

2020
Gwagnju Asia
Forum

Solidarity for Justice and Peace in Asia

GAF

Hosted by |  518기념재단
The May 18
Memorial Foundation

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The May 18 Memorial Foundation

(<http://eng.518.org>)



The May 18 Memorial Foundation is a non-profit organization established on August 30, 1994 by the surviving victims of the May 18 Democratic Uprising, the victims' families, and the citizens of Gwangju with individual donations of Koreans both inside Korea and overseas to inherit and to commemorate the May 18 Spirit of persons who fought and sacrificed their lives during the May 18 Democratic Uprising.

The Foundation aims to commemorate the Spirit of struggle and the solidarity of the May 18 Democratic Uprising, to contribute to the peaceful reunification of Korea, and to work toward peace and human rights.

The Gwangju Asia Forum (2010 ~ Present)



The Gwangju Asia Forum is a platform for activists and experts in human rights, pro-democracy, and peace. It provides them a space to discuss how they can make contributions to improve current situations and share knowledge and experience about creative alternatives. It is an annual event which is held every May. It also functions as a power house for human rights activists by encouraging them and strengthening solidarity, thus enabling them to better handle situations in the field.

(2020 Gwangju Asia Forum Website: <http://20intlevents.518.org>)

Keynote Speech

Transitional Justice and Democracy in the Time of the
Corona Pandemic

Patrick Burgess (Chairman, Asia Justice and Rights)

Transitional Justice and Democracy in the Time of the Corona Pandemic

Patrick Burgess¹⁾

(Chairman, Asia Justice and Rights)

Good morning to you all,

Firstly I would like to thank the Gwangju Asia Forum, for bringing us together for this opportunity to reflect on the relevance of transitional justice in this most challenging period of history that we are living through.

I was looking forward to being with you all in South Korea for this event but instead we are spread across the globe, sitting in bedrooms and kitchens and loungerooms, locked down or in some kind of forced isolation. I'm speaking to you from my home in Indonesia, where I have been based for the past 20 years, working from here on transitional justice issues across the Asia region and other parts of the world

The monotony of staying home has been broken by lots of small shared moments, jokes, videos and memes to distract us. One of my favourites was a cartoon drawing of Nelson Mandela speaking to two friends. "Yes, I understand that this is going to be tough," he said, "being forced to stay home and not go out for 21 days, but I do think it's doable. "

Imagining Mandela in his tiny cell, isolated and locked down for 27 years does give us some perspective on our own challenges. These days have also led me to reflect on the many victims of illegal detention and torture I have had the privilege to work with in the past decades. Those courageous survivors know the meaning of isolation. Human beings are tribal, and herd animals. No matter what kind of culture, religion or

1) Patrick Burgess is the President of Asia Justice and Rights (AJAR) a regional human rights and transitional justice organization based in Jakarta Indonesia

nationality, whether in the tropics the deserts of Africa or the icy hills of the Himalayas human beings gather together, in families, clans, villages. Staying alone in small rooms is not a human thing to do.

This isolation gives us pause to reflect on the inhuman behaviour that leads us here today, talking about transitional justice and its relationship to democracy. The behaviour of authoritarian regimes, dictators and generals, very often includes them forcibly placing large numbers of innocent people into darkened isolated cells for months and even years. In this time of global acceptance of the necessity of social isolation when each of us is struggling with the physical and mental stress brought by limits on our personal freedoms it is good opportunity to reflect on the thousands who have been and continue to be detained for months and years on end, in dark cells all over the globe. When we use the word isolation now in our everyday lives, let us reflect occasionally on what that word has meant and continues to mean, for so many defenders of fundamental rights, freedoms and democracy around the world.

The topic I have been asked to speak about today can be divided into three points: what does transitional justice mean and what is its usefulness, what is its relationship to democracy, and whether TJ as it is often referred to, has any relevance for the unprecedented challenges we face in relation to the current global pandemic.

In referring to the meaning of TJ I find it very useful to draw on the definition provided by the UN that, in general terms says that transitional justice is all of the initiatives and mechanisms employed by a society to address a legacy of mass human rights violations, for the purposes of achieving accountability, justice and reconciliation.²⁾ There are many hundreds of creative initiatives from around the world that provide us with examples of different responses to a legacy of mass violations. They include international, national and mixed criminal tribunals, truth and reconciliation commissions (TRC'), Constitutional and legal change,

2) For the UN transitional justice means the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. Guidance Note of the Secretary General 'United Nations Approach to Transitional Justice.' https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf

compensation payments under reparations programs, village based truth-telling exercises, annual days of remembrance and symbolic monuments, local schools buildings constructed as a form of communal or collective reparations, increased accountability mechanisms for security forces, reform of the judiciary, new laws guaranteeing a free and independent media and many others.

Across the globe there are a broad range of formal and informal initiatives implemented in an attempt to achieve the goal of dealing with a legacy of past abuses, which are all are part of the field of transitional justice. The formal and creative informal TJ work in the Asia Pacific region is often overlooked at international forums, and many north based advocates working in the field are not aware of the broad range of creative ways that victims, advocates and communities adopt in their attempt to deal with large scale mass abuses in this region. I would like to refer to just a few of those examples from my personal experience.

I've worked in the Solomon Islands TRC where communal feasting was used as a vehicle for reconciliation and the TRC there had its own boat to visit the different islands affected by the conflict. In Timor Leste, where I lived and worked on the transition for six years, we designed the Community Reconciliation Procedures, in which 1,500 lower level perpetrators were able to deal with their crimes by participating in traditional village based processes. Each perpetrator was required to admit what they had done in front of their community, apologize to the victims and agree to undertake work or providing gifts as an 'act of reconciliation.' Traditional dance and witnessing by ancestors was combined with a formal court order to legalize the agreement.

In the Rohingya refugee camps right now teams from my organization, Asia Justice and Rights (AJAR,) are working with women survivors of serious violations committed by the Burmese military to sew their stories into small cloth patches. The patches have been combined in a quilt which we are sharing with the rest of the world, to help spread the truth of what took place. In Cambodia the 'Khmer Rouge Tribunal' has been prosecuting leaders of the mass crimes committed more than 40 years

ago and in Bangladesh the International Crimes Tribunal is trying those accused of mass crimes related to the 1971 genocide which claimed the lives of up to three million and yet is relatively unknown globally. Both of those tribunals are struggling with issues related to trials so long after the events but victims never give up in their thirst for justice. In Aceh a sub-national regional truth and reconciliation commission is proceeding with its work, the first such commission to be given an unlimited temporal mandate. It is intended that the TRC's work will continue to contribute to reconciliation after the truth seeking is completed. More than 40 truth commissions have been established in different countries and a major weakness of almost all has been a failure to establish mechanisms to implement recommendations in their reports. Timor Leste has established a permanent formal mechanism to implement the recommendations of the truth commission there (the CAVR.).

In the conflict areas of Mindanao in the Philippines I spoke with student leaders who have organized thousands of Muslim and Catholic university students exchange their homes for a week. That deep experience of each other's lives is a powerful learning exercise that provides a real contribution to reducing the likelihood that the two communities will again fall into conflict. In the context of South Korea, where we are today (many of us virtually,) a truth and reconciliation commission worked for a number of years uncovering the truth relating to mass violations in different contexts including the Korean War and the US involvement. The work of that commission is also relatively unknown in other parts of the world. In Thailand a law was passed to establish the Justice Fund, which includes using funds confiscated from drug lords to help fund reparations for victims and advocates are pushing for it to be used to assist victims of torture.

Considering that such a broad array of transitional justice initiatives are possible, after working in the area and providing advice for several decades I still find it extremely valuable to use the simple four element transitional justice framework:

- Truth seeking: This includes conducting broad based inquiries through formal and informal means such as truth commissions, documenting

victims' stories, academic research and international or national commissions of inquiry etc. Often analysis of truth seeking does not pay sufficient importance to the need to share the truth about what caused the violations broadly. For example a number of truth and reconciliation commission reports have never even been shared with the people of that country.

- Investigating and prosecuting those responsible for the violations; In the transitional justice context we are not referring to criminal prosecutions for crimes normally included in national legal systems but for international crimes dealing with mass killing, rape, torture etc such as crimes against humanity, genocide and war crimes. Many countries have now included laws relating to those crimes in their national systems. Those international crimes may be tried in international tribunals such as the ICC, in national tribunals where applicable laws have been passed or in 'mixed' or 'hybrid' tribunals in which national judges sit in panels with internationals to take advantage of broader international experience and add to the perceived independence of the process. Examples of those mixed courts include Timor Leste, Cambodia and Sierra Leone.
- Taking steps to repair the lives of victims, or reparations. This aspect of the TJ framework is often neglected, particularly as victims often lack a strong voice and position of advocacy. Work on reparations should commence immediately after a conflict or transition and could be, for example, guaranteed to be processed at the same time as DDR programs for ex combatants. Reparations may be individual, collective, community-based or symbolic,
- Undertaking reforms, both institutional and social that will help to guarantee that the violations will not recur. This is the only one of the four elements that is not focused on the past, but rather on the future, taking steps to ensure the violations are not committed again. However, the reforms that need to be taken are highly dependent on the other three parts of the framework: a deep truth seeking process and analysis, identifying the victims that need to be helped and practical steps to strengthen the rule of law, such as prosecuting those responsible.

