

2023 Gwangju Democracy Forum

Solidarity for Democracy and Human Rights Defenders

Duration: May 14 – May 19, 2023

Venue: The May 18 Memorial Cultural Center



Host Supervision



Support



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The May 18 Foundation (www.518.org)



The May 18 Foundation

The May 18 Foundation, which changed its name from the May 18 Memorial Foundation, is a non-profit organization established by the surviving victims of the May 18 Democratic Uprising, the Victims' families, the citizens of South Korea, and the overseas Koreans.

Since it was established on August 30, 1994, the Foundation has carried out numerous projects in various fields for performing the Five Principles of Settlement of the May 18 Democratic Uprising; Truth Ascertainment, Perpetrator Punishment, Compensation for Victims, Regaining the Impaired Reputation, Commemoration. The Foundation try to realize the

civic self-governing community that existed during the Uprising and inherit the spirit and value of the May 18 to youth through history education. Moreover, the Foundation takes the lead in human rights and peace activity beyond the border to promote the May 18 Uprising and shares solidarity and equality with minority. And it does research, education projects, international and solidarity activities, culture projects for truth revealing, data collection, research, publication to reveal the truth.

Gwangju Democracy Fourm (Since 2010)



The Gwangju Democracy is aims to make a better future through strengthening international solidarity between the Foundation and foreign activists working for democracy, human rights, and peace. It is a platform for discussing and sharing alternative ideas. The Forum would like to contribute itself to inform Gwangju as a city of human rights, democracy and peace, This year, the main slogan is "Solidarity for Democracy and Human Rights Defenders"

Soonsuk Won

Chairperson, the May 18 Foundation

I warmly welcome you all human rights defenders from the abroad.

This year is the 43rd anniversary of the May 18 Democratic Uprising. Every May, it comes with a different meaning to us. As we did during May 1980, we remember the day and commemorate the sacrificed lives with a sincere heart. And we pledge and listen to the voice of people. May 18 is going ahead under the theme of "Spirit of May to Today's Justice!" remembering the day.

The core meaning of the May 18 Democratic Uprising is found in the experience of the ideal community in modern history. The peace and value of the community, which everyone was trying to protect as one, overcame the fear of a gun and sword and sublimated it into aspiration and bliss.

The May 18 fact-finding movement, which informed the truth of May 18 after the May 18 Democratic Uprising, is the support message that our braved actions against authoritarianism can change the world into a global citizen.

The Gwangju, experienced May 18, remembers and walks together with other countries that are struggling now.

We seek the place and people suffering with open minds and eyes, and we make a solidarity sympathizing with them.

We will be together in a better world where we hope.

Thank you.

May 16, 2023



Gwangju Democracy Forum 2023
광주민주포럼

May 14 - May 19, 2023



The May 18 Foundation




	May 14 (Sun)	May 15 (Mon)	May 16 (Tues)	May 17 (Wed)	May 18 (Thur)	May 19 (Fri)
				Global HRD Day		Back-to-Back Meeting
9:00~10:45			GDF Opening Ceremony & Keynote Session I (10 AM~12 PM)	Keynote Session II	43rd Anniversary of the May 18 Democratic Uprising National Ceremony	Evaluation and Vision of Foundation's International Solidarity Projects (10 AM~12 PM)
10:45~11:00				Coffee Break		
11:00~12:00				Challenges and Threats Toward Human Rights Defenders (Thematic Cluster 3) (~12:45 PM)		
12:00~14:00			Lunch	Lunch / EastAsia Network Meeting	Lunch	
14:00~15:45		Y-GDF / NLG Meeting (May 15, 4 PM)	State Violence and Restoration of Victim's Rights (Thematic Cluster 1)	The Internationalization of the Democratic Experience through International Media Awards	Cultural Exploration	(Optional) Strategy Meeting & Self Organization Meeting by Partner Organization
15:45~16:00				Coffee Break		
16:00~17:45			UN SDG 16+ : Peace, Justice, and Democracy (Thematic Cluster 2)	Closing Ceremony	Dinner	
18:00~			Welcome Banquet	May 18 Eve March	GPHR Awards Ceremony (7 PM)	

Keynote Session I . Democratic Backsliding and Shinrinking Civic Space

Democracy and human rights are essential elements to us living in the 21st century to the extent that our survival is threatened without them. The various phenomena caused by the destruction of international promises to protect democracy and human rights, such as the invasion of Ukraine, the US-China conflict, Myanmar's military regression, European conservatives, and the backsliding of Asia countries' democracy, seem to be a century-old chaos. The crisis of democracy and human rights violations limits civil society's activities and restricts civic space. It is time for in-depth discussions to find causes and ways to overcome them.

Moderator Hyeong Wan Kim (Korea Human Rights Policy Institute)

Keynote Speakers

- Backsliding of Democracy Caused by Various Factors and Suppression of Civic Space : Mr. Charles Santiago (Former Parliamentarian of Malaysia)
- Solidarity from Gwangju Against Crisis of Democracy and Human Rights : Mr. Ki Jung Kang (Mayor, Gwangju City)

Panelists

- Mr. Maung Zaw Moe Aung (Korea-Myanmar Solidarity Network)
- Mr. Eric Lai (Center for Asian Law of Georgetown University)
- Ms. Jini Park (The Institute of Southeast Asian Studies at Jeonbuk National University)

**Current Status and Challenges of Myanmar's Democratic Movement and the Importance of
Democracy for Human Rights and Peace**

Zaw Moe Aung
Representative, Korea-Myanmar Solidarity Network

1. A Short History of How Burma Became Myanmar

Burma became a democratic country after gaining its independence on January 4, 1948, following a period of British colonial rule. Before the full establishment of an independent country, an initial coup was staged on March 2, 1962, by the army, led by General Ne Win. Due to adoption of the misguided political system of socialism and the economic policy of General Ne Win, Myanmar in 1980 was degraded to the point of being the poorest country in the world, despite an abundance of natural resources, including precious gems and gas. In the wake of the first coup, the military junta exploited the people's resources. While the military junta put the development of the economy, education, the social system, and the medical field aside, the military forces became rich, while the nation as a whole became more impoverished. As this misguided policy of the military junta's dictatorship made Myanmar the poorest country in 1980, the people's situation became unstable, freedom was lost, and human rights were violated.

The socialist government of General Ne Win was withdrawn after 26 years of ruling Myanmar (at that time called Burma) by the 8888 uprising on August 8, 1988.

On September 18, 1988, a second coup was staged by the army, led by General Seo Maung. They announced that they would hold a general election for a democratic country as the people of Myanmar wanted.

In the general election on May 27, 1990, the National League for Democracy (NLD) led by Aung San Suu Kyi was victorious with 82% of the vote. However, General Seo Maung did not keep his promise, and the military did not hand over power.

In 1992, General Seo Maung's power ended, and General Than Shwe seized control by means of another coup. In the course of these two coups, most of the people of Myanmar were assaulted, raped, or murdered. Their freedoms were taken away, and the level of education, the economy, and society were hitting rock bottom.

After the amendment of the constitution in 2008 by General Than Shwe, a general election took place in 2010. The voter turnout rate of the election was low, but the people of Myanmar announced that they supported the Union Solidarity and Development Party (USDP). They convened the parliament and elected former prime minister Thein Sein

as president. For the general election in 2015, the voter turnout was high, and the NLD, led by Aung San Suu Kyi, earned an overwhelming victory. After the election, Aung San Suu Kyi took the position of foreign affairs minister and state counselor.

Since then, the people of Myanmar have been actively aware of democracy and freedom. In 2020, the NLD, led by Aung San Suu Kyi, took over more than 62% of all elected seats and won the election triumphantly. Following this result, Myanmar's military junta insisted that the 2020 general election was fraudulent and held three press conferences requesting an investigation by the election commission. However, the election commission disregarded the request, saying that there was no fraudulence or manipulation of the election.

Myanmar selected a bicameral system consisting of the House of Nationalities (the upper house) and the House of People's Representatives (the lower house). Twenty-five percent of the seats of the general assembly were distributed to the military junta, and to correct this system, the members elected on November 8, 2020, were preparing constitutional reform for February 3, 2021.

At dawn on February 1, 2021, the army, led by Mi Aung Hlaing, staged a coup after placing Aung San Suu Kyi, the state counselor (minister of foreign affairs) and President Win Myint under house arrest, and arresting other cabinet members and politicians. The military junta announced that since the general election in 2020 was fraudulent, a general election would be held again. They said they would hold power temporarily for one year before the election and step back afterward. Subsequently, they extended the period to two years and six months. The military junta has continued extending the timetable and still holds on to ruling power.

On February 4, 2021, in Mandalay, Dr. Tayzar San (the proud recipient of the June Democratic Uprising Award, the 34th anniversary ceremony of the June Democratic Struggle in Gwangju and Jeonnam) proceeded to hold a street demonstration against the military dictatorship with 20 comrades despite the declaration of martial law. The military and police immediately mobilized to suppress them and arrested these people forcefully. On February 5, 2020, the members elected in the general election established the Committee Representing Pyidaungsu Hluttaw (CRPH). On February 8, in the city of Yangon, the people of Myanmar came out to the streets, opposing the coup, shouting that they did not need the military junta, and bringing more people out to the streets. At the same time, in Mandalay, the military and police pushed protesters with a police car, which resulted in the death of a 32-year-old male. This was recorded as the first death following the coup. On February 9, in Naypyidaw, the capital city, the military and police used weapons to subdue the protesters. A 19-year-old boy who participated in the protest was shot in the head by a military policeman and died in the hospital.

Within two months after the coup, the number of deaths reached 800, and the number of imprisoned climbed to 3,000. On March 8, 2021, tens of thousands of government officials participated in the Civil Disobedience Movement despite several orders to return to work by the military junta, the threat of eviction, and dismissal. Among the 1,200 total national and public hospitals, 300 were closed due to the employees' strike. The faculty members of 40 national and public universities took to the streets shouting "anti-coup" and "democratization" slogans. Additionally, the employees of government-owned banks and the Myanmar Economic Bank, teachers, and government employees from different departments, as well as 90% of the employees from Myanmar Railways (MR) joined the strike. Controllers and employees from the civil aviation authority refused to go to work in opposition to the military. Myanmar's military arrested or attempted to stop the medical doctors who participated in the Civil Disobedience Movement.

Every night, citizens shouted slogans such as "Evil be gone" while beating pots, frying pans, and metal utensils, which were adopted from a traditional ritual for casting away misfortune or bad luck. However, due to heavy pressure from the military junta, the pots-and-pans protest (Tan-bong-ti protest) cannot currently be continued.

On April 1, 2021, the Committee Representing Pyidaungsu Hluttaw established the National Unity Government (NUG). The NUG appointed President Win Myint and Aung San Suu Kyi, who were under house arrest, to their original positions. The cabinet consisted of Duwa Lashi La, vice-president (acting president) from the ethnic Kachin; and Nan Khin Htwe Myint, prime minister, from the ethnic Karen.

Meanwhile, the military junta established an interim government, and Min Aung Hlaing, the commander-in-chief of defense, appointed himself as prime minister. Since the coup, the military regime announced famous religious monks, politicians, entertainers, and sports athletes as wanted and has arrested them.

Citizens of Myanmar participated in anti-dictatorship protests day and night without stopping, including candlelight protests, pot-and-pan protests, and torchlight protests. In response, the military junta and ruling power brutally killed protestors of the Civil Disobedience Movement. They visited and forcefully arrested at their homes at night citizens who had participated in protests during the day. They did not provide answers to the families of those detained as to where these people were imprisoned. Female prisoners were in even worse danger; they cannot publicly speak out that they were sexually assaulted.

It has been verified that, during the rapid spread of COVID-19, the military regime tried to monopolize hospital facilities and medical equipment such as oxygen tanks. As of June

2021, the number of daily confirmed cases of COVID-19 in Myanmar shot up exponentially from several hundred to 5,000. The shortage of medical personnel became worse due to the participation of the medical workers in the Civil Disobedience Movement (CDM). The military junta did not provide the necessary medical supplies to confirmed patients, which caused an increase in the number of deaths. About 200 cases of death per day made the situation at crematoria overwhelming.

As mentioned above, the military and police raided the homes of protesters every night and arrested anti-military dictatorship protesters. Following arrest, the protest participants were assaulted, which in severe cases resulted in death. The military and police contacted the families of the dead and demanded money for the return of their bodies. The bereaved families with no money could not collect the bodies of their children, husbands, and family members, and were unable to conduct proper funerals for them. Even for teenagers who participated in protests, the military and police visited their homes at night and arrested them. Many wounds were found over their entire bodies after they were released from being held.

In 2021, the number of young people executed was 26, including two teens under the age of 18. Including 39 non-youth prisoners, 65 inmates were executed, 1,898 were wanted, and 7,146 were arrested and imprisoned. An additional 348 were sentenced. The indiscriminate and ruthless murder by the military junta resulted in 1,160 deaths.

The ethnic minority rebels, risking their lives in Myanmar in armed resistance, are engaging in battles against the Myanmar military junta. Especially, the Kachin Independent Army (KIA), the Karen National Union (KNU), the Karenni People's Army (KPA), and the Chin National Front (CNF) face battles in various ways.

Young people, entertainers, and monks who could not accept the brutal slaughter of the military junta joined several ethnic armies on the border of Myanmar for training. Citizens in training participate in the process, thinking it is more just to die while fighting back in armed resistance than to die doing nothing.

On May 5, 2021, the National Unity Government announced the establishment of the People's Defense Force (PDF) to protect supporters from the violence and attacks of the military regime. The acting president, Duwa Lashi La, gave an emergency speech, announcing the NUG from the democratic camp of Myanmar, declared an armed resistance against the military junta on September 7, 2021.

The rebels in the southeast, north, and west and the PDF are in daily battles against the forces of the military junta. Since September, the combat death of soldiers from the army of the military junta has reached 100 per day.

2. Continuous Brutality of the Military

The military, led by Commander-in-Chief Min Aung Hlaing, arrested Aung San Suu Kyi and President Win Myint and massively suppressed the people of the democratic camp. In December 2022, Aung San Suu Kyi was sentenced to a total of 33 years for violating COVID-19 quarantine regulations, breach of financial management regulations, and other crimes. The trial process was not open to the public. On July 24, 2022, four people were executed by hanging following a conviction for terrorist activity: Phyo Zeya Thaw, a former assemblyman; Ko Jimmy, a writer and pro-democracy movement activist; Hla Myo Aung; and Aung Thura Zaw. It had been 46 years since the previous execution of a political dissident in Myanmar in 1976.

On the evening of March 28, 2023, the military regime of Myanmar announced through the local national media that the NLD was ordered to disband because the League had not re-registered according to the new law introduced by the military junta. As a result, as of March 29th about 40 political parties, including the NLD, lost party qualifications, since they had not re-registered by that day.

The Myanmar military army stormed a village at night, simultaneously opened fire from a nearby hill, and even used combat planes for bloody suppression against the resistance. In the area of strong, armed struggle against the military regime, the number of civilian victims increased, as they were attacked in brutal air raids by combat aircraft and a fire set in the village.

It is said that as a result of the air raid in the town of Kanbalu in the Sagaing Region, at an event of the NUG on April 12, 2023, the death toll of victims reached 200. On April 14, an NUG announcement stated that the air raid had resulted in 168 people dead and 30 injured. Aside from four people of unknown gender, 118 males and 46 females were found dead. According to the NUG, 40 of the victims were children and teenagers under the age of 18, including 25 under the age of 13, five between the ages of 14 and 18, and ten children of unknown age. The NUG said it was difficult to count the deaths due to the damage caused by the air raid and estimated the actual number of victims as higher.

Whereas the number of air raids in the year immediately following the coup was 125, the number has increased to 301 in the most recent year. Also, the number of arson cases has risen from 282 to 1,355. Satellite images of several areas show that houses crammed in an area a year ago are now entirely gone.

The Myanmar military army air-raided the opening ceremony of the local office of the

NUG in the village of Pazigy in Kinabalu Township of the Sagaing Region on the morning of April 12. It was said that, in addition to the persons related to the NUG and the PDF, there were several local villagers at the site. A combat plane dropped a bomb on the venue, and then a helicopter shot at the people attempting to flee. The anti-military junta party strongly criticized the military junta for further widespread slaughter of civilians, but the military denied the claims and insisted that the dead were part of the armed organization. The Myanmar military junta has not stopped its attacks on the Sagaing Region, Chin State, Kayah (Karenni) State, or Karen (Kayin) State.

According to the count from a human rights organization called Assistance Association for Political Prisoners (AAPP), following the coup, 4,000 people, including monks and civilians, were killed, 18,000 have been politically detained, and 5,500 have been sentenced. One hundred and fifty among those were hanged.

According to the local multimedia news organization, Mizzima News, on April 19, 2023, in remarks on the second anniversary of the establishment of the NUG, Acting President Duwa Lashi La mentioned that the brutal air raids of the military regime against civilians and the reckless arson attacks on civilian houses had resulted in 1.5 million domestic refugees and appealed for urgently needed humanitarian support.

For the refugees in Myanmar, there are many shortages of food, medical treatment, clothes, and tents for shelter. Despite the efforts of the NUG for support, there are shortages of materials due to the increase in the number of refugees.

Myanmar and Russia have kept a close relationship as Western sanctions strengthened after the coup in 2021. Myanmar did not join the list of countries criticizing Russia's invasion of Ukraine, and Russia has opposed the United Nations Security Council's resolution restricting Myanmar. Min Aung Hlaing, the commander-in-chief of the military junta, visited Russia several times after the coup and was even awarded an honorary degree from Russia. However, arms exports from Russia to Myanmar are less than straightforward. Sanctions by the international community and payment in dollars make the weapons trade uneasy. However, Russia judges that the long-term stability of the military junta in Myanmar would be an advantage to Russia. From the perspective of the military junta in Myanmar, Russia is less burdensome than China. Although China does not criticize the military junta in Myanmar, for the military junta of Myanmar, it is uncomfortable to blindly consider China as close because of its complicated history with China. However, Russia is distant from Myanmar, which makes the chances of future interference in internal affairs low. Therefore, the relationship between Russia and Myanmar seems more solid than that between China and Myanmar.

Amnesty International announced the annual State of the World's Human Rights 2022 on

March 27, 2023, and pointed out that although the international community responded strongly to Russia's invasion of Ukraine, no meaningful action was taken toward "the serious invasion of human rights" taking place in some other countries. The report states that the international community keeps "great silence" about human rights violations in Israel, Saudi Arabia, China, Egypt, Myanmar, and other countries, and that double standards exist worldwide. It also reported that the international community does not respond appropriately to violence and abuse.

3. Myanmar's Uncertain Future

Many ethnic minorities live together in Myanmar. Since the independence of Myanmar, these many groups have been asking for self-determination in their regions, but it has not yet been successful. The military dictators in Myanmar have not recognized self-determination for ethnic minority groups. Instead, they have caused civil war and have been continuously attacking self-determination and human rights.

Since the coup in 2021, many ethnic groups have been raising their voices to transform Myanmar into a federal democratic system in an effort to obtain self-determination. The NUG is trying to integrate these groups.

Since the coup in 2021, the military has been in continuous armed conflict with the rebels. Not only this, but they are harassing the villages of many ethnic groups in the same way that the previous military junta had. The Myanmar military has used weapons against villagers and set fire to their homes where they were living. They also have used combat aircraft in their attacks. The soldiers captured, assaulted, and killed those they thought were in opposition to them. Due to the attacks of the military dictatorship, people could not live in villages and have fled to jungles or forests. Currently, the number of refugees is more than 2 million. Soldiers plundered the daily necessities and food from local villages and the capital's citizens. The stolen items were loaded onto citizens' cars, motorcycles, or trucks, and things that could not be taken were burned.

Buddhists account for more than 80% of the population in Myanmar. The people in power in the country also believe in Buddhism, but even monks and religious leaders have been arrested, tortured, and killed if they resisted the junta's authority. It is reminiscent of the military's brutal murder, assault, and torture of monks who participated in the 2007 Saffron Revolution.

4. Hope of the People of Myanmar

The people of Myanmar desire to punish the military leaders and soldiers, including the coup leader, Min Aung Hlaing, in international courts, such as the International Criminal Court.

The international community has yet to be able to produce any significant results. Because, although Western countries such as the United States try to resolve the situation by using economic sanctions and other means, the opposition of China and Russia, two permanent members of the United Nations Security Council, stands in the way of further progress in this case. With the justification of “no interference in internal affairs” from the two countries, they leave the Myanmar situation out of their hands. Moreover, the continuous export of weapons from their defense industries to Myanmar's military junta also prolongs the problem.

Erywan Yusof, the second minister of foreign affairs of Brunei, appointed as ASEAN's special envoy to Myanmar, presented the following five-point consensus to Min Aung Hlaing, the commander-in-chief of the Myanmar military.

Regarding Myanmar's military junta on the visit by ASEAN,

- All parties concerned should refrain from and cease violence.
- A special ASEAN delegation to support the process must be appointed to open the way for reconciliation between the two sides.
- ASEAN should provide humanitarian aid to Myanmar.
- An ASEAN mission and delegation should visit Myanmar and discuss with all parties concerned.

However, Min Aung Hlaing, the commander-in-chief of the Myanmar military, has not yet accepted the ASEAN proposal. Furthermore, the military junta not only does not listen to the people but continues to ignore the agreements and requests of the international community, such as the United Nations, Europe, and ASEAN.

Meanwhile, the 2023 National Defense Authorization Act (NDAA), passed by the U.S. Senate on December 15, 2022, included the revised Burma Act 2022. On December 21, 2022, according to the media of Myanmar, the Burma Act 2022 includes clauses of non-military, humanitarian, and technical assistance to many ethnic armed organizations (EAO), the PDF in the camp of the anti-military junta, and others. The PDF is an armed organization under the NUG. There are also clauses for effective sanctions against the Myanmar military junta.

The people of Myanmar hope that the governments, businesspeople, and entrepreneurs of many countries around the world will stop doing things that could help the Myanmar military junta to make money. Assisting the military junta is linked to the deaths of and violations of the human rights of the people of Myanmar.

And now, in the cities of Myanmar, the pressure from the military junta is so severe that it is difficult to carry out a democratic movement to overthrow the military junta. But

people in the provinces have been holding anti-dictatorship demonstrations and protests for the overthrow of the military junta for more than two years. The NUG is also making efforts in various ways to receive support from the international community. The PDF and the rebels of many ethnic groups are fighting together against the military forces. Even though their lives have become complicated, public servants who participated in the Civil Disobedience Movement continued participating in anti-dictatorship protests. Schools hold classes, but many students do not attend due to unstable circumstances. The military junta is setting fire to private houses that belong to supporters of the PDF and the rebels. Violence and murder happen every day in Myanmar.

The situation in Myanmar has not yet calmed and remains unstable. Even though daily life is difficult, with frequent power cuts and fewer jobs available, guerrilla activities occur in the cities, and battles break out in various parts of Myanmar.

5. Requests to the Korean Government and Civil Society

Since the coup on February 1, 2021, the Korean government, the national assembly, and citizens have helped to restore democracy in Myanmar. The people of Myanmar are very grateful to the Republic of Korea. Currently, a lot of the interest in democracy in Myanmar from the Korean government, the national assembly, and the people of Korea is becoming weaker. I hope you can support us greatly, thinking of democracy in Myanmar as peace in Asia.

Pro-democracy activists for Myanmar residing in Korea are raising funds every Saturday and Sunday in Seoul, Incheon, Gimhae, Daegu, Gyeonggi-do, and other places. Migrant workers from Myanmar in Korea also continue to participate in fundraising for the democracy of Myanmar.

Since the coup in February 2021, we have received much support and help from the people of Korea, but now the Korean public's interest is weakening. I hope your interest and support continue until Myanmar becomes democratic, and I would like to thank you for your generosity. It is proper that the people of Myanmar should solve the domestic situation in Myanmar. Still, human rights are being violated by the indiscriminate murder, assault, torture, civil war, and discrimination by the military junta. I hope that the United Nations, Europe, the Republic of Korea, and countries around the world that recognize and protect human rights will help us – the people of Myanmar, whose human rights are being violated – to live like human beings.

Twenty-seven Myanmar organizations active in Korea established the Myanmar Federal Democratic Mission Coalition (MFDMC) in 2022. The NUG and the Ministry of National Defense have approved the Coalition. MFDMC supports the democratic forces in Myanmar

with donations from Myanmarese residing in Korea.

Requests

- Please support our National Unity Government and help us.
- Strongly help us achieve democracy and peace in Myanmar.
- Aid our refugees residing in Myanmar.

We, the people of Myanmar, firmly believe in the success of a federal democracy for Myanmar, and we shall achieve that federal democracy in Myanmar.

Spreading Framework for Human Rights and Peace Based on Democracy¹

Eric Lai

Research Fellow, Center for Asian Law, Georgetown University

& Hong Kong Human Rights Scholar

Dear friends in Gwangju and Korea,

I am grateful of the Gwangju Democracy Forum and many civil society organisations in Korea, who Treating Trauman from State Violence: Hot Springs Healing Programcontinue to support Hong Kong’s human rights movement and allow voices of Hongkongers to be present at this forum. As a human rights scholar and a human rights defender from Hong Kong, it is my honour to share with you my observations and reflections on Hong Kong’s human rights and pro-democracy movement with all of you who are concerned with the changing landscape of global human rights development in recent years.

Goal 16 of the United Nations Sustainable Development Goals (SDG) asks us to “promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”. It is no doubt that democracy is an essential institution that safeguards peaceful transition of political power by periodic, free and fair election, ensures separation of power between the executive, legislative and judicial branches, as well as protects civil liberties following

¹ This speech partly draws from the author’s article in *the Diplomat*, “Hong Kong’s Democratic Primary Trials Show a Dark Truth”, February 4, 2023. Available at: <https://thediplomat.com/2023/02/hongkongs-democratic-primary-trials-show-a-dark-truth/>.

principles of the rule of law. Particularly, an independent judiciary that warrants the implementation of international human rights laws and practices is of paramount importance in preventing abuses of state power, or rule of men.

However, contrary to the global promotions and protections of the rule of law, judicial independence, international human rights and democracy, many countries are following the opposite way. Weaponizing laws and courts to imprison opposition leaders becomes a common strategy for authoritarian and hybrid regimes around the world, such as [Russia](#), [Belarus](#), [Myanmar](#), [Singapore](#), and China. The legal system is used as a tool to eliminate forces of political opposition, prevent mass mobilization against the rulers, and create a chilling effect in society. For some regimes, using independent courts that enjoy a limited extent of autonomy to punish opposition figures could even enhance the legitimacy and [justification of legal repression](#). Ironically, the creation of political instability by some autocratic leaders, who aim to achieve a political stability for themselves, sow the seeds of conflicts that draw violence and chaos in civilian life.

Hong Kong is no exception to such autocratic practices. On February 6 2023, that is three months ago, Hong Kong's court opened the trial of 47 pro-democracy and opposition leaders. The authorities have charged them with alleged conspiracy to commit subversion by engaging in citywide voting exercise, known as the opposition camp's primaries back in July 2020. For decades, Hong Kong's opposition camp has gained more than 55 percent of votes in legislative elections. Now the leaders of a political movement that enjoyed popular mandates have to face a criminal charge that could give a maximum sentence of life in jail.

Beijing imposed the National Security Law (NSL), which includes the offense of subversion, in mid-2020. That was a year after the outbreak of the famous anti-extradition bill movement in Hong Kong. Soon after the implementation of the NSL, more than 600,000 Hong Kong residents cast their ballots in civil, albeit unofficial, voting, to select candidates to run for the upcoming Legislative Council elections. As it turned out, the Legislative Council elections originally planned for 2020 were postponed, whereas the Chinese authorities [condemned the voting](#) as subversive.

On January 6, 2021, 55 individuals, including organizers of and participants in the opposition primaries, were arrested by the national security police in Hong Kong. On February 28 of the same year, 47 of the arrestees were charged with conspiracy to subversion. The remaining arrestees remained under police bail, and their passports were confiscated. Since then, most of the charged individuals have been [denied bail by the court](#), leaving them undergoing pre-trial detention for more than two years. Now, [more than 230 citizens](#) got arrested for national security crimes. More than [10,000 citizens](#) got arrested for their involvements in the anti-extradition bill movement in 2019, and the local police [continues to arrest](#) and prosecute protestors recently. The huge number of political prisoners had caused global criticisms against the Chinese and Hong Kong authorities, but at the same time also created a chilling effect in Hong Kong society when people are afraid of expressing their opinions and of organising civil society groups publicly.

For the Chinese authorities, the offense of subversion has been a common charge against lawyers and human rights defenders in the mainland, such as [Qin Yongmin](#), [Wang](#)

[Quanzhang](#), and Taiwanese activist [Lee Ming-che](#). Although these were peaceful activists – they have not been accused of engaging in any violent acts to subvert the state – they were sentenced to jail and deprived of their political rights for years. Recently, the Chinese government punished two prominent human rights lawyer [Xu Zhiyong and Ding Jiayi](#) by jail sentence of 14 years and 12 years respectively. They had been detained after organizing a gathering of about 20 lawyers and activists in 2019. Despite global outcry against the punishments, Chinese leaders were not moved; safeguarding the China Communist Party's regime security is a top priority, rather than protections of international human rights on free speech, free peaceful assembly and free association.

Similarly, the offense of subversion in Hong Kong's NSL includes even non-violent activities. The 47 charged individuals were only involved in peaceful political participation with their political platforms and advocacy, which called for vetting the government budget and realizing universal suffrage.

Hong Kong operates a different legal system from mainland China, the common law system. One of the key differences is that Hong Kong has a constitutional obligation to apply the International Covenant on Civil and Political Rights (ICCPR) under the Basic Law. It means that international human rights protections [must be granted in Hong Kong](#), including the rights to a fair trial, free speech, and free peaceful assembly. Even the NSL recognized the applicability of the ICCPR in Hong Kong. Before the NSL, local courts also took the lead in incorporating the ICCPR rights into their jurisprudence to demonstrate their commitment to the constitutional order of Hong Kong.

That said, Hong Kong's NSL creates several constraints that would inevitably affect the right to a fair trial and due process of this case. Apart from the lengthy pre-trial detention of most of the defendants, the case is tried by three judges designated by the chief executive of Hong Kong. The jury bench is removed upon the order of the secretary for justice. In the absence of a jury and with executive-picked judges, the public cannot use their common sense to check and balance the prosecutorial and judicial narratives of this politically controversial case. In short, the authorities could [easily dominate the narrative](#) of alleged subversive activities in the courtroom under all the executive-led intervention in a national security trial.

In addition, following the NSL, local courts shall obtain a binding certificate from the chief executive to certify whether an act involves national security or whether the relevant evidence involves state secrets when such questions arise. The recent NSL interpretation by China's National People's Congress Standing Committee [further affirmed](#) that Hong Kong's national security committee could perform its duty under the NSL to make judgment and decisions if the court did not obtain a certificate from the chief executive.

Hypothetically, if the court asked the chief executive to certify whether the opposition camp's primaries and policy platforms involve national security, the court would have no other option but to follow the chief executive's judgment. Suppose the court did not ask for a certificate from the chief executive, in that case, the national security committee could also act as an ultimate authority in this matter.

As I have [commented in newspapers before](#), the NSL and Beijing's interpretation of the NSL enable a "dual state" to operate in Hong Kong's legal system. The idea of "dual state" came from legal scholars in 1940s, who criticised the Nazi Party making use of a "prerogative state" of the German legal system to abuse power and criminalise any dissent at they wished, while keeping a "normative state" of the legal system to settle ordinary disputes that would not harm the totalitarian regime. The rule of law would not exist in such "dual state" when laws and courts were employed to suppress enemies of the state while the façade of judicial independence was promoted. Now, there is an "exceptional criminal justice system" for national security crimes in Hong Kong, as the executive authorities can, in theory, overturn a court's decision.

Only 16 of the 47 defendants decided to plead not guilty, meaning they are seeking to defend themselves before the court in this long trial. The trial may even last until the end of this year. Although the decision to enter a guilty plea lies completely with the defendants themselves, the structural issues above that incentivize a guilty plea – particularly the lengthy pre-trial detention and the removal of a jury – should not be overlooked.

Apart from the trial against 47 democratic activists, there are other national security trials to be held this year and the next. They include a trial against [Jimmy Lai](#) and several editors of the Apple Daily, the pro-democracy media outlet that shut down in June 2021, and a trial against Miss [CHOW Hang-tung](#) and her fellow organisers of Hong Kong's annual commemoration vigil of Tiananmen Crackdown back since 1989. While we must denounce the repressive institutions, we must also continue to amplify the voices of the suppressed,

and support these political prisoners, also known as human rights defenders, publicly and globally.

The old narrative of Hong Kong's judicial independence and the rule of law is no longer persuasive in light of this political trial. While it is true that we must wait and see the development and result of those trials, the fact is that provisions of the NSL have already circumcised the city's independent courts in many ways. They empower the Hong Kong government to suppress opposition leaders and followers conveniently, following the footsteps of their peer authoritarian regimes today.

What can international community respond to Hong Kong's deterioration of the rule of law and protections of human rights? Hong Kong, though it is not a sovereign state, has to apply seven United Nations human rights treaties as a special administrative region of China. The treaties are International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), Committee on the Elimination of Racial Discrimination (CERD), Committee on the Elimination of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC) and UN Convention on the Rights of Persons with Disabilities (CRPD). Indeed, as early as last summer, the United Nations Human Rights Committee [formally called for the repeal of the NSL](#) and asked the Hong Kong government to refrain from using it, as well as calling for Hong Kong to discontinue all cases against journalists and individuals charged for exercising their right to freedom of expression. The UN Committee on Economic, Social and Culture Rights also released a concluding observation on China,

including Hong Kong, to ask the authorities to review the NSL and stop applying a [“national security hotline”](#) that creates a chilling effect of surveillance and collective punishment in Hong Kong society. Yet, instead of following the U.N. committee’s recommendations, the Hong Kong government [chose to criticize the expert-based committee](#) as “unfair”, “unsubstantiated” and “unfounded”.

That said, members of global civil society shall not abandon the UN human rights mechanisms, as we need to demonstrate the need for global solidarity through international rule-based governance, rather than merely indulged into geopolitics. It is naïve to dismiss the impacts of geopolitics on safeguarding international human rights, when we recognise the obvious limitations of the UN system. Yet it is also imprudent to give up a globally endorsed system that allows civil society members and human rights defenders to have a stake. Moreover, we must recognise the fact that authoritarian regimes like China is trying to manipulate the UN system for the sake of subverting the narrative and principles of international human rights that have been endorsed for many decades. The simplified “anti-US” narratives would not help improving human rights situations in repressive regimes but would only give bullets for those regimes to discredit the global campaign for democracy, the rule of law and human rights.

