summary of the main themes, trends, and ideas that emerged during the conference:

Keynote Speeches:

Dr. Soumya Swaminathan, in her keynote address “Journey into the Future: Climate Change, Public Health and Equity”, highlighted the impact of climate change on society and emphasised the role of inequalities in determining the survival of communities. She discussed the need for sustainable energy solutions and emphasised the importance of finding win-win solutions for both the environment and public health.

Dr. Justice D.Y. Chandrachud, Chief Justice of India, Supreme Court of India, spoke about the intersection of identity and liberty. He emphasised the role of the state in protecting marginalised communities and highlighted the importance of constitutionally mandated affirmative action policies in safeguarding the rights of disadvantaged groups.

Prof. Ramachandra Guha delivered a keynote address on the enduring relevance of Mahatma Gandhi. He emphasised Gandhi's principles of non-violence, environmentalism, feminism, and his critical assessment of culture and country, highlighting their significance in today's world.

Panel Discussions:

Family Law:

"Marriage: A Universal Human Right?" explored the key issues faced in inter-religious, inter-racial, monogamous marriages, and the marriage rights of sexual minorities. The discussion delved into cultural influences on family law and shared case laws from diverse jurisdictions.

"The Queer Family: Emerging Legal Issues" focused on queer family rights, discussing personal stories, initiatives, and legal perspectives from different countries. It examined issues related to the rights of the child, acquired and biological identities, family structures, and decision-making processes.

"The Rights of the Child" addressed perspectives on the rights of unborn children, child marriage, forced marriages, child protection services, and the challenges faced by children in the digital age.

"Disability Rights and the Family" explored the rights of individuals with disabilities, with a specific focus on women's reproductive rights. International conventions, precedents, and approaches to ensuring child and family rights were discussed.

Information Technology:

"Legal Responsibility Arising from the use of Artificial Intelligence and Machine Learning" examined the challenges of creating a legal framework to regulate AI. The panel emphasised the collaboration between legal and technical teams and discussed issues such as equitable resource distribution and information bias inherited by AI from biased data.

"AI/Chat GPT: Friend or Foe to the Legal Profession?" explored the potential benefits and concerns surrounding the use of AI in the legal profession. The session highlighted the importance of human interaction and clear instructions when utilising AI technology.

"Crimes, Torts, and Breach of Contracts in the World of Artificial Intelligence" discussed the intersection of AI with crimes, torts, and contracts. Human intervention in AI-driven crimes was emphasised, and the judicious use of AI in law enforcement agencies was explored.

Women Lawyers:

"Breaking the Glass Ceiling: Women Lawyers' Experiences in a Male-Dominated Profession" featured women lawyers from different countries who shared their experiences and challenges in the legal industry. The discussion addressed gender biases, work-life balance, pay parity, and the need for social and structural support.

Throughout the conference, speakers emphasised the necessity of robust legal frameworks, ethical considerations, and balancing technological advancements with ethical concerns in AI applications. The conference provided a platform for knowledge sharing, discussion, and celebration of achievements, while also highlighting areas where further progress is needed in the legal profession.

Overall, the LAWASIA Conference facilitated meaningful dialogue and exchange of ideas, contributing to professional development, fostering connections among legal professionals, and promoting advancements in the field of law in various jurisdictions.

D. Key Insights and Learnings

Family Law:

1. **Unexpected Challenges:** In some jurisdictions, marriage is a contentious issue due to restrictions based on religion and interfaith marriages. This raised questions about the balance between religious law and individual rights, and whether there is a need to restrict people from getting married.
2. **Cultural Sensitivity:** As societies become more multicultural, legal professionals need to be culturally and religiously sensitive. Understanding the diverse backgrounds and beliefs of individuals is crucial in ensuring equal access to justice for all, particularly for ethnic minorities and immigrants.
3. **Same-Sex Marriage:** Many Asian countries and/or regions, including Hong Kong, prohibit same-sex marriage. While there may be advancements in legal equality, culture, and religion remain the obstacles to the acceptance of same-sex marriage.
4. **Forced and Child Marriage:** Forced and child marriages are significant issues in Southeast Asian countries. Although less prevalent in Hong Kong, legal professionals should be aware of these cultural sensitivities and be prepared to handle cases related to nullifying such marriages for immigrants or non-refoulement claimants.
5. **Disability Rights:** Rare cases involving disabled individuals seeking custody or care and control of children highlight the need to ensure that the law and government policies provide adequate support for the rights of individuals with disabilities.