Those four elements are the foundations of the transitional justice framework and all of the initiatives mentioned above and any more that may be created can be linked to one or more of those elements.

For this reason, when I'm working with groups trying to seek solutions in very difficult post violation transitions we continue to draw up the framework with the four elements on a whiteboard and consider all of the potential ways forward as they relate to that framework.

The TJ framework is not some kind of binding legal document or instrument. It is a field that has gradually been recognized that includes a broad range of approaches from countries across the world. Therefore it does not have any strict boundaries or binding definitions and can be adapted to suit the needs of a context. For me, in my day to day work in transitional contexts it provides an important tool to help us understand and remember the various initiatives that may assist, using four simple headings. However it is important to remember two other principles that apply to the framework. Firstly the approach must be holistic, so it needs in some way to include an understanding and activities focused on all four elements. Secondly the strategies must be sequenced, according to the practical possibilities and local context.

Both of these principles are vitally important to understanding how TJ can assist. For example very often local counterparts in a transition report that it is crucial for the leaders responsible for horrific crimes to be investigated and brought to trial. However those persons remain powerful, the judiciary has been weakened and corrupted and prosecution is not possible. A sequenced approach analyses and accepts this but does not eliminate that element completely. For example if prosecutions are not possible today the work on that part of the framework can focus on making the necessary changes to create political will and demand for the prosecutions. Revealing and sharing the truth about the violations may be required first. A political transition may be necessary. It may be that the work will continue to gradually build demand until such time as the political winds have changed and the perpetrators are no longer powerful. Where prosecutions are not possible in the short term, consideration might be given to what forms of truth seeking are possible while preparing for the prosecutions. It may be that a truth commission is possible. If not

perhaps local level documentation as a form of truth seeking. If even truth seeking is not possible can we can begin with reparations.

A 'message of care' to show victims that the government's role has changed, giving them some form of relatively quick and meaningful reparations.

In Timor Leste the truth commission, known as the CAVR did not wait for its final report to begin work with victims. The Commission held group healing workshops for victims and provided 'emergency reparations' to victims who needed prosthetics or other form of urgent medical care or who were most vulnerable and needed quick assistance, in the form of emergency payments, food and other basic help.

In some places, such as Aceh, the mechanism established to deal with reparations found the plans for individual compensation to be too complex when the number of expected victim claims was far higher than expected, growing to over 60,000 claims. An alternate approach to provide assistance to conflict affected villages as a community was adopted. The reform part of the TJ framework will depend on the context and will be ongoing. It may include work on legal reforms, increasing accountability of the police and military, judicial reform, parliament, media and other institutions.

In many contexts I've worked in a root cause of the violations is deep discrimination and a failure to provide equal levels of recognition and development opportunities to ethno-religious minorities. Reforms that will guarantee non-repetition need to focus on how to increase tolerance and an understanding of the immense value that a multi-cultural, multi-ethnic and religious mix can bring to a country.

The correlation of the level of prosperity and efforts on inclusion and tolerance are often ignored by leaders in contexts in which ethno-religious majority groups fear and discriminate deeply against the minorities. In every context the persecuted minority will eventually fight back, leading to conflict and resulting instability. Even in some very developed contexts, such as the United States today, leaders who are ignorant of history and the enormous body of evidence showing the economic and social value of diversity try to wind back reforms on tolerance and discrimination.

Transitional justice initiatives include a focus on many contexts where high levels of discrimination and low levels of tolerance ensure ongoing instability and relatively low levels of economic prosperity.

Although these days I usually work on Asian transitions I'm also currently advising on the transitions from mass violations in Sudan and Ethiopia. On my last trip before all the airports closed in March I flew to Addis Ababa and then up to the border areas of the Somali region. The Ethiopians are struggling through an important transition from authoritarian regimes characterized by mass torture, killings and disappearances to a new democracy and the rule of law. The work of the current Prime Minister Abiy Ahmed in developing peace with neighbouring Eritrea and establishing the foundations for a transition to the rule of law led to him being awarded the 2019 Nobel Peace Prize. I had been asked to travel there to provide some advice and examples of strategies assist in dealing with the past violations and promote reconciliation.

Every transitional context is both unique and similar to some others so individual strategies must be developed but they can draw on lessons from other contexts. As usual, I delivered a number of workshops when I was in Ethiopia. Sitting with a group of victims in one of the newly restored buildings they shared some of their experiences with me. When we talked about the prosecutions element of the TJ framework there were some serious concerns that this simply might not be possible. When I asked why I was told that in many areas there are simply no functioning courts at all. How to have prosecutions when there are no courts? We then spoke of how that problem could be solved, perhaps including transferring those arrested to other places or the capital where courts are functioning, whilst building the justice system from the ground up in areas where it has been destroyed.

Many of those I was sitting with had been detained and imprisoned without trial for more than ten years due to their role in opposing the brutal authoritarian regime. Some had been given a conviction and sentence of life in prison with no evidence gathered against them and no trial. With no court records the prison officials were faced with a

dilemma as they needed paperwork relating to each prisoner. So the guards came up with a temporary solution that filled that need. They simply made up a crime and a sentence and wrote it down on the prisoners papers, usually between 10 to 15 years imprisonment. It was that action of the prison guards, not based on any particular evidence, that determined their time in prison.

Can you imagine your life, your liberty, relationships with family, work and so much more being decided by a prison guard or official with no evidence at all, just creating your life's destiny of isolation and imprisonment on a whim?

One story from those survivors has stuck in my mind. Several of the victims I was sitting with told me they were part of a group of four prisoners arrested together. They were called into the prison official's office where they were told that there would be no trial but that they had all been convicted and sentenced to a total of 100 years. When asked who received what sentence they were told that it would be up to them to decide. Then themselves needed to divide the total of 100 years between them, according to whatever roles they had played in resisting the regime.

The victims told me that this was an incredibly difficult task for them. In the beginning of their discussions some who had played a more minor role considered whether they should receive a lesser proportion of the total 100 years imprisonment. Considering this issue and being forced to decide it themselves caused each of them enormous distress. In the end they came to an agreement to divide the 100 years equally into four. Each would receive a sentence of 25 years in prison.

They went to the prison official and informed him that they had decided on those sentences. After 12 years of horrific circumstances involving a lack of food, medicine and routine torture after being forced to watch the slow death of many friends who were also inmates the transition in Ethiopia took place. New leaders were appointed, the former head of state and cronies fled the country under threat of prosecution and the four friends were released.

Transitional justice is connected to democracy in many ways. Mass violations are often committed by those who fear democracy and the victims are those who are fighting for democracy. The causes of the mass violations are often related to the struggle to remove an authoritarian regime and create an accountable democracy. The results of a TJ process are also closely related to democracy as the truth, prosecutions, reparations and reforms are all related to building a new society that is an accountable democracy based on the rule of law. The reforms needed will often relate directly to democratic institutions, such as independent courts and judiciary, fair elections and accountable, free and independent media and accountable government agencies and leaders.

Very often mass violations are committed in response to a fear of democracy on the part of despots and dictators who are robbing their fellow citizens through programs of grand theft. They know that if they allow the emergence of an accountable democracy the system will reveal their actions and hold them to account for what they have done. The response to this fear is to use terror and brutality to silence those who seek to shine a light onto their actions, very often human rights defenders, journalists and political opponents.

Students are also very often in the front lines of the struggle for democracy, and in many contexts they are among the first to be targeted, killed and disappeared. 40 years ago, in May 1980 a group of students stood up to say 'enough' in relation to unaccountable, brutal leadership and to demand a transition to democracy.

On 17 May 1980 the government in place at the time in South Korea took steps to try to stop the growing demands for freedom and democracy. Martial law was declared, universities and schools were forced to close and meetings were banned. Like so many other contexts around the world it was the courage of students that placed them in the front lines, demonstrating, demanding a reversal of those oppressive steps and an end to authoritarian rule. Like their brothers and sisters in Tiananmen Square in 1989 in China, in Jakarta in 1998 and so many other contexts, the students were brutally killed by armed members of the security forces.