Realising democracy, a state of the rule of law and protections of international human rights will not come as a miracle. It is a long term, sustained and hopeful commitment for everyone. We must stand with everyone fighting for peace, democracy and political equality in the world, regardless of how long it would take.

I would like to conclude my speech by recalling a [joint statement of Korean civil society](#) three and a half years ago. Back in 2019, lots of Korean civil society organisations joined a petition of People’s Solidarity for Participatory Democracy (PSPD), to ask Korean citizens, who “have walked the long path of democratization through the 5.18 Gwangju Democratization Movement, the June Democracy Movement in 1987, and the 2016-2017 candlelight revolution”, to stand with the people of Hong Kong. I am confident that solidarity between Hongkongers and our Korean friends, as well as all of you who are fighting for human rights across the globe, would continue as always.

감사합니다! (Thanks you!)

State Violence and Restoration of Victim's Rights - How Will It Be Done?

The transitional justice mechanism, which began in South America in the 1980s, has striven to find truth slowly to restore victims' rights and punish perpetrators in all countries where there has been State violence. With tragic events such as impunity or the return of the military regime still taking place, this year's GDF will deal with the issue of transitional justice from the victim's perspective, not from the political and social aspects.

Moderator Indria Fernida (Asia Justice and Rights)

Speakers

- Settling the Past, Transitional Justice, and Healing
: Mr. Keun Sik Jung (Seoul National University)
- Truth, Bread and Tea: Lessons from Indonesia and Timor-Leste
: Ms. Galuh Wandita (Asia Justice and Rights)
- Restoring of Victim's Rights and Healing Trauma
: Ms. Myung Hee Kim (Gyeongsang National University)

Discussants

- Ms. Anchana Heemminat (Duay Jai)
- Ms. Maria Manuela Leong (ACbit)
- Mr. Myung Goun Kim (Gwangju Trauma Center)

Settling the Past, Transitional Justice, and Healing

Keun Sik Jung

Professor Emeritus, Seoul National University

The social movement termed “settling the past” has long existed in Korea, and since the year 2000, the concept of “transitional justice” has been introduced and institutional projects implemented seeking to resolve the tragic legacy of state violence. Past settlement and transitional justice are not clearly distinguished and used interchangeably; strictly speaking, there is a slight difference as the former is based on retributive justice, while the latter is based on restorative justice.

Settling the past and transitional justice in South Korea began to be institutionalized in line with the gradual and phased democratization of the nation after the June Uprising in 1987, and at the heart of this were questions of how to establish the truth and deal with the damage of the illegal state violence during the 1980 May 18 Gwangju Democratization Movement. Following the May 18 Uprising, demands were raised to find the truth of this violent episode and recognise the victims. This developed into a periodic social movement in Gwangju called the “May Movement,” named after the strong demands that erupted every May during the repressive authoritarian regime of the 1980s. This May Movement was not only a democratization movement seeking to restore democracy, but also a collective social movement to achieve justice. In that sense, democratization and transitional justice were a two-headed wagon that interacted and moved political and social changes.

The May Movement continued the nationwide democratization struggle of June 1987, which eventually became the impetus for the restoration of the direct presidential election, after a 12-year absence. The rudimentary transition in June 1987, from an authoritarian dictatorship to a democracy, created a phase of dual power with different powers of the president and parliament. In December 1987, the presidential election of Roh Tae Woo from the new military junta was a set back for further democratization, but held in April 1988 the victory of the pro-democracy camp in the general elections gave visibility to “past settlement”, which began with congressional hearings to uncover the truth of May 18. After that, the government and the ruling party formed a three-party coalition with conservative pro-democracy forces to eliminate political instability, and the first round of compensation for May 18 victims was implemented.

The presidential inauguration of Kim Young Sam in 1993 marked the second transition to democracy in Korea and brought a variety of commemorative projects along with a second round of compensation for the victims of the May 18 Democratization Movement. However, the May Movement camp in Gwangju and pro-democracy movement camps across the country opposed the commemoration project for failing to hold accountable those responsible for the state violence and they declared the so-called "five principles" needed to resolve the Gwangju issue. These principles - truth, accountability (punishment), reparation, restoration of honor, and remembrance (the succession of spirit) - were very similar to the principles of transitional justice raised at the United Nations at the time and were an important achievement of the "past settlement" movement. On this basis, the movement to hold accountable those responsible for the May 18 state violence was vigorously developed, resulting in the 1995 enactment of the May 18 Special Law. As a result, two former presidents, Chun Doo Hwan and Roh Tae Woo, were punished, along with leaders of the new military junta.

The third transition to democracy in Korea can be said to be the presidential inauguration of Kim Dae Jung, himself a victim of the May 18 and opposition leader. In early 2000, during Kim's presidency, the Special Law for April 3 was enacted, as well as a law investigating questionable deaths under authoritarianism, and a law for reparations for those victimized in the democratization movement. In addition, a movement to restore the honor of victims of mass violence, before and after the establishment of the Korean government, began in earnest. Reconciliation between the North and the South Korea was also progressing through the first-ever summit talk. Around this time, a movement began to determine the full facts of civilian massacres before and after the Korean War and to restore victims' honor, which introduced the concept of "state violence" and redefined victims from "people" to "civilians." The campaign was accompanied by the concept of transitional justice based on restorative justice, moving beyond the retributive justice of "past settlement." These efforts eventually bore fruit in 2005 with the Truth and Reconciliation Act on Clearing Past Affairs. The basic framework of transitional justice in Korea, or the skeleton of the threefold transition, can be said to have finally been completed in 2005, as just one year before the enactment of the Truth and Reconciliation Law, the Law for Truth Finding of Pro-Japanese Anti-National Activities was enacted in 2004 under the Roh Moo Hyun government.

Transitional justice in Korea is characterized by a threefold transition of post-authoritarian, post-colonial, and post-war projects, which goes beyond the

theory of past settlement expressed in the May 18 Special Law and covers the wide-scope institutionalization of the theory of transitional justice with the focus on restoring victims' rights and recovering from the trauma. However, the various transitional projects in Korea were not all the same, but implied that the rights restoration and healing for specific victims can vary based on the nature of the violence that caused them. This is because the rights restoration and healing of the civilian victims of the April 3 incident or the Korean War, unlike various cases of state violence and human rights violations since the mid-1950s, are different in that they emphasize the restoration of honor but exclude reparations. However, the gap between the two began to gradually narrow when the judiciary decision in 2009 enabled limited compensation measures for civilian victims of the Korean War.

If the various transitional justice projects of Korea are evaluated in terms of how thoroughly the principles of transitional justice have been applied, we can see that they have been divided and graded into the May 18 model (truth-justice model) in which all five principles are applied, the truth-reparation model (or truth-reconciliation model) in which the principles of honor restoration and reparation are applied except for accountability issues, and the truth-honor restoration model in which reparation is not institutionalized. We can think about the source of these differences, and they stem from the inherent differences in the violence that caused each violation. If the May 18 Democratization Movement, other democratization movements or various kinds of human rights violations are the result of illegal state violence that occurred after the enactment of the Constitution, then the violence during the US military occupation or the Korean War can be said to be violence for the sake of constitutional enactment or violence for the formation of a state. With reference to Benjamin's discussions, we can conceptualize the former as unlawful violence and the latter as law-creating violence, which is why, from an empirical perspective, the methods and levels of redress for the damage of law-creating violence and unlawful state violence are fundamentally different.

Transitional justice in Korea saw a lull after 2010 but revitalized around 2016 with the influence of the second wave of democratization called the Candlelight Revolution. In 2020, the May 18 Fact-finding Commission was launched and the Truth and Reconciliation Commission reopened, and in 2021, the amendment of the April 3 Special Law and the enactment of the Yeosu-Suncheon Special Law were implemented. This shows that the meaning of unlawful state violence can expand and the redress and healing of law-creating violence can also vary with the expansion of human rights sensitivities. Of course, it is expected that,

following the return to a conservative government in 2022, more fully realized transitional justice will be affected, but the final result cannot yet be ascertained.

We can broaden our horizons a little further and examine for a moment transitional justice abroad. A well-known international example is South Africa, where state violence resulted from colonialism and racism, and the recovery was based on the truth-reconciliation model. In South America, various transitional justice projects were implemented in response to the change from military dictatorship to democracy during the global cold war, and largely adopted the truth-reparation model. Limiting our discussion to Asia, there are still a wide range of types. Asian countries are largely either countries that saw state violence but no transitional justice (China, North Korea) or countries that saw law-creating or unlawful state violence but also transitional justice projects, the latter of which can also be further divided according to the character of the violence and the duration of the transitional justice projects.

Indonesia, East Timor, and Cambodia are very well-known cases of state violence, and transitional justice projects can be said to be working. The case of Mongolia is very interesting, though not so well known. If the independence with the monarchy and the massive repression of monks in 1921 and the establishment of an independent socialist state and the suppression of dissents in 1924 can be categorized as a kind of law-creating violence, the large-scale purges by Choibalsan in 1937 are more akin to unlawful state violence. With the democratization in the early 1990s, the National Recovery Commission, which provides redress to victims, is still active and has centered on the Great Purge of 1937, with as many as 30,000 people receiving reparation.

In terms of the path of democratization, Taiwan is the most similar to South Korea. Taiwan walked the path of gradual democratization after martial law was lifted in 1987, while reparation for the victims of the February 28 incident began in 1995, followed by reparation for victims of the White Terror period after 1949. However, since reparations were made without complete fact finding, it was not until 2017 that transitional justice (typical justice) was institutionalized. Taiwan's transitional justice can be said to have been relatively reparation-centered.

In Korea, many transitional justice projects have been carried out over the past two decades, and the results of these projects have been significant. However, no human rights archive has collected basic materials for study, nor has a Truth

and Reconciliation Foundation been established to systematically promote. In addition, though there was considerable interest in transitional justice and the experiences of respective countries were introduced at the Genocide Research Group and the Truth and Justice Forum during the operation of the first Truth and Reconciliation Commission from 2005 to 2010, full-scale comparative studies were not sufficient. Together with these tasks, advancing international collaboration can be said to be the task ahead, but the reality is that the environment for this is not easy.

Truth, Bread and Tea:
Lessons from Indonesia and Timor-Leste

Galuh Wandita
Asia Justice and Rights (AJAR)

First of all let me extend my heartfelt solidarity to the brave people of Gwangju, who stood up against injustice and impunity, with fearless courage.

I have been asked to reflect on the struggle for gender justice across the region, focusing on the continuing impunity for sexual violence in conflict. Across Asia, sexual violence has been used as a strategic weapon of war used to terrorize civilian populations, destroy families, and humiliate the "enemy." The survivors of conflict-related sexual violence and children born of war are not only harmed when they experience sexual violence, they then further experience **social isolation, bullying, and other forms of violence** by their neighbors, community members, and even family members, which further intensifies their isolation and trauma.

Decades later we still face challenges in transitional justice efforts to deal with **the inclusion or reintegration** of women survivors of sexual violence and their children in countries; from Indonesia, Timor-Leste, Cambodia, Nepal, Myanmar, Bangladesh, Sri Lanka, Philippines etc. The empowerment of women survivors of sexual violence and their children so that they are accepted again into their families and communities, with access to political, economic, and social rights, is key to a society's recovery and healing.

Indonesia & Timor-Leste: Impunity for systematic sexual violence is the norm

Across Asia, WW II, the Cold War and the subsequent authoritarian regimes in our countries have unleashed waves of sexual and gender-based violence –many victims remain silenced, perpetrators unrepentant, institutions and governments in denial.

From our own experience, Dutch East Indies and Portuguese Timor became a theater of war during World War II, where the Japanese enslavement of women for sexual pillage was systematic. Later, the Cold War resulted in a blood bath in the

two countries, albeit a decade apart. A powerful Indonesian military, accountable to none, was allowed to commit massive crimes in the name of security and development for many decades. Sexual slavery and rape took place during the 1965 atrocities,¹ and then repeated in occupied East Timor, by Indonesian security forces and the armed groups under their control. The rise and fall of former President Soeharto are marked by bookends of mass violence, including gender-based violence, from the atrocities of 1965 to the mass violence in 1998 in Jakarta and other cities and the 1999 violence in Timor-Leste around the referendum.

Impunity for gender-based violence, particularly massive/ systematic violence, remains the norm. A bird's eye view of gendered violence across space and time allows us to see that patterns of impunity for sexual slavery are repeated. Looking back through history, we can see this topography of gendered violence.

During World War II, Balide was also the site where the Japanese military police and the so-called "Asinsoko" troops were based (the larger base was in Tibar). A joint research project² conducted by Japanese and Timorese human rights workers in 2015 documented sites known as *ianjo* or military-controlled houses where women were held and subjected to sexual slavery.³

[Interestingly, the Asia-wide movement for justice for "comfort women" has continued for decades. In the early 1990s, victims from South Korea began speaking out on their experiences, and in response some Japanese politicians continued to deny the involvement of the military.¹² In 1992, a Japanese scholar unearthed military archives showing the role of the military in organizing the so-called 'comfort stations.' After an initial review of historical archives, the Japanese government conducted an inquiry that led to the first apology stated by the Chief Cabinet Secretary, Yohei Kono. Although, victims groups and their advocates have articulated their disappointment with this apology. One of the main issues is

¹ Gender-based Crimes against Humanity: Listening to the Voices of Women Survivors of 1965 (2007), <https://www.komnasperempuan.go.id/reads-laporan-pemantauan-ham-perempuan-kejahatan-terhadap-kemanusiaan-berbasis-jender-mendengarkan-suara-perempuan-korban-peristiwa-1965>

² *Luta ba Lia Loos no Justisa: Relatoria Final ba Peskiza Konjunta Asosiasi HAK ho Koaligasaun Japoneis ba Timor-Leste kona ba Eskravidaun Seksual Militar Japoneis iha Timor-Leste* [Struggle for Truth and Justice: The Final Report of the Joint Research conducted by HAK Association and the Japanese Coalition for Timor-Leste on Sexual Enslavement by the Japanese Military], 1942-1954, Dili, 2015.

³ CAVR believed that "sexual slavery of East Timorese women by Japanese troops was widespread" Volume I, Part 3: History of the Conflict - Chega!, p. 149, par. 24

qualified nature of the acknowledgment (“directly or indirectly,” “in many cases,” and “at times.”)

But more importantly, the lack of recognition that crimes were committed in a systematic manner, has made victims reject this apology. As compensation claims were consistently dismissed in the Japanese courts, women's groups organized an unofficial “women's tribunal” held in Tokyo in 2000. Three Indonesian elderly women testified at the hearing, together with 60 other survivors from many countries. By 2000 monumental gains had been reached in prosecuting gender-based crimes in the ad hoc courts for the former Yugoslavia and Rwanda, and many of those who worked on these issues were energized by successes in engendering the 1998 Rome Statute for the International Crimes Court. Key figures in the gender justice movement participated in this event, as “prosecutors” and “judges” and a legally sound judgment was launched at the Hague in 2001. Most recently, South Korean comfort women for American soldiers are just speaking out about the deception and violence they have experienced.^{4]}

The litany of multiple locations, and the use of military force and resources to abduct women for systematic rape was reproduced thirty years later, during the Indonesian military occupation (1975-1999). Timor-Leste's truth commission, the CAVR, which was operational between 2002-2005, documented, in harrowing detail, the practice of sexual slavery by the Indonesian military, and the impact on women and their families.⁵

Throughout the invasion and occupation there was a persistent practice of forcing East Timorese women to become, in effect, the sexual slaves of military officers. These activities were conducted openly, without fear of reprisal, inside military installations, at other official sites and inside the private homes of women who were

⁴ “A South Korean Horror Story, Long Suppressed,” New York Times, May 3, 2023, <https://www.nytimes.com/2023/05/03/world/asia/south-korean-comfort-women-suppressed.html>; “A Brutal Sex Trade Built for American Soldiers” New York Times, 2 May 2023, <https://www.nytimes.com/2023/05/02/world/asia/korea-us-comfort-women-sexual-slavery.html>

⁵ Sexually-based violations documented by the Commission comprised 1.4% (853/59,972) of all reported violations. However, in Ermera, Ainaro and Lautém the Commission found a relatively higher proportion of sexual violations at 3.3% (199/5,981), 2.7% (102/3,727) and 2.1% (105/5,004) of the total reported violations respectively. Sexual violations were reported less frequently in Dili and Oecussi representing 0.3% (27/8,389) and 0.1% (4/3,398) of the total respectively, Chega! *Volume I, Part 6: The Profile of Human Rights Violations in Timor-Leste, 1974-1999*, page 548, par 129.

targeted. In a significant number of similar cases, rapes and sexual assaults were repeatedly conducted inside victims' homes, despite the presence of parents, children and other family members of the victim...

It was common practice for members of the Indonesian security forces to keep East Timorese women in detention in military bases for reasons that were not related to a military objective. These women, who were sometimes detained for many months and sometimes years, were often raped on a daily basis or on demand by the officer who controlled them, and often also by other soldiers. In addition, they were forced to do unpaid domestic work.⁶

Prior to and working in parallel with the truth commission, the UN in Timor-Leste established a Special Panels for Serious Crimes in 2000 with jurisdiction over genocide, war crimes, and crimes against humanity committed at any time, as well as murder, sexual offences, and torture committed in 1999.⁷ The legislation included sexual offences in its list of serious crimes⁸ and adopted gender-sensitive rules of evidence lifted directly from the ICTY statute.⁹ Fokupers, provided statements from survivors to the investigation team. However, the serious crimes process was beset by challenges, including the fact that those most responsible for these crimes remained at large in Indonesia.

Between 2000-2005, SCU investigations led to 95 indictments involving more than 360 persons that included high-ranking Indonesian military officials. Eighty-seven defendants were actually tried in Dili, with 84 successful convictions and three acquittals.¹⁰ However, of the 95 indictments, **only eight involved gender-based crimes**. Six of these eight indictments were for rape as a crime against humanity and **only one of the six cases went to trial resulting in the only conviction for**

⁶ Chega! par.15-17, p. 2038.

⁷ UNTAET Regulation 2000/15 (June 6, 2000) on the Establishment of Special Panel for Serious Crimes

⁸ UNTAET Regulation 2000/11, Section 10.1.

⁹ UNTAET Regulation 2000/30 on Transitional Rules of Criminal Procedures, Section 34.3 states that cases of sexual assault require no corroboration, limits the use of consent as a defense by the suspect, and bars admittance of the victim's prior sexual conduct as evidence.

¹⁰ Megan Hirst and Howard Varney, *Justice Abandoned? An Assessment of the Serious Crimes Process in East Timor*, Occasional Paper Series (New York: ICTJ, 2005), 10.

rape as a crime against humanity.¹¹ The remaining two indictments were for rape. One of these was dismissed for lack of jurisdiction (the crime took place in West Timor) and the other resulted in a conviction of four years of imprisonment.¹² Sexual slavery and other types of sexual violence were never charged.

Across the border, Indonesia's "human rights court" was established by law in 2000, but now merely exists on paper, despite 12 cases referred by Indonesia's National Human Rights Commission that have now remained stalled for more than a decade.¹³ However, the Indonesian human rights court, established in 2000 as a response to international pressure on the 1999 crimes committed in East Timor, eventually acquitted 100% of all those indicted.¹⁴ Most recently, President Jokowi established a "team" PPHAM to review the 12 cases investigated by the human rights commission, engage with some victims and stakeholders, and produce recommendations in a short report. Disappointingly, the report did not reflect a genuine truth-seeking process, omitted any mention of perpetrators, and was not followed by an apology from the President.

Denial and impunity lead to a twin reaction. Patterns of systematic gender-based violence as well as the disempowerment of victims are reproduced.

Truth, Bread and Tea—an approach to empower survivors

Truth is the prerequisite for empowerment and reintegration of survivors of sexual violence and their children. Key lessons around documentation and truth-seeking tools, as it relates to the longer-term goals of empowerment and reintegration of survivors. There has been no genuine official truth-seeking process in Indonesia, but we have created ways to listen to survivors. In Indonesia, AJAR co-facilitated a "Year of Truth" campaign (2014), together with the Coalition for Justice and Truth (KKPK), creating a new space for victims to voice their experiences and highlighting the link between impunity and the denial of ongoing issues in Indonesia. A final report based on this civil society led truth seeking process, was entitled "Menemukan

¹¹ *The Lolotoe Case: A Small Step Forward* (Dili: JSMP, 2004), <https://www.legal-tools.org/doc/4fc39e/pdf/>

¹² Press Release, Office of the Deputy General Prosecutor for Serious Crimes (March 8, 2004), on file.

¹³ An exception is the Paniai (Papua) case that has recently gone to trial, with only 1 defendant who was found not guilty.

¹⁴ The National Human Rights Commission's investigation on the 1999 crimes named 29 persons of interest, 18 were indicted, and 6 found guilty at first instance, but acquitted on appeal.

Kembali Indonesia" (Reclaiming Indonesia) More than 72 victims who gave their experiences during Public Hearings.¹⁵ In parallel, AJAR worked with women's groups in Indonesia, Timor-Leste and Myanmar, creating a set of participatory action research tools focusing on women survivors,¹⁶ creating a key report on the situation of women survivors.¹⁷

Bread is shorthand for ensuring that the foundations for survival are met including ' basic needs for food, water, shelter, health care, having some security of owning land or a garden, and a dignified livelihood. This includes interim measures to assist survivors, as well as their right to justice – a measure that can signify a society's intent to right the wrongful act of sexual violence by punishing the perpetrators. Efforts to combat stigma is key—thus we must find ways to support survivors to access justice.

Tea signifies the creation of circles of care – within the family, community, and society – that support survivors of sexual violence and their children, opening the door to social cohesion and reconciliation. In this chapter, we will focus on lessons to fulfill victims' right to reparations and the promise of never again repeating the violence of the past.

In conclusion

As I hope to have demonstrated, the trajectory of gender-based violence is long, but bends towards truth (to borrow a famous metaphor from Dr. King.) We have seen that the impact of gender-based violence can be transmitted to the next generation. We have also seen how different forms gender-based violence can take shape when impunity is allowed to take root. Short-term approaches are ineffective and miss the mark. Nevertheless, the realities of working as part of under-resourced social movements, make it difficult to develop the much needed long-term, inter-generational, approaches.

¹⁵ <https://asia-ajar.org/press-release/indonesia-survivors-share-their-stories-at-public-hearing-in-jakarta/>

¹⁶ <https://asia-ajar.org/resources/%format%stone-flower-a-guide-to-understanding-and-action-for-women-survivors/>

¹⁷ See *Enduring Impunity*, a participatory research conducted with 150 women in Indonesia, Timor-Leste and Myanmar, <https://asia-ajar.org/resources/books-research/enduring-impunity-women-surviving-atrocities-in-the-absence-of-justice/>; AJAR also produced an Indonesia-focused report of its action research, co-published with Komnas Perempuan entitled *Bertahan dalam Impunitas* (2015.)

What are some ways to lean into the future?

- When working on gender-based violence, we must choose some of the **"lower hanging fruit"** but do not avoid the more difficult. Working on justice is difficult, but without taking incremental steps, we can become part of the structures that allow impunity to be entrenched. At the same time, we need some sustenance to keep up decades-long processes. Working on some kind of **truth-telling integrated with healing** is an important foundation. We need to involve the next generation: the children of survivors and young people who can participate in long-term solidarity building.
- Genuine cooperation is key-- **whatever knowledge we are "producing" is being produced on the shoulders of others.** Be respectful and develop different versions, popular versions, local and national languages. Don't rush to produce a "critical" piece to be ahead of the pack. Befriend your subjects and those who are working most closely with them. These friendships can last a life-time.
- **We need to provide urgent and effective measures to support women victims in a holistic way.** Without this, the struggle for gender justice and voices of truth will simply perish. This support should be implemented together with civil society, using empowering approaches that address psychosocial, health, and other urgent needs. Support for victims is the foundation for any program that aims to transform conflict into lasting peace, and must be implemented in a flexible way in order to be able respond to new forms of gender-based violence.
- **Existing documentation and accompaniment** by women's groups helps to highlight gender-based crimes during periods of conflict and immediately afterwards. There needs to be continued support and encouragement for this work, especially when new issues begin to demand resources such as domestic violence, political participation, etc. We need to break down the artificial divisions between those who work on past and present gender-based violence.
- **Lost opportunity:** A good mandate for truth and justice (truth commissions, criminal processes, and access to justice projects) without pressure is not enough. There needs to be on-going monitoring, international interest, and domestic agitation to ensure support from the political leadership.
- **Using other non-judicial mechanisms is critical.** Truth commissions, other truth processes led by civil society, or reparations programs can change attitudes and provide urgent care to those who most need it. Truth processes can begin to lift the veil of silence and shame on gender-based crimes if done in an empowering and transformative manner. We have found that there is still a need for truth telling even after a truth commission. We must also continue to conduct advocacy together with victims, with a focus on women's experiences.
- **In designing interventions** (in consultation with women victims and women's groups), we can use the gender concepts of **practical and strategic needs of victims.** Practical measures help victims to survive, enabling them to participate in the long-term struggle for justice. Strategic measures that transform unequal power relations require acknowledgement as a key element.
- We need to ensure that **civil society, and in particular women's organizations, do not burn out.** We have learned the hard way that it may take many generations before victims and their families enjoy the satisfaction of justice. Efforts to involve the younger generation and connect them with victims help fuel our energy and bring new ways to innovate our approach.
- Thinking outside boxes can strengthen **links to build the women's movement for justice** across countries, regions and around the globe. There are six UN indictments that deal with gender-based crimes in Timor-Leste, yet these perpetrators roam free in Indonesia. How can we make it difficult for perpetrators of serious gender-based crimes to travel freely around the world?

- **We need focused discussions to imagine a comprehensive approach to achieve accountability for gender-based violence and care for victims that is sustained, transparent, and accessible.** Mechanisms intended to assist societies recovering from mass atrocities must address the multiple impacts of politically-motivated violence. This requires approaches that move beyond the artificial boundaries often implicitly drawn to separate silos of assistance: humanitarian emergency, transitional justice, peacebuilding and development.

Finally, I circle back to the words of Mana Macu, a survivor from Timor-Leste, who at the end of her life took an active role in helping her fellow survivors. *"There must be justice and an improvement in the lives of those who are vulnerable.. the suffering we experienced must not be repeated."* So much to do still. We welcome friends.

Restoring Victims' Right and Healing Trauma: A Human Rights-based Approach to the May 18 Collective Trauma

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1. Introduction

This article seeks to reframe the process of healing and recovering from trauma for those who have suffered human rights violations by viewing the issues from the perspective of their human rights. This is becoming increasingly relevant in the process of resolving the world's past. In particular, the main purpose of this presentation is to reflect on the limitations of the current compensatory-medical approach to healing the trauma of victims of state violence, and to introduce an alternative human rights perspective.

In Korea, the May 18 Democratic Uprising in 1980, the April 16 ferry sinking in 2016, and the Itaewon Halloween tragedy in 2022 all have several differences yet some commonality. The first is that the human rights violations that resulted from the state's action or inaction have been distorted to and misrepresented as either the work of a mob, or a simple accident. The second commonality is that the dominant discourse and the power of ideological narrative has in fact caused new social pain for those concerned. For example, unilaterally declaring May 18 as the product of 'rioters' and 'espionage,' or that April 16 was a mere 'traffic accident at sea,' downplays the incidents to something that can be resolved by monetary or medical psychological support for the victims or the surviving family. In other words, 'disaster after disaster' is repeated. When the true nature of the case is denied and miscast as an unfortunate accident, the existence of the victim and the pain they had to endure are also covered up or reduced to a medical problem.

By doing so, the responsibility of the perpetrators who violated human rights is removed, and in fact the victims are seen to be privileged as they receive compensation. Through this, the victims' rights to the incident are also denied, and the victim is pushed to the periphery of society and alienated. This pattern is the landscape of 'post-truth politics' or 'politics of denial' that crosses modern and contemporary Korean history (Myung-Hee Kim, 2022). It repeatedly occurs in cases of state violence through the so-called 'compensation-treating frame' and, even more, the 'privilege-compensation frame.' As a result, in the case of May 18, 50 people became suicidal. In short, this kind of 'politics of denial' is closely related to the anti-human rights 'politics of killing,' which kills life and causes people to abandon their lives.

A human rights-based approach to trauma proposes to go beyond the medical model of treating trauma accompanied by a 'compensation-healing' frame. A human rights-based approach to trauma starts by repositioning the victim, not as an object of sympathy,

mercy, or in need of support, but as an agent with rights. Furthermore, this approach pays attention to the various forms of collective trauma caused by human rights violations, not just to the direct victims but to the wider citizenry, and seeks ways to restore these rights and find social healing. As such, this article will introduce the results of the Psychological and Sociological Sample Investigation on May 18 Collective Trauma, conducted by the May 18 Democratization Movement Truth Commission from October 2020 to May 2021.¹⁾

2. Human Rights and Trauma: Beyond the Medical Approach to Trauma

1) Beyond the Medical Approach for Trauma Treatment

The overall emphasis of this article is to present a human rights-based trauma analysis model and approach by (re)integrating the issue of trauma from a human rights perspective. The Western discourse on trauma, which has emerged along with the compensatory approach—a discussion that relies primarily on the psychiatric diagnostic tool of post-traumatic stress disorder (PTSD)—has caused the problem of over-medicalization and a focus on medical care that neglects human rights. This focus on medical and mental health in human rights violations such as torture was strengthened by the American Psychiatric Association's recognition of PTSD in the Diagnostic and Statistical Manual of Mental Disorders, (DSM III, 1980). This category emerged as a critical indicator for clinical researchers to document the consequences of human rights abuses. However, it remains debatable as to whether these new models of trauma have helped advance a rights-based approach (Myung-Hee Kim, 2015; Butler and Critelli, 2019).

In Korea, in 1990, when Professor OH Soo Sung of Chonnam National University brought attention to the trauma of May 18, this too has contributed to publicizing the continued pain of the victims of May 18 socially and sought ways to find healing. In particular, the concept of 'May syndrome' provided an essential clue in evoking the collective dimension of the May 18 trauma (OH Soo Sung, 1990), and the concept of 'May 18 traumatism' helped expand it to a psychological, social, and economic level (The May 18 Foundation, 2001). However, this approach to the May 18 trauma, later absorbed into the category of 'PTSD' diagnosis, does not correctly capture the seriousness of human rights violations that have been sustained or (re)occurred from the immediate aftermath of May 18 until the present, resulting in continued violations.

In addition, when the PTSD model is used uncritically as a tool for diagnosing the mental health of victims of national crime, the perpetrator-victim boundary surrounding injustice can collapse into a single signifier called 'trauma.' Because the criteria for defining PTSD are limited only to symptom groups, different incidents such as rape, torture, and accidents, become undistinguishable from each other, and even perpetrators, victims, and

1) The outcome of this study was published in December 2022 as a book titled 『Rewriting May 18』 (Paju: Maybook).

witnesses cannot be distinguished. The only thing to consider is the scars left by the incident (Fassin & Rechtman, 2016). In other words, PTSD diagnostic criteria are indifferent to the nature of the event that caused the symptoms and why they occurred.

For this reason, this research proposes a perspective that intersects human rights and trauma; that is, a human rights-based trauma approach that integrates a human rights frame and a trauma frame. Proponents Butler and Critelli, who advocate the inseparability of human rights violations and traumatic experiences, argue that Trauma Experiences (TEs) and Human Rights Violations (HRVs) often occur together, and, in some cases, only refer to different aspects of the same experience. Therefore, developing a holistic framework that integrates trauma and human rights concepts can provide a new language for a broader understanding of human suffering and help to promote trauma-informed and human rights-based social policy (Butler & Critelli, 2019: 11-53).

2) Human Rights-Based Community Approach: Complex Collective Trauma (CCT)

As mentioned, PTSD reduces the social and political dimensions of state violence trauma to personal and medical ones. In addition, PTSD diagnosis criteria based on a single event are insufficient to explain the long-term and collective nature of the May 18 trauma.²⁾ However, according to domestic research dealing with the effects of trauma from state violence, the psychological and social environment of such victims varies from case to case but generally shares the following characteristics. Victims of state violence ① are placed in an atmosphere of daily isolation, surveillance, and control after the violent, traumatic event, ② experience stigma and "othering" from society, ③ are separated from the surrounding community by complicity in silence, ④ find that the task of acknowledging the truth about the perpetrator is influenced by political dynamics and ⑤ that the emotion of anger against social injustice is linked to social activities to solve it (Gwangju Trauma Center, 2013: 18).

Above all, the May 18 was not just a one-off incident in which "a large number of victims and sufferers occurred due to the unfair exercise of public power", but also a long-term state crime that resulted in a systematic and organized denial and continuous human rights violations by the state in order to cover up the traces of the massacre. For this reason, we must look at the May 18 collective trauma not as a single traumatic event, but as a complex trauma accumulated through successive experiences. The May 18 collective trauma is ① not a single event at the clinical/personal level but is reproduced in repeated traumatic experiences and a structure of long-term violence, thus bearing the characteristics of complex post-traumatic stress (Complex PTSD) paid attention to by J.

2) On the other hand, the concept of collective trauma was first conceptualized by sociologist Kai T. Erikson (Erikson, 1976). This concept has recently become widely used as an example to describe long-term damage to communities in the aftermath of disasters and the difficulties this has caused to individual healing processes. Furthermore, the concept of collective trauma in this article includes the generic usage of the collective experience of traumatic events and the signifying process.

Herman. Also, ② from the socio-cultural level, since May 18, 1980, the systematic distortion and denial of events through the press and media, as well as the social and cultural processes of collective stigma, have together aggravated the collective trauma of the victims. Therefore, it has the characteristics of a collective and cultural trauma mentioned by J. Alexander. And ③ from a diachronic level, it has the characteristics of a historical trauma conceptualized by D. LaCapra because it shows the features of being handed down to a group that has not directly experienced the event, and beyond that to later generations.

Furthermore, the concept of Complex Collective Trauma (CCT) is helpful if we consider the collective nature, diffusion, concentric circulation, and longevity of the May 18 collective trauma. According to its proponents, CCT ① appears with two combined factors: collective trauma and complex trauma. ② always has a complex character in that it involves interactions at the level of various ecosystems, such as self, family, community, and culture. ③ is also characterized by cumulative (re)occurrence and reproduction "at home" over several decades. Furthermore, ④ CCT is characterized by continuous exposure to fear and vulnerability at the level of various actors (Possick et al., 2017).