Information Technology:

1. **Collaboration between Legal and Technical Teams:** Bridging the gap between law and technology requires collaboration between lawyers and technical experts. Working together can lead to the development of technically sound and legally comprehensive frameworks, ensuring win-win solutions for both fields.

2. **Understanding AI and its Benefits:** It became evident that the legal profession needs to skill up and have a better understanding of AI technology, including its potential benefits. Lawyers should explore opportunities to integrate AI into their practice to enhance efficiency and assist clients effectively.
3. **Monitoring Technological Crimes:** With the increasing use of advanced technologies in committing crimes, it is essential for legal professionals to understand and develop methods to monitor and address these technological offenses. This knowledge can assist lawyers in handling cases involving technology-related crimes.

Women Lawyers:

1. **Ongoing Gender Equality:** Achieving gender equality in the legal profession is an ongoing process. It was highlighted that there is a lack of support from both the government and society in some countries, and predefined gender roles can hinder women's progress in the profession.
2. **Supporting Women in the Profession:** It is crucial to think about ways to support women in the legal profession as society grows and evolves. Recognising that both genders may choose to work and providing necessary support can contribute to a more inclusive and diverse legal profession.

In summary, the LAWASIA Conference provided valuable insights and learnings on various aspects of family law, information technology, and the experiences of women lawyers. These insights can be applied in the field and organisations by fostering cultural sensitivity, advocating for legal reforms, promoting collaboration between legal and technical teams, embracing AI technology, and supporting gender equality in the profession.

E. Networking and Connections

During the LAWASIA Conference, I had the opportunity to meet legal professionals from various countries, which provided valuable networking opportunities. One of the most

memorable discussions I had was with Yu Mei-nu, a prominent figure in family law and gender equality.

Ms. Yu enlightened me about the broader scope of family law beyond divorce, children matters, and financial issues. She emphasised that family law involves getting involved in the lives of clients, understanding their challenges, and empowering them. Ms. Yu's vast experience in the industry revealed the cultural and familial pressures that often deter individuals from seeking divorce, even in cases of domestic violence. She shared her approach of not simply providing legal advice, but also supporting clients emotionally, encouraging them to stand up for their rights, and assuring them that they deserve better.

Establishing connections with legal professionals like Ms. Yu opens up possibilities for future collaborations and knowledge sharing. These connections can provide avenues to learn from their experiences and gain insights into implementing innovative approaches in family law and promoting gender equality. The networking opportunities at the conference have reinforced my drive to become a barrister, not only to assist clients with my professional knowledge but also to actively contribute to positive societal changes.

F. Conclusions

Attending the LAWASIA Conference has had a profound impact on my professional growth and development. The conference provided a welcoming environment and offered a wonderful experience of meeting legal professionals from various jurisdictions with diverse areas of expertise. It was truly eye-opening to engage in discussions on legal issues that are rarely addressed in Hong Kong, expanding my perspective and emphasising the importance of considering legal matters on a global scale.

The conference surpassed my expectations by broadening my knowledge and awareness of areas that I am particularly interested in. I had the privilege of meeting numerous experienced professionals and engaging in intellectual exchanges that enriched my understanding of family law, information technology, and the challenges faced by women lawyers. These interactions and discussions have not only deepened my understanding but

have also inspired me to explore new avenues within my field and consider the broader impact I can have as a legal professional.

I am immensely grateful for the opportunity to attend this international conference and I look forward to participating in similar events in the future. The conference has reinforced my commitment to continuous learning and professional development. I am excited to apply the valuable insights and lessons learned from the conference to my practice, as well as to contribute to driving positive changes in the legal profession and society at large.

Once again, I express my sincere appreciation for the opportunity to attend this conference and I am eager to embrace future opportunities for growth and collaboration.