When the people of Gwangju heard that the soldiers had shot innocent students they became enraged and gathered into groups to protest what was happening. Taxi drivers, buses and trucks joined the groups. The frustrations felt over the media which had been distorted into propaganda machines led them to burn down a local TV station and the taxation office, a symbol of the corrupt government.

When the number of people on the streets reached over 300,000 attacks increased and some of the people armed themselves, temporarily driving the security forces from the city.. On May 26, when an ultimatum to disarm had been ignored the military attacked the hall in which the protesters were based, killing an estimated more than 600 persons.

Although in the short term the struggle against martial law failed, the courageous victims showed that they would not accept continuing violations of their rights and that democracy would inevitably come to South Korea. The actions of the people also sent a strong message to future governments that although they may have far superior physical force and may impose their will on the people this cannot be undertaken without considering the potential for serious opposition and its consequences for all.

Transitional Justice and the Pandemic

Before finishing my speech today I want to touch on the issue that is dominating so much of our attention every day, as we struggle to deal with the current global pandemic of COVID 19. We are focusing today on the issue of transitional justice and the question arises whether the TJ framework and lessons learned from across the world through various initiatives can assist us in any way with our current context dominated by the pandemic.

An initial question in this regard might be whether this global pandemic relates to human rights. In fact one of the most fundamental of all human rights is the right to health. The right to health has been increasingly

recognized through inclusion in treaties such as the ICESCR and every state in the world has ratified at least one treaty recognizing the right to health. Every human being has the right to the highest attainable standard of mental and physical health. This right includes the right to prevention, treatment and control of diseases. It also includes the obligation on states to provide medical goods and services that are available, accessible and of good quality.

Earlier I spoke about the lessons learned from transitional justice approached that enable a holistic and truthful account of all the factors and root causes that may have caused mass human rights violations. In addition the transitional justice approach includes a focus on the issue of responsibility for violations. This may include criminal responsibility, moral responsibility and factual or logical responsibility in that certain actions of individuals significantly contributed to certain results. Truth Commissions, for example, are not courts and cannot pronounce on whether individuals have committed crimes. They do however often make findings relating to the responsibility of individuals and institutions for mass human rights violations. This responsibility may be in the form of making a significant contribution to a situation in which the human rights of many people are seriously affected. Might this logic also be considered in relation to global pandemics? What caused the situation to become so extreme, what were the contributing factors and who was responsible for those contributing factors are questions that would be at the centre of transitional justice mechanisms focused on mass violations.

As nations across the globe struggle with thousands of deaths and a chronic shortage of hospital wards, insufficient numbers of trained doctors and nurses and medical equipment questions relating to how such a situation came about should be asked. Those questions, informed by a transitional justice approach, might include the following:

- What responsibility for these mass violations rests with dictators, generals and cronies who have stolen billions of dollars belonging to their nations that should otherwise have been available to build hospitals, train doctors and nurses and buy equipment such as modern ventilators.

- Why are the medical systems are so grossly unprepared to deal with the crisis?
- Was the money that would have built a medical systems, equipment and trained personnel spent instead on grandiose houses, fleets of Mercedes Benz's, aircraft as gifts for their children, with billions of dollars that could and should have been spent on building hospitals sent to secret foreign bank accounts.
- If the national resources that should have been spent on medical infrastructure was stolen what responsibility do those who stole the money have?
- Is the full truth about these issues relevant and valuable if we are to prevent recurrence of the current situation?

Transition justice approaches to scores of contexts in which mass violations have been committed show that although each context is unique there are some important root causes that contribute to almost all situations of mass violations. For example, impunity and a lack of accountability are always major contributing factors. When people are not held to account for crimes they commit it sends a message that others can do the same. Another common lesson from many different contexts is that great care should be taken about the level of authority given to police and security forces as it is very difficult to control abuse of that authority. Extreme cases relevant to this issue are when governments use powers that may not be used unless there is extreme need, as they are even more likely to be abused and they seriously limit the human rights of individuals. That danger arises when emergency powers are provided to police and security forces.

In certain circumstances the enactment of emergency powers is appropriate and necessary. However, transitional justice lessons show that emergency powers are almost inevitably abused and very often lead to serious trends of unduly and unnecessarily attacking fundamental freedoms and democratic structures, supporting a return to authoritarianism and to using state powers to hide and defend grand theft by leaders and their cronies.

Emergency powers have been quickly passed by governments across the world in the past three months. They are called emergency powers

because they involve such violation of the normal rights of citizens that they should only be activated in dire emergencies and need to be strictly monitored so they are not abused.

Who is monitoring to ensure that they are not abused now? In fact one of the first things that takes place in such situation and is happening now, is that the emergency powers are used to detain and imprison those who monitor and criticise the abuse of those powers.

In our region alone we can see serious violations taking place in many countries, and this experience is shared in other regions of the world. In the Philippines, Indonesia, Myanmar and many other countries journalists and human rights defenders monitoring the abuses of those powers and the corruption by leaders skimming off funds allocated to the pandemic have themselves been arrested and detained. More than five thousand people have been detained for violating new laws on social distancing in both Panama and Guatemala. Thousands are being detained in many countries across Asia. A transitional justice approach, looking at the lessons from many contexts, shows that when emergency powers provide unaccountable force they are usually used to attack political opponents and those working for transparency and accountability.

Another way in which a TJ approach may assist us today is to remind us of one of the most fundamental elements of a transitional justice approach: the right to truth about serious human rights violations, now recognized by international law, and the fundamental rights often recognized by freedom of information laws.

Do we have a right to the truth about where and how the virus originated, who was responsible, whether it has caused unnecessary suffering of victims and whether the actions of authoritarian leaders resulted in weak medical systems. Do we have a right to know how unaccountable systems of government have resulted in grossly ineffective actions of Ministers and other health officials who were appointed through nepotism and political payback rather than merit and ability?

It appears that although a transitional justice approach is usually applied to mass torture, rape, killings and disappearances the lessons of a TJ approach can provide us with significant assistance in dealing with the current pandemic crisis. A TJ approach teaches us that the relevant truth that we need to understand what is happening and how to avoid recurrence cannot be found by looking at short term fragments of the situation. In order to fully understand you need to look at a full picture. This includes contributing factors and root causes and available lessons. Some of those lessons relate to the fact that when authoritarian governments are allowed to operate with impunity resources for essential services such as medical infrastructure are often stolen. Another lesson that is highly relevant to our current crisis is that providing emergency powers and allowing them to be used against critics, journalists and human rights defenders leads to a dark place of authoritarianism, violation of rights and militarization.



Session 1

Democracy and Transitional Justice

Transitional Justice of Argentina

Gaston Chillier (Executive Director, Centro de Estudios Legales y Sociales)

The May 18 Truth Unveiling and Korea's Transitional Justice

Eunju Chi (Research Professor, Korea University)

The May 18 Democratic Uprising's Influences on Korea's Democracy

Namhee Lee (Associate Professor, University of California, Los Angeles)

Panel) Acknowledge: The Key to Transitional Justice

Landon Hancock (Professor, Kent State University)

Transitional Justice of Argentina

Gaston Chillier
(Executive Director, Centro de Estudios Legales y Sociales)

I'm here representing CELS, a Human Rights organization founded during the last dictatorship. Last year we celebrated our 40th anniversary. This presentation is the condensation of the work done by many individuals throughout the last 40 years.

I want to present how the Argentine experience has been in terms of Memory, Truth and justice of the crimes against humanity committed by the last dictatorship.

In particular: What have been the strategies of Argentina's human rights movement? What perspectives were there in relation to the concept of "reconciliation"?

AS AN INTRODUCTION

The last civic-military dictatorship in Argentina (1976-1983) implemented a plan of clandestine repression, that was marked by the kidnapping of people, their illegal detention in clandestine detention centers, political prisoners, torture, sexual violence, the appropriation of children and the murder and forced disappearance of persons. During this period, family members, survivors of repression and human rights organizations denounced the responsibility of the State both nationally-through habeas corpus and criminal complaints - as well as internationally-by going to the Inter American human rights system and other forums- and demanded the appearance alive of those who were missing.

To explain the process of memory, truth and justice (this is the way the human rights movement refers to what the academy calls transitional justice), we must go back to the outing of the armed forces from the government and the transition to democracy.

Due to various factors (sustained denunciation of their crimes, economic and social crisis, the malicious and criminal war for the Malvinas Islands) the transition from dictatorship to democracy was not a negotiated one, as happened in other Latin American countries. This despite attempts by the military Junta.

In early 1983, the military Junta announced the call for elections to be held in October. Before leaving the government, the military took some steps with which they sought to explain the repressive action, justify human rights violations, deny the existence of the disappeared and ensure impunity for the serious crimes they had committed. These positions were condensed into the "final document of the military Junta on the war on subversion and terrorism" which was released in April 1983.