In short, complex collective trauma is, first, since the incident, in the narrow sense within family relationships and in the broad sense at community levels, a social trauma that has been sustained, accumulated, and (re)produced through interactions between various classes and groups and, second, can be defined as a historical trauma transmitted not only through the direct person but also through those with indirect experience and the previous/following generations.

3. Recategorizing Victims of State Violence and their Rights

1) Recategorizing Victims of State Violence

Considering the ripple effect and long-term impacts of the May 18 state violence, the number of trauma victims in the field of Complex Collective Trauma is broad. However, since the existing laws and investigation practices related to May 18 limit the scope of victims to only direct victims and their (surviving) families, this excludes various others. This narrow definition of victims creates a blind spot in compensation, which originated in The Measurement for Healing the Gwangju Affair submitted by the ROH Tae-woo administration in 1988. The Act on Compensation, Etc. for Persons Related to the Gwangju Democratization Movement, enacted in 1990, also did not consider collective damage or collective trauma at all, and as such, failed to establish a perspective to institutionalize solutions. As a result, this was a factor undermining social support for the direct victims of May 18 by separating the direct victims from ordinary citizens and introducing conflict and division between local community members.

Under these circumstances, the Special Act On Investigating The Truth Of The May 18 Democratization Movement, enacted in 2018, expands the scope of "victims" to include "any person, not only a direct victim, who suffered from the aftereffects" (Article 2) of the May 18 Democratization Movement, while the 2021 amendment saw the inclusion of "Significant human rights violations, such as sexual violence, or experience of any mental or physical aftereffects" (Article 3) added to the scope of investigating the truth. These can provide meaningful pointers to open the phase of past settlement centered on citizen victims or victim-survivors in a broad sense. International human rights laws today, such as the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) or the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005), define victims (sufferers) as those who have suffered psychological infringement or emotional pain, or physical pain, suffered through acts or omissions of power. In particular, these documents also include "persons who have suffered harm in intervening to assist victims in distress or to prevent victimization" as victims.

From this perspective, the types of victims of May 18 can be categorized as: ① direct victims ② first and second generations of victim's families ③ frontline responders (medical workers, paramedics, volunteers, community leaders, reporters, etc.) ④ witnesses (participatory and accidental witnesses, and Gwangju residents), ⑤ members of the Gwangju/Jeonnam community, ⑥ victims from post-exposure of the event(post-exposure victims), etc.

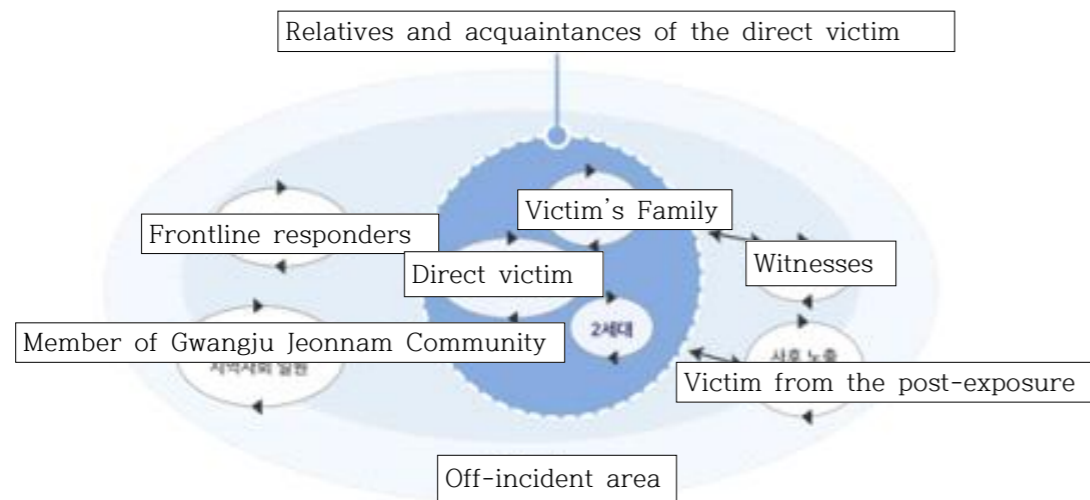
2) Significant Human Rights Violations and the Rights of Victims

Significant human rights violations committed by the state are qualitatively different from those committed by other offenders. This is because the state exercises very organized and systematic power based on bureaucracy and governmental authority. In particular, the seriousness of state violence/crimes lies in mobilizing both structural and cultural violence that covers up or justifies such violence. Accordingly, the international community has been striving to recover victims' rights and prevent the reoccurrence of similar cases by regulating victims' rights and emphasizing the duty of the person in charge. These efforts have primarily developed in two directions.

First is the guarantee of fundamental human rights. Since the beginning of the Universal Declaration of Human Rights (UDHR) (1948), it has been developed through international human rights laws and international human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR) (1966) and the International Covenant on Economic Social and Cultural Rights (ICESCR) (1966), as well as the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (1984), and the

International Convention for the Protection of All Persons from Enforced Disappearance (2006). In addition, it has promoted the implementation and improvement of human rights through the UN Human Rights Council, UN Treaty Bodies, and regional human rights protection and promotion systems.

<Figure 1> Scope of Impact of May 18 Collective Trauma



Second, victims' rights are guaranteed as the subjects of human rights violations. Positioning the victim as the subject of the case enables them to participate in the full process of resolution: to express their positions, give proposals, and monitor and criticize implementation as required. This was further embodied through the UN General Assembly and the Human Rights Council's adoption of both the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (the Victims' Bill of Rights) (2005) and the Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity (1997). The later report of the UN Special Rapporteur on Truth, Justice, Reparation and Guarantee of Non-Recurrence (OHCHR) provided further modification, supplementation, and improvement.

In particular, the Victims' Bill of Rights (2005) defends the victim's rights by stipulating in detail the rights of those who have suffered severe human rights violations, to go beyond the limited provision of support and charity. The core content was the right to justice (Chapter 8), the right to reparation (Chapter 9) and the right to know (Chapter 10) and the guarantee of the state's duty to provide these.

First, the right to justice consists of △ equal and effective access to the trial and appropriate support △ protection and safety of the privacy of victims, their families, and witnesses, △ providing collective compensation procedures beyond individual access.

Second, the right to reparation primarily consists of △ recovery to the original state, △ monetary compensation, △ rehabilitation, △ satisfaction, and △ prevention of recurrences. At this time, recovery to the original state includes recovering levels of freedom, human rights, identity, employment, and the return of the property, etc., meaning restoration to the situation before the violation occurred. Monetary compensation refers to financial compensation for expenses incurred in physical or mental disability, loss of opportunity, material damage, loss of income, mental suffering, etc. Rehabilitation includes medical, psychological, legal, and social services. Satisfaction is the most comprehensive. It includes effective measures aimed at preventing continued violations, to reach a full verification of facts and disclosure of the truth, official declarations or judicial decisions on the restoration of the dignity, honor, and rights of victims, etc., acknowledgment of facts and an official apology, as well as legal and administrative sanctions for those responsible, and commemoration and dedication to the victims, etc.

Third, the right to know requires access to information about the causes and conditions of human rights violations and guarantees the right to know.

Of course, human rights, by definition, are relational concepts. In other words, even different kinds of rights can have genuine meaning in relation to each other. Considering the relationship and reciprocity of human rights, each item is characterized by being mutually indivisible and interdependent. For example, experiences of violence such as attacks, brutal acts, and torture that threaten life, safety, and personal freedom violate the right to life, security, and individual liberty and simultaneously entail threats to labor and health rights. Likewise, human rights have a fundamental relationship in that they are inter-connected. Therefore, to understand the impact of any human rights violation incident requires consideration of the overall effect on the victim and the context. Table 1 summarizes representative rights guaranteed by each human rights standard.

<Table 1>

Main contents of international human rights conventions and UN documents related to the human rights of victims

Status	Title	Victims' Rights Core Content	Adoption / Validity in Korea
International human rights law	International Covenant on Civil and Political Rights	Article 2: Right to life Article 3: Prohibition of torture, inhuman or degrading treatment Article 4: Prohibition of Subordination Status of Slavery Article 9: Right to liberty and security of person, including freedom from arbitrary arrest and detention Article 10: The right of persons deprived of liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Article 17: The right to be free from arbitrary or unlawful interference with one's privacy, family, home, or	1966/1990

Status	Title	Victims' Rights Core Content	Adoption / Validity in Korea
		correspondence, nor to unlawful attacks on their honor and reputation Article 18: Freedom of Thought, Conscience, and Religion Article 19: Freedom of Opinion and Expression Article 23: The Right to Marry and to Found a Family	1966/ 1990
	International Covenant on Economic, Social and Cultural Rights	Article 6: The right to work, including the right to gain a living by work Article 9: The right to social security, including social insurance Article 10: Protection and support for the family, free marriage, maternity protection, protection and support of children and young people Article 11: Right to an adequate standard of living for an individual and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions Article 12: Right to enjoy the highest attainable standard of physical and mental health Article 13: The Right to Education	
UN General Assembly, Human Rights Council and Commission on Human Rights	Victims' Bill of Rights	Article 10: Humane and Dignified Treatment of Victims Article 11: Equal and effective access to justice, adequate, effective and prompt reparations, and Access to relevant information concerning violations and reparation mechanisms Article 12: Right to effective judicial remedy as provided for under both domestic and international law Article 18: Restitution based on appropriate and proportional to the gravity Article 19: Right to Restitution to the original situation, including restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property, etc. Article 20: Right to compensation for any economically assessable damage for physical or mental harm; Physical or mental harm; Material damages and loss of earnings, including loss of earning potential; Moral damage; Costs required for legal or expert assistance, medicine and medical services, and psychological and social services Article 21: Rehabilitation, including medical and psychological care as well as legal and social services Article 22: Right to Satisfaction, including verification of the facts and full and public disclosure of the truth; Effective measures aimed at the cessation of continuing	2005

Status	Title	Victims' Rights Core Content	Adoption / Validity in Korea
		violations; Public apology, including acknowledgment of the facts; Judicial and administrative sanctions against persons liable for the violations; Commemorations and tributes to the victims Article 23: Guarantees of non-repetition by reviewing laws, and human rights education of public servants in related fields Article 24: Right to access and to be informed about the causes and conditions of human rights violations	1997
	Principle of Combat for Impunity	Article 17: Ensuring the right to know as a collective right Article 18: Establishment of Special Judicial Council and preservation of records of human rights violations Article 26: Right to fair and effective remedies and trial for perpetrators Article 40: Individual and collective rights to restitution Article 41: The victim's right to compensation for any harm suffered Article 42: Symbolic Restorative Measures through State Official Recognition	

By combining the above human rights documents and the results of collective trauma case studies (October 2020 - May 2021) for each victim type, the research team submitted a pilot Diagnosis Indicators of May 18 Trauma based on Human Rights. The research team examined the manifestation patterns of collective trauma for each type of victim after categorizing specific items of human rights violations experienced by the victims of May 18 into three categories: civil and political rights (right to life, right to safety, right to privacy, etc.) and rights to equality; economic, social and cultural rights (right to education, right to work, right to care, etc.); and victims of human rights violations (right to justice, right to reparation, and right to know). The contents are summarized in Table 2.

Table 2: Diagnosis indicators of May 18 trauma based on human rights

Category	Detailed rights	Document of proof	Human Rights Violation Items	Dimension of Damage	Complex Collective Trauma
civil and political rights and rights to equality	right to life	UDHR 3 ICCPR 6	Suffered from indiscriminate massacre and violence. Been threatened to life.	personal damage - Life and bodily harm (death, injury, disability,	fear and re-experience, invasion and avoidance, humiliation/shame; restraint of the offender, preoccupied
	right to safety	UDHR 3,5,9,18 ICCPR 7,9,10,18 CAT CRC 37	Been forcibly taken. Been arrested or detained. Been beaten, (sexually) assaulted, tortured, or otherwise cruelly treated.		

Category	Detailed rights	Document of proof	Human Rights Violation Items	Dimension of Damage	Complex Collective Trauma
			Heard threats, swearing, abusive language, etc. Been forced to do something that hurt someone. Been subjected to insulting or degrading treatment or forced to act. Been forced to give up beliefs.	deterioration of health) Psychological and psychiatric damage (mental aftereffect, complex trauma, intensification of dependence and addiction, personality disorder, suicide/self-harm)	with retaliation, identity disorder, oblivion and avoidance, difficulty in speaking
	right to privacy	UDHR 12 ICCPR17	Been under surveillance and investigation.		
	right to equality (Right not to be discriminated against)	UDHR 2 ICCPR 2 ICESCR 2	Been denounced as a mobster, a communist, or a spy. Been accused of being a group of privileged and favored. Experienced unfair stigma and discrimination because of being from Gwangju. Been discriminated against because of family situation.	- Socioeconomic damage (Compatible with Social Harm) ↓ family damage	denial and stigma, collective stigma, communist complex, sense of victimization as a Gwangju citizen, family trauma
economic, social and cultural rights	right to education	UDHR 26 ICESCR 13	The right to study was violated, and experienced school closure. Been disadvantaged in studies and school life. Been expelled from school.	- Deterioration or dissolution of family relationships (Family discord, domestic violence, abuse, neglect, separation, divorce, generational disconnection, transfer of trauma) ↓ social harm	
	right to work	UDHR 23 ICESCR 6, 7	The freedom to choose a career path and occupation was deprived. Been disadvantaged in employment, hiring, and promotion. Been dismissed from a position and fired unfairly.		disconnection and isolation, self-blame and despair, impairment of intimacy, family trauma (generational transfer of pain)
	right to care	UDHR 25 ICESCR 10 CRC6,16,18~20, 31	The right to protection and care has been violated. The right to development and development has been violated.	- Socioeconomic damage (disadvantages due to background checks, dismissal/unemployment, violation of labor rights and employment discrimination, loss of social capital)	
victims of human rights violations	right to recover from damage	IBRV 10~11,15~23 CRC 39	The collection of the body and mourning were disturbed. The fact of damage was denied. Restoration for damages was not received.		loss and resentment, delayed mourning, sorrow of the survivors,

Category	Detailed rights	Document of proof	Human Rights Violation Items	Dimension of Damage	Complex Collective Trauma
			Responsibility for the damage by the perpetrator was denied. Loss of opportunities for employment and education, loss of material damage and potential income, mental pain, etc., and the right to compensation are not guaranteed. Not guaranteed medical, psychological, legal, and social rehabilitation measures.	- Sociopolitical damage	hopeless and misery, compensation fantasies/resentment
	right to truth	IBRV 22, 24	The truth has not been fully disclosed. Freedom of expression was suppressed. Been punished for telling the truth. The right to know was suppressed. Came across distorted (media) reports. The truth was denied. Experienced humiliation and hatred towards the victim group. Not received acknowledgment of the facts and official apology.	(Civil rights violation, guilt-by-association effect, social stigma) - Sociocultural damage (collective stigma/regional discrimination, community antagonism, and division)	unable to speak, silent complicity, disconnection and isolation, anger and resentment, community antagonism
	right to justice	IBRV 11, 12~14, 22	Judicial punishment and administrative sanctions against those responsible were not properly implemented. No Judicial Remedy was Provided.		constrained to May 18, anger and fear, cumulative helplessness, distrust and avoidance

4. Categories of Human Rights Violations and Trauma for May 18 Victims

Based on the above discussion, the following presents an overview of the results of a qualitative case study categorizing human rights violations and collective trauma of May 18 victims.

First, direct victims are those who were directly and physically harmed by May 18, excluding those who died or are missing. They have been listed as direct victims (injured, disabled, victims of torture or ill-treatment, convicts, detainees, people dismissed from work, victims of sexual violence) by the May 18 related law(s) and government support

measures. Many such victims have gone through intense trauma, and in extreme cases, have even attempted suicide (Myung-Hee Kim, 2020).

Direct victims endured terrifying experiences during May 18, with their right to life, safety, and health violated. Furthermore, they continued to suffer human rights violations after May 18, and also experienced a strengthening of trauma in the process of trying to clear the distorted past centered on graded financial compensation. For example, direct victims not only experienced human rights abuses such as physical violence, physical disfigurement, arrest, and torture during May 18 but also suffered repeated human rights violations after the incident: collective dishonor and stigma being smeared as 'rioters' and 'communists', continuous surveillance and inspection, belated recovery of damage, flawed truth-finding and realization of justice, amid the distortion and disgrace of May 18. This is, on the one hand, a result of the violation of the right to truth, the right to justice, and the right to reparation, as suggested by the Van Boven/Bassiouni Principles (2005). Therefore, the direct victims were exposed to chronic and complex post-traumatic stress disorder (Complex PTSD) and mechanisms of re-victimization.

The second victim type is the first and second generations of the victim's surviving family, and the direct victim's family and children. This includes immediate and legal family members and also those who are de facto family providers/dependents of the same household.

The first and second generations of the surviving families of the May 18 suffered pain of loss due to the death of their family members. In the struggle for recognition to restore their reputation and determine the truth, they experienced new violations of various human rights, such as the right to mourn, the right to reparation, the right to be cared for, and the right to know the truth. In this process, a generational transfer of trauma emerged. In particular, in the case of the second generation of the surviving family, they suffered symbolic and cultural violence due to distortions of May 18 and privilege-compensation frame after the 2000s. Their cases show characteristics of repeating the process of mitigation and reproduction of trauma according to social recognition and evaluation.

Third, first-line responders are classified as an occupational group with mental suffering because they are the first on the front line of disasters or repeatedly exposed to significant traumatic events. In the case of May 18, examples include medical personnel such as doctors and nurses who were involved in the treatment of the dead and injured, and persons on the scene such as local figures, public officials, clergy, body collectors, paramedics, and journalists who actively reported on the ground.

Even though the first-line responders jumped in to help those suffering, their right to life and safety was threatened by martial law forces. Some experienced extreme fear as they were arrested. They share the typical characteristics of direct victims; avoidance and re-experience, and chronic captivity to May 18. Furthermore, they were required to give repetitive testimonies with a sense of guilt for the victims. As the carrier of truth, they have repeated the social speech that could not be stopped.

Fourth, witnesses of May 18 are a noticeable type of victim of May 18 state violence. May 18 eyewitnesses can be subdivided into several kinds. First are participatory witnesses: those who actively participated in the actual protest and countered demonstrations but did not fall under the category of direct victims. Second are accidental eyewitnesses. Although they did not actively participate in the protests, they happened to witness the May 18 massacre and the military brutality, and suffered psychological shock and damage as a result. Third, residents of Gwangju are witnesses or residents of the site. They were residents in and around Gwangju at the time of the May 18 Uprising, witnessing the 10-day protest resistance, seeing the damage, or listening to street broadcasts on the last night of the movement.

As potential survivors, witnesses show a lot in common with direct victims, experiencing threats and violations of the right to life, safety, and health from the new military government and by their trauma patterns being subordinated to a large extent in their relationship with the perpetrator. Furthermore, the distortion and denial of the truth, and the collective dishonor and stigma toward "Gwangju people" has created the effect of violating the right to equality/development and threatened the collective identity.

On the other hand, some witnesses revealed the trauma dynamics of living as carriers and witnesses to inform the truth of Gwangju to overcome the debt of the survivors. The trauma of these May 18 witnesses interacted not only with perpetrators but also victims/sufferers of state violence and showed a much more dynamic and involved development type depending on the possible condition of "being able to speak."

Fifth, "post-exposure people" are persons who faced the reality of May 18 through various forms after May 18. Furthermore, "post-exposure victims" refers to people who suffered psychological damage by seeking the truth after May 18 or being born after May 18 and belatedly being involved in the truth-finding work.

They experienced mental dynamics or transference of pain while coming into contact with traumatic materials such as May 18 photos or the "Gwangju video" resulting in a violation of the right to know the truth and the right to justice. But, on the other hand, the traumatic experience of such post-exposure persons paradoxically also revealed the characteristic of being transformed into the practical power to settle the past of May 18.

5. Moving Forward: Human Rights-based Victims–Society-oriented Healing

This article tried to provide a starting point for an alternative to the current victim-support policy and compensatory-medical approach to trauma research, by adopting a perspective of human rights centered on 'victim's rights'. In short, an active 'victim-society-centered' healing methodology (JIN Youngeun and Kim Myung-Hee, 2020) is needed, to change the focus from solutions centered on individual victims (the person directly involved), experts, or the state, in order to strengthen the right of victims of human rights violations and achieve social solidarity (social support).

victims, surviving families, front-line responders, witnesses, and that their post-exposures also violated their rights to the truth, justice, and reparation and suffered for a long time. Moreover, this violation of rights worked as a mechanism to continue, transform, and reproduce the original trauma and even caused produced new victims. In this respect, what is still essential in the process of resolving trauma and finding remedies for victims of May 18 is establishing the principle of advocating and promoting human rights. In particular, since the right to truth and justice is not only for victims but a collective right for all members of society, there is a need to actively seek ways to relieve damage and recover from trauma at the collective level.

For such a project to be fully realized, extensive and continuous follow-up research on the collective trauma of various victims must be further advanced. This investigation process is also a methodology of transitional justice that promotes the participation and empowerment of various citizen victims, which, itself, is a process of hearing victim testimonies. The work of discovering and visualizing the unspeakable and untold damage can be said to be the work of summoning both the direct victims and ordinary citizens as the parties to the pain caused by May 18 and the subject of past settlement. In this respect, the recategorization of May 18 victim types proposed by the research team is not just to expand the scope of "victim". This work is also a process of opening a new way for collective recovery and social settlement anchored in truth and justice by connecting the historicity and collectivity of pain with the existence of victim-survivors who are suffering at this very moment.

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Treating Trauma from State Violence: Hot Springs Healing Program

Myung Goun Kim

Gwangju Trauma Center Director

Established in 2012, the Gwangju Trauma Center is the first institution founded to treat trauma caused by state violence. It strives to create a healing community through treatment and rehabilitation by providing recovery programs for its 1,090 registered members who experienced state violence or are bereaved family members.

I would like to thank the Global Center officials for inviting me to participate as a panelist in this session in the Gwangju Democracy Forum 2023 on "State Violence and Victims' Rights Restoration – How Victims' Rights Restoration Works."

First of all, our center has been consistently making active efforts to heal, rehabilitate and restore the rights of those who experienced traumatic state violence and bereaved families for the restoration of their rights. However, more efforts are still needed. Though there are different perspectives on the healing programs, I will briefly introduce the hot spring healing program that can help in trauma recovery and rehabilitation, and discuss the results of its implementation.

1. After-effects of State Violence and Hot Spring Healing

The trauma caused by state violence leaves severe physical and psychological effects for the individual. Even after experiencing the traumatic event, they suffer psychological difficulties such as painful recollections, nightmares, anxiety, depression, suicidal thoughts, and physical aftereffects from detention, torture, beatings, and injuries, which can result in loss of job, family disintegration, social isolation, and more. It is all too natural that victims of state violence who suffer from these complex problems need specialized trauma healing. The impacts of trauma can be broadly divided into physical, psychological, and social issues. Victims who visit our center complain of physical problems (mainly musculoskeletal disorders) ranging from chronic pain to severe gunshot aftereffects. In addition, there are reclusive cases of people suffering from post-traumatic stress disorder (PTSD), chronic depression, anxiety, and

sleeplessness, which push them into an isolated life cut off from society. As mentioned, our center opened in October 2012 as the first institution in Korea specializing in treating trauma from state violence. The effectiveness of various healing and rehabilitation programs has been verified continuously so far. In 2022, a program using hot spring water was introduced and implemented as a healing and rehabilitation program to relieve physical and psychological issues for state violence victims and their family members.

2. Necessity of Hot Spring Healing Program

We planned and implemented this rehabilitation program since hot spring water can bring forth changes in pain and the autonomic nervous system as well as psychological stability. It creates a comfortable and stable environment for continuous treatment due to the chemical effects of hot spring water and its hydrodynamic characteristics.

Accordingly, hot spring water treatment is believed effective for acute and chronic pain, depression, anxiety, stress, etc. caused by trauma.

3. Definition of Hot Spring Healing

Spa therapy can be defined as the therapeutic use of hot spring water containing naturally produced minerals underground. In hot springs in some regions of Europe, specialists such as physiotherapists apply hot springs to hydrotherapy, enhancing the therapeutic effect by incorporating physical therapy with traditional hot spring therapy. Hydrorelaxation therapy in hot spring water, using the water's chemical and physical properties, is effective for pain-relief and improving physical function as well as psychological stability. It enables comfortable movement by significantly reducing the load on the body through buoyancy, that is, the physical support of the water. Because the dynamic properties of water support the body and provide physical and psychological stability, it enables movements that are otherwise difficult to perform. In applying hot spring water hydrotherapy, the water temperature is an essential element. A warm temperature can improve muscle relaxation, mobility, and flexibility, and in particular, a temperature between 34.4 °C and 37.8 °C is said to be effective for pain-relief, muscle strengthening, gait enhancement, flexibility, cardiopulmonary improvement, and psychological stability.

4. Hot Spring Healing Programs at Gwangju Trauma Center

- Period: September – November, 2022 (6 sessions including pre-inspection)
- Place: ** **** Nursing Hospital
- Eligibility: Gwangju Trauma Center Healing Recipients (9 real victims/49 Total)

Table 1. General Participant Characteristics

Age (Years)	68.1±8.11
Height (Cm)	161.7±5.22
Weight (Kg)	66.8±18.77

■ Measurement

Table 2. Measurement Method

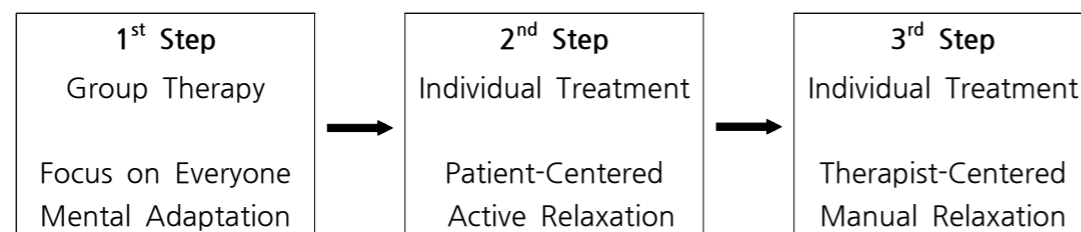
Evaluation & Check	Items Measured	
Electrophysiological Tests	Pain view, VAS	Pain assessment
	Autonomic nervous system examination	Stress Assessment
Psychological Evaluation	K-BDI-II	Depression Scale
	K-BAI	Anxiety Scale
	ISI-K	Insomnia Severity Scale
Satisfaction Test	Questionnaire	

■ Hot Spring Hydrotherapy Program

Table 3. Hot Spring Rehabilitation Program

Category	Treatment Program	Temp	Expected Effects
Group Therapy	Haliwick Program	35℃	Less fear and more confidence Improved relationships with others Reduced social disconnection and experience belonging in a group
Individual Treatment	Special treatment in water	35℃	Promotes total body relaxation, balance and flexibility
	Therapeutic passive relaxation therapy	36℃	General relaxation and psychological stability

■ Hot Spring Hydrotherapy Procedure



■ Evaluation Test Results

Table 4. Comparison Before/After the Hot Spring Treatment Program

Institutions	Items	Measured Values		Remarks
		Pre	Post	

** **** Nursing Hospital	Pain View (Quantitative)	3.28	2.42	Pain assessment	
	VAS(Subjective)	3.14	3.0		
	Heart rate variability	MHR ^①	80.5	76.5	Autonomic nervous system test*
		SDNN ^②	14.2	16.2	
		TP ^③	148.1	300.8	
LF ^④		20.6	33.5		
HF ^⑤	47.7	64.6			
Gwangju Trauma Center	Depression Scale Test	16.3	13.1	Psychological evaluation	
	Anxiety Scale Test	13.7	11.5		
	Insomnia Scale Test	10.6	12		
	Satisfaction Surveys	4.5/5		10 questions for satisfaction ratings in 5-point scale	

※ Autonomic Nervous System Test

- ① MHR: Average heart rate, normal value is 60~90 beats per minute
- ② SDNN: **Stress** resistance, normal value is 30 or higher
- ③ Decrease in TP: Decrease in **autonomic nervous system** and ability to cope with stress
- ④ Decrease in LF: Mainly **reflects the activity of the sympathetic nervous system**, acute stress, fatigue, decreased energy, insomnia
- ⑤ Decrease in HF: **reflecting the activity of the parasympathetic nervous system**, chronic stress, decrease in the electrical stability of the heart

■ Conclusion

1. Pain Assessment

In the pain assessment, the quantitative assessment (Pain view) saw an improvement from 3.28 before treatment to 2.42 after treatment, and the subjective assessment (VAS) went from 3.14 before treatment to 3.0 after treatment.

2. Autonomic Nervous System Test

To measure the autonomic nervous system, heart rate variability (HRV) tests were used to determine the effect on stress.

- ① MHR: The **mean heart rate** changed from 80.5 before treatment to 76.5 after.

② SDNN: There was a positive change in the **stress** resistance from 14.2 before treatment to 16.2 after, but these values fell short of the average value of 30, and is inferred to be caused by a decrease in the ability to cope with various stresses and a decrease in overall health.

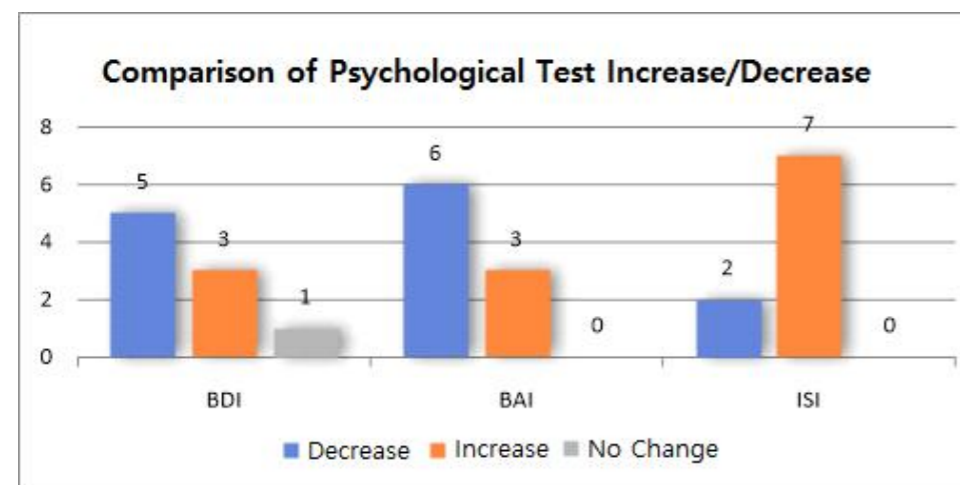
③ TP: There was a significant change in **the activity of the autonomic nervous system** from 148.1 before treatment to 300.8 after treatment, indicating an improvement in the ability to cope with stress.

④ LF: There was an improvement in **the activity of the sympathetic nervous system** from 20.6 before treatment to 33.5 after.

⑤ HF: **The activity of the HF parasympathetic nervous system** improved from 47.7 before treatment to 64.6 after.

Based on these results, the hot spring water healing program applied to state violence victims seems to have a significant effect on the ability to cope with stress as well as on acute and chronic stress.

3. Psychological Tests



*BDI (Korean-Beck Depression Inventory II: Korean Edition of the Beck Depression Scale 2nd ed.)

BAI (Korean-Beck Anxiety Inventory)

ISI (Korean Version Insomnia Severity Index)

① In the comparison of BDI (Depression Scale) before and after the treatment, 5 people showed a decrease, and 3 people showed increase. The average value decreased by 3.2 from 16.3 to 13.1.

② Among the 5 whose BDI decreased, 2 had a high depression level (20 points or more), 3 people had mild depression (14-19 points), and 2 out of 3 people whose BDI increased had substantial health difficulties with blood cancer and gunshot fragment aftereffects.

③ In the comparison of BAI (Anxiety Scale) before and after the treatment, 6 people showed a decrease, 2 of whom had high anxiety level (26 points or more), and 1 had a mild anxiety level (16-25 points). The average value decreased by 2.2 from 13.7 to 11.5.

④ In the comparison of ISI-K (Insomnia Severity Scale) before and after the treatment, the average value increased by 1.4 from 10.6 to 12, showing mild insomnia severities (8-14 points).

4. Participants' Comments

No.	Comment
1	<p>"After the first treatment, I felt very dizzy, but the second time I got a little better. He explained well why I felt dizzy, but it could have been better if he had explained before the treatment what symptoms could appear and what I could do in case the symptoms appeared."</p> <p>"You have taken me this far, and I feel refreshed as if I were traveling."</p>
2	<p>"The therapist told me to relax and stay comfortable during the treatment, but it didn't work out because I was nervous and I couldn't relax. Then, I trusted the therapist and entrusted my body, and I felt comfortable and the treatment went well."</p> <p>"I had a neck disc surgery in January of this year, and this program seems just right for me. After treatment, I feel my body and mind refreshed and my pain decreases."</p>
3	<p>"Though twice a month is not satisfying, I feel my body light and refreshed even until the next day of the treatment."</p> <p>"I feel good after the treatment because the staff are all friendly and the treatment seems to be quite high-quality."</p>
4	<p>"I think it's a really good program. On the day of treatment, I feel comfortable and it's the time of healing. I think the program has very good effect in terms of psychological aspect."</p> <p>"One regret is that the program is offered only a few times, and it's only twice, so it's hard to tell what has improved physically. Next year, I hope the program will be rescheduled to be offered once a</p>

week.”

5 “When I leave my body to the water and lie down, I feel comfortable in water and it feels good. At first, my body got stiffened, I felt like sinking into the water, and I was worried about water getting into my ears, but when I left my body to the therapist, everything became okay.”

6 “I had felt lack of energy and helplessness since several months ago, but after the program, I gained energy and was able to exercise which I couldn't normally do, and it was good. Most of all, it was cool and nice to relax my hip joints, which had been difficult to do on my own.”

7 “At first, after the group therapy, I thought it was no different from swimming that I usually do, but when I received the individual therapy, I thought it was exactly what I needed. It worked really well especially for my back and hip exercises.”

8 “I thought this program would be better for cancer patients and people who are very sick. I had a few cancer patients around me, and encouraged them to take it, and I hope this program will be offered continuously.”

9 “I usually liked walking a lot, but this year I suddenly had surgery on both knees and it was hard for me even to move my joints. The therapist relaxed all the joints and gave me exercises himself, and it was really good. For several days after the program, my knees were quite comfortable. Thought they get aching if I walk too long, but I'd like to continue to participate in this program if I get the chance.”