With that document, the Junta sought to establish that the crimes committed were acts of Service and therefore not punishable (Acuña and Smulovitz, 1995:47).

After the publication of that "final document", human rights organizations demanded the creation of a bicameral Commission-composed of Deputies and senators of the federal Congress - to investigate, prosecute and punish those responsible for the disappearances (Crenzel, 2008:58).

Also before the end of the dictatorship, those responsible for crimes against humanity sought their impunity with a "pacification law", which basically consisted of a self-amnesty.

This caused a great opposition from Argentine society and, once democracy was restored, the law was declared null and void by Congress.

Now, since the dictatorship and now in democracy,

The demands of human rights organizations were focused in finding the truth. On the contrary, the idea of reconciliation was neither a demand nor a horizon for the human rights movement.

Why?

Because the armed forces did not admit their crimes or disclose the whereabouts or fate of the disappeared or the abducted children to whom they forcibly changed their identity. Also because they justified their actions

by calling systematic and widespread repression against the population a “war”. They proposed reconciliation as the equivalent to impunity and silence: to the concealment of truth.

But let’s go back now to the demands and strategies of the human rights movement. Once democracy was restored, some human rights NGOs insisted on the establishment of the bicameral Commission to which we have already referred. However, President-elect Raul Alfonsín opted for the establishment of a truth commission composed of “notables”, the National Commission on the disappearance of persons.

The purpose of CONADEP, was "to clarify the facts relating to the disappearance of persons" and to receive complaints and evidence that should be referred to the judiciary. Its work is recognized nationally and internationally to this day. But the mission entrusted was not respected by the members of the armed and security forces at the time. The members of the Commission during their investigation were threatened and monitored by the intelligence services.

As an example,

The commission published its preliminary findings in a television program on 4 July 1984 (Crenzel, 2008:81). That night there were military movements: tanks that left from a military garrison in the province of Buenos Aires (Crenzel, 2008:82) to the capital. Although they returned to their bases, it was a frontal display of intimidation to the Commission, the government and society.

In its final report, 'Never Again', CONADEP referred to the term 'reconciliation' in this way:

"In the course of our inquiries we were insulted and threatened by those who committed the crimes, who far from repenting, repeat the well-known reasons for "the dirty war", the salvation of the homeland and its western and Christian values (...). And they accuse us of not promoting national reconciliation, of activating hatred and resentment, of preventing oblivion. But it is not so: we are not moved by resentment or by the spirit of vengeance; we only ask for truth and justice, as on the other hand the churches of different denominations have asked, understanding that there can be no reconciliation but after the repentance of the guilty and a justice that is based on the truth."

Indeed, this extract shows how reconciliation was maliciously used as a synonym for impunity in Argentina.

But let us continue with the process of Memory, Truth and Justice President Alfonsín, in addition to forming the truth commission, ordered the prosecution of 9 members of the military juntas who usurped power. The "trial of the juntas", was finally held before a civil court that analyzed more than 700 cases and sentenced 5 of the military commanders. It was proved that the armed forces imposed an illegal repressive system and committed mass abductions, tortures and killings.

It also ordered the investigation of military personnel who had responsibility for the different jurisdictions where the events occurred, throughout the country.

As investigations progressed, there were increasing number of threats and military uprisings, as a way to intimidate the government and the political and judicial system in general. It was in this context that the laws of impunity (the law of final point and due obedience) were enacted, which set deadlines for criminal prosecution and created the presumption of due obedience for officers who executed the acts.

Impunity was consecrated in 1989/1990 with the issue of pardons decrees by the then President Carlos Menem. Among those pardoned were commanders convicted at the juntas trial only 5 years ago and other military personnel who were undergoing judicial proceedings.

One of the things cited as a foundation for these laws was the objective to achieve national reconciliation. As you can see, again, the term reconciliation was being used to justify impunity.

Of course, the human rights movement tried to have the different judicial bodies declare as unconstitutional the impunity laws and pardons. But when it reached, the Supreme Court of Justice such a claim was rejected.

Faced with this impunity, another of the strategies of human rights organizations was to go to the Inter-American human rights system. Because of this, the IACHR was able to issue its report 28 of 1992 in which it was established that the laws of final point, due obedience and pardons are incompatible with the American Convention on human rights. It recommended reparations, clarification of the facts and the identification of those responsible.

Also in the face of impunity, human rights organizations demanded the "right to the truth". They argued that despite the fact that no convictions or penalties could be imposed, the truth about what happened to missing persons should be obtained.

Some lower courts began to mobilize these cases but when he came to the Supreme Court (in the case "Aguiar De Lapacó", one of the founders of CELS and a mother of Plaza de Mayo) the question of the right to the truth, in these terms, was rejected.

It was there that once again the human rights bodies went to the Inter-American system.

They claimed that the Argentine judicial authorities rejected Carmen Aguiar De Lapacó's request to determine what happened to her daughter Alejandra Lapacó, who had disappeared on March 17, 1977, based on the right to truth and the right to mourning. They argued before the IACHR that the rejection of the judicial authorities violated the rights to judicial guarantees, effective judicial protection and the obligation to respect the rights, all of which were protected by the American Convention on human rights.

Thus, in 1999, a friendly settlement was reached in which the Argentine state recognized the right to the truth and pledged that the specialized federal chambers and prosecutors would act in these cases (report 21/00, case 12059).

Impunity broke down in 2001 when, for the first time, the laws of final point and due obedience were declared unconstitutional. This was achieved in a case involving human rights organizations, CELS and grandmothers from Plaza de Mayo.

The appropriation of a girl during the dictatorship was investigated. The complainants postulated that in addition to this fact, the enforced disappearance of their parents (José Poblete and Gertrudis Hlaczik) should be investigated. To that end, they requested that the impunity laws be declared unconstitutional, null and void, because they contradicted constitutional provisions and international human rights standards. The judge of First Instance and, eventually in 2005, the Supreme Court declared the invalidity and unconstitutionality of these laws (it is worth noting that already in 2003 during the Government of Nestor Kirchner a law had been enacted that declared its nullity).

However, the judgment considered the rights and obligations of international human rights law, particularly the American Convention on human rights and the case "Barrios Altos" of the Inter-American court in 2001.

In this way, the justice process in Argentina was reopened. As of today, 226 sentences were handed down and 915 persons (144 acquitted) were convicted. However, trials is not the only thing that happened in Argentina. During the governments of Nestor Kirchner and Cristina Fernandez (2003-2015), a variety of public policies were implemented in the areas of memory sites, reparations and state archives to contribute to the trials. These governments picked up many of the demands of the human rights movement and that made a very important qualitative advance in terms of MVJ.

Throughout this presentation we have pointed out some of the strategies of the human rights movement in Argentina. We highlight the strategies that were used internally, nationally, and which were used when these strategies were not successful, when the State did not comply with its obligations. And here the Inter-American human rights system played a very important role, as one of the forums to which victims could and can turn to.

Finally, we review how the concept of reconciliation was used in Argentina, as a synonym for impunity, silence and forgetfulness. During the former government of Mauricio Macri, many actors of his government reused the term "reconciliation "in a vain attempt to curb the process of justice," turning the page " but for now it is not an issue that gathers majority sectors of society, fortunately.

We do not wish here to devalue other experiences of other countries around the transitional justice mechanism of reconciliation, but to emphasize that it can never be achieved without truth and without justice. And that must never be forgotten.

It is important to document human rights violations. For example, the habeas corpus presented during the dictatorship are used as proof today. Victims should participate actively in the judicial process.

Judicial and political strategies need to be used together.

There's a need to identify allies both in the political system and in the judicial system.

To gain visibility is necessary to have strategies of mobilization and communication.

Think creatively: the obstacles can become opportunities for the creation of new strategies.

In the recent history of our country, the trial of those responsible for human rights violations, the knowledge of the truth about what happened to the disappeared and the appropriated children and the memory of what happened, undoubtedly, constitute the hope of the “Never Again” that guides Argentine society.



Justice of the Transitional Period and East Asian Democracy: South Korea and Taiwan

Eunju Chi

(Research Professor, Peace&Democracy Institute, Korea University)

Historical rectification of state terror has been repeated throughout history. For instance, the monarchic past of Athens was liquidated when a democratic republic was established in 403 B.C., ending a 30-year monarchy. Newly established democratic states settle the past to correct the improper practices of a previous administration's governing system and to protect human rights under universal standards. Before democratization, state terror was committed under authoritarian rule in Korea and Taiwan.

Representative cases of state terror, the 'May 18 Democratization Movement' of Korea and the 'February 28 Incident' of Taiwan, were reinvestigated in the course of the democratization process, and, after democratization, full-scale historical rectification was conducted. These two cases, unlike the case of South America, were free from the residual influences of the military and motivated by higher social demands for historical rectification. While the 'May 18 Democratization Movement' satisfies the five criteria for measuring historical rectification: apology, truthfulness, punishment of persons in charge, and compensation, the 'February 28 Incident' did not.

What caused the difference in the results of historical rectification between these two cases? From the path-dependent perspective, historical rectification requires, first, the neutrality of the military, and second, a rectification elite group that proceeds with the task in parliamentary politics with a democratic process to secure the majority position. South Korea and Taiwan have secured the neutrality of the military group after democratization, while only the rectification elites of Korea succeeded in seizing a majority of the seats in the parliament.

Historical Rectification of the May 18 Democratic Uprising

The Gwangju issue officially emerged as the New Democratic Party, the rectification elite group, became the first opposition party in February 1985, which was immediately before the democratic transition. As the regime employed a principle of appeasement, the necessity for clarifying the truth was raised from civic groups, and the Roh Tae-woo administration, which was formed on the basis of the resistance elite, established the Democracy and Integration Promotion Committee in 1987 to begin investigation into the events of the May 18 Democratization Movement. However, that committee focused on the recovery and honor of Gwangju, emphasizing mutual responsibilities between the abuser and the victim.

After the 13th general election in 1988, the rectification elite secured a majority in Congress, and hearings were held in November 1988. However, during the hearing, key witnesses failed to be summoned and important materials were destroyed or not submitted. As announced in April 1988 by the Government's Comprehensive Countermeasures to Heal the Gwangju Incident, the 'Gwangju Incident' was renamed as a 'part of the Gwangju Democratization Movement', and compensation would be paid to victims and families. However, this was hurriedly repealed in January 1990, when a 'three-party-merger' was completed.

Civic groups launched an active movement to resolve the Gwangju issue. Correspondingly, the Democratic Party, the rectification elite group, and the New Political National Assembly led by Kim Dae-jung prepared a special law proposal. As a result of a slush fund scandal, Roh Tae-woo was arrested in October 1995, and the demand for judicial justice toward those who were responsible for the Gwangju suppression escalated. Kim Yeong-sam, a neutral elite, started the 'Building Correct History Movement,' a campaign to overcome the difficult circumstances. The 'May 18 Special Act' was enacted in November 1995, and compensation was converted to reparation. In December, the National Assembly passed the special law to remove the statute of limitations for prosecution in the case. The Supreme Court sentenced Chun Doo-hwan to life imprisonment and Noh Tae-woo to 17 years in prison.

Historical Rectification of the February 28 Incident

The historical rectification of the February 28 Incident was brought up by rectification elites, the Democratic Progressive Party. For instance, a memorial service for the victims of the February 28 Incident was held by the Democratic Progressive Party in February 1992. If the Democratic Party can be defined as a historical rectification elite, the Nationalist Party, to which President Lee Teng-hui belonged, was in the resistance elite group. However, Lee changed to become part of the rectification elite in 1990. He established the February 28 Incident Research Group in the government administration and published the February 28 Incident Research Report in 1992. From 1993 to 1995, discussions on the act for the historical rectification of the February 28 Incident and compensation ordinances were held in the legislative body. However, the Nationalist Party, which was in the majority, proposed an amendment against the act and ordinances. In 1995, the February 28 Incident Fund Association was established. Lee Teng-hui emphasized finding the truth and apologizing on a personal level, which was different from the official position of the Nationalist Party. Lee established the 'February 28 Incident Memorial Park' and installed a monument. However, in the situation where the resistance elite prevailed in Parliament, the investigation of the people who were responsible for the incident and a detailed investigation into the February 28 Incident could not accomplish any progress.

With the election of Chen Jinben of the Democratic Progressive Party to the presidency in 2000, the identification and punishment of the persons responsible for the February 28 Incident were officially initiated. However, the Democratic Party was still a minority party in the legislative body. Taking the alternative position, Chen tried to identify the person in charge through the February 28 Incident Fund Association. In February 2006, the February 28 Incident Fund Association prepared the 'February 28 Incident Responsibility Research Report' and pointed out Chiang Kai-shek as the person responsible for the Incident. However, this was regarded as a partisan claim, and thus the identification of the persons in charge did not progress. Much progress has been made in reparations, though. The Nationalist Party preferred the term 'compensation,' but the legislature emphasized the responsibility of the Nationalist Party by choosing the term 'reparation' instead of 'compensation.'

As a result of the 2008 general election, Ma Ying-jeou of the Nationalist Party, the resistance elite, was elected. Following the election, Ma Ying-jeou asserted that the February 28 Incident was a misdeed of a bureaucrat who had nothing to do with the Nationalist Party.

Conclusion

After democratization, historical rectification took place in Korea and Taiwan, led by the rectification elite group. However, clarifying the truth of the past in a democratic country requires democratic procedure and consensus; in other words, support from a majority of Congress. In Korea, the rectification elite, which occupied the majority of the parliament, proceeded with the task with the neutral elite step by step, while Taiwan still failed to identify and punish the responsible person.

The advent of democratization raised the issue of historical rectification to the surface by realizing the principle of competition and inclusion, and political parties competitively sought solutions through hearings and legislative initiatives in parliamentary politics. However, claims based on political calculations reduce the problem of historical rectification to a controversy between parties. Therefore, the May 18 and February 28 should be discussed in the broader horizon of human rights, beyond the narrowly focused interests of parties.



The May 18 Democratic Uprising and South Korea's Democratization

Namhee Lee
(Professor, UCLA)

During the 1980 Gwangju Uprising, South Korea witnessed one of the most spectacular transformations of ordinary Koreans from spectators into participants on a grand scale.

With a remarkable degree of unity and solidarity, citizens of Gwangju conducted themselves with dignity and fortitude during the five days when the city was left completely isolated. In what political scientist Jung-woon Choi called the “absolute community,” the people of Gwangju regarded the lives of other people and the property of other people as their own, overcoming “all distinctions between humans...as disparate individuals joined together as one,” and risking their lives to recover their dignity as human beings. During the ten days of demonstrations there was not one incident of looting or robbery seen or reported.¹⁾

The paradigmatic experience of the 1980 Gwangju Uprising was most critical in ushering in the project of transformative politics in the democratization movement of the 1980s and later the notion of transitional justice in South Korean society at large. Due to space constraints, I limit my presentation to briefly argue that to establish the truth of the Gwangju massacre and to render justice to the victims of the violence, however problematic, was crucial to

1) This presentation, including the unattributed quotations in the text, is largely based on two of my previous publications as well as my current book manuscript: *The Making of Minjung: Democracy and the Politics of Representation in South Korea* (Ithaca: Cornell University Press, 2007); “From the Streets to the National Assembly’: Democratic Transition and the Demands for Truth about the Gwangju Massacre,” in Narayanan Ganesan and Sung Chull Kim, eds., *State Violence in East Asia* (Lexington, Ky: University of Kentucky Press, 2013), pp. 47-73; “History, Memory, and Neoliberal Disavowal: The Culture War in South Korea.”

breaking away from the legacy of military authoritarianism and for the transition to democracy to take root in South Korea. This was through the long and persistent demands to rearticulate from what the military-led state initially called a seditious “riot by ruthless mobs on North Korean provocation” into “a part of the democratic movement.” This process also transformed the visions of the democratization movement of the early 1980s to build a new society based on more expansive ideas that go beyond the principles and values of Western-style liberal democracy. Tackling everything from South Korea’s real and perceived dependent status vis-à-vis the United States and Japan and the military government’s legitimacy to the chaebols’ collusion with the state to the equitable distribution of wealth, reevaluation of preexisting values and meanings, and experimentation with new forms and content in art, literature, music, and theater, the minjung movement became “an epic contest” of “possibili[ty] against the givenness of things.” The entire 1980s democratization movement and its visions for the future would not have been imaginable or possible without Gwangju.

The indiscriminate and brutal killing and maiming of the people of Gwangju by the special forces of the military caused an immense tragedy and suffering for thousands in Gwangju and left a deep scar on the rest of the country. The state of terror continued in the immediate aftermath of Gwangju as the military junta imprisoned indiscriminately those it regarded as seditious and further sought to eradicate what it considered to be “undesirable elements”: teachers and journalists who were sympathetic to the democratization movement were purged, politicians were banned from political activities, and labor activists and student activists were rounded up and sent to military camps to be “reeducated” in a project known as the “Reeducation Corps to Purify Three Ills” (samch’ŏng kyoyuktae). More than 60,000 individuals, including those who were in the Gwangju Uprising, were convicted of violating “public peace and order” and sent to the camps, where they were subjected to hard labor and physical abuse under subhuman conditions, resulting in the eventual death of 447 people.