■ Concluding Remarks

The aquatic rehabilitation program for state violence victims shows hot spring therapy was effective on the ability to cope with stress and relieving both acute and chronic stress through the heart rate variation tests. In addition, participants with moderate and high levels of depression, anxiety, and insomnia severity scale tests showed through psychological evaluation significant decreases in depression and anxiety scores, and participants' subjective feedback included “feel refreshed” and “feel good.” Therefore, the hot spring healing program is confirmed to be effective in stabilizing the mind and body of subjects with psychological difficulties (depression, anxiety).

Most of state violence victims are experiencing various difficulties physically, psychologically, and socially because they could not have been treated properly and they have been left socially isolated for a long time, and now they have

entered old age. As a specialized trauma treatment institution, our center is actively striving to provide the best trauma treatment programs by incorporating healing programs in various fields to improve the life quality for victims of state violence.

UN SDG 16+ - Peace, Justice, and Democracy

The UN's Sustainable Development Goals (SDGs) 16+ include peace and justice, in other words, promoting a peaceful and inclusive society for sustainable development, providing access to justice for all, and building an effective, responsible, and inclusive system. In particular, the GDF aims to deal with freedom of speech and information, the government's accountability, and civic participation in implementing election justice.

Moderator Anselmo Lee (APSD)

Speakers

- Expression Needed for Protecting Human Rights from Social Violence
: Mr. Kyung Sin Park (Open Net / Korea University)
- Civil Participation in Democracy and Government's Accountability
: Ms. Mandira Sharma (International Commission of Jurists)
- Civil Participation to Implement Democratic Election
: Ms. Chandanie Watawala (Asian Network for Free Elections)

Freedom of Information and Expression Needed For Protecting Human Rights From Social Violence

Kyung Sin Park

Open Net/Korea University

Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Target 16.10: Ensure public access to information and protect fundamental freedoms

The full text of Target 16.10: "Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements."

The target has two indicators:

- Indicator 16.10.1 Number of verified cases of killing, kidnapping, enforced disappearance, arbitrary detention and torture of journalists, associated media personnel, trade unionists and human rights advocates in the previous 12 months.
- Indicator 16.10.2 Number of countries that adopt and implement constitutional, statutory and/or policy guarantees for public access to information.

There are three important topics I would like to discuss today:

1. Access to Information
 - 1.1 FOIA laws and Korea case
 - 1.2 Open government data and Korea case
 - 1.3 New threats to FOIA: National Critical Technologies and other national security-based exceptions
2. Persecution of Journalists
 - 2.1 Criminalization of speech and journalists
 - 2.2 Legal strategies for protecting journalists

3. Internet freedom

3.1 Value of internet as seen through prism of internet shutdowns

3.2 Emerging threats to internet freedom in Korea and other parts of Asia

1.1 FOIA laws and Korea case

Freedom of Information (FOI) laws are a crucial element of democratic governance, as they ensure transparency and grant citizens the right to access information held by public authorities. Over the years, more countries have recognized the importance of these laws and have adopted them in varying degrees.

Number of Countries with FOI Laws:

As of September 2021, more than 130 countries around the world have enacted Freedom of Information laws. This number has grown significantly since the first FOI law was adopted in Sweden in 1766, indicating a global trend toward increased transparency in governance.

Korean FOIA law allows regulations to provide for exceptions from disclosure obligations while American FOIA allows only statutes to do so. This allows many minister-level departments and agencies to change their regulations so that the information they hold can be exempt from disclosure. Although these regulations are called “Presidential Decrees”, they are never like American ‘Executive Orders’ which are controlled closely by the White House itself.

Korea’s Freedom of Information Act Article 9 Paragraph 1 Item 1 exempts from disclosure obligations the information ‘designated as confidential by other statute or regulation authorized by such statute’. According to this provision, courts reviewing non-disclosure cases have engaged in only formal review of whether such statute or regulation exists but not in any substantive review of whether such designation is constitutionally proper. Furthermore, there remains a controversy on whether only those laws and regulations specifically referring to the confidential information qualify under the provision or also those laws and regulations abstractly defining the types of the confidential information qualify, which grant discretion to the interpreting authorities. Finally, some courts do not even review de novo whether the discretionary non-disclosure decision by the interpreting authority is proper within the meaning of the relevant ‘other law and regulation’.

FOIA is supposed to guarantee the constitutional ‘right to know’ which predates the statute and should not be arbitrarily excised by the legislature, the regulator, or the interpreting authority, and the courts should play a role in making sure such result, and if it is difficult, we need to make legislative changes, based on comparative-legal analysis, to restore the constitutional status of the right to know.

First of all, courts must substantively review whether each ‘confidentiality’ designation by statute and regulation constitutes a proper limitation on the right to know to make sure that the legislative or the executive do not excessively restrict that right. Also, the ‘confidentiality’ designation should be done specifically on the subject data not by abstractly defining it using criteria that grant too wide discretion to the interpreting authority. Courts must recognize only the specific laws and regulations as ‘other laws and regulations’ qualified under Article 9(1)[1] of FOIA, or FOIA must be amended to ensure such result. Finally, courts at least must substantively check whether confidentiality designation has been properly made even within the meanings of the relevant ‘other laws and regulations’.

1.2 open data and Korea case

There are continuing instances of government agencies claiming exclusive ownership and access to otherwise publicly valuable data such as the train arrival time data. Korea’s success vis-à-vis open data belies weaknesses such as the fact that the country’s OGP efforts is still mono-ministerial as represented by the dearth of nation-wide data sets in the country’s main open data portal (data.go.kr) dominated by granular local-wide data sets submitted by local governments under the influence of the Public Administration and Safety Ministry. These are just some of the issues we need to confront as OGP enters its next decade.

The screenshot shows the U.S. Data.gov website. The header includes the Data.gov logo and navigation links for DATA, REPORTS, OPEN GOVERNMENT, and GO. The main content area features a search bar and a 'Search' button. Below the search bar, it states '254,456 DATASETS AVAILABLE'. To the right, there is a section titled '개방현황' (Open Status) with a date of '2023-05-01 현재' (Current as of 2023-05-01). This section displays four categories of open data: 개방기관 (Open Agencies) with 1,016개, 파일데이터 (File Data) with 58,219건, 오픈 API (Open APIs) with 10,908건, and 표준데이터셋 (Standard Data Sets) with 9,343건.

파일데이터 (896건)

문화관광
지자체정보

JPG
전라남도 광양시_공원VR사진

광양시 관내 공원 147개소에 대한 VR사진을 8개 zip파일로 제공공원시설물 중심으로 VR촬영한 사진으로 광양시 공원데이터 SHP파일과 함께 활용 가능

제공기관 전라남도 광양시
수정일 2022-01-07
조회수 1179
다운로드 3689
주기성 데이터 8
키워드 공원, vr, 사진

<Comparison of U.S. and Korea on FOIA 2.0>

1.3 National Critical Technologies exception

Korea passed law in 2019 that made information about “national critical technologies” secret and therefore exempted from FOIA disclosure obligations. The immediate impact was that many workplace health advocates were immediately banned access to the valuable workplace hazard information that were mandatorily registered with the government agencies by the workplaces handling hazardous material, such as Samsung’s semiconductor and LCD panel factories. In some cases, the workers’ compensation lawsuit could not go forward because the workers do not have information about what toxic material they were required to handle work.

“National critical technologies” are the concepts originating from the 1980s when the U.S. and Japan decided to keep **ownership and practice** of certain technologies at home for national security purposes. It was not intended to keep **information** about those technologies. Some of NCT are patented and therefore already publicly available information and most of NCT do not even constitute trade secret. NCT regulations were simply designed to make sure NCT is owned and practiced by domestic personnel no matter how much information NCT is shared with others.

This is just one example of the new set of laws that are threatening the effectiveness of FOIA by making amorphous national-interest-based exceptions. The pre-existing national security exception to FOIA disclosure obligations is usually narrowly defined around military and diplomacy. The new “national interest” based exceptions within or outside FOIA should be resisted.

2.1 Persecution of journalists

The freedom of the press is a fundamental pillar of democratic societies, as it allows for the dissemination of information and the holding of power to account. However, journalists around the world continue to face persecution for fulfilling their roles. This report provides an overview of the state of persecution of journalists globally, highlighting key trends and concerns.

In recent years, persecution of journalists has increased in various forms, including harassment, threats, imprisonment, and even murder. Authoritarian regimes, extremist groups, and criminal organizations often target journalists who investigate or report on sensitive issues, such as corruption, human rights abuses, and organized crime. In 2022, according to the Committee to Protect Journalists (CPJ), a record number of journalists were imprisoned globally, with the majority being held in China, Turkey, Egypt, and Saudi Arabia. These imprisonments often occur under the pretext of national security, cybercrime, or defamation charges. Journalists have faced an increased risk of targeted killings and physical attacks in recent years. Countries such as Mexico, Afghanistan, Syria, and the Philippines have been particularly dangerous for journalists due to ongoing conflicts, drug cartel activities, and weak rule of law. The rise of social media and the digital era have given way to new forms of harassment against journalists. Online threats, doxxing, and targeted disinformation campaigns have become increasingly common, often with the intention of discrediting or silencing reporters. Many governments have used legal measures to restrict press freedom, such as implementing restrictive media laws, shutting down news outlets, and **blocking websites**. These measures are often framed as necessary for national security or public order but can ultimately serve to suppress critical reporting.

The lack of accountability for crimes against journalists remains a significant concern. According to Reporters Without Borders (RSF), in 9 out of 10 cases of murdered journalists, the perpetrators are never brought to justice. This impunity perpetuates a cycle of violence and fear, effectively silencing the press. The increased persecution of journalists has contributed to a decline in press freedom globally. According to the 2021 World Press Freedom Index, journalism is fully or partly blocked in 73% of the 180 countries surveyed. The

persecution of journalists has serious implications for democracy, as it undermines and causes profound chilling effects on the role of the press in holding power to account and informing the public. This can lead to a decline in democratic values, increased corruption, and reduced transparency.

2.2 Criminalization of speech and strategies to fight them

Criminalization of speech refers to the use of legal means by governments or authorities to penalize certain forms of speech or expression, often under the pretext of preserving public order, national security, or protecting social values. This phenomenon can have a significant impact on the persecution of journalists, as it may be utilized to stifle dissent, limit press freedom, and suppress critical reporting.

Legal Measures to Silence Journalists:

Governments may employ a variety of legal measures to criminalize speech and target journalists, including:

- a. **Defamation Laws:** Defamation laws, which protect individuals or entities from false statements that harm their reputation, can be abused to silence journalists who report on controversial or critical issues. Journalists may face costly lawsuits, fines, or even imprisonment for alleged defamation.
- b. **Blasphemy Laws:** In some countries, blasphemy laws are used to target journalists who are perceived as criticizing religious beliefs or institutions. These laws can be exploited to suppress dissenting voices and limit freedom of expression.
- c. **Anti-Terrorism and National Security Laws:** Governments may use broad and vaguely defined anti-terrorism or national security laws to prosecute journalists who report on sensitive topics or criticize the government. Such laws often grant authorities wide powers to surveil, detain, and charge individuals with little oversight.
- d. **"False news" crimes:**

Chilling Effect on Press Freedom:

The criminalization of speech contributes to a chilling effect on press freedom, as journalists may self-censor or avoid reporting on certain issues due to fear of legal repercussions. This can result in less critical journalism, reduced transparency, and an erosion of democratic values.

Implications for Journalists' Safety:

Criminalizing speech can also increase the risk of physical harm to journalists. When governments or authorities label journalists as criminals or enemies of the state, it can encourage violence against them or legitimize their persecution. In some cases, this can lead to targeted attacks, abductions, or even murder.

Discrediting Journalists and Media Outlets:

The criminalization of speech can be used to discredit journalists and media outlets, undermining their credibility and authority in the eyes of the public. By painting critical journalists as lawbreakers, governments can turn public opinion against them, further hindering their ability to report on important issues.

2.3 Strategies to fight some of the Criminalizations

To address this issue, we proposed the following four **legal strategies** in terms of establishing press freedom and protecting journalists.

Firstly, criminal defamation has been condemned by international human rights bodies for being abused by not so democratic rulers as pretexts for oppressing the opponents, especially using prosecutorial resources for free. So, countries with safely democratic governments, say, European countries where criminal defamation originated from, refused to get rid of criminal defamation laws since their prosecutors are supposedly more independent and will not be commandeered to suppressing speech critical of the incumbent governments.

I don't care about what ruminations, meditations, reflections, you European countries have about criminal defamation laws. Please remove the laws, if you are not using them, for god's sake. As long as the laws are there, they are used to justify the existence of criminal defamation laws in other countries that look "up to" Europe, and in those countries, unlike Europe, it is actually used to send people into incarceration. There was one 20 month period

back in 2005-2007 when about 200 people were punished to incarceration for defamation, another 40 or so people in Korea were punished that way, accounting for 28% of all people.

We should now make a straightforward argument against criminal defamation, not an argument based on the possibility of abuse because that argument is apparently not convincing European countries to actually abolish the law. The European Court of Human Rights has overturned many guilty criminal defamation judgments on various grounds and I cite them to show our country international repulsion against criminal defamation but none of them is fully satisfactory because none of them is categorically condemning the law.

Criminal defamation is usually justified by emphasizing the value of reputation and its importance to dignity. Lord Lester at MLRC yesterday said that reputation is on par with free speech. I do not believe so. Reputation is what other people think of you. Reputation is in other people's heads and under their control. Reputation doesn't belong to you as your limbs belong to you or as your private information belongs to you. You cannot control or assume what other people think of you before the supposedly defamatory remark has been made. No matter how well you behaved, people may have not thought nicely of you anyway for other reasons. Having said that, shall we really apply criminal law against an injury, the existence of which is not as certain as an injury, say, to your limbs?

To illustrate my point by comparison, let me tell you that I fully agree with criminal prosecution of privacy breach. People illegally wiretapping others whether they are police officers or not should be criminally punished for taking away what clearly belongs to others. Reputation on the other hand does not belong to you the same way.

If outright abolition is difficult, add at least a provision that officials cannot claim for criminal libel for statements on what they did at work. Why? Because such criminal libel prosecution ends up becoming a service done by prosecutors to their fellow officials, throwing their fairness in doubt. Susan at Google just mentioned that these days Korea is one of the 5 counties from which user data requests come supported by warrants. Well, a lot of times, prosecutors are really making data requests on behalf of fellow officials who filed a police report complaining of criminal libel.

The case in point, back in March 2009, a documentary done by Number 2 station's producers, PD Notes : Mad Cow Disease, in the country was criminally prosecuted for calling American beef dangerous when the agricultural minister declared the beef safe. The crime charged? Defamation. Wait a minute, for calling American cows dangerous? Whose reputation was harmed? The cows? Well, the prosecutors in the classically abusive case forewarned by international human rights bodies concocted an argument that defaming cows actually defames the agricultural minister who thought the cows were okay. Yes, the prosecutors were found not guilty through all three stages of the court. But the fact of prosecution alone chilled all other broadcasters and television producers into silence for close to 5 years since then and till now. No longer do we see television programs healthily critiquing government policies. Abolishing criminal defamation at least as to the statements about public officials will have prevented such tragic series of events.

Secondly, the other important strategy we should pursue is to abolish truth defamation, i.e., a system whereby liability attaches even to a true statement. People always talk about sex videos to support existence of truth defamation. Yes, we need a law criminally prosecuting a despicable ex-boyfriend for releasing a sex video with his girlfriend who now wants to leave him. We can make a special law about that. In Korea, sex video recorded or disclosed against the sex partner's will is subject to liability. Now, is that really a defamation law or a privacy law? It is privacy law because your reputation is not lowered by the people coming to knowledge that you are having sex. It is not your reputation hurt but your privacy. As I said before, I don't have a problem with criminal privacy law, so I will even approve criminal punishment of such video. Also, as many countries are adopting data protection laws under which privacy breaches are policed, abolition of truth defamation does not hurt.

A huge problem with truth defamation is that its existence distorts the burden of proof in favor of the prosecutor/plaintiff in falsity defamation cases, the staple of defamation litigation around the world. If you will be held liable regardless of whether your statement is true or not, judges will be naturally not so strict about the plaintiff's or prosecutors of burden of proving that what you said is false. This leniency is problematic because in most defamation cases it is usually the supposedly defamed party that has overwhelmingly more resources than the speaker/defendant in proving truth/falsity of a statement about him/herself. Therefore, the defamed party or the prosecutors can easily prevail on truth/falsity over the speaker/defendant (This problem was further compounded in Korea by the recent Supreme

Court precedent that imposed something like a burden of production on the defendant on the truth/falsity), who then has to establish a reasonable basis for having the supposedly false belief, a difficult task for a person who just wants to raise a doubt on another's secretly conducted behavior.

A case in point is that of Chung Bong-Ju, a politician who alleged that another politician Lee Myung Bak was involved in stock price manipulation of a company called BBK, who later became the President. Once in power, his prosecutors indicted him for election-related criminal defamation. Throughout the case, the court did not inquire into the truth of the statement and instead interrogated upon whether Jung had sufficient basis to say what he said. Jung, who merely wanted to cast doubt over Lee Myung Bak's financial deals, was not prepared to produce a basis that the judge now equipped with the benefit of hindsight will find sufficient.

I suspect that this will be a problem for all countries that have truth defamation in their books. It will corrupt the judicial process for falsity defamation cases. Actually, it is still mindboggling that many of the European countries place the onus of proving truth on the speaker in falsity defamation cases. But, I now suspect that it is the natural result of recognizing truth defamation: the presence of truth defamation tilts the burden of proof against the speaker.

Thirdly, if you are from countries with false news provisions, please do not give up even if the speech you want to defend contains clear falsity. There are a slew of international human rights law behind you that can back you up. I want to introduce this case of Minerva in Korea who was not only acquitted of all the charges but also the false news law was struck down as unconstitutional.

Minerva was a then anonymous economic pundit whose blog obtained a huge following of hundreds of thousands of daily visitors in a pre-SNS age by, for instance, correctly predicting the downfall of Lehman. He also criticized the government's exchange rate policy manipulated to give advantage of large cellphone and auto exporters such as Hyundai and Samsung at the expense of small to midsize companies, of course, to the wrath of the conservative politicians, who then called for a criminal investigation, for what crimes, only God knows. Our creative prosecution forces did come up with a provision that in the days of Morse code

criminalized assumption of false identity over electric(not electronic, I guess) communication , and turned it into the false news provision.

How we won? There were many but among them was that we made a strong constitutional argument. We received the help not directly from Article 19 but from the case that Article 19 argued in Zimbabwe, also sadly but inevitably the Canadian case of Zundel, the Holocaust denier. Especially helpful was the Zundel decision that said even clearly false statements need be protected because no one knows ex ante what is clearly false. Rainforest activists should be allowed to oppose deforestation without fearing that they will be thrown into jail in the event that the effect of deforestation on global warming turns out to be false. We built upon that argument and argued that, what is important is usually important on account of the fact that there is not much information available upon it. Since there is not much information on that subject matter, people should be allowed to say things that later turn out to be false. It will be different if someone's reputation is immediately at stake but when there is no one being directly hurt by the speech, the full free market of free ideas should be allowed to function. Again, I want to emphasize the importance of international human rights cases. Even if there is a false news provision, don't ever give up on making an argument that the law itself is void under human rights.

3.1 Internet freedom as seen through internet shutdowns

The extremely distributed architecture of the Internet has a civilizational significance of having given all powerless individuals an agency in mass communication previously available only to newspapers and broadcasting or other powerful individuals and entities hoarding their attention, and also has given them power of knowledge previously available only to governments and businesses. It has become tools for political equality and democracy for many around the world. In the words of one highest court, "[The] Internet, rapidly spreading and reciprocal, allows people to overcome the economic or political hierarchy off-line and therefore to form public opinions free from class, social status, age, and gender distinctions, which make governance more reflective of the opinions of people from diverse classes and thereby further promotes democracy. Therefore, anonymous speech in the Internet,

though fraught with harmful side-effects, should be strongly protected in view of its constitutional values.”¹

Given its relationship to democracy and human rights, it is only dialectically befitting that the first major Internet shutdown threatening democratization movements also took place during the Egypt uprising in 2011.² Increasingly, successive regimes have resorted to Internet shutdowns or blockage of major social media platforms, from 75 in 2016, 106 in 2017, 196 in 2018,³ and 213 in 2019⁴ a majority of which has been enacted for the actual purpose of most of them for suppressing communications during political protest or instability, military actions, or elections.⁵

Their impact is beyond political. “People routinely depend on the Internet to stay in touch with family and friends, create local communities of interest, report public information, hold institutions accountable, and access and share knowledge”.⁶ Also economies suffer greatly: Brookings Institute estimated the impact on the combined GDP of 19 countries practicing Internet shutdowns to be 2.4 billion USD between June 2015 and June 2016, working back from the countries of GDP figures and the estimated percentage of contribution from Internet,

mobile, and major apps.⁷ The impact on social, cultural, and educational rights are far-reaching.⁸

These shutdowns of Internet or blocking of interactive social media platforms present unique *systematic* hurdles for media freedom as they interfere with “journalistic activities” by all *indiscriminately*- including those of professional journalists and “citizen journalists” and simple exchange of information and opinion among “netizens”.

3.2 Lesser restrictions on internet freedom

It is easy to say that digital authoritarianism and digital populism are the two sides of the same coin – authoritarian governments often use private trolls or bots to spread the propaganda that justifies or incites public/private persecution of journalists -- but people often forget that such statement is ironic because populism requires support of the masses no matter how transient and misinformed it may be and authoritarianism at its core suppresses the will of the masses by force and pre-existing institutions.

What makes possible this irony is the state’s ability to conduct surveillance and censorship on people – an ability to identify and orient and selectively promote judicial and social attacks toward dissident activists and journalists.

There are three layers of state laws that affect the state’s surveillance capacity. The first layer consists of **data availability**. Mandatory data retention laws fall under this category. Also, mandatory data localization laws also enhance data availability to the state by obviating the need for going through MLAT process for accessing foreign-based data.

⁷ Brookings Institute, “Internet Shutdowns Cost 2.4 Billions Last Year”, October 2016 <https://www.brookings.edu/wp-content/uploads/2016/10/intenet-shutdowns-v-3.pdf> ; See also CIPESA, Economic Impact of Internet Disruptions in Sub-Saharan Africa, September 2017 (employing similar methods as the Brookings Institute for 10 African countries), <https://cipesa.org/2017/09/economic-impact-of-internet-disruptions-in-sub-saharan-africa>; Deloitte, The economic impact of disruptions to Internet connectivity, October 2016, <https://globalnetworkinitiative.org/wp-content/uploads/2016/10/GNI-The-Economic-Impact-of-Disruptions-to-Internet-Connectivity.pdf> (using similar methods as Brookings but granulating for different levels of connectivity); EXX Africa, Special Report: The Cost of Internet Shutdowns in Africa, <https://www.exxafrica.com/special-report-the-cost-of-internet-shutdowns-in-africa>;

⁸ Disconnected: A Human Rights-Based Approach to Network Disruptions. Global Network Initiative. June 2018. <https://globalnetworkinitiative.org/wp-content/uploads/2018/06/Disconnected-Report-Network-Disruptions.pdf>

¹ Korean Constitutional Court, 2010 Hun-ma 47, August 2012.

² <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/egypt/8288163/How-Egypt-shut-down-the-internet.html>

³ <https://www.accessnow.org/the-state-of-internet-shutdowns-in-2018/>

⁴ TARGETED, CUT OFF, AND LEFT IN THE DARK, The #KeepItOn report on internet shutdowns in 2019 available at <https://www.accessnow.org/cms/assets/uploads/2020/02/KeepItOn-2019-report-1.pdf>

⁵ Id., and The State of Internet Shutdowns around the World: The 2018 #KeepItOn Report available at <https://www.accessnow.org/cms/assets/uploads/2019/06/KIO-Report-final.pdf>

⁶ Internet Society, Internet Shutdowns: An Internet Society Public Policy Briefing, December 2019.

The second layer consists of **data identification**. Mandatory identity verification laws fall under this category. Also the laws allowing warrantless “unmasking” of data significantly enhance the state ability to target dissidents.

The third layer consists of **data acquisition**. The laws allowing access to private data without judicial approval violate international standards of privacy or lower the bar of judicial approval to the extent that it is meaningless. In this presentation, I will discuss the laws and proposed laws of Indonesia, Myanmar, Viet Nam, and South Korea against the three-layer framework.

The fourth layer consists of **data restriction**. The laws criminalizing speech without clear external harms which we talked about earlier demonstrated fall under this category. Also, the administrative censorship laws imposing criminal/civil liability on authors and intermediaries for failure to take down noticed contents immediately or in unrealistic timeframes will constitute the most aggressive method by which governments restrict internet freedom in the ways that directly impact democracy.

If we survey Southeast Asian countries, Open Net’s priority region, several of the countries which we identify have some or all of these elements, e.g, Indonesia’ MR5, Viet Nam’s Cybersecurity Law, Myanmar’s Cybersecurity bill, (even Timor Leste’s Cybercrime bill). Although we believe administrative censorship will be the most likely issue that we will work on for the regional report, measuring the size of the threat to internet freedom, we would like to keep monitoring the legal and extralegal situations in the region,.

Indonesia

- Data availability – “In order to prove the truth, the use of telecommunications facilities at the request by users of telecommunications services, the providers are obliged to record the use of telecommunications facilities used by the users, and to record the information in accordance with laws and regulations.” (Article 41, Telecommunications Law” – mandatory data retention
- Data identification – mandatory registration of “electronic system operators” (Article 2 MR5) – any web/app mediating communication among ppl “to provide, manage, and/or operate communications services including but not limited to short messages,

voice call, video call, electronic mail, and conversation in network in the form of digital platform, network services and social media;” – no anonymity for intermediaries
- “Private Sector ESO provides access to Traffic Data and Electronic Systems User Information (Subscriber Information) requested by Law Enforcement Authorities in the event that the request is officially submitted to the Private Sector ESO Contact Person.(Article 36, MR5) – no anonymity for users

- Data acquisition – “For the purposes of the criminal justice process, telecommunication service providers may record the information sent and/or received by telecommunication service providers and provide the information as needed, by: (1) Written request from General Attorney and/or the Chief of Indonesian Police for specific criminal acts; (2) Request from investigators for specific criminal acts in accordance with applicable law.” (Article 42, Telecommunications Law) – warrantless interception, also Article 36 warrantless acquisition of traffic data
- Data restriction – government demand “urgent” 4 hrs/non-urgent 24 hours takedown (Article 15, MR5) – “prohibited content” – definition “a. in violation of the law and regulation; b. causing public unrest and disturbance of public order; and c. providing information on the method or providing access to prohibited Electronic Information and/or Electronic Document.” – but meaningless because once Minister finds it prohibited, ESOs have absolute duty to take down.

Myanmar

- 2022 Myanmar Cybersecurity Bill: ban use of virtual private networks (VPNs), abolish the need for certain evidentiary proof at trial, and require online service providers to block or remove online criticism of junta leaders.
- Data acquisition: Article 75 of the 2013 Telecommunications Law 391 grants unspecified government agents the authority “to direct the organisation concerned as necessary to intercept, irrespective of the means of communication, any information that affects the national security or rule of law”. Although the clause adds this should be undertaken without impacting the fundamental rights of citizens, there are no further details on the process or privacy protections.
- Data restriction: Requires Digital Platform Service providers to block or remove content about which there is a “legitimate complaint” that the content “damages a person’s social standing and livelihood.” It would not require the information to be false or

require a court order. - “misinformation and disinformation,” information “causing hate, disrupting the unity, stabilization and peace,” and statements “against any existing law.”

- Prevalent use of Western-originated surveillance technologies

Viet Nam

- Data availability and data acquisition: Decree 53 of the aforementioned Cybersecurity Law came into effect on October 1 2022, clarifying the rules that mandate all domestic companies and many foreign companies, including social media platforms, telecommunications services, payment providers, and gaming platforms, to store user data information locally and provide it to authorities upon request. (subscriber identifying information, for 24 months upon request)
- Data Restriction: Article 26 *Guarantees relating to information security in cyberspace* - Any domestic or foreign enterprise which provides services on telecom networks and on the Internet and other value added services in cyberspace in Vietnam [*cyberspace service provider*] has the following responsibilities: To prevent the sharing of information and to delete information with the contents prescribed in clauses 1 to 5 inclusive of article 16 of this Law on services or information systems directly managed by any agency or organization no later than twenty four (24) hours after the time of a request from the CTF under the Ministry of Public Security or from a competent agency under the Ministry of Information and Communications, and to save/maintain system logs in order to serve investigation of and dealing with breaches of the law on cybersecurity within a [specified] period [to be] stipulated by the Government (2018 Cybersecurity Law) Information deemed particularly sensitive may be taken down within three hours.
- Article 16 *Prevention of and dealing with information in cyberspace with contents being propaganda against the Socialist Republic of Vietnam; information contents which incite riots, disrupt security or cause public disorder; which cause embarrassment or are slanderous; or which violate economic management order*
- Article 17 *Prevention of and combatting cyberespionage; and protection of information classified as State secret, work secrets, business secrets, personal secrets, family secrets and private life in cyberspace*
- Prevalent use of Western-originated surveillance technologies

Korea

- comprehensive online administrative censorship that is blocking many informative websites on such topics as North Korea, medical abortion (womenonweb.org), etc.;
- criminal defamation law applicable event to truthful statements, that has chilled much online whistleblowing such as #MeToo revelations or postings critical of the incumbents (US State has mentioned this in its annual human rights report);
- the sender pay interconnection rule that is causing fragmentation of South Korea from the rest of the world;
- mandatory notice-and-takedown that is together with truth defamation law and insult law incentivizing platforms to take down many clearly lawful contents such as consumer evaluations;
- warrantless user identification practice that has resulted in the unmasking of as many as 6-7 million users each year and therefore assisted suspicionless mass surveillance (warned to be struck down recently in the constitutional court but no legislative amendment forthcoming yet);
- the platform registration requirement that has been used by the government for collateral pressure on platforms ;
- the mandatory prior filtering for pretext of filtering out CSAM and revenge porno, that is putting all video uploads on major platforms through comparison against the government-pre-curated DNA fingerprint database.

Summary

- Germany’s NetzDG – a response to disinformation – inspired administrative censorship regimes in Southeast Asia
- Data sovereignty and data localization in other parts of the world buttressed data availability initiatives in Southeast Asia
- Online safety bills in UK, Canada, Australia may end up justifying anonymity-restrictions in Southeast Asia
- Sale of ‘dual-use’ technologies by advanced countries should be regulated.
- Substance is of course more important, however, form should be always used with care.

Civil Participation in Democracy And Government's Accountability

Mandira Sharma

International Commission of Jurists

Civil participation promotes interaction between citizen/ citizen groups and states, helps to build trust in a democratic system. It is critical in promoting democratic processes and establishing accountability of power holders, thereby creating an enabling environment for the citizen to enjoy their rights and freedoms.

Citizens participate in democracy through various ways and means such as elections, forming political parties, and civil society organizations, and engaging with the mechanisms and procedures to hear grievances including through using courts and ombudsmen.

To foster meaningful participation of citizens in these processes requires free, fair and inclusive electoral processes and systems. Legal frameworks to promote civil society engagements is critically important along the redress mechanisms. However, many countries in Asia, South Asia in particular, increasingly experience measures restricting the participation of civil society in democratic and accountability processes. Public institutions are increasingly captured by small interest groups. Increasing intolerance of government in pluralism in terms of political ideology, belief, religion, caste, and gender put democracy at risk in countries in South Asia.

For example, in India, in recent years more than 6000 civil society organizations were made ineffective as the government refused to renew their FCRA registration. Foreign Contribution Regulation Act (FCRA) is used increasingly against those groups and organizations not liked by the government in power. Civil society activists, human rights activists' defenders, and journalists are increasingly targeted for raising and exposing the atrocities committed by the state apparatus and also the private entities supported by the public officers. Adoption of a number of legal measures in recent years in the countries in the region in the name of regulating media and civil society organizations, countries are restricting the enjoyment of rights and fundamental freedoms.

Institutions that are critical in maintaining checks and balances and providing redress to victims and holding those responsible accountable are also increasingly facing challenges.

Institutions like National Human Rights Commission (NHRC) in many countries in the region are increasingly serving the interests of those in power than the victims. Increasing political interference in the appointment, promotion, and transfer of judges, public officials, and police makes the justice system ineffective in holding those in power accountable. The independence of the judiciary is increasingly under attack. In Nepal, the country's supreme court is functioning without the chief justice for nearly a year now.

Despite all these challenges, civil society organizations in a number of these countries are raising their voice for democracy and accountability, demonstrating an incredible level of resilience, and keeping hopes for democracy and the rule of law. Victims groups and civil society organizations in Nepal have been constantly putting pressure on the political parties to legislate a legal framework to establish TJ mechanisms to hold those responsible for serious human rights violations. Going beyond the border and by using universal jurisdiction civil and other sanction regimes of accountability civil society organizations are challenging the veil of impunity and promoting the prospect of accountability in their respective countries and the region. Fostering collaboration, networks, and sharing harness their skills and resilience for democracy.

Civil Participation to Implement Democratic Election

Chandanie Watawala
Asian Network for Free Election

The current landscape in Asia has only gotten worse with the continuous regression in democratic norms and the emergence of authoritarian regimes. The year 2023 is important year for the most Asian countries, which they expecting to have 7 major elections. They are:

Country	Type of election/s	Date
Thailand	General Election	14 May 2023
Timor-Leste	Parliamentary Elections	21 May 2023
Cambodia	National Assembly Elections	23 July 2023
Maldives	Presidential Election	9 September 2023
Pakistan	General Election	October 2023
Bangladesh	General Election	January 2024
Sri Lanka	Local Government Elections	No date

Thailand second general election under the 2017 Constitution is going to be held on 14 May 2023. And they had out of constituency voting was on 7 May. At present, Thailand is experiencing a high tide of democratic debate and a flurry of political activities and discussions unmatched since the military took power in 2014. The military junta has been blocking power in the selection of the prime minister through an appointed 250-member Senate that keeps in check the aspirations of the democratically elected House of Representatives. Furthermore, the prime minister does not need to be a member of parliament or even a nominee of political parties. Then the question is citizen of Thai does it having actual rights to elect and take part in parliamentary democracy.

In Cambodia, as the elections draw near, the continuous recession against the major political parties/leaders, civil society and the media are very high. Very recent incident was crackdown of main attack on independent media has been made more apparent with the revocation of the license of the Voice of Democracy, one of the few remaining independent news outlets in the country. Prime Minister Hun Sen ordered the closure of VOD on 13 February 2023 accusing the news outlet of attacking him and his son. The closure was reminiscent of the closure of Cambodia Daily in 2017, also months before the 2018 elections.