Despite the fear of arrest and imprisonment, and turning the pain and anger into a collective energy, those who participated in or witnessed the Gwangju Uprising, the families of those who were killed, injured, and missing, and the

democratization movement activists put forward their demands for an investigation of the “truth of Gwangju”: to seek out those responsible for ordering the paratroopers to shoot and savagely attack innocent bystanders; to demand that those guilty should be punished; and to demand that the honor of the citizens of Gwangju should be restored, as the state had initially denounced them as a “violent mob,” among other things.

The demand for the truth of Gwangju took many forms and much sacrifice. From the early 1980s, Gwangju citizens, along with democratization movement participants, staged various kinds of public gatherings to remember the people who had fallen, and to keep the spirit of Gwangju alive. For example, the commemorative ceremonies held at the Mangweoldong cemetery, where the dead were buried initially, became a battle between the state and the participants, with the state trying to prevent visits by various means—it made visits illegal, made access to the burial site difficult by leaving the road unpaved, and dispersed gatherings by force. The state also attempted to “buy off” the grave sites from the families. Many university students, in particular, paid a high price for the lead they took in demanding the truth of Gwangju; many of them threw themselves off buildings or burned themselves to death to inspire their fellow students to rise up against the Chun Doo-hwan regime and to alert the public to the urgency of Gwangju. It is believed that 37 students, farmers, and workers either killed themselves or were killed while demanding the truth of Gwangju. The battle over terminology was waged equally fiercely. Whereas the state insisted on calling the uprising a *sat’ae* (literally “situation,” as in the state of things), devoid of any particular meaning, the people of Gwangju and the democratization movement participants insisted on naming it the Gwangju Minjung Hangjaeng (Gwangju People’s Uprising), identifying the citizens of Gwangju as peace-loving democratic citizens who “courageously and resolutely rose up to defend themselves” against the indiscriminate killing.

By the late 1980s, the continuous demands for the truth of Gwangju had forced the government to acknowledge that the Gwangju Uprising was “part of the democratic movement of the students and citizens of Gwangju.” After numerous setbacks and disappointments for the people of Gwangju and the public at large, not least because the leaders responsible for the Gwangju

massacre had remained in power until the 1990s, the South Korean government was also pressured into opening the investigation and prosecuting the military leaders involved in the massacre. At the historic trial of 1996, the two former Presidents, Chun Doo-hwan and Roh Tae-woo, were convicted of treason, corruption, and insurrection, along with those who had played a major role in the December 12 coup in 1979 and the 1980 Gwangju massacre.

The trial was momentous in the history of South Korea. The nation confronted its past authoritarian regimes and their “original sin” (which in the South Korean political context refers to the takeover of the country by Chun Doo-hwan and his cronies in the December 12 military coup) for the first time. What was more, the first two South Korean presidents to ever voluntarily step down from power faced charges of insurrection, treason, and murder. As historian Byung-ook Ahn noted, opportunities to judge and punish authoritarian dictators occur usually during a time of revolution. That South Korea brought former rulers to face judgment in a court not in a time of revolution but in a time of parliamentary democracy, that these rulers would be judged according to the rule of law, that South Korea had an opportunity to investigate and assign responsibility for their wrongdoings, and that Koreans had “overcome” what was widely perceived to be a “disgraced history,” all of these were considered by many to be a momentous event and an experimentation that had wider meanings not only for South Korea but also globally.

The trial also symbolized not only the end of the military authoritarianism that had ruled Korea for over thirty years, but also the end of the military culture that was associated with it, such as the hitherto prevailing tendency to regard only end results while ignoring process, to consider only state-dictated standardized views while ignoring diversity of views and values, and to disregard individual sacrifice for the purpose of achieving state goals, all of which characterized the state-oriented thinking and policies under the previous regimes. It was also viewed that the people of Korea, by exercising their rights as democratic citizens, had finally become “owners of the constitution and guardians of constitutional order” and had helped to restore the country’s historical and political legitimacy. The trial also showed the determination of South Koreans that the mistakes of their generation would not be carried over to and would wipe the slate clean for future generations.

In the historical context of a divided Korea and of the cold war structure in East Asia, however, the legal processes for settling the issues of the Gwangju Uprising, however limited in its scope, should be recognized for their contribution to “a greater consolidation of democracy” by firmly bringing to a close the legacy of military rule and state violence. The subsequent enactment of the special laws and the judicial process are also considered to be successful cases of rectification of history and have become models for articulating legal and judicial remedies for other past wrongs committed by the state. Under past authoritarian regimes, numerous democratization movement activists were expelled from their schools or jobs, arrested, detained, tortured, and imprisoned, and many died under suspicious circumstances. In 2000, the government promulgated the “Act Related to Restoring Honor and Compensation for Those Involved with the Democratization Movement,” with the aim of providing compensation and restoring the honor of those who were wronged by the state due to their involvement in the democratization movement. In 2005, the “Basic Act for Coping with Past History for Truth and Reconciliation” was enacted, which called for inquiry into past military and police atrocities committed from August 15, 1945, through authoritarian rule and also during the Korean War (1950-53). The Act was intended to broaden the investigative scope of human rights violations committed by the state, which until now were considered a constitutive part of state building and beyond the scope of legal and judicial remedies. The Act suggests that it is no longer possible for the state to act with impunity “in the name of tradition, culture, development, or sovereignty.”

It was in the process of counter-remembering Gwangju as a people’s rising up for democracy and justice against the official narrative of the rebellion of violent mobs that the Gwangju Uprising came to acquire its transformative possibilities and paradigmatic potency in the 1980s democratization movement, which gave rise to the 1987 transition to democracy. The people of Gwangju and the May Movement have continued to strive to revive the “spirit of 5.18” in the deeply transformed sociopolitical reality of contemporary South Korea. For example, the May Movement organizations have spearheaded human rights and peace movements in solidarity with other Asian human rights and democracy movements. The representative case of this is the Asian Charter on Human Rights, adopted by the Conference of Asian Human Rights Groups

in 1998, which was initiated by Gwangju Citizens' Solidarity, a group based in Gwangju. The Conference was initiated to facilitate and promote debates on human rights and, in particular, to present the people's views on human rights in the face of some Asian leaders who claim that "human rights were alien to Asia." To keep the memory of Gwangju alive is to continue to rearticulate the spirit of Gwangju in the changed and global context and to open up the "unexpected field of possibilities" and potentialities of the Gwangju Uprising.



Acknowledgement: The Key to Transitional Justice

Landon E. Hancock
(Professor, School of Peace and Conflict Studies, Kent State University)

I want to begin my presentation by thanking the May 18 Memorial Foundation for their invitation. It is an honor to speak to you on the occasion of the 40th Commemoration of the Gwangju Democratic Uprising. For today's presentation I have been asked to comment on the three presentations made by my colleagues, Prof. Eunju Chi from Korea University, Prof. Namhee Lee from UCLA and Mr. Gastón Chillier (shiyé), Executive Director of CELS in Argentina and to attempt to draw together any threads I find.

The goal of this event is the commemoration of the Democracy Uprising in Gwangju. Just as efforts are made in Taiwan, Argentina, and here at Kent State to remember what happened and commemorate it as part of an effort to ensure that these events are never forgotten. There two implicit questions that each speaker asks; Why was there such a struggle to remember these events by those who suffered or witnessed them, And why, in each case, did the state take such great efforts to forget what happened or to rewrite the history of these events.

Addressing the second question first, is the excellent work of Mr. Chillier and CELS, who have made it their mission to uncover the depredations of the Dirty War, and more importantly, to seek some form of justice for those who were tortured, killed and 'disappeared.' In Argentina, South Korea and Taiwan, as in conflicts across the globe, state authorities attempted to denigrate democracy activists as communists who desired the overthrow of the state. These arguments, that state violence was inconsequential or necessary, are similar to those used by authoritarian regimes throughout the

20th Century, and are often used to shield authorities from accountability and, at times, to assuage the consciences of those who committed violence on behalf of state authorities. As Kundera notes, the struggle of the weak against the powerful is often a “struggle of memory against forgetting.”

In that struggle is where our three speakers have focused both their research and their life’s works. In doing so, each has focused on a different set of actors and a different aspect of the struggle of memory against forgetting.

Prof. Chi notes that the success in commemorating Gwangju’s Democracy Uprising is contrasted with initial failures to commemorate Taiwan’s February 28 Incident and argues this contrast was due to the success of sympathetic elites in South Korea and their failure in Taiwan. Most notably Prof. Chi points out the role of Kim Dae-Jung in pushing for a special law to address the Gwangju incident, leading to the arrest and convictions of Chun doo Hwan and Roh Tae Woo. By contrast, efforts to uncover the truth behind the February 28 incident in Taiwan were stymied by conservative lawmakers, who at that time successfully argued that the violence was the fault of an erring bureaucrat rather than acknowledging the ruling party’s role in the violence.

Prof. Lee makes an alternative argument that the success in commemorating the Gwangju Uprising was due to pressure being brought by many civil society actors, ranging from victims’ families to student groups to religious authorities, and that it was this pressure from multiple sectors that encouraged and forced elites to address the issue and to counter the state-sponsored narratives of riot and rebellion.

Professor Lee provides a clear analysis of the people’s movement to create truth and, through the overthrow of government lies about the 5·18 movement and incident, to address a series of social ills and inequalities. In contrast to the Chi paper, this one focuses on how the peoples movements were instrumental in keeping the flame of memory alive and in pushing for that memory to be embodied in the public sphere through legal changes, investigative bodies, commemorative acts and the establishment of international solidarity movements.

Mr. Chillier's examination of 40 years of work by CELS shows how civil society activism can affect large-scale changes in not just the social memory of such events, but in the state's willingness to move beyond what he describes as a reconciliation mindset that cannot exist without acknowledgement on the part of the perpetrators. Here the focal actors are activists and lawyers, those who unearth the bodies and increase pressure on the regime, both at home and abroad, through targeted measures rather than just general social unrest.

In this, I can see that each of my colleagues focuses on the issue of surfacing human rights violations by concentrating upon a different sector of society. Dr. Lee's focus is on grassroots peoples' movements while Dr. Chi focuses on the role that elites can play in either promoting examination of these events or stymieing such efforts. Mr. Chillier takes a middle road with his analysis of how CELS helped to empower civil society while, at the same time, increasing pressure upon national elites through its local, national and international advocacy work.

The main goal that each of these approaches shares is not just payment or punishment, but it is acknowledgement. Something unspeakably wrong was done, by identifiable people to other identifiable people. It must be acknowledged, and efforts must be made—continuous efforts—to assure us that it will never happen again. This is the key element of transitional justice in all its forms, courts, truth commissions, reparations, restoration and commemoration.

For those who don't know my back story, my interest in the Gwangju Democratic Uprising comes from my own position as a professor at Kent State University's School of Peace and Conflict Studies, which was created in 1971 as a living memorial to the four students shot and killed by Ohio National Guardsmen on May 4, 1970 during a protest against the expansion of US involvement in the Vietnam War.

And as someone who comes to you from another place of state violence, where no prosecution took place, no reconciliation was engendered and no understanding of what really happened and why, I cannot begin to emphasize

how important the uncovering of the truths of these three conflicts has been and the official acknowledgment and commemoration of the specific wrongs has been. The work of CELS and the activists involved in surfacing the truth about May 18 is invaluable to all people, because only the surfacing of truth has the potential to lead to the acknowledgement that not only can bring a measure of peace to those affected, but is the necessary first step to preventing other such atrocities from taking place in the future.

Thank you.



Session 2

Retrogression of Asia's Democracy and Counter-Action

Transitional Justice in the South East Asia

Patrick Burgess (Chairman, Asia Justice and Rights)

A Sudden Regression in the Philippines' Democracy After
Ending Dictatorship and Possible Solution

Chito Gascon (Commissioner of National Human Rights Commission of the Philippines)

The Prospective Future of the Korean Peninsula After
Peaceful Reunification

Peter Prove (Commission of the Churches on International Affairs, WCC)

The Retrogressive Democracy in Thailand, Especially During
the Coronavirus Pandemic

Bencharat Sae Chua (Professor, Mahidol University)

Human Rights and Democracy Status in the Philippines

Bub Mo Jung (Professor, Pukyong National University)

Democratic Solidarity in Indonesia and Korea Necessity and
Methodology

Je Seong Jeon (Professor, Jeonbuk National University)

Democracy in Cambodia Falls Apart

Kyunghwan Boo (Researcher, Asia Cultural Institute)

Transitional Justice in the South East Asia

Patrick Burgess
(Chairman, Asia Justice and Rights)

Thank you very much and it's great to be part of this group discussion even though I'm sitting alone and we all sitting around in our different places around the world I've been asked to make a few comments on democracies in Asia and in particular some of the steps that seem to be winding back the progress we've made on democracy in the region. I've been living in Asia for over 30 years and working in situations of mass violence and mass conflict, usually transitioning out of mass violations.

One of the things that strikes me working now in in these situations of conflict and post-conflict contexts is that ethnicity and religion is once more being manipulated and used to divide people and as a basis for persecution which leads to conflict. This is a major threat to the democratization of the region. And that factor is very interesting because if we look at the sites where this discrimination is exploding into violence and where there's been recurrent violence, we find that those sites are in areas where the colonial map-drawing exercises took place. That was when nation states came to be divided around those borders. We find that certain groups were in the minority. This was really purely historical accident and when we look across for example southeast Asia we find the conflict areas in Indonesia to be right at the edge of the country in the East, in Papua. In the West it is four and a half hours flight away, in Aceh. If you move North to see where the conflict areas are we find in the Philippines the discrimination, the deep seated discrimination and ethno-religious divisions are found in the most intense form right at the end of the country in Mindanao, where there is a Muslim minority, an ethno-religious minority in the largely Catholic population of the Philippines.

When we move over to Thailand and look at where the conflict is in Thailand, once again we see ethnicity and religion playing an increasing part. In the conflict in the South of Thailand involves the Pattani ethnic Muslim minority and the claims of being persecuted by the majority Buddhist Thai military forces in particular, with the death toll in that particular area now exceeding 7,000.

Moving up to Myanmar, once again we see an ethno-religious conflict and the threat to the base of democracy which is equality for all, being seen in gross terms in the West of the country in Rakhine State. That's where the attacks over the last two years, and particularly during one four-week period, when 800,000 Rohingya Muslims were murdered. Hundreds if not more women raped, babies killed, and those are the facts according to the United Nations Fact Finding Mission, leading to 800,000 of those Rohingya fleeing to the refugee camps now in Bangladesh.

Again, that conflict relates to an ethno-religious minority along the borders of the state boundaries created by the colonial powers. If we look at Myanmar there are more than 15 different ethnic conflicts and ethnic armies, each one fighting for their own acceptable level of freedom and each one fighting against the Burmese military. All of those are related to ethnic differences and in some cases religious differences as well.

So we see across the region, if we move to India, we see a major troubling aspect of Hindu nationalism increasing, with a threat to expel large numbers of Muslims who live around the border areas. These are indicators.

Of course, when we look at other countries, looking at China, attacks on the Uyghur, the Muslim ethno-religious group. When we look at other countries in the region we see similar conflicts and threats to the democratic base, based on the differences of ethnicity and religion.

So this is a major worrying factor. Even when those issues are less obvious, when they are not causing direct conflict, such as in Indonesia, looking a bit deeper we see politicians are, very disappointingly, playing

the religious card in political battles, threatening and accusing people of other religions, accusing each other of not being religious enough for particular religions. Once again, playing with a very dangerous mix of discrimination that we know from experience across the region and in Indonesia can ignite into mass violence.



A Sudden Regression in the Philippines' Democracy After Ending Dictatorship and Possible Solution

Chito Gascon
(Chairperson, National Human Rights Commission of the Philippines)

Good day. I am Chito Gascon, the Chair of the Philippine Commission on Human Rights.

And I am grateful to the May 18 Memorial Foundation as well as all the organisers for the kind invitation to participate in this Gwangju Asia forum. Let me also express my solidarity and congratulations to the people of Gwangju on this 40th anniversary of the Gwangju democracy uprising, which was an important event, not only in the history of democracy in Korea. But in Asia and in the world.

We, in the Philippines, share a common path taken by Korea, in the sense that we both experienced authoritarian rule for a significant period of time. And we successfully undertook a democratic transition by removing dictatorship, and authoritarian rule in establishing constitutional safeguards, periodic, free and fair elections, and the guarantees of human rights, freedom, and citizens participation.

And these principles are all the more important today as the world grapples with a global health crisis. And we are faced with stark choices about what needs to be done, and whether or not, freedom, human rights, democracy, peace and justice will survive this current moment.

The Philippines, 30 years ago, went through a process of building up from authoritarian practices by guaranteeing a constitution that respects human rights, ensuring that there are checks and balances, establishing oversight institutions, like institution I currently head, to ensure that there will no longer be a need to return to authoritarian tendencies, but we claim or affirm to be, "never again" to dictatorship, "never again" to human rights violations.

Yet, because of the challenges of contemporary society, poverty, underdevelopment, lack of voice and participation, there has been some significant degree of backsliding over the last three decades. While we remain a democracy and we continue to fight for fundamental freedoms, the reality is, our people seem to be impatient to the point that they have tried quick fixes and have been allured to the promises of authoritarian groups and leaders, to the point that they present to us, a stark, although unreal and unnecessary choice.