Sri Lanka, the elections are hanging in the balance as the rescheduled elections are postponed without any new date. The government refuses to release funds for the elections citing the economic condition but groups believe the delays are politically motivated. A wave of protests in 2022 hit the country that led to the resignation of then president Gotabaya Rajapaksa was met with violent actions from the government. The local government elections are seen as a referendum on the trust of the people to the current government.

Hence, the current recession situation is demanding from the civil society increase their engagement to advocating for democratic elections and democratic government. As ANFREL is regional organizations working for promoting and defending democracy, our work mostly:

- Documenting and analyzing the situations through deploying elections observers or electoral experts
- Our analytical report/mission report will be using for advocacy, country specific, regional and international level
- Capacitating domestic observer groups/ democratic actors on increase their knowledge, advocacy tool for increasing their engagement in their own countries
- Net working with like minded groups for advocating for the democracy
- Arranging the space for democratic actors meet/and share experience and finally find common strategies

Keynote Session II . Human Rights Defenders Day - Commemorating the 25th anniversary of the UN Declaration on Human Rights Defenders

Global Human Rights Defenders Day (17 May) is to address the main challenges, threats, and opportunities for human rights defenders as a way to commemorate the 25th anniversary of the UN Declaration on Human Rights Defenders and Asia Human Rights Charter (1998), the 30th anniversary of the World Conference on Human Rights in Vienna (1993) and 75th anniversary of the Universal Declaration of Human Rights (UDHR) (1948). Strategic engagements with UN human rights mechanisms including the UN Special Rapporteurs on HRD, transitional justice, climate change, etc. will be addressed to protect and strengthen the role of HRDs. It is expected to be organized in partnership with relevant international organizations and public institutions such as UN Office of High Commissioner for Human Rights (OHCHR).

Moderator Ms. Jean Ahn (Law School at Chonnam National University)

Keynote Message Mr. Volker Turk (The UN High Commissioner for Human Rights)

Panelists

- Mr. James Heenan (The UN Human Rights Office in Seoul)
- Ms. So Ah Lee (Lawyers for Public Interests Law Firm Companion)
- Ms. Shiva Amelirad (The Coordination Council of Iranian Teachers' Trade Association)

The Faces of Regional Human Rights Defenders

So Ah Lee

Lawyer for Public Interests Law Firm Companion

1. To begin with

In Gwangju and Jeonnam, many human rights activists have been working, from one to two years to more than 20 or 30 years, to advocate for those who were deprived of dignity and rights as victims of sexual violence, sex/human trafficking, labor, disability, child abuse, discrimination against sexual minorities, or forced labor by Japan. Today, I have the opportunity to speak on their behalf as I have a lawyer's license. As a humble lawyer, I don't have the guts to discuss the macroscopic issues of "the restoration and future direction of democracy." Instead, I would like to share what I've learned during my eight years of work in the "region" of Gwangju with activists in various fields.

I want to begin with the introduction of "The Companion with Lawyers for Public Interests (The Companion)," that I work with. The Companion is the only Nonprofit Organization(NPO) in Gwangju and Jeonnam where lawyers work full-time without profit. This year marks the eighth year since its establishment in May 2015. Lawyers working on this condition are called full-time lawyers for public interests (even their salaries come from contributions). More than 150 lawyers are working under these conditions in Korea. However, most are located in the Seoul/Gyeonggi regions, and only three to four lawyers work outside the regions. I'm not saying that the Companion is particularly unique and special. Although there are few lawyers—the so-called defenders—several regional human rights activists are there with victims to protect those who lost their voices under structural discrimination or prejudice in Gwangju and Jeonnam. Now, I would like to share a story of possible changes that I witnessed with human rights activists in Gwangju and Jeonnam. I assume that you could guess what activists are doing as well in other regions after hearing the stories of human rights activists in Gwangju and Jeonnam.

2. Witnesses - Unveiled voices thanks to regional human rights activists

1) In 2015, an unfortunate incident occurred at an entertainment bar for sex trafficking in Jeonnam, "Y," in which a female worker was beaten to death by the business owner. Meanwhile, "the Sister's Counselling Center" activists under the Gwangju Women's Human Rights Support Center have worked in Gwangju since 2005 to eradicate sexual exploitation in sex trafficking. The activists of the Sister's Counselling Center have been protecting and maintaining the daily lives of their female colleagues, who have witnessed all of it, by persistently monitoring them to reveal substantive truth over the past three years. Unlike in other cases, the owner was investigated under custody and sentenced to imprisonment. Activists are still in touch with women who escaped from sexual trafficking.



(Activists in Gwangju from organizations for empowering women and supporting victims of sex trafficking holding a meeting for counteraction measures)



(Related Forum)

2) In 2014, labor exploitation of people with disabilities (particularly those with intellectual and developmental disabilities) at a certain saltern in Jeonnam was

massively reported by the media; this happened again in 2021. You may think that the problem is over, as there have been no further reports by the media since then, but that's not true. The problem of exploiting people with disabilities continues elsewhere, before and after 2014. Human rights activists for Jeonnam's people with disabilities are still looking around every corner of lands and the islands in Jeollanam-do (Jeonnam is an archipelago with several islands) to find victim cases, be at their sides, and amplify their voices. Whenever they find victims with disabilities who are being exploited, the activists do everything they can to start investigations with legal aid, including criminal and civil legal aid, and send petitions to the National Human Rights Commission of Korea to help them escape the saltern and live their daily lives.



(Activists visiting the saltern and explaining human rights in a way that residents can easily understand)

3) In 2016, a person did not qualify for activity assistant services despite their disability due to a problem in Article 5-2 of the Act on Activity Assistant Services for Persons with Disabilities. The person gave up legal counteraction as life was tough enough already. If it were not for the activists' constant and friendly rapport building for people with disabilities in the Gwangju region, the person would not have even started the lawsuit. Finally, legal counteraction began after

they had waited one year, and several other activists continued their solidarity for a long time, resulting in the decision of unconstitutionality of the constitution.



(The first activist that I worked with)



(Continued consolidated press conference)

4) In 2020, there was a case of a migrant (fishery) of East Timor nationality who filed a petition with the Yeosu District Office of Employment and Labor, but the petition was deemed withdrawn due to the official's irresponsible handling of the case. The migrant's voice in the unjust incident would have been forgotten if there were no activists from the Network for Human Rights of Gwangju Jeonnam Migrants. Furthermore, in 2020, a migrant fisherman from Pakistan at a fish farm developed leukemia because of Formalin and other reasons. The recognition of the industrial accident was difficult not only because of the issue of residential qualification but also because of the challenges in proving causation, which made them hesitant to apply for benefits. Again, activists from the Network for Human Rights of Gwangju Jeonnam Migrants, who have accumulated experiences, including labor union cases, contributed heavily, and the accident was recently recognized as an industrial accident.



3. In the end, "regional" human rights defenders lead changes in the region

I mostly worked for counteraction against the legislation as an in-house lawyer of the organization "MINBYUN - Lawyers for a Democratic Society" in Seoul before I came to Gwangju for my work here. As I counteract the legislation, I used to urge enactment of the needed Acts for the National Assembly or amendment of unjust laws, and if it went well, some of the laws were changed. I thought a big change was happening back then. I believed my work could bring about changes as the work in Seoul was extensive and unique.

However, my painful lapse, born from my illusive, arrogant, and slightly elitist thinking "that puts Seoul at the center" with a singular focus on macroscopic change, recurs yearly, even after establishing "the Companion."

the issue of exploiting the disabled, one activist in Seoul asked me, "Why does Jeonnam the same, despite the press conference and debate at the national assembly (with us) in Seoul that has lasted since 2014?" Unfortunately, the pace of institutional change does not keep up with that of the region. However, I want to reply with another question to the activists in Seoul. Among those who participated in the press conference and the debate, how many of you came to Jeonnam to navigate future directions, with Jeonnam civil society, under Jeonnam's circumstances, by persuading Jeonnam's public officials in sustainable ways "at the sides" of Jeonnam parties? Macroscopic law has changed, but is it directly linked to changes in the daily lives of specific individuals (particularly minorities in the region)? Can you say that each of the activities that change the daily lives of specific individuals in the region were not neglected, implying that these aren't macroscopic activities?

The same goes for the issues of agricultural and fisheries migrants and farmers. The basic right to work and a proper working environment must be established. Although we consume food every day, workers are enduring production costs (including labor costs) for their debts for less than a minimum wage. Even when a disaster occurs, farmers take all the burden as they can't become insured by Industrial Accident Compensation Insurance for being self-employed. Aren't we just pretending that our eyes are closed and describing the farmers as evil in the face of the human rights of migrants, as they are not close to us? Have we ever tried to endure the hardships of searching for answers, which may be found anywhere between various stakeholders, at the side of the farmers and migrants?

Regional human rights defenders stand alongside communities and parties, enduring hardships to find inclusive solutions that respect the voices of all. Perhaps that is why the United Nations (UN) Declaration on Human Rights Defenders stipulates that various backgrounds must be considered in the communities.

Article 16

Individuals, non-governmental organizations, and relevant institutions have an important role to play in contributing to making the public more aware of questions relating to all

human rights and fundamental freedoms through activities such as education, training and research in these areas to strengthen further, *inter alia*, understanding, tolerance, peace and friendly relations among nations and amongst all racial and religious groups, bearing in mind the various backgrounds of the societies and communities, in which they carry out their activities.

Article 18

1. Everyone has duties towards and within the community, in which alone the free and full development of his or her personality is possible.
2. Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes.
3. Individuals, groups, institutions and non-governmental organizations also have an important role and a responsibility in contributing, as appropriate, to the promotion of the right of everyone to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights and other human rights instruments can be fully realized.

4. To wrap up

I'd like to give a big round of applause to the "regional" defenders for our solidarity in providing sides to many parties in the regional human rights community and seeking changes for democratic human rights. I hope that more attention and support can be given to building solidarity not only in Seoul or other capital cities but also in regions beyond the capital.

The Companion sends this message to its patrons: "Your support is the beginning of changes that erase the boundaries of regional human rights. Today's event is the beginning of changes that break through the wall of regional human rights with your interests in regional defenders."

Recently, I have been concerned about increasing, extensive oppression, including interventions in labor unions' accounting and unjust indictments. Last but not least, I want to conclude my presentation with a prayer for the peaceful rest of the soul of Mr. Yang Ho-dong, a member of the construction labor union who recently took his own life due to the unjustified, all-encompassing coercive investigation.



The 1st Gwangju Queer Festival

Human Right Defenders Exiled from Iran And How International Institutions Can Support Them in Iran (Abstract)

Shiva Amelirad

The Coordination Council of Iranian Teachers' Trade Association

In my short talk, I will touch briefly on the major forms of oppression that have plagued Iran in the past decades. My main focus, however, will be the multilayer oppression faced by women. Using an intersectional approach, I demonstrate how different forms of oppression intersect and compound each other. I also discuss the current revolutionary uprising in Iran, that is, the Jina revolution, and the human rights challenges in the country, including the situation of human rights defenders who are exiled from Iran.

In my speech, I will provide concrete examples of how the Iranian government has neglected human rights, including persecution and imprisonment of political dissidents, journalists, and human rights defenders. It also highlights the issue of national appreciation for marginalized communities, such as the Kurdish, Balouch, and Arab peoples, and the need for greater recognition of their national, cultural, and linguistic differences, along with the importance of protecting the rights of all minority groups.

Furthermore, I address the government's failure to address environmental concerns, such as water scarcity, air pollution, and deforestation, and their impact on marginalized communities. The talk emphasizes the need for continued advocacy and action to address the ongoing human rights violations in Iran and supports those who are fighting for a just and equitable society.

In addition, I examine how international institutions can support human rights defenders in Iran and protect those who advocate for human rights in the country. The talk concludes by emphasizing the need for international solidarity for human rights and promoting practical action, such as identifying and challenging the policies of countries that support the suppression of the Islamic Republic. I contend that refining our understanding and

perception of the situation in Iran is a crucial first step towards demonstrating solidarity with the Iranian people and promoting internationalist solidarity for human rights.

2023 Gwangju Democracy Forum

Challenges and Threats Toward Human Rights Defenders

Human rights are inseparable from democracy. We will discuss challenges and threats to human rights defenders working in various fields. We invite human rights defenders who work in these fields, including climate, migrants, refugees, and the rights of the disabled, and will gather in Gwangju to build a network of activists and human rights organizations.

Moderator Ms. Eun Sook Yu (CHANG: Korea Human Rights Research Center)

Speakers

- Challenges and Opportunities for Human Rights Defenders
: Ms. Mary Lawor (UN Special Rapporteur on Human Rights Defenders)
- Resistance and Repression: The Recognition of Migrant Rights Activists as Human Rights Defenders : Mr. William Gois (Migrant Forum in Asia)
- The State of Refugee Rights and the Challenges and Issues for Refugee Rights Advocates
: Mr. Kyungjoo Park (Refugee Rights Center)
- Challenge Toward Climate and Environmental Right Defenders in Cambodia
: Mr. Ly Chandaravuth (Mother Nature Cambodia)
- The State of Disability Rights in Korea and the Challenges for Disability Rights Defenders
: Ms. Phill Soon Kiim (The Solidarity Against Disability Discrimination)

Challenges and Opportunities for Human Rights Defenders

Mary Lawlor
UN Special Rapporteur on Human Rights Defenders

Dear friends,

Many thanks for the invite to participate in this conference, and I am very sorry that I cannot join you in person. I have done very few events with South Korean civil society and so I really welcome this invitation and I do encourage you to be in touch with my Mandate.

Indeed I would welcome the opportunity to work more closely with the South Korean government to champion the issue of human rights defenders at the UN and other international forums, and any support you may be able to provide in this regard would be much appreciated.

This month I will complete the first term of my Mandate and it is a good time to reflect on the situation facing human rights defenders globally. Unfortunately, that situation remains challenging.

HRDs continue to be killed in huge numbers. My first thematic report to the United Nations Human Rights Council was on this topic because it is an absolute scandal that has been allowed to continue for far too long. The hundreds recorded killed each year are just the ones we hear about, and tend to be located mostly in Latin America and Asia, and working on the environment or indigenous peoples rights.

I am sure there are dozens more defenders being killed in Africa and the Middle East that we are just not hearing about. Last month the civil society organisation Front Line Defenders released a report highlighting that over 400 defenders were recorded killed last year. I have chosen to make this issue a priority of my Mandate because this phenomenon seems largely to be met with indifference and I am determined to try to keep it on the international agenda.

A second trend that has struck me over the past three years are the sheer number of human rights defenders in every region of the world being charged with offences related to terrorism, subversion or national security crimes. By conflating human rights defence with terrorism, governments are both attacking the individual defender and making a mockery of the whole concept of human rights. It is a maddening disservice to equate defence of human rights with terrorism, when, in fact, it is the exact opposite. Instead of inspiring terror and fear, HRDs inspire hope and courage.

In a report I did to the General Assembly in 2021, I highlighted the cases of 148 HRDs in 24 countries who had been sentenced, or were at risk of being sentenced, to 10 years or more in prison for their peaceful work. Of those already sentenced, 93% had been charged with terrorist or national security crimes. In applying such serious charges against HRDs, states can then sentence them to lengthy prison terms. They are then both removed from the grid and often punished further in prison through mistreatment. In Asia, Vietnam and China both featured prominently as states which regularly sentence human rights defenders to ten years or more in prison. Earlier this month I was dismayed by the news that two human rights lawyers in China were sentenced to 12 and 14 years in prison on subversion charges.

A third trend I've noted with growing concern is the hostility women human rights defenders face online and offline. We have seen moves to rollback women's rights accelerate in a number of countries over the past few years, from bans targeting reproductive rights in the USA to the abolition of women's education in Afghanistan to the decriminalisation of domestic violence in Russia to the withdrawal by Turkey from the Istanbul Convention.

The fight for women's rights is entering a new phase and WHRDs are at the forefront of this, leading from the streets in Iran, Sudan and Myanmar and doing crucial monitoring and documentation work in Yemen, Ukraine and elsewhere.

I am delighted that issues related to migrants and refugees and to disability will be discussed at this panel. My last report to the General Assembly was on the challenges faced by defenders of migrants, refugees and asylum seekers, which drew heavily on an official country visit I did to Greece last year.

I was appalled at the criminalisation, intimidation and smearing that HRDs offering humanitarian support to migrants, refugees and asylum seekers were receiving, and I am also greatly disappointed with the stance of the European Union in this regard. The EU is a great champion of HRDs internationally, though when it comes to HRDs inside the borders of the EU, it can be a different story. I would be very keen to receive any information regarding challenges faced by HRDs working on these issues in this region.

My mandate is also developing our work on HRDs who have disabilities and building up our expertise so that we may provide some assistance or support. Again, please do get in touch with my office afterwards with any relevant information.

Lastly, amidst so many challenges, it is important not to lose sight of the remarkable work that HRDs do, the unexpected victories they achieve, and the essential role they play in ensuring civil and just societies.

My most recent report to the Human Rights Council, which I presented in March, was full of such examples. I know human rights defenders in Korea did excellent work in 2021 on the draft Press Arbitration Act and galvanised significant international support to ensure that it received further scrutiny. Indeed I would appreciate an update on where that process stands now.

In my report I also highlighted the work done by HRDs in Taiwan who helped push through legalisation on same-sex marriage in 2020, following a campaign that saw them develop relationships with legislators from different political groupings, holding press conferences, organizing protests and engaging in public outreach.

I will close by re-emphasizing how ready I am to work both with the South Korean government to help amplify its messaging on human rights defenders, and with South Korean civil society, who I will rely on to keep me informed of challenges or opportunities you may be presented with in your work.

I hope you have a very successful conference, and I wish you all the best.

Thank you.

Resistance and Repression: The Recognition of Migrant Rights Activist as Human Rights Defenders

William Gois
Migrant Forum in Asia

Migrants have routinely been subjected to numerous accounts of human rights violations. There are a variety of push factors that prompt an individual to be in migratory movements. From voluntary migrants to asylum seekers; migrants who cross geopolitical borders come from different social classes - often having those coming from a lower-wage background be more vulnerable. History also tells us that migrants, regardless of status, are often subjected to vulnerable situations due to the structure of integration for most Countries of Destination. Policies, if present, are often formulated to benefit the economic standing of a state, rather than focusing on the welfare of migrant individuals & families.

The globalization of migration presents to us layers of complexities that cannot be addressed by simply branding it as a mobility crisis or a security issue. It is of utmost importance that states understand the human aspect of migration. Migrant Defenders are at the forefront of addressing these issues. Taking action from the grassroots level and up in hopes of amplifying the calls of the migrants. Migrant Rights are Human Rights, the call for livable and protected wages, a safe working environment, and so many more calls to actions fall under the same call made by traditionally viewed human rights defenders.

Migrant Rights are Human Rights

Countless debates have taken place over the hundreds of thousands of human rights violations that have occurred both from a national and international level. Restrictive conditions are often enacted to function as a form of regulation where migrants are viewed as security threats, both to their economy and sovereignty. However, the creation of migration policies that support the initial thought is flawed as it only creates a dangerous environment for transnational movement and diasporas. Even more so for migrant rights activists that aim to reform immigration policies, and raise awareness towards the

institutionalization of protective policies beyond bilateral agreements that often only cover labor migrants.

Asylum seekers and refugees are one of the many kinds of migrants. These are members of society that have been forcibly displaced by events such as war, political conflict, religious conflict, gender conflict, hunger, and climate change. The protection of such individuals are covered by multiple Articles in the Universal Declaration of Human Rights. Traditionally, migrant activists are not seen as human rights defenders because of the nature of their work. Human rights defenders are commonly perceived as individuals of local origin who fight against domestic cases, with the pressure coming from local forces. Purveyors of Migrant Rights, however, take on cases that are transnational by nature. It is important that we understand that both are parts of the same diptych.

ILO Conventions have seen no ratification in the major destination country within the Eastern Region, specifically ILO Convention 189 which covers the setting of standards for migrant workers. Apart from ILO C189, the mass recognition of the UN Human Rights 1990 migrant convention for the protection of workers and their families is also needed.

Crackdown on Migrant Defenders

Migrant Defenders have faced confinements on their rights of organization and mobility, discourse, and demonstration in addition to being subjected to torture, beatings, mass arrests, and persecution from both state and non-state actors. As a result of their work on human rights problems, they are also the target of intimidation and retaliation. In 2022, a minimum of 102 individuals were tagged as criminals where they needed to undergo administrative proceedings in the EU for standing with migrants. The EU has seen a rise of nativist right-wing politicians that have used the anti-immigrant sentiment to bolster their rise on the political ladder. The EU alone has allowed for the branding of migrant defenders as criminals through this a number of migrant rights activists have been detained, confined, and arrested under the guise of disturbing peace and posing as a "threat" to national security.

If Migrant Rights Activists are not persecuted through legalities then they are constantly harassed by xenophobic entities who aim to end their work. Women who advocate for migrant rights also face additional hazards that are gender-specific and call for special consideration.

In Solidarity With Migrants

Often, human rights defenders are the subject of violations, along with individuals and institutions that support them. In some cases, the defenders' family are also targeted in an effort to put the defender under pressure. Migrant Rights Activists also fall into the same category. There are both international and domestic laws that fight against violations and harassments made towards migrant rights advocates. But in certain states, municipal law—which is incompatible with international human rights law—is applied to violate human rights advocates. Migrant Advocates are often restricted in actions and attacked at their place of work by threatening the job positions they hold; the said advocates often operate under a voluntary basis. Threats to their security status and job security often leave them in a position that either limits or fully stops their work as human rights defenders.

Migrants Rights Activist Defending Migrant Workers

The head of an umbrella organization based in Asia signed a statement alongside a number of international organizations condemning a certain administration for its lack of action towards the protection of migrant domestic workers after a series of sexual, physical, and mental abuse have been reported. After some time, said individual was headed to the country led by said administration for a regional training program and was not granted a Visa for entry.

On a separate account, partners of the same organization were openly monitored by the COD government for providing assistance to migrant workers. On several accounts, these individuals were harassed by state representatives at their place of work. A similar occurrence also took place at Country A in the Middle East, where a Journalist, working

for a major news outlet published a number of articles narrating the experiences of migrant workers and the abuse they faced. A superior approached the party with a directive to stop writing about the situations of migrant workers as it might lead to the closure of their paper. Despite the truth it carried, the write-ups were painting Country A in a bad light which did not sit well with the state leaders. State forces then came to the journalist's place of work inquiring about who wrote the articles. The journalist was then fired from his job and was then denied a visa renewal.

Some CSOs in a South East Asian Country are semi funded by the government, this funding operates under the condition that they are not allowed to say anything and speak up against the government. In the event that they do, funding and permits will be revoked - actions are then limited to activities deemed necessary by the state leader. They can talk about employers abusing workers, however no direct attacks or criticisms against the actions of Singapore can be released leading to the restriction of their engagements and activities.

In Country B from the Middle East, Person X from a state based foundation in Qatar attended a training program that was recommended to him by his place of work. Through the event he was able to learn about the circumstances that migrant workers face. By the end of the training, he wanted to provide more channels of assistance for migrants. For a period of time they organized and assisted MWs in distress and helped them file complaints to the Ministry of Labor. The individual then left the country to further their studies abroad but was then denied entry upon their mid-study visit, for their brother's wedding.

In the Middle East it is difficult to register civil society organizations. Often, organizations must undergo a lot of bureaucratic practices in order to formalize their mobilization and activities. Institutionalization of harassment for Migrant Rights Activists comes in the form of activity regularization. They cannot receive any funding coming from outside of the country without approval from the government. Funding from donors must always be approved by the government as mandated by their national law. Governments must first be informed about the allocation of the budget prior to its approval. These policies and

bureaucratic institutions are then kick-off the shrinking space of civil society that slowly kills off migrant rights activism.

For Migrant Rights Organizers in Country A in Asia, when receiving donations, you have to pay the government fees on top of the budget clearance and submission. This is to limit and discourage the creation of future organizations as an attempt to overwhelm them with the process.

Repression beyond Migrant Rights Defenders

There are little to no stories being published surrounding the violations faced by migrants in the Eastern Region. Primarily because of the media-imposed censorship, where Editors often screen the stories of the said demographic. If stories are then formally released, it is often presented as a one-time thing or an isolated case. Journalists, the supposed purveyors of truth, are also being pressured to not point out the interconnectedness of these cases as it leads to spotlighting systemic flaws backed by the state. Destination countries leave little room for challenging the abuses made by employers; actions of resistance then equate to individuals being made either undocumented, irregular, or illegal - which can lead to detention and deportation.

Many Expats, who in their free time, act as social workers - in trying to address the needs of their fellow nationals from the low wage sector - are often questioned by authorities. Actions that they have made are viewed as fighting against the state and are tagged as forces against the government. Apart from individuals, community groups are also being shut down by the government as a form of repression. Through this they are able to achieve the limiting of support given out by human rights defenders. This, partnered with the reluctance of social workers to call themselves as human rights worker; out of fear of being ostracized by the government therefore affecting their family and source of income. Deportation and detention as threats makes it particularly difficult to fight back especially for Women. A large proportion of Women Migrant Workers are involved in the informal sector of the case as domestic workers which relies on both community organizations and social workers to get out of situations of violence and abuse.

No Destination Country from the Eastern Region, with the exception of the Republic of Korea, Hong Kong, and Japan, allows foreign nationals/workers to form a trade union. Some countries may allow for migrant workers to join unions however it is under the condition that they are not allowed to hold leadership positions. Lawyers doing pro-bono work who are challenged in accessing justice, have suggested that it is better to go through a mediation process rather than legal simply due to the fact that there is no guarantee that even a court decision is made in favor of the migrant worker that the award by the code will be received.

The State of Refugee Rights and the Challenges and Issues for Refugee Rights Advocates

Remembering the refugee rights advocate Borah Lim, who had many concerns for solidarity with Egyptian refugees at the hunger strike spot at the Gwacheon Government Complex throughout the summer and fall of 2022 (all this time).

Kyung Joo Park
Refugee Rights Center

1. Introduction: This Article's Perspective

French sociologist Bourdieu, in his theoretical formative years, embarks on a project with his colleagues and students in the early 90s to depict a geomorphology of Misère in France and North America. In the process of sociological observation of a misery of the world, one of the key phenomena he and his colleagues discovered was the collapse of **'being with'**¹ that occurred simultaneously with the intensification/acceleration of the world's misery. Bourdieu and colleagues problematize the state's dual (sovereign violence/communalization) strategy of creating and reinforcing misery by labeling the work of being with the miserable as an **'impossible task'** from the outset. Partners in the production of misery are capital for workers and haters for refugees.²

This article's perspective on the current state of refugee rights in Korea and the challenges and issues faced by advocates takes up Bourdieu's concerns. In other words, it views that plight/vulnerability of the refugee as deeply intertwined with the hardships of the activist next to them, and the difficulty of the activist increases as the refugee's vulnerability increases. These are the types of challenges that encompass everything from transmission of trauma (secondary trauma) to workplace health issues such as burnout and workaholism (Park, 2019).

At the center of the forces shaping the nature and direction of these dynamics between refugees and activities, there is the state's **policy stance** on refugee protection and its

¹ The term being with is borrowed from Yeongok Kim·Kiho Um·Ilan Kim et al. (2018: 73-120) and Eunjoo Lee·Heejung Park·Semi Hong (2022).

² Furthermore, in societies where civic indifference is not entrenched as a culture, the line between non-civic-minded fellow citizens and hate groups tends to be blurred (though not completely indistinguishable).

willingness to act. But the two are not the same. This is because it is possible for a government to state a policy position but not implement it. South Korea, with its refugee law, is a classic example. In the space of inconsistency, the state replaces protection with non-protection through selection. In short, the state is a powerful force in immigration and evaluation systems, while it disappears in the realm of welfare (treatment). In the case of South Korea, the country's dynamics are manifested in a low refugee recognition rate of 1% on average, the absence of a comprehensive plan for the treatment of refugees, and the freezing and reduction/non-implementation of the budget for refugee (rights). On the other hand, the selective system of the state also has the effect of reinforcing administrative systems and internal labor in a particular direction. An administrative system is created that operates with the goal of denying refugee recognition. The labor becomes a machine that accelerates the pace of disapprovals through the bureaucracy.³ Denial leads to achievement and reward. South Korean society has seen this with the refugee interview manipulation scandal.

Relatedly, the phrase 'impossible task' that indicates 'labor of being with' captures their two positions on the nature of misery. (1) Long-lasting and ongoing misery (2) a misery that cannot be solved by the labor of being with that currently exists. First, (1) relates to the deep structure of the world that cannot be changed at the national level. On the other hand, (2) describes the potential for a national effort to make things much better than they are today. It can be argued that Bourdieu and his colleagues were concerned with the causality of (1) and (2), but were more concerned with (2). In other words, it criticizes the state's strategy of maintaining the status quo by shifting responsibility for the misery of its citizens to the being with (activists or social workers on the periphery). Of course, their observations about states go beyond this. Because the state penalizes the misery and poverty⁴ of one's fellow citizens and stands ready to sweep them away with an iron hand at any moment.

While more rigorous demonstration will be required, there appear to be three replacements for refugee protection underway globally. These include optionalized responsibility, strict

³ This is the other side of 'fast evaluation'. In 2015, the Ministry of Justice issued guidelines to offices across the country that conduct refugee evaluation to categorize asylum seekers' applications as expedited, intensive, general, or sophisticated. For asylum seekers categorized as expedited, the ministry ordered brief interviews of 1-2 hours, no fact-finding, processing within 7 days, and maintaining the expedited rate at 40% (National Human Rights Commission's Second Committee on Remedies for Violations, 2020). For an analysis of the screening system through interview manipulation cases, see Yeonjoo Kim (2020).

⁴ Furthermore, the criminalization of being with is ongoing. A case in point is the criminalization of accompaniment for assisting refugees attempting to claim asylum across the sea.

entry and exit controls, and self-reliance-based policies. This replacement is primarily seen as a result of (1) the nexus between protection and migration, (2) the conflation of refugees and terrorism (the security paradigm), and (3) the prolonged refugee crisis and the increasing strain on support systems. First, (1) and (2) undermine the obligations of developed countries to share responsibility and provide a rationale for strict immigration policies. (3) has been adopted as the basis for the economic (efficiency) theory of aid pursued by UNHCR and individual countries, emphasizing the responsibilities and capacities of individual refugees. The South Korean government's protection regime does not deviate much from this trend.

The expected consequences are as follows (1) The rights of refugees to enter and seek asylum will be weakened, and the trend towards restricted evaluation, deportation, and detention will intensify. (2) Furthermore, refugee issues and their lives delayed or barred by evaluation, treatment, etc. will become even more personalized (responsible) than they are now. In other words, refugees will be forced to take more self-reliance and personalized responsibility for their lives in the face of increased uncertainty and vulnerability. However, refugees' lives are a product of structural problems. The challenges of being with (activity) seem to be evident as well. The place of being with is a place of misery, where state has already left, or is in the process of leaving/being broken. Bourdieu refers to this as the 'aftermath' of the neoliberal policy turn, observing how the communalization of the state (with the budget at its core) and the totalization of sovereign power over misery increases the intensity of being with labor, but lowers or makes it impossible to perform. In the following sections, I will explain the Korean case from this perspective.

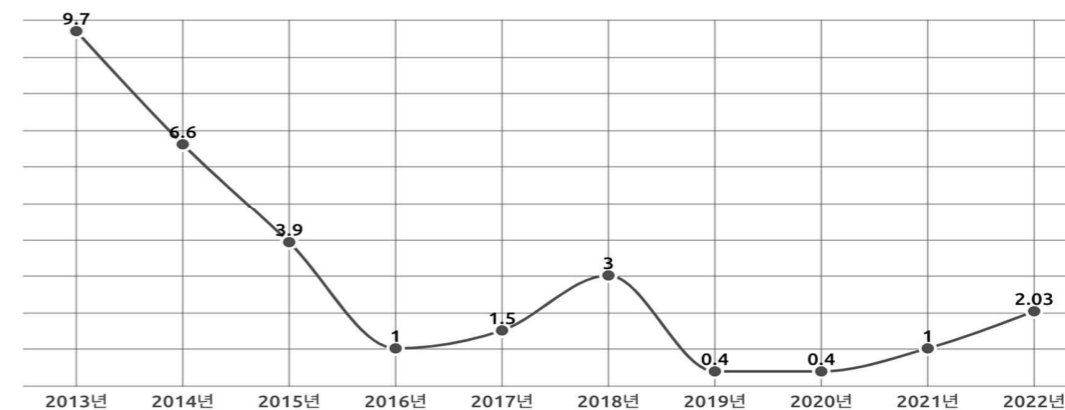
2. Status of Refugee Rights in Korea

Section 2 describes the current status of refugee rights in Korea, focusing on the refugee recognition rate and evaluation system, the budget for refugee livelihood support, and the issue of reapplicants. These issues best illustrate the problems with refugee policy and the problems with refugee rights that it creates. As 2023 marks the 10th anniversary of the Refugee Act and is the year in which a bill to amend the Refugee Act is expected to be passed, it is an important time to reflect on past refugee policies and to make them more democratic. In the meantime, as of April, refugee advocacy groups in South Korea and Japan have been working almost simultaneously to stop the amendments to the refugee act (Japanese civil society has been organizing weekly anti-amendment caravans and

demonstrations in the Kansai region throughout April).⁵ A particular point to note is that both countries are seeking to efficientize before expanding or overhauling the refugee protection, rather than 'normalization' of the rights and treatment of asylum seekers. Low refugee recognition rates averaging 1-2%, narrow and privatized interpretations of persecution, lack of comprehensive measures and political will for refugee protection, policies that focus on management rather than protection, and attitudes that still presuppose "refugee exclusionism" (in Korea and Japan are not ready to...) are common phenomena that appear on the surface despite the differences between the two countries. A key feature of the **amendments** in both countries is the introduction of **review restrictions for reapplicants**. Both countries consider it a global standard to limit evaluation. However, given that countries with advanced protection systems have gone through a phase of normalization, or have restriction but while being still in the process of normalization, the criticisms of refugee advocacy groups in both countries seem very valid.

1) Recognition Rate⁶

As of December 31, 2022, there were a total of 11,539 refugee applications and a total of 175 people granted refugee status during 2022. The refugee recognition rate is 2.03%. To date, 84,922 refugee applications have been filed and a total of 1,331 refugees have been recognized. The recognition rate since the implementation of the Refugee Act is as follows (Refugee Rights Center, 2023).



[Table-1] Refugee Recognition Rates Since Refugee Act Implementation

⁵ A network of refugee support organizations in Japan **Forum for Refugees Japan (FRJ)** actively archives rallies and statements on immigration law amendment. <http://frj.or.jp/>

⁶ There are arguments that cross-country comparisons centered on recognition rates are not adequate to capture the actual democratization of refugee policies or the quality of refugee protection (Younghoon Song, 2020). While I cannot disagree with some of these arguments, I think the premise and timing of the discussion is wrong, i.e., this is a discussion that should be had after recognition rates have risen to at least average levels.

South Korea's refugee recognition rate over the past decade ranks 18th in the G20 countries.

	Number of refugee status determinations	Number of refugee status recognition	Refugee recognition rate
South Korea	50218	655	1.3
US	1100523	279108	25.4
UK	436974	125313	28.7
France	1290356	202206	15.7
Germany	3220268	791473	24.6
Japan	99032	287	0.3
Italy	595569	47364	8.0
Canada	323251	149301	46.2
Argentina	13044	1591	12.2
Australia	229276	61858	27.0
Brazil	81959	54885	67.0
Saudi Arabia	599	364	60.8
South Africa	1554969	64422	4.1
Turkey	420545	131378	31.2
Russia	503865	13619	2.7
China	3500	541	15.5
India	65392	34503	52.8
Indonesia	41611	17587	42.3
Mexico	83613	39084	46.7

[Table-2] Refugee Recognition by G20 Countries, 2010-2020⁷

2) Budget: Refugee Living Assistance Budget

The livelihood allowance, which is a large part of the refugee subsistence allowance, has been frozen since the implementation of the Refugee Act and has had a very low enforcement rate compared to other categories in the context of COVID-19. In particular,

⁷ UNHCR statistics; Soonhyun Lim, 2021.08.26. "[Fact Check] South Korea at the bottom of refugee status recognition?" Yonhap News Agency. Requoted from, www.yna.co.kr/view/AKR202108_26025300502.

in 2021, only 11.6% of the refugee livelihood support budget was spent. This means that only 108,040,000 KRW of the total budget of 931,497,000 KRW was spent.

	2019	2020	2021
Budget	792,607	839,362	839,362
Closing account	792,000	546,000	52,000
Enforcement rate	99.9	65.0	6.2

[Table-3] Refugee livelihoods budget for 2019-2021 (Refugee Rights Center, 2023)

The living allowance component of the refugee budget is essential for applicants who are restricted from working for the first six months. However, despite the fact that 23.5% of the total refugee budget is earmarked for livelihood subsistence, the budget is so small that most applicants repeatedly receive no subsistence assistance at all. Furthermore, the budget for livelihoods has remained frozen every year, regardless of the increase in the total number of refugee applicants or changes in the quality of the refugee situation, and is based on three months of payments of 433,000 won for 591 people.

3) Evaluation System

South Korea's current refugee evaluation system is not designed to do a proper review. Here's why.

- (1) The government's narrow definition of persecution and strict evidentiary standards stabilize low refugee recognition rates and lead to reapplications.
- (2) South Korea's refugee evaluation system has a disproportionately small number of officers to handle the growing number of refugee applications.
- (3) Procedural rights guarantees in the review process are inadequate, and access to the necessary assistance, including legal assistance, is left to the individual.
- (4) The application process is not sufficiently translated, and basic documents such as interview questionnaires and reasons for non-recognition decisions are still only available in Korean. Furthermore, there is no consideration for "minority language" and "illiterate applicants" in the evaluation system.

Office	Seoul	Incheon International Airport	Busan	Incheon	Gwangju	Daegu	Jeju	Suwon	Yangju

Refugee reviewer under the Refugee Act	2	0	1	1	0	0	0	0	0
Refugee application processing/ Evaluation/Litigation officer Responsible person	34	1	6	9	4	2	3	1	1

[Table-4] Refugee reviewer, refugee evaluation officer⁸

The operation of this evaluation system creates three main trends. The government's institutionalization of expedited screening and the need for pre-screening, the prolonged waiting period⁹ and uncertain status of refugees due to the difficulty of refugee recognition, and the increased workload of refugee rights advocacy groups and the difficulty of achieving results.

4) Refugee Reapplicant Issues

Re-applicants are the ones who bear the full burden of the inadequacy and violence of South Korea's refugee policy. In a refugee screening system like Korea's, reapplication is a product of the system. However, the reality is that the reapplicant is the only one who has to deal with the difficulties.

The Ministry of Justice's current actions against reapplicants should be viewed as an extension of the Expedited Review Categorization Project that has been underway since 2014, following the implementation of the Refugee Act in 2014. The Ministry of Justice discontinued the expedited review categorization project. Around the same time, from early 2017, it established a category of **excessive applicants** (with reapplicants as a key component) and then began to tighten the stay guidelines for them. In other words, (1) those who reapply (2) those who stay as migrant workers or international students and apply for refugee status (3) those who have overstayed their visas and are applying for refugee status, the government has implemented a policy of denying extensions of stay, ordering them to leave the country and be deported, or detaining them with a protection

⁸ Refugee Rights Center's Information Access Request Results. Ministry of Justice 2022- Information Access Request Decision Letter (8669987)

⁹ Jinsan Kwak, 2022.07.17. "One official to handle 333 cases 'not enough'... refugee applications piling up" Hankyoreh.

order. This shows the strong residency restrictions of the government. The ongoing refugee act amendment plan (**partial amendment bill to the refugee act**) also includes a restriction on reapplication (**ineligibility determination system**) as a core element.

According to it, those who have been denied refugee status, or whose refugee status has been canceled, should first undergo a review of their **eligibility for refugee status reapplication** within 21 days. If there is a 'significant change in circumstances' after the evaluation, an eligibility determination will be made, and only those who are granted an eligibility determination will be allowed to proceed with the refugee recognition process. It treats most refugee applicants as excessive applicants and severely limits access to evaluation as a right. In the case of South Korea, where evaluation system has not been normalized, the proposed amendment could result in applicants with valid grounds for refugee status being forcibly returned to their home countries without even being given the opportunity to be reviewed.

The treatment of reapplicants is also a very urgent issue. The Ministry of Justice denies their extensions of stay and takes away their alien registration cards. In addition, deferral of residency which can be another stigma, deprives refugee reapplicants of all rights as citizens. Furthermore, at any time, the suspension of departure can be withdrawn and a deportation order can be issued. Also, there is the possibility of detention is always present. Along with restrictions on residency status, employment becomes almost impossible. Additionally, as their alien registration cards are confiscated, making everyday life impossible (they cannot have mobile phone service, withdraw money from a bank). They will be deprived of both residency status and a way to explain about themselves to public authorities and society.

3. The Challenge of Refugee Advocate Groups

1) Background on the refugee advocate group's challenge

The difficulties and barriers faced by refugees in Korean society are the backdrop for the challenges encountered by refugee advocacy groups. These can be summarized into five main categories, as described in the previous section

(1) Strengthen immigration controls

- (2) Prolonged trend of low recognition rates
- (3) Challenges with increasing numbers of refugee applications and stacked reapplications
- (4) Lack of a comprehensive plan for refugee welfare (treatment) and lack of awareness of refugees in the Korean welfare system
- (5) As refugee awareness has increased, hate groups have coalesced and the refugee issue has become politicized

The arrival of refugees from Yemen in 2018, which marked a milestone in the history of refugee protection in South Korea, and the claim of protection rights provided the occasion to highlight and reinforce these issues throughout society. A new challenge for refugee advocacy groups during the time was (5). Issues (1)-(4) were still important to advocacy groups, but were not new challenges as they had been dealing with those issues for a long time. Issue (5) was not entirely new to Korean society as well, but the haters came as an organized, collective movement. The emergence of (5) has had a profound impact on the existing functioning of (1)-(4), i.e., (5) has become the medium through which (1)-(4) are reinforced and entrenched.

During this period, hate groups' arguments became the dominant frame of reference for interpreting refugee issues, and a 'selective alliance' between Christianity, hate groups, and feminists was formed. At the same time, the state began to publicize refugee issue as a security issue. Moreover, the right wing in South Korea has submitted amendments that would repeal or come close to repealing the refugee law, while the center-left has submitted amendments that are consistent with the "politics of no policy" or are "reasonable" in order to protect themselves from the aftermath of heated emotions on the refugee issue (the amendment that the advocacy group is currently opposing is a proposal from the center-left). Since then, the South Korean government has continued to try to marginalize refugee rights issues that are linked to incidents such as the military coup in Myanmar, the withdrawal of U.S. troops from Afghanistan, and Russia's war on Ukraine. This passive refugee policy can be traced back to the granting of humanitarian residency status to refugees from Syria in 2015 as a strategy to avoid refugee recognition, and it has certainly been solidified through the collective anti-refugee sentiment of 2018.

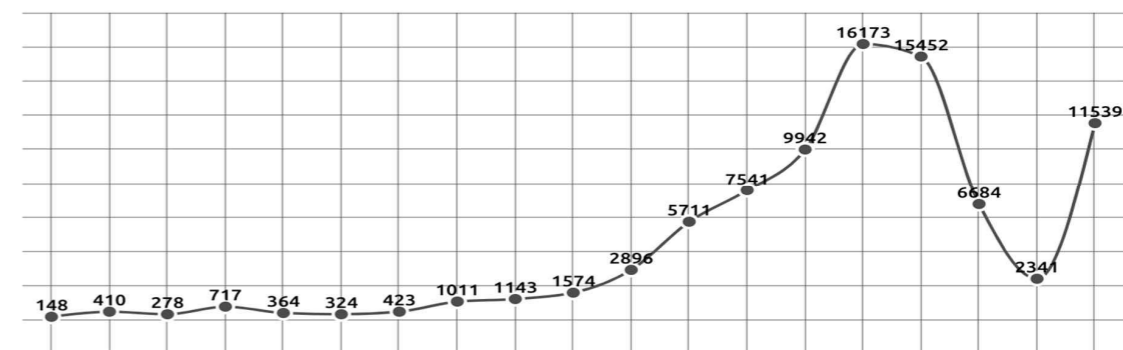
On the other hand, 2018 saw the emergence of new refugee advocacy groups. The Korean human rights movement (especially the migrant rights movement) and the peace movement have recognized refugee rights more fully, and the scope of solidarity has begun to widen. It also served as a backdrop for the emergence of a new type of refugee advocacy

movement that could not be fully realized in the existing refugee advocate group model.

2) The Challenge of Refugee Advocacy Groups

- (1) Prolonged increase in work and labor intensity

The number of refugee applicants has been on the rise again as we move into the 'with COVID-19' phase ([Table-5]), and the number of applications at airport bays has increased significantly ([Table-6]). The prolonged increase in refugee applications and low recognition rates under the non-normalized review system, as well as the high number of refugee applicants at airport bays and the low referral rate of over 40% on average, are factors that contribute significantly to the heightened workload and intensity of the work of refugee rights activists.

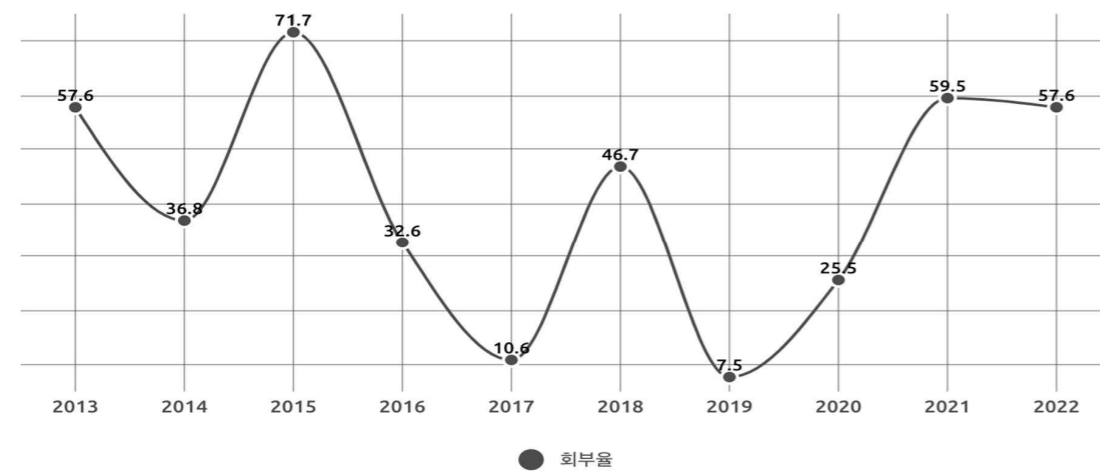


2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019
2020 2021 2022

[Table-5] Number of refugee applicants (Refugee Rights Center, 2023)

	Applicant	Referral	Non-referral	Withdrawal
2018	516	241	264	0
2019	188	13	162	15
2020	47	12	41	0
2021	42	25	16	0
2022	391	223	154	10

[Table-6] Refugee application-Referral-Non-referral-Withdrawal in the last 5 years (Refugee Rights Center, 2023)



[Table-7] Refugee applicant referral rates by year (Refugee Rights Center, 2023)

In addition, changes to refugee laws and increased detentions through programs such as the Intensive Control of Undocumented Aliens and the Five-Year Plan to Reduce Illegal Migration also add to the challenge for advocates. The refugee advocates assist refugees are either outside of the reach of the state or have been deported by the state (to airport waiting rooms which are outside the border or immigration processing center, etc.). The problem is that the number of these refugees is not decreasing, and there is also a greater willingness of the state to minimize or curtail their entry and to use detention as a means of facilitating departures.

(2) Occupational Health Issues

There are reports that burnout as a symptom is more prevalent in less alienating (more self-realizing) work. In other words, burnout is a symptom of low output (results) compared to the input of love and passion for your work. Advocating for refugee rights as labor is likely to be exposed to burnout because it constitutes a labor process that is closely influenced by global, long-term structures (which cannot be easily changed), and because activists' entry into and participation in the labor process is based on autonomy and commitment. The potential for secondary trauma (or trauma transmission) to come in the process of supporting people who have experienced trauma such as death and violence, has also been noted many times.

Furthermore, as 2018 passed, the refugee advocacy group diverged, i.e., organizations and networks were formed as collective actions of fellow citizens that differed from the existing refugee advocacy groups. Most of the activists in these groups continue their work in the

form of independent labor (activity) rather than contract labor (activity). The problem is their labor protections. Because they are not employed, their activities are not protected by workers' compensation or labor rights.

(3) Managing Organizations

There is no government support for refugee organizations, despite the fact that the work of assisting refugees is becoming more prolonged and increasing. The only support for refugee organizations at the local level comes from the Seoul Metropolitan Government. Most refugee organizations rely on donations from fellow citizens and face significant financial challenges.

(4) Latent Hatred

While there have been no direct incidents of refugee hate since 2018, the collective hatred that has recently emerged around the construction of a mosque at the rear of Kyungpook National University points to the possibility that hatred of refugees could be actualized at any time.

4. What Remains: Substituting Conclusion

1) The first priority is to ensure that the South Korean government develops a medium- to long-term refugee policy. This includes recruitment of more staff to operate the refugee review system, ensuring procedural justice in the review process, and strengthening and expanding the welfare of refugees.

2) Medical support for activists run at human rights foundations, cooperatives, and intermediary support organizations should be expanded, and activists working independently should be explicitly included in this support.

3) There is a need to recognize refugee advocates as partners of the government in democratizing refugee policy in South Korea, and to provide them with a mandatory fund for their operations. Including this in the Refugee Act would be the best option at this time.

4) Anti-discrimination laws must be enacted to prevent the groundless claims of

xenophobes from gaining prominence. This is because the interpretive framing of hate groups goes beyond their fellow citizens to influence government refugee policies.

5) It is necessary to establish local governments and cities as active agents of refugee protection. The differing positions between the central government's, local governments' and cities' can be an important foundation for refugee human rights. City ordinances on refugee rights can provide a meaningful alternative/complement to the central government's refugee policy.

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Challenges Toward Climate and Environmental Right Defenders in Cambodia

Ly Chandaravuth
Mother Nature Cambodia

Ladies and Gentlemen, on behalf of my team, I would like to show my gratitude for being invited to be one of the guest speakers in this event. This is a very good chance for Mother Nature Cambodia to meet with people who love not just freedom & justice, but also the environment...etc. from all around the world. I am very honored to get this chance to tell the world what is happening in my beloved country. And I hope that today we will be able to widen and strengthen our network to protect and promote democracy not only here in Korea, and not only there in Cambodia, but all around the world. Every act of every person matters!

For those who might not know who we are, we are one of the many groups that have been outlawed by the Cambodian regime because of our success in stopping a hydro -power dam project by the Chinese state-owned energy giant Sinohydro, and put an end to the corrupt and destructive extraction & export of coastal sand to Siingapore. Not just that, my team and I, all young Cambodians below the age of 35, continue to expose corruption of high-ranking officials in the environmental sector. Corruption that is of course done under the façade of words such as 'development'. We protect islands, protected areas, national parks, natural lakes, and other kinds of natural resources from being destroyed or plundered. We do so by working with local communities and other like-minded youth in organizing street protests, awareness-raising campaigns, risky investigations as well as by producing videos demanding transparency and accountability from the so-called government. Due to our effective job at publicly telling the truth to our fellow citizens, we have become a thorn in the eyes of corrupt officials. The same officials who have time and again retaliated against us in many ways, from trying to bribe us to join their side, to violence and the threat of violence, and to imprisonment. I will like to cover these challenges later in this speech.

Despite the effort from countries all around the world to bring peace and democracy into Cambodia through the Paris Peace Accord of 1991, Cambodia remains one of the least free countries of Asia. Democracy is just a façade for the ruling party to continue ruling and continue getting support from the international community. However, in the present, even the

façade is fading away. The only meaningful opposition party was dissolved; independent media (which were rare to start with) were arbitrarily shut down; politicians, activists, teachers, land dispute victims are jailed; Cambodia is now on the brink of becoming a complete dictatorship. Some argue it already has become a total dictatorship. Some of my friends say how Cambodia is on the path to become a new North Korea.

This regression away from democratic principles is making our natural resources become even more vulnerable to exploitation from the corrupt system. For instance, Cambodia is even more of a free market than South Korea because pretty much everything is for sale, from a small pencil to state -public properties such as islands, natural lakes, national parks, minerals under our feet, ...etc.

Plus, we don't even need to import all those state -public property products. All we need is just a signature from our beloved free trade -loving prime minister and he will get u the needed sub decree! It costs about 5mins to make one, then Bam! You own the land! Or the forest, or the lake, or whatever u want to own, as long as the right amount of bribes has been paid to the right people. It's a work of magic that you might not be able to find anywhere in a transparent and accountable country.

With such a mafia-like system in place, the destruction of natural resources in Cambodia is, not surprisingly, massive. It is even more challenging and riskier for environmental activists to act when most of the destruction are sponsored by the state. Everything is being destroyed under the name of development. Where there is such a kind of development, there is of course tragedy: trees cut down; wildlife runs in chaos; lakes being filled; people losing their home; children out of school, abject poverty, and a large etcetera. While the so-called development mostly benefits top hierarchy of the society.

Civil society, activists, and many young Cambodians have made lot of efforts to halt the destruction. However, these efforts can't keep up with such a rate of destruction. While, in civilized countries, activism is praised as a good contribution to the society, in Cambodia, people who dare to challenge the government usually end up jailed in awful conditions. And believe me when I say that I am speaking not according to reports or hearsay. I speak out of my own painful, unjust, and ongoing experiences. 7 members of Mother Nature Cambodia, including me, have been jailed once already, some like myself for close to half a year, others

for more than a year, simply for asking that one of the last remaining lakes of the capital of Cambodia, Phnom Penh, is not also destroyed, or for trying to take images of sewage being dumped into the Mekong River. In other words, jailed for loving our country and our environment.

Since the court system is merely a puppet of the ruling politicians, the government can easily arrest people without any warrant or any evidence of any crime. A phone call and an order to the so-called judges and prosecutors is all that is needed. The most popular allegation is these days "incitement", which they use against you to lock u up for up to 2 years. In some cases, the charge against environmental activists is even more bizarre. After my arrest in June of 2021, myself and the others were charged with "plotting against the government". Our soon to come so-called trial, which will no doubt find us guilty, could mean that the others and I have to spend up to another 9 and a half years in jail more.

Though most of the challenges for environmental activists stem from the regime, there is also another sort of challenge from other pro-democracy groups that I think is important to address quickly here. As I have mentioned already, any activists daring to challenge the mafia like-regime we live under are at risk being retaliated against. However, from what I have noticed over the years, after the regime oppresses us, we become isolated. At some point, I, myself, feel like we are in a battle, fierce and lively battle, without any backup. Some organizations that used to support us turn silent, thus making us weaker. Compared to the last few years, we are now getting less and less support.

As a result, human rights and environmental activists in Cambodia, are usually underfunded and lack of human resources. These brave people should get much more support than this. Therefore, I would like to use this platform to call for the re-unification of relevant stake holders, organizations, movements, older and younger generations, brothers and sisters, national and international, to support each other bringing peace and democracy to the world. It might seem impossible at the moment, but once we are together, we will make the impossible possible! Yes, we might have different approach, hard or soft or diplomatic, or research based, however, let us not forget that "Unity is the key"!

If we keep thinking of an easy way to obtain our freedom, we shall never be free! Because freedom will never come easily. Any idea of an easy freedom is an idea of prolonging the

life of dictatorships, which is destroying our natural resources. We need to face the risks, and this requires bravery and unity.

Despite these challenges, we continue to strive forward. The possibility of being arbitrarily jailed once more, of being beaten up or worse like many others, is not something anyone, including me, looks forward to. But at the very least, I am certain that future generations of Cambodians, when they talk about the senseless greed and destruction the country is currently seeing, they will say: 'at least not everyone was cowed into silence; at least not everyone decided to close their eyes and pretend that all was fine; at least there were some brave young Cambodians who decided to swim against the tide for the benefit of us all'.

Thanks!

The State of Disability Rights in Korea and the Challenges for Disability Rights Defenders

Phill Soon Kim

the Planning Director at the Solidarity Against Disability Discrimination

The Disability Rights Advocate is currently

South Korean disability rights organizations and advocates are facing threats to their freedom of assembly and human dignity due to the government's repressive and violent response.

The Solidarity Against Disability Discrimination (hereinafter referred to as 'SADD') has been rallying every morning from December 2021 to present at subway Stations in Seoul (hereinafter referred to as "Subway Taking Campaign") to call for the government to guarantee the right of people with disabilities to live in their own communities and to raise awareness of this right, with about 20 wheelchair users simultaneously boarding the subway and shouting slogans at subway passengers. However, the government has been disregarding the demands of disability organizations, labeling the protests as "illegal," blocking them, and using excessive civil and criminal legal measures to repress protesters.

On January 2, 2023, SADD and about 200 other advocates for disability rights attempted to ride the subway at Samgakji Station in Seoul, where the presidential office is located, to call for a budget for disability rights, but were blocked by about 800 police officers from 10 units for 14 hours, leaving them isolated in the Station. In the process, police violently pushed and threw activists, broke joysticks on electric wheelchairs, and blocked access to elevators. They interfered with rally participants' ability to be heard by placing loudspeakers directly in front of SADD activists and announcing "stop illegal protests" or warnings every 20 seconds.

In addition, trains were allowed to pass without stopping (non-stop) to block the SADD's "Subway Taking Campaign" and announcements were made every five minutes at most Stations in the Seoul subway saying, "The subway is passing without stopping due to the SADD's rally. A disaster alert message was sent to citizens in the Seoul, Gyeonggi, and

Incheon areas, stating, "Due to the illegal protest of the SAAD, we are passing Samgakji Station without stopping," making 'Subway Taking Campaign' illegal and promoting hatred against people with disabilities.

Meanwhile, the Namdaemun Police Station in Seoul held a press conference and announced that 24 of the 29 members of the SADD who participated in the rally have been sent to prosecutors on charges of general traffic and obstructing business, and two more are under additional investigation. In particular, the cases of the SADD activists were unusually assigned to the Public Investigation Department, which is in charge of public security cases such as violations of national security laws, which is an excessive use of law enforcement that can undermine the activities of human rights defenders by labeling them as 'public security criminals'.

The Seoul Metro announced through the media that it is pursuing a lawsuit against the SADD and others for 30 million KRW for damages caused by the "Subway Taking Campaign" rally and will file an additional lawsuit for 600 million KRW for damages. Currently the SADD activists are suffering from severe trauma after experiencing violent suppression of their rallies by the police, Seoul Metro, and the Seoul Metropolitan Government on three occasions in January 2023, as well as harsh condemning comments from subway passengers and online due to malicious media coverage, and are struggling to pursue civil and criminal legal actions against the Goliath, the government.

Subway-taking campaign

In 2001, a disabled couple in their 70s who used wheelchairs fell to their deaths while using a wheelchair lift at Oido Station, sparking the explosive growth of the Korean disability movement. People with disabilities challenged the social structure that discriminated against them in all areas of education, labor, transportation, and deinstitutionalization, and raised awareness of the reality that people with disabilities risked their lives to use public transportation, the most basic element of social participation.

These intentions led to the "Subway Taking Campaign with the Disabled" which began on March 9, 2001. Delays occurred when many people with disabilities tried to board trains at once that were not wheelchair accessible highlighted a disability discriminatory society that does not take into account the right to mobility of people with disabilities. Since then, Subway Taking Campaign have become a major form of protest in the

disability movement, symbolizing (1) criticism of disability discriminatory social structures and (2) showing that people with disabilities are citizens by 'appearing' in everyday spaces.

Status of Disability Rights in Korea

South Korea has 2.64 million people with disabilities, or 5.1% of the total population. If you look at the disability statistics of major countries abroad, you can see how strict and difficult it is to categorize people with disabilities in Korea: 24.6% in Germany, 17.7% in Australia, and 13.0% in the United States. In contrast, South Korea's budget for people with disabilities is 0.6% of GDP, less than one-third of the OECD average of 2.02%. As evidenced by this unequal budget structure, people with disabilities in South Korea are excluded from a range of civil rights, including education, labor, mobility, and political participation. From December 3, 2021 to May 2023, the SADD has been conducting the Subway Taking Campaign every morning at major subway Stations in Seoul, the capital of South Korea, chanting "Let people with disabilities be educated, work, travel around, and live together in the community." Through this, the SADD has been calling for increased budgets to ensure the rights of people with disabilities.

Educational Rights of People with Disabilities

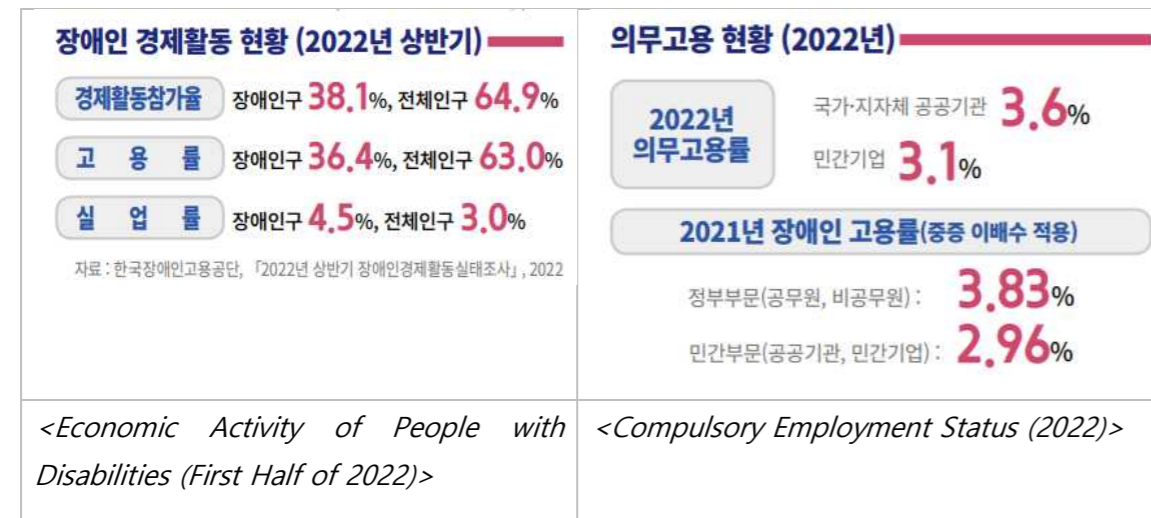
Article 31 of the Constitution of the Republic of Korea states that 'All citizens shall have an equal right to receive an education corresponding to their abilities,' and Article 4 of the Framework Act on Education states that 'No citizen shall be treated with discrimination in education for reasons of gender, religion, faith, race, social standing, economic status, or physical conditions, etc.,'. However, Korea's social education scene is consistent with competitive education centered on non-disabled people, which still marginalizes and excludes people with serious disabilities, and due to competitive education centered on university entrance exams, students with disabilities do not receive proper learning, resulting in educational inequality for people with disabilities and deepening the educational gap.

According to the 2020 Disability Status Survey, 55.3% of people with disabilities have less than a high school diploma, with no education being 3.4 times higher than those without disabilities, and college or higher being 3.1 times lower than those without disabilities. The continuing education participation rate for people without disabilities is 33.5%, compared to 0.2-1.6% for people with disabilities, depending on the program.

Labor Rights for People with Disabilities

In Korea, as of the first half of 2022, the labor force participation rate of the total population is 64.9% and the employment rate is 63.0%. However, the economic activity participation rate of people with disabilities is 38.1% and the employment rate is 36.4%, which is half the rate of the total population. More specifically, people with serious disabilities (severe) have half the economic participation rate and employment rate of people with less severe disabilities (mild).

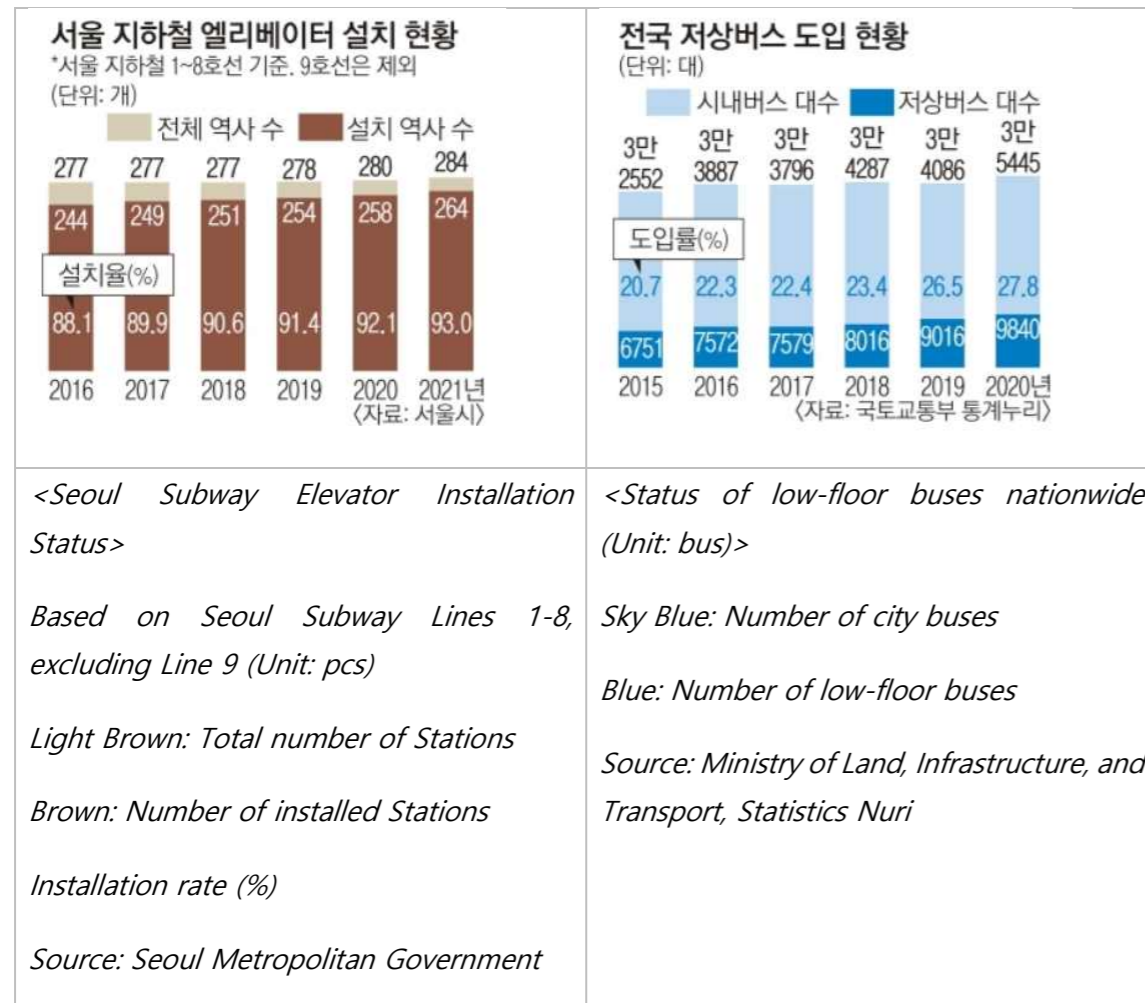
The mandatory employment rate for people with disabilities is 3.6% for national and local government public institutions and 3.1% for private companies, but in 2021, the employment rate for people with disabilities is 3.83% in the government sector and 2.96% in the private sector, which does not even meet the legal mandatory employment rate. In addition, under Article 7 of the Minimum Wage Act, people with disabilities are exempt from the minimum wage, and the average monthly wage in 630 vocational rehabilitation facilities nationwide that have been authorized to be exempt from the minimum wage is 370,000 KRW. As such, the reality of labor rights for people with disabilities is very limited, which is linked to the poverty rate of people with disabilities.



<p>Economic participation rate 38.1 for people with disabilities, 64.9% for the total population</p>	<p>Compulsory employment rate in 2022 - National and local government public institutions 3.6%, private companies 3.1%.</p>
<p>Employment rate 36.4% for people with disabilities, 63.0% for the total population</p>	<p>Employment rate of persons with disabilities in 2021 - Government sector (civil servants, non-civil servants): 3.83%, Private sector (public institutions, private companies): 2.96%.</p>
<p>Unemployment rate: 4.5% for people with disabilities, 3.0% for the total population</p>	
<p>Source: Korea Employment Agency for Persons with Disabilities, <Survey on Economic Activities of Persons with Disabilities in the First Half of 2022>, 2022</p>	

Mobility Rights for People with Disabilities

The installation rate of elevators in the Seoul subway was 13.7% in 2001, the year the struggle for mobility rights began, but as of 2021, 22 years later, the elevator installation rate is 93.0%, and the introduction of low-floor buses and special transportation is over 50%. Nevertheless, in 2019, a disabled person died while trying to use a lift at Shingil Station in Seoul, and the nationwide adoption rate of low-floor buses was 27.8% as of 2020, less than 3 out of 10, and far short of the 2021 target of 42%. The adoption rate of low-floor town buses is 0%, and even if elevators are installed in subways, wheelchair users are unable to leave their homes because they are unable to ride the town buses, which inevitably deprives them of the freedom to study, work, vote, and love.



▲2020년 기준, 장애인 거주시설 현황. 자료=보건복지부

<Status of Residential Facilities for People with Disabilities (2020)>

Facilities for people with disabilities: 1,539 total

Residents: 29,000 (98.3% severely disabled, 80.1% developmentally disabled)

Average length of residence: 18.9 years

Average age: 39.4 years old

Desire to live independently in the community: About 33% of residents who can express their wishes (2,000)

Services needed for independence: economic (34.7%), daily living (26.1%)

* Status of residential facilities for people with disabilities as of 2020. Source=Ministry of Health, Labor and Welfare

Deinstitutionalization of People with Disabilities

As of 2020, there were a total of 1,539 residential facilities for people with disabilities in Korea (excluding psychiatric hospitals) with more than 29,000 residents. The average length of residence is 18.9 years, and the average age is 39.4 years old.

Western countries have been focusing on institutionalization issues and promoting deinstitutionalization policies since the 1970s. In 2021, the South Korean government announced a roadmap for deinstitutionalization and community independence support for people with disabilities. During the second and third combined examination of the UN Committee on the Rights of Persons with Disabilities, the government stated that it was working to ensure the right to housing choice and the right to live in the community under Article 19 of the UN Convention on the Rights of Persons with Disabilities based on the deinstitutionalization roadmap, but the 6th Comprehensive Plan on Disability Policy released in 2023 deleted the deinstitutionalization roadmap, and the deinstitutionalization pilot project deleted the term 'deinstitutionalization'.

Recently, Seoul Mayor Sehoon Oh tried to set up the right to deinstitutionalization as a yes or no question, claimed to guarantee the right to choose a facility, and violated the UN Convention on the Rights of Persons with Disabilities, and went abroad to study at a Danish residential facility for people with disabilities. In a 10-page press release, the Seoul Metropolitan Government introduced Denmark, which emphasizes the right to housing choice, and said that the key to supporting the independence of people with disabilities is maintaining 'freedom of choice' and 'autonomy', not 'housing type'. The UN Committee on the Rights of Persons with Disabilities' General Comment 5 states that "the various sources of oppression of human autonomy, including cultural factors as well as physical buildings, must be eliminated". It is questionable whether there can be guaranteed autonomy if the physical environment of oppression is present.

Korean Government Attitudes and Issues

Instead of responding to the persistent demands of people with disabilities, the South Korean government has instead ignored the rights of people with disabilities by labeling the legitimate practice of protest by disability organizations as "illegal," and has fomented a national hatred of human rights defenders who call for the rights of people with disabilities.

Attitudes of Government Officials and Politicians

The violent suppression of protests and the suppression of human rights activists reveal the government's perception of the right to assembly and human rights. The government's anti-human rights attitude can also be seen in the statements of key government figures as well.

In response to a subway protest demanding the rights of people with disabilities, Junseok Lee, former leader of the first opposition party (now the ruling party), said, "the SADD is holding citizens as 'hostage,' framing the SAAD and disability rights activists as uncivilized and promoting social hatred. Minister of Strategy and Finance Kyungho Choo dismissed the demands for an increased budget, saying, "If we put all the demands of all the ministries together, Korea will be ruined." Former leader of the ruling People Power Party, Hoyoung Joo also criticized the struggle for disability rights, saying, "A whopping KRW

10.6 billion has been included in the budget (...) It's tantrums of the SAAD to demand an unreasonable amount of money and then block innocent citizens from going to work because their needs are not being met. Vulnerability does not justify all illegal behavior and excesses," he said, disparaging the struggle for disability rights.

Seoul Mayor Sehoon Oh said, "The citizens of Seoul have shown extreme patience during the protests that have lasted for over a year. But as mayor of Seoul, I can no longer ignore the damage and inconvenience to our citizens". In addition to taking decisive action at the protest site, he stated that he will take all necessary legal measures, including civil and criminal actions, and is dividing people with and without disabilities. "The SADD's announcement to resume the protest is unacceptable. I have discussed this with the Seoul Metropolitan Police Commissioner, and if the Seoul Metro requests it, the police will respond quickly and without delay," he said, publicly declaring a police crackdown on freedom of assembly. Seoul Metropolitan Police Commissioner Gwangho Kim stated, "We will strictly deal with situations where people's feet are tied while the SADD tries to fulfill their wil (...) We will go to the ends of the earth to bring illegal acts to justice." Practical actions for the rights of people with disabilities are treated in the same way as dealing with felons.

Attempted Excessive Civil and Criminal Penalties against Disability Rights Advocates

The Seoul Metro filed a civil lawsuit against disability organizations and activists, including the SADD, claiming that the seven subway protests held between January 22 and November 12, 2021, were illegal and seeking 30 million KRW (approximately \$25,000). In 2022, the Seoul Central District Court issued a settlement decision to the two litigants, the SADD and the Seoul Metro (to install elevators at 19 of the 275 subway Stations in Seoul that do not have elevators by 2024, and to pay the SAAD 5 million KRW for each time they exceed five minutes of train operation with their wheelchair and other tools between platform safety doors).

On January 1, 2023, the SAAD acknowledged the problem that the proposed settlement of "5 million KRW for train delays exceeding 5 minutes" seriously infringes on the freedom of peaceful assembly and association, and expressed their regret, but announced that they would accept the court's settlement and ensure to limit the delay during rallies to five minutes or less when the subway is running. However, Seoul Mayor Sehoon Oh, who is in charge of the Seoul Metro, said in a radio interview on January 1, 2023, "It is absurd that

they can delay a subway by five minutes. A minute late is considered a big deal," adding, "If the subway is delayed from tomorrow, we will respond with zero tolerance by using all civil and criminal alternatives." Then, on January 6, the Seoul Metro said it planned to seek additional compensation of 600 million KRW (\$500,000) for damages from the SADD.

The massive damages lawsuit by Seoul Metro is a "strategic blockade" lawsuit that uses the pressure of monetary damages to stop the struggle. A strategic blockade lawsuit is 'a civil lawsuit brought against a non-governmental organization or individual for communicating about a substantive issue of public interest or social significance in order to influence the government's actions or their outcome.' For example, governments and municipalities bring civil lawsuits against citizens who oppose their policies for reasons such as defamation and tort.

These strategic blockade lawsuits move issues that should be addressed in the public forum to the courtroom, essentially closing off public participation in the public debate and curtailing citizens' rightful political expression. The Seoul Metropolitan Government, which has failed to fulfill its long-standing promise of securing elevators for all subway Stations, should take responsibility to discuss this matter with SADD and other citizens in the public forum. But instead, they are trying to block the broader discussion by moving the issue to the courtroom, talking about the hundreds of millions of won lawsuit through the media, and undermining SADD's future activities.

The Namdaemun Police Station in Seoul held a press conference to announce that it is investigating 29 disability rights activists who participated in subway protests since January 2021, and that it has completed the investigation of 27 of them and sent 24 to the prosecutor's office, while the remaining two will be further investigated and sent to the prosecutor's office. This is a comprehensive prosecution and remittal of activists directly or indirectly involved in the protests. Meanwhile, the criminal case of the disability rights activists was assigned to the Public Investigation Division of the Seoul Central District Prosecutors' Office, which handles public security cases such as violations of national security laws, rather than the Criminal Division 5, which handles transportation and railroad crimes, even though the activists were sent to the prosecution on charges of obstructing general traffic and obstructing business. I am very concerned that this may violate the principle that criminal sanctions against organizers and participants of peaceful assembly should be non-discriminatory, and that it may discourage the activism of human rights defenders and foreshadow excessive law enforcement against them in South Korea, where the ideological divide between North and South Korea is still strong, by labeling disability

rights activists as 'public security offenders.' Article 12 of the UN Declaration on Human Rights Defenders states that "Everyone has the right, individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms." It is a violation of rights for a disability rights activist to be subject to criminal penalties for exercising their rights as an advocate. This means that the challenges faced by disability rights defenders, which were highlighted by the UN Special Rapporteur on human rights defenders at the 25th session of the UN Human Rights Council in 2014 during his visit to South Korea in May 2013, are still being repeated and magnified more than a decade later.

Excessive Repression and Disruption of Rallies

On January 2, 2023, a subway taking campaign to call for a budget for disability rights was attempted at Samgakji Station at 8:00 a.m., but was blocked by the police. About 200 disability rights advocates gathered at the Station for the subway taking campaign, and the police were overdeployed with about 800 officers. As a result, SADD and other disability rights activists were isolated at Samgakji Station for over 15 hours, subjected to violent police repression, and blocked by a human barricade formed by police forces, and were unable to board the subway. The next day, on January 3, they attempted to board the subway again and peacefully protested, but were again blocked by more than 200 police officers.

Thus, in addition to the violation of the right to peaceful assembly in the form of a blockade, the police blockade also violated the right to freedom from detention, and freedom of movement of the participants.

The police went beyond a blockade to violently suppress the rally, pushing and throwing participants to the ground, causing physical harm and damaging wheelchairs of about 15 rally participants. In addition, the police have seriously violated the free movement of persons with disabilities by arbitrarily manipulating the joysticks of the electric wheelchairs, moving them against their will, destroying the controllers or turning them off so that they cannot move.

Not only did the police violate their most basic duty to protect the right to peaceful assembly, but they also grossly violated the physical freedom of the protesters. Seoul Metro employees also used violent physical force against disability rights activists,

including verbally abusing, pushing, and grabbing them. However, the police on the spot did not take any action against the abusive Seoul Metro employees.

On January 2, the Seoul Metro blocked SADD's awareness campaign by passing 13 subway trains without stopping at Samgakji Station where the group tried to board the subway. As a result of dangerous accidents involving baby strollers and wheelchair wheels falling through the wide gap between platforms and trains, the Seoul Metro has introduced "safety footholds" to help people get on and off trains. However, in the course of responding to rallies by people with disabilities, Seoul Metro employees used these "safety footholds" as shields to block wheelchairs from boarding the subway, preventing them from moving. In addition, whenever SADD speaks at press conferences and rallies at Samgakji Station, warning broadcasts are made every 15 to 20 seconds, and a loudspeaker is used in front of the activist speaking, saying, "You are subject to eviction. Immediately leave the station", "Creating a disturbance at the station, making speeches, and failing to comply with the instructions of railway workers are prohibited under the Railway Safety Act. Please stop the protest immediately and leave the station. If you do not comply, you may be denied boarding the train," and deliberately prevented the disability rights activists from speaking. Freedom of assembly was violated in both traveling to and dispersing from the rally site. Many participants were prevented from entering the station where the rally was held due to a ban on elevators and the closure of wheelchair entrances to subway stations. Even after the rally was dispersed, activists with disabilities were blocked by police from boarding the subway and were unable to leave the rally site peacefully.

Challenges and Issues for Disability Advocates

The disability rights movement became so visible in Korean society because they campaigned on the subway during 'rush hour'. SADD went down to the subway tracks 22 years ago to raise awareness of the reality of mobility rights for people with disabilities, held a sit-in for 1842 days in the basement of Gwanghwamun in Seoul, the closest place to the presidential office, and blocked roads and buses to raise awareness of the reality of people with disabilities and create institutional change. But it hasn't gotten the attention it deserves in the past. This attention is because they have stopped the non-disabled-centered society. People with disabilities make up 5% of the population, but they were invisible in the subway, on the bus, and in restaurants. It is only now that the world is starting to pay attention to the problems of people with disabilities because they block

my way to work and make me feel uncomfortable. However, that interest is expressed as 'discomfort', and some people say that it is freedom of expression to use abusive and hateful language beyond discomfort. People say they sympathize with disabled people's right to mobility and their struggles, but not with the way they protest. When a politician called the subway taking campaign "uncivilized," the media and people who were uncomfortable with the protest reacted strongly. They say they cannot empathize and agree with the protest because it is not in accordance with the law. In a society where the basic rights of people with disabilities to travel, educate, and work are not protected, they have no choice but to actively break the law by using their constitutional and natural law right to resist. A life that the disabled person should have lived as if they never existed, even though they did. If the protest makes someone feel uncomfortable, people with disabilities shouldn't have to feel restricted in their mobility. Also, we should say that the freedom of people with disabilities should not be violated. Disabled people are also citizens. It is said that human rights exist in relationships. The right to mobility guarantees the beginning of an encounter, and an encounter is the beginning of a relationship. People with disabilities, who were invisible, began to create these relationships. This relationship is starting in the subway. It is the role of disability advocates to make those voices louder and to find more non-disabled citizens to join them. The challenge for advocates is to listen to and respect the essence of the protest, not the inconvenience of the protest, so that problem-solving can emerge.

Appealing to Citizens

Attention citizens.

'Subway Taking Campaign' is a 'rights struggle' for budget and legislation for disability.

'Subway Taking Campaign' is an action and resistance against a world that does not listen to the voices of those who are considered voiceless in the world, a world that does not want to listen.

Fellow citizens,

please make room for us to live together.

We are here to live together.

People with disabilities want to travel, educate, work, and live in communities, not facilities.

We ask you to share space for 'connection and relationship', not separation and exclusion.

'Civil rights' do not just for people without disabilities.

Let us 'board' the 'civil rights subway', where only people without disabilities can take.

We appeal to citizens to use their power to stop the "breakless" violence of President Sukyeol Yoon and Seoul Mayor Sehoon Oh.

We, SADD will not give up the 'fight for rights'.

2023 Gwangju Democracy Forum

Special Session. The Internationalization of the Democratic Experience and the Development of Korean Democracy through International Media Awards

We witnessed the voices and resistance of people around the world to dream and realize progress in democracy, human rights, and peace through Hinzpeter Awards which established 2021. We also sent messages of solidarity, encouragement, and support to citizens of other countries in crisis for commemorating the journalists who bravely covered the scene. We discuss plans for how South Korea's new international media award contributes to the development of freedom of the press with the winners of the 1st Hinzpeter Awards and media scholars. We would like to look at plans to strengthen democracy, human rights, peace, and freedom of the press in our society.

Moderator Mr. Dong Gyu Kim (Konkuk University)

Speakers

- Belarus' Fight for Democracy and Hinzpeter Awards from South Korea
: Mr. Mikhail Arshynski (BELASAT)
- Cross-border Journalists for Democracy, Human Rights, and Peace
: Mr. Bruno Federico (Freelancer Video Journalist)
- Leave with Claps Behind: Declaring the Independence of International News
: Mr. Sung Hae Kim (Daegu University)

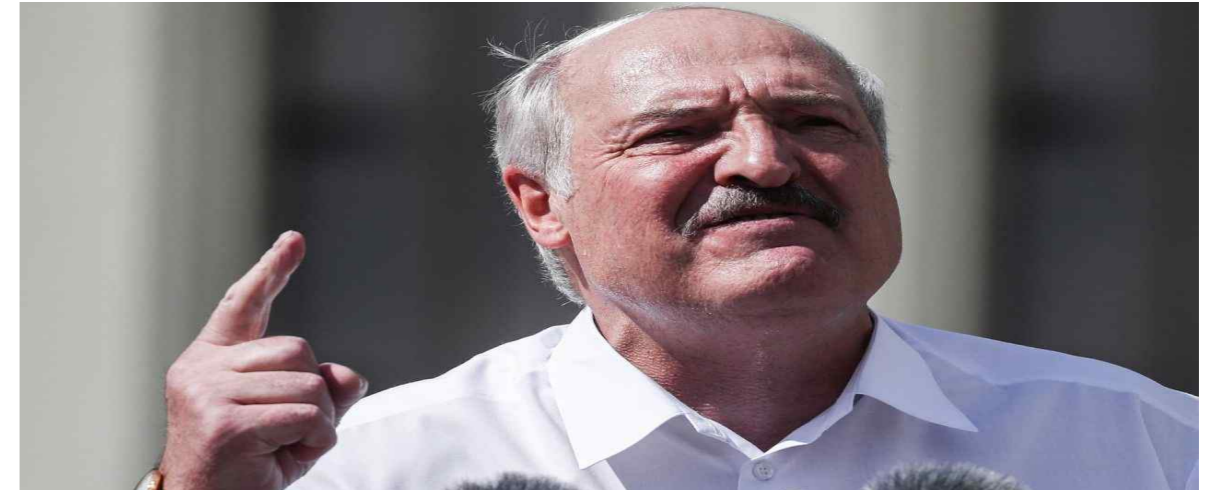
Discussants

- Mr. Hye Seung Yang (Chonnam National University)
- Mr. Jong Yun Chae (Korea University of Media Arts)

Belarus' Fight for Democracy and Hinzpeter Awards from South Korea

Mikhail Arshynski

BELSAT



Alexander Lukashenko, 2020

POLITICAL SITUATION AND GOVERNANCE SYSTEM IN BELARUS

The governance system in Belarus is characterized by an authoritarian regime that has been in power since 1994. The country is headed by Alexander Lukashenko, whose actions have sparked numerous protests and condemnation from the international community. Belarus' military cooperation with Russia, particularly in the context of the armed conflict in Ukraine, puts the country in an even more difficult position on the international stage.

Such cooperation with Russia raises concerns about the further loss of Belarus' sovereignty and its possible integration with Russia. It also increases tensions with neighbouring countries, especially Ukraine, which is facing aggression from Russia, and EU countries, which actively condemn Russia's actions and support Ukraine's sovereignty. In light of this, Belarus faces deepening international isolation and increasing sanctions, which could seriously impact the country's economy and the well-being of its population. Internal political conflicts and repression against the opposition and activists could lead to further deterioration of the situation in the country and possible social explosions.

MEDIA IN THE REPUBLIC OF BELARUS



HUMAN RIGHTS SITUATION IN THE REPUBLIC OF BELARUS

According to information published on the website of the human rights center "Viasna", since the beginning of 2020, 34,000 people have been detained. Several hundred protesters have been sentenced to lengthy prison terms, including opposition activist Maria Kolesnikova, who received an 11-year prison sentence.

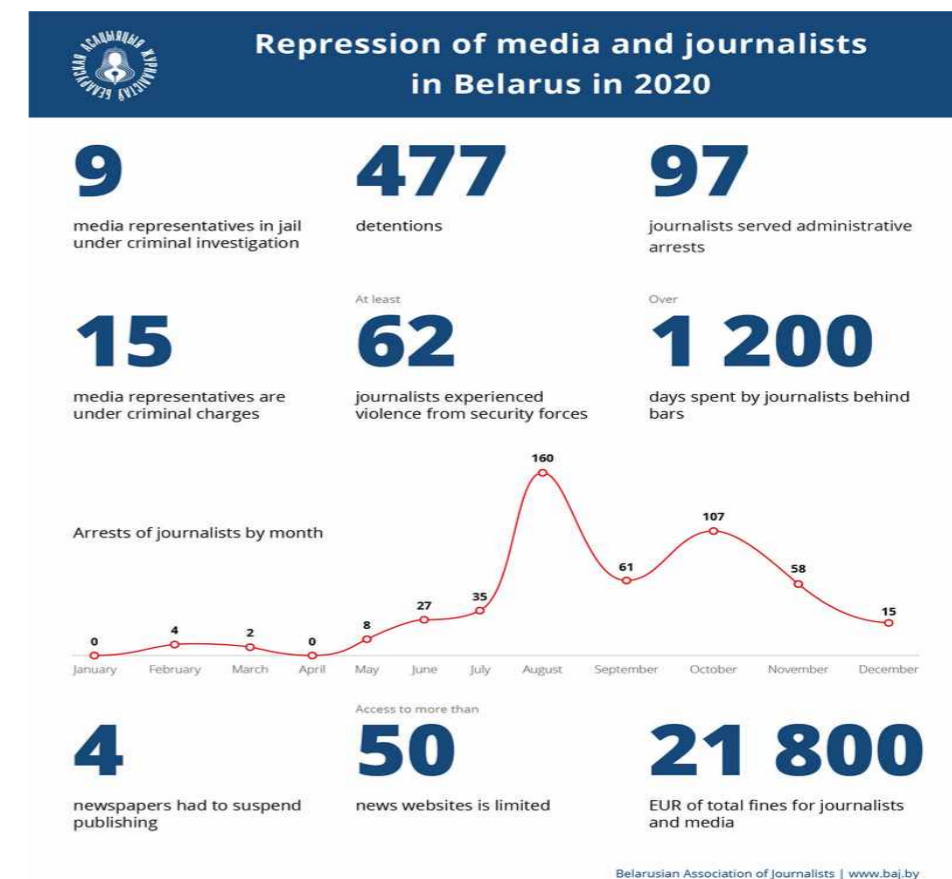
These data indicate that the human rights situation in Belarus has significantly deteriorated since 2020 and continues to deteriorate. After the presidential elections in 2020, the Belarusian authorities intensified repression against peaceful protesters, opposition, activists, and journalists.

The role of independent and state-owned media in the information space of Belarus in 2020.

In 2020, the situation in the Belarusian information space was extremely tense. State-owned media, controlled by the government, dominated the news space and did not allow for critical materials. However, independent media were able to find ways to deliver information to the population, using social networks, messengers, and VPN services.

Terror of the Belarusian authorities over independent media, detentions and imprisonment of media representatives.

Since the beginning of the protests in 2020, the government has started to crack down on independent media. Journalists and editors were arrested, and their offices and equipment confiscated. Some of them were sentenced to imprisonment, and some were forced to leave the country. For example, the editorial office of "Nasha Niva" was closed, and its chief editor was sentenced to two years in prison.





Forced departure of independent media from Belarus

Almost all editorial offices of independent media were forced to leave Belarus in 2020 due to government repression. Editors and journalists were forced to seek asylum in other countries, leading to the loss of valuable personnel and disruption of information ties within the country. For example, the publication "Tut.by" moved to Poland, and some journalists moved to Lithuania and Ukraine.

In addition, some employees of Belsat were charged with violating media laws and were forced to hide from law enforcement agencies. Eventually, Belsat employees continue to work under constant pressure from the authorities in Belarus.



THE FIRST INDEPENDENT TELEVISION CHANNEL IN BELARUS

Belsat TV is a subsidiary of Telewizja Polska, broadcasting in Belarusian and Russian to the post-Soviet region. Our mission is to provide viewers with reliable news, promote the national culture and language in Belarus, and combat disinformation in countries covered by pro-Kremlin media. Our programmes are created by an international team, working mostly in Poland, Belarus, Russia, and Ukraine. For Belarusian and Russian journalists, working for Belsat is the unique way to bring an unbiased message to their compatriots via modern media, and for its Polish staff – an opportunity to repay the moral debt they owe to all those, who supported them from abroad while Poland was under communist rule.

Belsat TV can be watched by tuning into the Astra 4A satellite. It is also available on nationwide multiplexes in Poland and Lithuania, most cable networks in Ukraine, as well as via the BelsatSmart VOD app. The channel is streamed live on the belsat.eu website and YouTube.

The belsat.eu website has four language versions: Belarusian, Russian, Polish and English. The eight thematic YouTube channels had a total of more than 2.200,000 subscribers. The Belsat social media team runs profiles on Facebook, Twitter, Instagram, Telegram and TikTok.

HOW THE FILM "DON'T BE AFRAID" CAME TO BE

1. The idea and main goal of the film

The film "Don't Be Afraid" was created by myself in collaboration with the independent television channel "Belsat". The idea of the film was to show the stories of volunteers from the opposition candidate Sviatlana Tsikhanouskaya's election campaign in 2020. The goal of the film was to demonstrate how ordinary Belarusians, overcoming fear, stood up for democratic values and freedom of speech.

2. The process of creation and the main stages of work on the film

The filming of "Don't Be Afraid" took place over several months in 2020. Director Mikhail Arshinsky conducted numerous interviews with participants in the election campaign, as well as with those who were detained, beaten, or convicted for their activities. The film includes footage of protests and documented cases of violence by the authorities. The creation of the film was carried out with the support of the independent television channel "Belsat".

3. The importance and impact of the film on public opinion and democratic processes

The film "Don't Be Afraid" caused a wide public resonance and became an important document testifying to massive human rights violations in Belarus. The film also showed the strength and resilience of ordinary people who did not agree with the repression and violence by the state. "Don't Be Afraid" became an important tool in the fight for democracy and freedom of speech in Belarus.

HOW BELARUSIANS PERCEIVED THE HINCPETER AWARD

Public and media reactions to the award

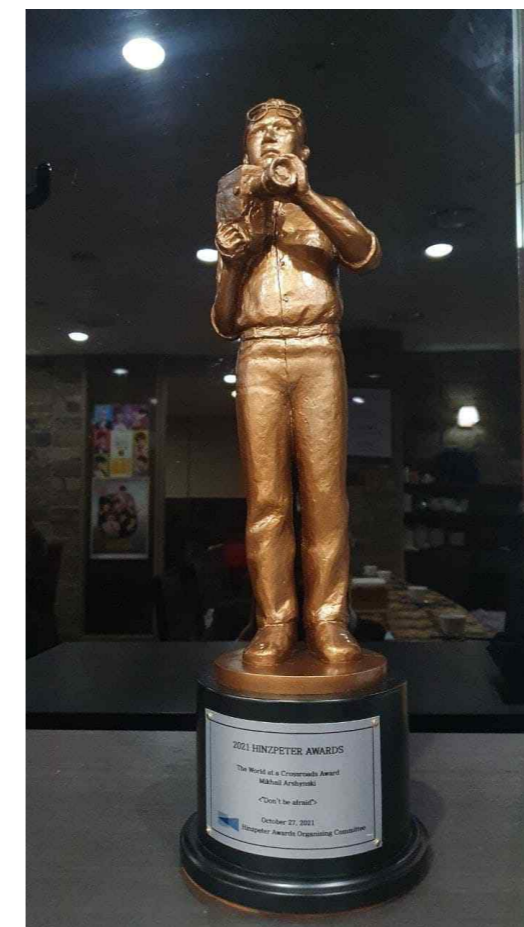
The awarding of the Hinzpeter Prize has received a positive reaction among the Belarusian public and media. The award is seen as recognition of the significance and contribution of the film "Don't Be Afraid" in the struggle for democracy and freedom of speech in Belarus. Many people expressed their gratitude and support for the

creators of the film and emphasized the importance of international support and solidarity in the fight for democratic values.

Impact of the award on the discussion of human rights and freedom of speech in Belarus

The Hinzpeter Prize has become an important event that helped draw attention to human rights violations and freedom of speech issues in Belarus. Receiving the award has intensified the discussion of these issues among the public and in the media. This, in turn, contributes to the continued fight for democratic values and the protection of human rights in the country.

HOW THE AWARD HELPED BELARUSIANS IN THEIR FIGHT FOR DEMOCRACY



Korea showed itself as an uncompromising fighter for democratic ideals for Belarusians. The Hinzpeter Award from South Korean society became a symbol of international support and solidarity with Belarusians in their struggle for democracy. This recognition helped strengthen the Belarusians' faith in their goals and showed that their efforts are noticed and appreciated at the international level.

An example of Korean society for Belarusians in the fight for democracy

The award ceremony of the Hinzpeter Award also served as an example for Belarusians of how important it is to persistently and purposefully fight for democratic values and

freedom of speech. The history of South Korea, which went from an authoritarian regime to a developed democracy, is an inspiring example for the Belarusian people.

Thanks to this, many Belarusians continue to fight for democracy and freedom of speech, hoping for a better future for their country.

To illustrate this section, photos from the award ceremony can be used, as well as examples of publications and comments from the public and the media that reflect the positive impact of the award on the fight for democracy in Belarus.

Cross-border Journalists for Democracy, Human Rights, and Peace

Bruno Federico
Freelancer Video Journalist

I thank the May 18 Foundation, the Gwangju Democracy Forum, and the Korea Video Journalists Association for this great opportunity to share experiences in this forum and learn more about the work of your organizations here in Korea.

I came to journalistic filmmaking quite late in my life. Sometimes I wonder what would have happened if I had started earlier. Certainly I would have had more time to build my career, but I would not have had the experiences that shaped the way I see the world. Studying sociology, fighting with the student collective against the monetization of knowledge and the destruction of workers' rights, then my life in Colombia, working with human rights defenders, unions and peasant organizations in the context of a country at war.

Sometimes as journalists we are looking for a good story to tell. In my case, the good story was hunting me down and asking me for a way to tell it.

It happened in Colombia in 2008. I was with a union that was supporting workers and peasants in their struggle against a giant oil company that was squeezing the area and the people there.

During the months I spent in this remote region of the country dealing with a labor dispute, dozens of people told me about murders, disappearances, and paramilitary groups that were behind these crimes and supported by the same oil company we were dealing with as a union.

These crimes and abuses needed to be made known, inside and outside Colombia. But how?

I put together an aesthetically, technically and narratively very precarious documentary and began my journey in that world. We translated the documentary into 4 different languages, and the story began its journey.

Over the years, other struggles caught my attention and more documentaries came out. They tell the stories of a diverse humanity suffering and resisting abuses committed by minorities with great economic or military power and endless greed.

So my constant question is:

is journalism capable of bringing about real change in society? Can the fight against human rights violations, inequality, and environmental destruction be waged with a pen, a camera, or an audio recorder?

There are important cases where journalism has successfully taken on the role of a watchdog of power, exposing corruption and malfeasance.

A Washington Post investigation forced a U.S. president to resign, that was the Watergate scandal.

Here you have the case of the impact of the footage filmed by Juergen Hinzpeter during the suppression of the Gwangju Democratization Movement.

In 2028, Pro Publica released audio recordings of distraught children held in a migrant detention center after being separated from their parents. These cries outraged the American public and forced the Trump administration to end its family separation policy.

We can make a list of thousands more cases where journalism has a direct impact on society. But how much do these cases represent journalism's overall efforts to create a better world?

Not so much.

Often it is very frustrating how minimal journalism's impact on society is. We report on war, migration and inequality for a world that is becoming more cynical every day, we show pictures of human tragedies for an audience that is already used to any kind of violent images.

But even if journalism is just a small and precarious match, lit in a vast dark room, the darkness would be much greater without it.

Because we can still provide something essential:

Information

Education

Empathy

When we are young, we go to school. There we learn about math, literature, history, biology and much more. This knowledge is our foundation to understand the world for the rest of our lives. But these are basics, they are limited, in extent and in time. Sometimes they are distorted by States narratives about the founding of the homeland, current or past conflicts, religions.

Our education continues after we leave school. Where did you learn about the war in Iraq? Where about climate change? About gender identity? About the occupation of Palestine, about the migrant backlash? Articles, documentaries, radio.

While the media informs us about these issues, we educate ourselves by processing this information and putting it together into a puzzle that allows us to understand and interpret the world around us.

Through journalism, we learn of events that are happening and that are beyond our personal experience. And if the media from which we learn the news are trustworthy, we also know the context of that event.

And that is the first function of the media, to inform. In the age of social networks, it's important to have a trusted source of information that allows you to juxtapose versions and debunk fake news or misleading interpretations. And the role between media and social networks is never fixed forever. Sometimes the good traditional newspapers are the more trustworthy source because you trust their etiquette, point of view, editors and fact checkers.

But sometimes we get the best information from the social networks because there you can see pictures and videos directly from the scene, or because the person posting the news may not have access to the official media. Because it is someone who has no connection to the official media, because the media is not interested in the issue, or because the story uncovered does not fit the narrative of the media, which is influenced by its owners or the government. Where does the truth lie? In your ability to interpret what you read and verify the sources. But also in your education. We understand education as a process of receiving information, but more important than the information itself is the

knowledge system that gives us the ability to interpret the information and make sense of different elements.

So let us move on to the topic of migration reporting. Through our favorite news agency, we receive information about a certain number of people, migrants or asylum seekers, who are trying to get from A to B. We are told that they are trying to get from A to B. We are told that they are trying to get from B to A. What happens then?

The information we received (be it from the media or social networks) meets the knowledge from our school education, where we learned how important migration was for the development of humanity. The story we learn will have a place in our family's personal history if our parents or grandparents had to move at some point in their lives.

It will also coincide with other previous information: Where did these people come from and why? Are they fleeing violence, poverty, climate-related disasters?

What responsibility do our countries - and I am talking here about the U.S. and Europe in particular - bear for the conditions from which people are fleeing?

Why did not these people take the legal route to get from A to B? Was the legal route accessible? Was it a real option?

And as we learn more about these people's lives, we will eventually begin to feel compassion for these fellow human beings. This compassion will drive our behavior far away from the racist, exploitative, and cynical policies our countries are now implementing to restrict the freedom to migrate.

For all these reasons, to inform, educate and raise awareness about the migrants' struggle, I crossed the Darien Gap in 2019 with my colleagues Nadja Drost and Carlos Villalon.

And that's also why I am here, because in 2021 I was awarded the Hinzpeter Prize for this reportage.

As Europe and the U.S. close their doors, people fleeing violence, war and unbearable poverty are taking one of the last and longest migration routes to desperately try to reach the U.S.: overland via South America. With no other way to cross Panama's closed border

from Colombia, they are forced to traverse one of the most hostile regions in the world - the dense, mountainous jungle called the Darien Gap. While covering the series *Desperate Journey* for PBS NewsHour, we followed migrants and asylum seekers from around the world -- Cameroon, Pakistan, Bangladesh and Haiti - as they crossed the Darien Gap.

Abandoned by smugglers, men, pregnant women and their children are left on their own to make it through treacherous terrain and chest-high rivers. They get lost, run out of food, or are robbed by armed bandits along with their money, tents, and clothing. Many are sexually abused. Others drown or die from their injuries, as evidenced by the bones and corpses strewn along the riverbank. The risks and obstacles they faced were enormous, as was the courage, tenacity and humanity with which they faced them.

At that time, about 30000 migrants from all over the world crossed this jungle. Last year, this number increased to 250000. With our reportages we wanted not only to portray the harsh conditions of the migrants' journey, but also to give the viewer a piece of their personal story, the situation they are fleeing from and why they choose an illegal way to reach the USA.

The illegality of their crossing is the excuse for governments to take restrictive measures against migrants, but as one Cameroonian asylum seeker told us, "You know, when you run for your safety, you do not care what happens to you. You do not care what's in front of you. You just want to have a safe ground"

Asylum seekers fleeing the violence of war have no way to plan their journey. If someone shoots at your door, you do not have the opportunity to wait for months for an appointment at an embassy, often you do not have the opportunity to gather the documents that will later support your asylum application.

If the reason for your migration is hunger, you know you will not have a chance to get a visa, but hunger kills more than bullets, so you have to try in order to achieve a better life for yourself and your family.

The migrants left their homes, loved ones and lives behind without knowing anything about their future.

By walking side by side for several days, we managed to connect with some of the protagonists of our reportage, allowing us to see behind the quick interactions between

journalists and their subjects. We believe that connection is an essential part of what we mean by journalism, not the act of information gathering that television journalism often implies, but a moment of human interaction.

But behind the human tragedies, there is also accountability. Why are these people, children, women and men crossing the jungle? Is this the better path for them? It is not. The crossing of the Darien Gap, like the desert in northern Mexico, is a U.S.-imposed route, just as the deadly crossing of the Mediterranean was imposed by European policy.

These dangerous routes are always a product of closing borders, of externalizing migration control to southern countries that have had to obey their northern neighbors. By closing any faster, safer or easier route, these countries force migrants to risk their lives on the journey, while promoting the business of criminal organizations that smuggle across the borders.

It is likely that our documentaries, reports, and articles will not change the policies that governments use to prevent migrants from reaching the U.S. or Europe. For sure, we will again see bodies of migrants on the jungle trails, in the desert, or on a beach in the Mediterranean. But I still think our work is valuable. We need to inform, educate and create empathy between people. We need to give value to the stories of each migrant, just as we give value to each life.

We must continue to expose the criminal management of borders. We must educate about the violence and hunger that drive people to seek a better future, Telling the stories of the people who put their lives on the line to defend their lives. We must continue to create empathy.

Leave with Claps Behind: Declaring the Independence of International News

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The lonely flag on the land// Flutters over your land// Through the darkness//
Bloody rapeseed bloom// Evening sunshine in dark red// Withered leaves//
Endure flowing times// Bearing deeper scent// Ah-// The period of rebellion// The
period of wailing// Ah, sleepless Nam-do Island// Halla Mountain.

These are the lyrics of a song entitled "sleepless Nam-do Island" by the Korean singer An Chi-hwan, which describes the pain of the 4-3 Jeju uprising. Those who dreamed of a new world after liberation from Japan's colonization have been unfairly killed, so the problem lies in the difficulty of finding someone to be held accountable for those many victims. Back then, people, including soldiers, police officers, the Northwest Youth Association, and those dispatched for the suppression believed that what they were doing is right. They thought that they are opposing riots that disrupted the nation's order to spread communism. With the United States behind them, the Lee Seung-man regime also had its own reasons that are all closely related to a policy known as the Truman Doctrine. People are suspected of sabotage in the South by the Soviet Union, which is known for Red Imperialism. Whether it is true isn't important, as people believed it that way. They feared that communism might sweep the Korean peninsula, as it did during the Greek Civil War that began in 1946. Thus, the communist revolution was seen as a kind of cancer: Jeju-do was on an operating table as if cancer was detected at an early stage and the tumor will be removed through surgery. As a result, about ten percent of the total population was falsely accused of being associated with the Red (a nickname for North Korean spies) and were murdered. Although the 4-3 Jeju movement was found to be close to a public uprising, some still find it difficult to accept as the truth is gradually uncovered. Their difficulties are relevant to the reality that the division continues, the ROK-US Alliance gets fortified, and communist nations including North Korea and China are continuously threatening, so people still mention "the Period of Wailing" in Korea. One of those places is the present-day' 5-18 Democratization Memorial Center, where this seminar is being held. The

following quote from <The Art of War> could be applied to the situation: "Know the enemy and know yourself; in a hundred battles you will never be in peril." It means that if someone knows how the world works, as well as his capacity and limitation, he wouldn't be endangered. Korean society failed to do so, waiting for possible wailings.

1. The period of wailing: lack of international news and national crisis

Wailing means a loud cry out of immense sadness. There were three periods of such wailing in the Korean peninsula. The first one happened with a collapse of a nation in 1910. It was because of a man-made disaster, unlike a natural disaster such as a typhoon or earthquake which it would not have happened if we properly handled, or at least we could minimize the damage. An incompetent king and the bureaucracy of a group that only cared about their political stakes spoiled the world. Adding to this was our ignorance of international situations as we didn't know anything about the spirit of age, represented by human rights and equality, established under the French Revolution in 1789. The price we paid for ignorance was the consecutive hardships of Hong Gyeong-Rae's Rebellion(1811), the Jinju Peasant's Uprising(1862), and the Donghak Peasant Revolution(1894). Because people were just regarded as property, there was no reason to fight with their heart and soul for the country. Foreign forces invaded through the cracks of the governance Japan and the Qing Dynasty collided on the land of the Joseon Dynasty, which was joined even by Russia. It all happened during the harsh age of Imperialism, where "The strong one eats the meat of the weak one." Foreign forces didn't miss the opportunity like a fierce animal hunting its prey. It was inevitable to become the subject nation of Russia or Japan, instead of the Qing Dynasty that was beaten down by Western powers. followed by the domination of Japan, the winner of the Russo-Japanese War in 1905. There were a few options that we could choose. The authorities should have been awakened, asked for consent, and found ways to survive. The launch of <The Independent>(newspaper) in 1896 was considered a part of those efforts. Yu Gil-Jun and Yun Chi-Ho were at the center of the publication as they learned how the world works during their experiences in the United States and Japan. Their goal was as follows: "We will keep a record of the overseas situation for the common people. Although people can't go abroad, they

will come to know situations outside the nation." The attempt aimed at bringing reform to the Joseon Dynasty by guiding proper recognition toward the international community. However, it didn't go well as Gojong and his forces couldn't accept the era where sovereignty comes from the people. Thus, they declared Korea as an empire rather than a republic, and in 1897, <The Independent> was forced to close after just three years.¹ The effort to avoid the collapse of a nation by making it a "neutral country" became futile at this stage. China, Japan, and Russia refused the strategy under the international situation of the 19th century. Yu Gil-Jun, who led the Gabo Reform in 1895, explained the reason as follows:

Although one nation flourishes at an important spot, its descendants can't protect the nation, and if the country becomes dependent on great powers in an urgent situation, the changes impact the neighboring countries. As a result, many countries negotiate treaties to neutralize the nation ... This strategy is not just for Korea but also for China, and for the mutual benefit of several nations, there is no reason to be worried and not to do it.²

The second case of wailing is the political situation for liberation. Despite the unexpected liberation, we were still on the path toward division and war. Although it was inevitable in some aspects because of foreign powers, namely the United States and the Soviet Union, that doesn't explain all of the reasons. The quote, "If you are keenly aware of danger, nothing can harm you even at the den of the tiger," better explains the situation. Although there are many reasons, the main problem was ignorance and misunderstanding of the international situation. An example is the discussion on trust and antitrust. We should pay attention to why the United States, the United Kingdom, China, and the Soviet Union promised to guarantee the Korean peninsula's independence. On November 27, 1943, the promise was first known through a conference in Cairo, Egypt. It was agreed among

¹ Ju, J. O. (2012, September 24). The choice, at the crossroad: Park Young-Hyo vs Yu Gil-Jun. *Seoul Shinmun*.

² Yu, G. J. (1885). Measures for Neutralizing the Korean Peninsula. 『俞吉濬全書』4 政治經濟編, 外交論. 中立論.

President Roosevelt of the United States, Prime Minister Winston Churchill of the United Kingdom, and President Chiang Kai-shek of China. The promise said, "Korea would become a free and independent nation in due course." The underlying intention was to prevent China from dominating the Joseon Dynasty in the event of Japan's defeat. It is a well-known fact that President Roosevelt of the United States, who controlled the Philippines as a colony, was considering 40 years of protection for Korea. On July 26, 1945, the Potsdam conference in the United States also mentioned Korea. The phrase, "The agreement of the Cairo Declaration" would be understood to also confirm the fact. All parties to the agreement changed except for Churchill: President Truman of the United States attended instead of President Roosevelt, while Chiang Kai-shek of China couldn't attend because of a civil war. Instead, Stalin of the Soviet Union attended and led the surrender of Germany. It shows that a consensus could be made on the independence of the Korean peninsula without China. There was a reason for it, as the United States and the United Kingdom shared a common interest in keeping the Soviet Union in check. If the Soviet Union takes the Korean peninsula, its sphere of influence extends through the Pacific Ocean. During the era of competition for imperialism, even a war outbreak to keep the influence of Russia inside the Black Sea. In 1905, the support for Japan during the Russo-Japanese War aimed at preventing an occupancy of an ice-free port in the Korean peninsula. The liberation of the Joseon Dynasty was also good for the Soviet Union, as it becomes impossible to enter the Pacific Ocean if the Korean peninsula falls into the hands of the United States, resulting in a confrontation at the border with the United States. If they knew the international situation well, it would have been used as a strategy. However, Korea did the opposite. The Joseon Dynasty unconditionally opposed the "trusteeship" determined at Moscow in December 1945. People didn't know that the United States and the United Kingdom insisted on the trusteeship of the Joseon Dynasty. Also, they had no idea that the United States regime propagated the false information that the Soviet Union is the mastermind of the trusteeship story. The replacement of the words "in due course" with "up to five years," upon request of the Soviet Union for its contribution to Japan's surrender, was neglected.³

³ Glantz, D. M. (translated by Yu Seung-Heon, 2018). *August storm: The Soviet 1945 strategic offensive in Manchuria*.

Furthermore, it was not supposed to be solely determined by the United States and the Soviet Union, as the "participation of the Provisional Government of the Republic of Korea (PKG) and the democratic community" was also guaranteed. People only focused on the "Anti-Trust Movement" without consideration of the Korean peninsula's geopolitics. It was like counting chickens before they hatch. In the end, the South and the North established their own governments, and the fratricidal tragedy began. The result could have been different if only their understanding of the international situation was better, even slightly so. If they knew that psychological warfare is part of a war, they may have been less vulnerable to manipulation from a certain nation. Another possible way was to appeal to the international community to block intervention from foreign powers through Article 3 of <the Atlantic Charter> announced by the United States and the United Kingdom on August 14, 1941. It says, "both nations (the United States and the United Kingdom) respect the right to choose the form of government under which they live, and they wish to see sovereign rights and self-government restored to those who have been forcibly deprived of them)."

The third case of wailing is the Asian Financial Crisis in 1997. Although there was no physical destruction, the impact on Korean society is comparable. Korea's economy, which once recorded around 10% growth, is facing a wall of low growth. Many big companies have closed, and several decent jobs have significantly declined. Promising Korean companies and many financial institutions, which were nurtured by the Korean people, have fallen into the hands of foreign investors. Many workers who lost their jobs became lower class, and the number of children at orphanages has surpassed 100,000. While there is a common tendency of self-blaming, many aspects suggest otherwise. First, many countries have gone through similar crises. In the early 1980s, a financial crisis swept Latin American countries, including Mexico, Brazil, and Argentina. In addition, Indonesia, Thailand, the Philippines, and South Korea, which lifted restrictions on foreign exchange, were the next victims, followed by Russia and Turkey. It continues not because of a certain nation but because of a structural problem. It is deeply rooted in the structural contradiction of the US dollar-centered international monetary order. The structural reform suggested by the United States and the International Monetary Fund (IMF) wasn't the answer. It makes some sense, but it didn't suit Korea. Another problem is the duplicity of the

United States. When the 2008 financial crisis broke out in the United States, they did the complete opposite of what was required in Korea. Domestic media can't handle these problems well even now, let alone during the Asian Financial Crisis. They aren't vigilant against foreign media, whose stance can't be neutral, objective, or fair in their foreign policy report when their national interests are at stake. Sadly, 50 years have already passed since the establishment of the democratic republic.

2. Burning thirst for international news

In the back street of a new dawn, I write your name, democracy// It's been a while since I forgot you// With only a single thread// With a burning thirst in my chest// I secretly write your name, democracy ... // With a silent weeping// I secretly write your name// With a burning thirst// With a burning thirst// Hail democracy. (Kim Ji-ha, With a Burning Thirst)

"A burning thirst" is a condition where you are so eager for something that you can't even express it with words. As they say, the only solution for the thirst is water. The thirst got worsened with the enactment of the Yushin Constitution and a series of emergency measures in 1972, which is the background of the poem above. The resistance against the military dictatorship grew more intense; starting with poems and novels, followed by music and painting, and, eventually, public protests. The assassination of the ruler in 1979 concluded the incident. Although the spring of 1980 was short, democracy bloomed in the end. There are many similarities between the paths to achieving independent international news and democratization. In Korean society, the essence of international news is the object of "burning thirst" that was previously proven at the scenes of wailing. It is also expected that the thirst for international news will intensify. There are at least three reasons: the increased geopolitical importance of the Korean peninsula, the different landscape of the international community, and the changed status of Korea.

First is the geopolitics of the Korean peninsula. Korea is neighboring great powers such as China, Russia, and Japan. Considering that Japan is an alliance with the United States, we can replace Japan with such. What's different from the time

before and after the colonization of Japan is the existence of government in the South and the North, respectively. For the past 70 years since the division, both Koreas have survived in their own ways. They had different interests and experiences in the international community. Korea, which was under the protection of US hegemony, had an inevitably imbalanced structure when it comes to international news. We could only know what the United States wanted us to see, what they showed us, or what they told us. Although we developed a side effect of excessive dependency on US and UK media, we benefited more than we paid. Meanwhile, North Korea's situation was quite bad. The Soviet Union and China, who aided the North during the war, were more like developing nations, compared to the United States. These nations couldn't afford economic support for North Korea. As the relationship between the two nations deteriorated in the 1970s, the North was forced to "stand alone." Nations that didn't align with either the United States or the Soviet Union gained the spotlight. Although I can't confirm this fact personally, there must have been plenty of relevant international news. At that stage, I guess the news was dependent on the Soviet Union and Yugoslavia because of a lack of money and technology. The situation worsened after the end of the Cold War, as the economic crisis arrived after barter stopped and the dollar transaction began. Meanwhile, the situation in 2023 is different in many ways. Most of all, the retreating hegemonic order and emerging multilateral order are noticeable, so international news poses more significance in South Korea than in North Korea.

The era of the Unipolar World has ended despite all attempts to continue and preserve it at any cost. ... Some ruling elite in the Western nations are obsessed with the shadow of the past, denying these obvious changes. Nothing lasts forever ... After winning the Cold War, the United States declared itself as the deputy of God. (They) only care for benefit, not responsibility. They are unilaterally making the world unstable. They stay in the past with delusions. The rest of them are regarded as colonies, backyards, and second-class citizens.⁴

⁴ Ryu, K. H. (2022, June 27). Putin "The US-led unipolar world order has ended ... Nothing lasts forever." *Minplusnews*. Retrieved from <http://www.minplusnews.com/news/articleView.html?idxno=12867>

These remarks were publicly released by Russian President Putin on June 27, 2022. Cooperation between China and Russia has significantly increased since the war. Avoiding war in the Korean peninsula today requires considering a much larger number of nations compared to the Cold War era, now that China is an important partner as the United States and contributes the largest surplus from trade. We should also look at the situation in Russia. There are too many limitations to solely seeing and listening to US and UK media. The emergence of BRICs against the United States and Europe is another variable. BRICs is a group of five nations that include Brazil, Russia, India, China, and the Republic of South Africa. Their economic power and population surpass that of the G7. About 13 nations wish to join the group in the future, including Algeria, Egypt, Iran, Bahrain, Saudi Arabia, the United Arab Emirates, Argentina, Turkey, Indonesia, and Kazakhstan. It is known that a new international currency is soon to be unveiled to replace the US dollar, so Korea should look after more nations. The landscape is far more complex when we consider trade dependency, which is a ratio of exports and imports in GDP. There is almost no nation that Korea can neglect in the international community. Now is the time to do away with the past, which just focused on the markets of the United States and liberal nations. We should pay special attention to the nations and regions characterized by authoritarianism, socialism, and those of the Third World. Inevitably, we need more news from them to strengthen our cooperation according to Korea's reality and to become aware of the changes in Korea.

The United States has been a guardian of Korea for the past 70 years. The adoption of 100,000 Koreans to American families is a symbolic scene right after the war, providing a background of the United States as a stepdad with churches at the center. Now it is a different story. As of 2022, Korea ranked 6th worldwide in national power, which is assessed as a sum of economic power, diplomatic power, and military power, followed by the United States, China, Russia, Germany, the United Kingdom, France, Japan, and the United Arab Emirates.⁵ Who will be on Korea's side is a decisive element when it comes to a war among the United States,

⁵ Kim, J.R. (2023, January 2). Korea, 6th in "The most powerful nation" ... surpassed Japan. *Seoul Economic Daily*.

China, or Russia. Our number of soldiers reached about 600,000, and our military is also equipped with a significant level of production base and labor, which are essential for a long war. From a US standpoint, the most efficient country for joint operations is Korea. Most officers and military equipment are from the United States, and both nations have carried out joint military exercises for decades. Having a mutual enemy makes the best cooperative relationship. If there is a problem, that is whether Korea and the United States agree on who is the common foe.

What should Korea do if there is a military conflict between the United States and China? Should we follow the United States if Korea is asked to join the trade war against China? Conservative groups who believe we ought to pay for the debt of the United States say we should unconditionally follow them. The only alternative is the strengthened ROK-US alliance, an improved relationship with Japan, and the participation of a Quadrilateral Security Dialogue (QSD) to partner with the United States, Japan, and India. Joining the full membership of the Cooperative Cyber Defence Centre of Excellence (CCDCOE) under NATO, which has no previous connection, is in line with that effort. Back then, the Joseon Dynasty chose the Qing invasion. Some say we should re-evaluate alliance, as it is a well-known concept of balanced diplomacy. It takes a utilitarian standpoint that aims at maintaining "neutrality" on one side while preventing conflicts on the other side and without favoring either side. This is the strategy adopted by the United States that founded a nation through the American War of Independence in 1776, so they refused to help France, which aided the American War of Independence against the United Kingdom. During World War 1, trade with Europe was focused more while maintaining neutrality, while during World War 2, massive engagement in the war was delayed as much as possible until Germany is critically defeated by the Soviet Union. This is the background of the United States as its top economic power in the world after the war. Korea can do the same, too. Also, North Korea's nuclear threat has the opposite side of the picture, which has something to do with the definition of "enemy." Under the Newspaper Act, Broadcasting Act, and the Inter-Korean Exchange and Cooperation Act of the Constitution of the Republic of Korea, North Korea is seen as a target of "reconciliation and coexistence," not as an "enemy." Article 4 of the Constitution stipulates, "The Republic of Korea shall seek unification

and formulate and carry out a policy of peaceful unification based on the basic free and democratic order.” In addition, Article 1 of the Inter-Korean Exchange and Cooperation Act says, “The purpose of this Act is to contribute to the peace and unification of the Korean Peninsula by prescribing matters necessary to promote reciprocal exchange and cooperation between the south and north of the Military Demarcation Line.” Meanwhile, the United States holds a different view from Korea, which looks at North Korea as “an axis of evil,” “a rogue state,” and as “outposts of evil.” For the United States, attacking the North makes sense and is not a big problem. Korea’s rise as a developed nation is also noticeable.

There is more to protect. Our situation doesn’t allow us to build a wall against the international community, and we can’t be self-sufficient. We should pay attention to nations that send us tourists and students, as well as nations that export and import goods needed by our people because they can affect us. We should look at international organizations, including the United Nations (UN), the IMF, the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the World Health Organization (WHO), multinational corporations that invest in Korea, and nongovernmental organizations (NGOs) that affect international public opinions. Because of the nature of international news that we need to make for ourselves, we can’t rely on others in this area. There is so much information we need to get by ourselves. We can’t delay spreading our news abroad to protect our national interests, learning from the Asian Financial Crisis in 2008, where the foreign exchange market was heavily impacted by the US financial crisis, and the security situation where a nuclear war can happen at any time. The foreign press has a different take on this like watching a fire from across a river while a war breaks out in the Korean peninsula or another financial crisis occurs. Considering the troubles suffered by Russia and China, it is unlikely that South Korea will be an exception. Even though the South and North authorities say that there will be no war, we can’t expect what will happen if the foreign press continues to ring the “alarm bell.” We have enough money and technology, but the real problem is about will. It is not a matter of “cannot” but “do not.”

3. Self-portrait of division: Inertia and learned helplessness

I want to bury my face in your chest and cry today// Crossing the river of time, our love shakes in tears// How long should I live to forget you// Lack of one word blocks me from you// Why do I become so small when I stand in front of you// When I stand behind you, my eyes get wet// I’m only your lady, who should keep silent for love// And as long as there’s our memory, you’re my man.

These are the lyrics of a song entitled “Ae-mo (Sad Love)” in 1990 by the Korean singer Kim Su-Hee. Although part of the lyrics may be a bit inappropriate because of gender equality, this song was popular back then. It describes the people’s sentiment that it’s hard to say what we want to say in front of a lover. The replacement of love with power also works, which can be quite useful to illustrate the Korean society of 2023. The analogy explains well Korea’s attitude toward the international community, especially the United States, the United Kingdom, or at some times, Europe. Although Korea is undeniably an advanced nation, it lacks the effort to see, listen, and judge by itself. There are broadly three points to the problem, the first one being inertia. Koreans have no idea to come down from the shoulder of the giant, the United States.

The most frequently cited media for international news are mostly US or UK media (Kim Chun-Sik, et al., 2022). These nations are common in population for Anglo-Saxon descent with the Protestants and the Whites, who have kept a special relationship including World War 1, World War 2, and Cold War. They stayed together for the Iraq War in 2001, the Libyan Invasion in 2011, the recent Ukraine situation, and even the information alliance known as Five Eyes. The United Kingdom once colonized 1/4 of the world in the 1900s and is still leading the Commonwealth. These nations are reliable guards for the US diplomatic war. The United States and the United Kingdom have invested early in international news, giving them one of the most powerful influences on international public opinion. Latin American countries, the Middle East, and Africa is seeing the world through their eyes and understanding the world from their viewpoints. Although the Iraq invasion of the United States and the Russian intervention in Ukraine are essentially the same as aggression against a small nation, these two are perceived as different

in the international community. Korea could enjoy a free ride under the protection of the United States. That wasn't a problem for a while, but as mentioned before, it is a different story now as Korea developed as a nation. There is a growing gap, which is expected to widen further, between what Korea should know and what the United States wants us to know, resulting in more frequent conflicts of viewpoint. It is prominent in the report related to North Korea, China, and Russia, extending to the second problem that Korea is ignorant of the psychological warfare between the nations through media.

Although the Ukrainian crisis uncovered the problem, the root cause goes deep down. It is closely related to the radical situation of war in that someone dies if he doesn't kill somebody else. While decreasing the enemy's morale, the loyalty of our forces must be increased. Framing the enemy as evil can reduce guilt and promote public support. The Cold War was the trigger that expanded the battlefield into the international community as exemplified by the case of the "Campaign of Truth" by President Truman in the 1950s. The Voice of America and Radio Free Asia, which were freely cited by Korean media, was the target of the campaign. Although the minimum standard as a media was kept, spreading the voice of the government through media under their support was an unchanged fact. Private media was not that different when it reports related key national interests such as foreign policy. An example is a report on the 'explosion of the "Nord Stream 2" gas pipe, which was reported on February 9, 2023, and exposed by the multi-Pulitzer Prize winner and investigative journalist Seymour Hersh. The United States and Norway jointly destroyed the civilian facility through terrorism. The attack aimed to prevent cooperation between Germany and Russia on one side and maintain Germany's support for Ukraine on the other side. The source was a whistleblower working at a US intelligence agency. There is no reason to see it as a false information under the circumstances. However, major media outlets in the United States, the United Kingdom, and Europe are silent until now. It's hard to find relevant information on YouTube, Facebook, Instagram, and Twitter, which stand for freedom of speech, and domestic media is no different. They aren't interested and don't even attempt to find other perspectives. They just close their eyes to the structural contradictions of the international information order and just contact familiar sources. As a result, Korea has become a playground for psychological warfare among great powers. It's

quite easy to find the news that describes North Korea and China under the environment (Kin Sung-Hae et al., 2021; Kim Hee-Kyo, 2022). Another interesting point is that the "Cold War Mentality," which has been solidified during the divisions, persists.

How did the Cold War start? Why did the war break out on the Korean peninsula? Mainstream stories in Korea all blame the North and communism. The United States is a good angel who aided Korea, which led to the logic of the repaying-debt theory, blood alliance, and strengthened democratic alliance. The truth is complex. However, opposite perspectives are obviously colliding. The majority of people think that the United States allied to protect freedom and democracy against the Red Communism that tried to communize the world. Despite being previously ignored, the United States and the United Kingdom are now facing increased accountability. People point out that the absence of evil, Germany, was replaced with the Soviet Union, and the Cold War with rogue nations and China. The suspicion is that evil didn't exist at first, and instead, was created for certain political purposes. It is plausible if we look at who is stigmatized as evil, a rogue nation, and a terrorist in the international community. The pretext of invading Iraq for the existence of weapons of mass destruction was proven to be false. While the United States is pointing out human rights issues in China, North Korea, and Syria, there is plenty of evidence that the words and actions of the former are not properly aligned as evidenced by human rights infringement and torture at the Guantanamo base at Cuba and Abu Ghraib prison. Massive illegal wiretapping against the whole world, which was disclosed through SNS in April 2023, clearly shows the danger of seeing the world under black-and-white thinking. However, the Korean media lacks awareness of problems, where China and Russia are still viewed as evil. They are war criminals, the worst violators of human rights, and potent criminals that will destroy the peaceful international order.

4. Pathway toward mature nation: Condition for farewell⁶

⁶ My writing on the How to Use International News by Korea Press Foundation was cited. I judged that emphasizing the writing again would be better than presenting new suggestions.

Out of the night that covers me, // Black as the pit from pole to pole, // I thank whatever gods may be // For my unconquerable soul. // In the fell clutch of circumstance // I have not winced nor cried aloud. // Under the bludgeoning of chance // My head is bloody, but unbowed. // Beyond this place of wrath and tears // Looms but the Horror of the shade, // And yet the menace of the years // Finds and shall find me unafraid. // It matters not how strait the gate, // How charged with punishments the scroll, // I am the master of my fate, // I am the captain of my soul. (William Ernest Henley, *Invictus*)

Nelson Mandela is the hero who ended the racial discrimination policy in the Republic of South Africa. He was elected as the first black president in 1994 after 27 years in prison. What gave him hope during his imprisonment was a poem entitled "Invictus," which means "resistance to submission." I'd like to recommend some good expressions for Koreans as it is time to bid farewell to the past. Among them, the expression, "I'm the master of my fate, I'm the captain of my soul" is the best. What should the Korean media do for international news? There are at least five points of intervention, which are conditions to leave the nest of the United States and become independent.

First is to increase investment in areas that have been neglected until now for national interest. Media and journalists who wish to participate can form a consultative body. We can absorb experience from "area studies" research, where the United States has invested a lot since the start of the Cold War. At that time, the United States systematically studied various knowledge in politics, economy, culture, and society in Russia, China, Southeast Asia, the Middle East, and South America. We can consider creating a space where "collective intelligence" on international issues can be realized. Experts in various fields, citizens interested in the topic, freelancers, and stakeholders would gather for public opinion.

Second is to realize that we need "specialized stores," not "department stores." International news reporters are not omnipotent. There are too many regions, areas, and topics that English alone can't help in the analysis of context. Thus, we need to foster specialized reporters. Categorization of areas such as war, climate, science, diplomacy, or specialization by region and nation can work. Reporters with the

language of the region can be nurtured as experts.

Third is to change the "identity" of the department of international news. This strengthens the sense of identity as a manager for "space for public opinions" that allows democratic decision-making and aims at delivering the "point of view" of various stakeholders over international pending issues away from agenda or the frame of Anglosphere such as the United States and the United Kingdom. Viewing Chinese and Russian reports can help you understand this. Our people don't know the "Russian Viewpoint" on the reports about the Russian mobilization order. Although you may not know Russian, there are many routes that we can access to an alternative viewpoint, including <Russia Today>. In addition, there is an expert group for Russian matters. Many stories can be found, such as the reason why even the Pope doesn't unilaterally criticize "Russia," how European geopolitics is changing, and the changes in European politics because of the side effects of the economic lockdown.

Fourth is to keep a distance from foreign media for criticism. In particular, Anglo-Saxondom calls for attention. The United States and the United Kingdom played leading roles in the New Cold War between the former and China and Europe and Russia. They revitalized the flame after the end of the Cold War and continued their propaganda to the international community, including Korea. SNS is no exception to this trend. This news excerpt explains this well: "The US Department of Defense (USDOD) instigate public opinion through fake SNS accounts, so audit began" (Yonhap News Agency, 22/9/20). This was already warned by National Security Agency (NSA) staff Edward Snowden and Julian Assange of WikiLeaks. Information was illegally collected through a global communication network on one side, and massive psychological warfare was carried out to make public opinion beneficial to foreign policy on the other side. We can ask questions of "Who, Why, and When" that we commonly take for granted when it comes to domestic issues. Also, we must check whether the cited source was reliable or independent.

Fifth is to rewrite the "worldview" of international news. At least, the benefit of the ethnic group and that of the alliance must be distinguished. The Korean society sees China, Russia, and North Korea as "evil" because of the "Cold War Mentality."

International journalists must overcome the outdated worldview. In the international community, there are no permanent enemies and friends. Furthermore, in the face of the New Cold War, pouring news from the Anglosphere is closely related to a status quo strategy. For instance, North Korea must be "evil" for the strategy; the evil that commits money laundering, violates UN sanctions, and threatens neighboring countries. However, many things look different from the North's viewpoint. The broken Geneva Conventions in 2002, the incident of counterfeit money, and the pursuit of nuclear weapons are all related to "the Hostility policy" or "the New Cold War" structure of the United States to some extent. In reality, human rights issues in the North are abused for the political interests of the United States. Thus, we need a philosophy that puts "ethnic groups" and "national benefits" for valuation away from the viewpoints of the United States or the West. It's not a random or a new story. It was stipulated under the Constitutional Law, which the media must obey. Article 4 states, "The Republic of Korea shall seek unification and formulate and carry out a policy of peaceful unification ... " It also reflects the public promise of the media: "Fulfill the era's mission of contributing to peaceful unification, reconciliation, and the recovery of homogeneity" (Journalists Association of Korea), and "respect the autonomy of the ethnic group and generate national consensus toward unification" (JTBC).

Sixth and last is to spread our news throughout the international community. I don't want to be arrogant, but Korea's achievements are remarkable. We have a lot to share with the international community, as well as challenges to address together. One is our democratization experience. It wasn't a gift from the United States as they aimed at establishing Korea as an anticommunist outpost without regard for the country's democracy. In addition, the US government has given the legality and legitimacy to the military coup twice. The Kennedy administration of the Democratic Party and the Reagan administration of the Republican Party wasn't any different, too. However, Korea's democracy has blossomed like a flower. The experience of peace-building efforts during the Cold War is a valuable asset. Although there were periods of wailing with fratricidal struggle, conflicts inside the South are being restored through "the Truth and Reconciliation Committee." Speaking for the common good is also important while respecting domestic law and international treaties. Because of the unfair international information order, we

must exercise special caution in our efforts to avoid compromising the sovereignty of nations. It is about a person who has respect and competence and fulfills his social responsibilities and duties while respecting the human rights of the vulnerable. This approach aligns with the goal of "contributing to permanent world peace and mutual prosperity of mankind" as stated in the preamble of the Constitution. There is a concern about the role of domestic media in expanding the spirit of age such as peace, inclusiveness, diversity, and fairness, but it's only possible through group identity as a mature partner of the international community.

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List of Speakers

Session	Role	Name	Affiliation and Position
Keynote Session 1	Moderator	Hyeong Wan Kim	Representative, Korea Human Rights Policy Institute
	Speakers	Charles Antonio Santiago	Former Parliamentarian, Malaysia
		Ki Jung Kang	Mayor, Gwangju City
	Panelists	Zaw Moe Aung	Korea-Myanmar Solidarity Network
		Eric Lai	Hong Kong Law Fellow, Center for Asian Law, Georgetown University Law Center
Jini Park	Researcher, the Institute of Southeast Asian Studies at Jeonbuk National University		
Thematic Cluster 1 (State Violence and Restoration Victim's Rights)	Moderator	Indria Femida	Coordinator, Asia Justice and Rights
	Speakers	Keun Sik Jung	Professor Emeritus, Seoul National University
		Myung Hee Kim	Professor, Gyeongsang National University
		Galuh Wandita	Director, Asia Justice and Rights
	Discussants	Maria Manuela Leong	Director, ACbit
		Anchana Heemmina	Founder, Duay Jai Group
Kim Myung Goun	Chairperson, Gwangju Trauma Center		
Thematic Cluster 2 (SDG 16+)	Moderator	Anselmo Lee	Chairperson, APSD
	Speakers	Kyung Sin Park	Open Net / Professor, Law School at Korea University
		Mandira Sharma	Senior International Legal Adviser, International Commission of Jurists
		Chandanie Watalara	Executive Director, Asian Network for Free Elections
Keynote Session 2	Moderator	Jean Ahn	Professor, Law School at Chonnam National University
	Speakers	Volker Turk	The UN High Commissioner for Human Rights
		James Heenan	Representative, UN Human Rights Office (SEOUL)
	Panelists	So Ah Lee	Attorney, Lawyers for Public Interests Law Firm Companion
		Shiva Amelirad	The Coordination Council of Iranian Teachers' Trade Association
Thematic Cluster 3 (Challenge Toward Human Rights Defenders)	Moderator	Eun Sook Yu	Representative, CHANG: Korea Human Rights Research Center
	Speakers	Mary Lawlor	UN Special Rapporteur on Human Rights Defenders
		William Gois	Regional Coordinator, Migrant Forum in Asia
		Kyung Joo Park	Director, Refugee Rights Center
		Ly Chandaravuth	Activist, Mother Nature Cambodia
		Phill Soon Kim	Director, The Solidarity Against Disability Discrimination
Special Session	Moderator	Dong Gyu Kim	Professor, the Department of Communication, Konkuk University
	Speakers	Mikhail Arshynski	The Winner of the 'World at a Crossroad' Award, First Hinzpeter Awards
		Bruno Fedrico	The Winner of the 'Award for Features', First Hinzpeter Awards
		Sung Hae Kim	Professor, the Department of Media Communication, Daegu University
	Discussants	Hye Seung Yang	Professor, the Department of Journalism and Communications, Chonnam National University
		Jong Yun Chae	Professor, the Korea University of Media Arts

List of Participants



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