They say, to guarantee development, safety, security, peace, and protection, we need to reduce democracy, we need to undermine or set aside, human rights. And that false dichotomy or choice is what we, and many other countries in the region and in the world, have been facing.

But they are, as I said a false dichotomy, because sacrificing freedom, human rights and democracy in favour of these values, often does not result in achieving those goals in the first instance, but also further undermines the ability of society itself to respond to the many challenges we face.

Also, we must affirm that those aspirations of protection, safety, and security are in fact, human rights; and are in fact, a duty of the state to pursue within a democratic framework.

And so over the last three decades, unlike Korea, which has shown very well how it can pursue that path, where both development, economic progress, freedom, and democracy go hand in hand, many countries in the world have grappled with this. And now, even the developed countries are faced with this stark challenge in the midst of this global pandemic.

Because now, even established democracies are flirting with the idea of the limitation of rights, the limitation of freedoms and the reduction of transparency in order to address the crisis, and that choice highlights what we all must do: activists for democracy and freedom in the world to stand up and to push back against this democratic recession. Because, Korea itself has shown, as it faced this current challenge, that it is possible to pursue a path of right to health, right to security, food, and shelter for your people without having to compromise on freedom. In fact, you just successfully conducted a free and fair democratic election soon after addressing the worst parts of this crisis; while we in the Philippines are still in the middle of this enhanced community quarantine.

And as a result, aside from the previous human rights violations that have already been occurring before this crisis, there are now additional challenges to restrictions and freedom with access to basic social services and requests for even more draconian approaches to be pursued. These are the stark choices that we all face, and this has been in fact articulated very clearly, by the historian and philosopher, Yuval Noah Harari in an op-ed recently in the Financial Times that says, "The world today has two choices: either authoritarianism or empowered citizenship; or worse, isolation or global solidarity."

We must choose the path of humanity, we must choose the values that we affirm collectively as an international community in the wake of the two World Wars of the last century, and reaffirm that freedom, democracy, and human rights must survive this challenge.

And Korea and the Gwangju spirit presents to us this viable alternative of guaranteeing that civilisation will strive amidst these challenges, because we reaffirm human dignity, fundamental freedoms, transparency, accountability, and democracy in our societies, and that's what we all must do together.

Stand up.

Push back.

Defend our freedoms.

Peace and justice to you all. May we all be safe as we face these challenges-together.

Thank you.



The Prospective Future of the Korean Peninsula After Peaceful Reunification

Peter Prove
(Commission of the Churches on International Affairs, WCC)

On the one hand, the reunification of the Korean Peninsula may be seen as inevitable. A people who share the same language, traditional culture and ancient history cannot possibly remain divided forever. A period of some 75 years of separation must certainly be a temporary anomaly when seen against the vast millennial sweep of shared history. A division that is a relic of Cold War geopolitics surely cannot persist much longer in the 21st century world that is so radically altered since then.

On the other hand, this division has proved extraordinarily resistant to historical shifts that have rewritten the world order elsewhere. The bloodshed and bitterness of the Korean War have left a persistent legacy of hate, fear and suspicion in the minds of people on both sides of the divide. Big Power competition and confrontation has continued to play out on the terrain of the Korean Peninsula, and helped keep it divided. And the different political, social and economic paths travelled by the two Koreas in the intervening years have compounded a division based on ideology and conflict, with a division based on mutual incomprehension and indifference.

Nevertheless, the extraordinary events of the last couple of years have shown that the pivot between the apparently impossible and the seemingly inevitable is very finely balanced, and can swing wildly back and forth. In 2017, the Korean Peninsula seemed to be on the very brink of war,

threatening catastrophic human and economic consequences, not just for South and North Korea, but for the region and the world. But then in 2018 peace suddenly - miraculously - became possible, following the Olympic Peace moment and a series of high-level political summits which produced images that most people could hardly have imagined. However, in 2019 the political atmosphere chilled once again, and the momentum for peace seemed to evaporate.

Throughout these dizzying fluctuations, and for more than three decades before, the focus of the World Council of Churches' work for peace on the Korean Peninsula has remained essentially the same: promoting and facilitating people-to-people encounter between North and South Koreans, accompanied and supported by well-wishers from around the world. Whatever the political leaders might or might not agree, ultimately the real foundations for sustainable peace on the Korean Peninsula must be built between the people through the simple but incredibly profound act of encounter and mutual exchange and understanding.

What we have learnt from these decades of engagement in people-to-people encounter is that North and South Koreans, when enabled to meet, recognize in each other their common humanity, their common Korean-ness, and a shared hope for peace and togetherness rather than conflict and division. That mutual recognition is a powerful antidote to the enemy images, suspicions and disillusionment that have otherwise prevailed in much of the modern history of inter-Korean relations. And it is an essential foundation for reunification.

And so, in general, and without minimizing the degree of divergence during these 75 years of separation, we are inclined to believe that, far from being impossible, peace and reunification is actually ultimately inevitable, that the unhealed wound of division will eventually be healed, and that when it finally comes, the healing will be much swifter than we can presently imagine.

But for that healing to be as complete as we hope, it must genuinely be the outcome of a peaceful coming together of both North and South, rather than the result of forced subjugation or chaotic collapse of one side or the other. Any attempt to create reunification by military force, political confrontation or economic pressure inevitably carries an unacceptable risk of catastrophic conflict with unimaginable humanitarian consequences for the region and beyond.

So what sort of Korean reunification can be envisaged through peaceful means? Can two such radically divergent political and economic systems be combined in a single unified sovereign state?

Of course, since at least as long ago as 1972 the governments of North and South Korea have both proclaimed the eventual restoration of Korea as a single state as a goal. In the North-South Joint Communiqué of that year, steps were outlined for achieving peaceful reunification of the country. Sadly, and not for the last time, little or no progress was made in implementing this agreement.

In 1980, in a report to the Sixth Congress of the Workers' Party of Korea, North Korean President Kim Il-sung elaborated on his proposal for a loose confederation between North and South Korea, in which their respective political systems would initially be retained. In 1989, South Korea advanced the Korean National Community Unification Formula, envisaging a three-stage process for unification: i) reconciliation and cooperation, ii) the formation of a Korean Commonwealth, and iii) the realization of a unitary state. Versions of this concept have informed South Korean government policy ever since.

In 1993, one year before his death, President Kim Il-sung presented his Ten Point Programme for Reunification of the Country, suggesting reunification with South Korea under a pan-national unified state, a Federation, leaving the two systems and governments intact, removing outside influence from the Korean peninsula, and cooperating on trade and foreign affairs.

South Korean President Kim Dae-jung's Sunshine Policy sought to promote reunification through economic assistance and cooperation, rather than sanctions and military threats, and envisaged a three-stage process: increased cooperation through inter-Korean organizations, national unification with two autonomous regional governments, and finally the creation of a central national government.

When North and South Korea signed the June 15th North-South Joint Declaration in 2000, both sides acknowledged that "the low-level federation proposed by the North and the commonwealth system proposed by the South for the reunification of the country have similarity", and agreed to work together for reunification in this direction in the future.

Since then, it has been clear that some sort of 'one country, two systems' model is the approach by which peaceful reunification may be pursued. However, the devil is - as always - in the detail, and the complexities of practically advancing this vision across its many dimensions - security, political, economic and social - have so far defeated the best efforts of technocrats, and the limited timeframes of political opportunity.

In the meantime, support for reunification in South Korea has been falling, especially among young people. In the 1990s, the percent of people in government polls who regarded reunification as essential was over 80%. But by 2011 that number had dropped to 56%. And according to a December 2017 survey released by the Korea Institute for National Unification (KINU), 72.1% of South Koreans in their 20s believed reunification to be unnecessary, and were more concerned about issues related to the economy, employment, and living costs. Furthermore, poll results indicate that a majority of South Koreans are not willing to see their living conditions suffer in order to accommodate the North.

However, if these obstacles can be overcome and if other nations will refrain from pursuing their own strategic interests at the expense of the

Korean people, and though the costs of reunification may be daunting, the benefits will be enormous.

Most obviously, the economic benefits have often been focused on (though not always constructively). The costs of maintaining the division and military stand-off are vast, and entail additional incalculable opportunity costs. In the current context, both Koreas budget disproportionately on defense, and 2 million North Korean youth are bound to compulsory military service for two to ten years. Moreover, the division of the Korean Peninsula has negatively impacted development of infrastructure for transportation and communications that might have enhanced export-oriented economic development. On the other hand, it has been observed that the unification of Korea would create a considerable domestic market of some 80 million people, combine North Korea's human and natural resources with South Korea's technological capacities, and position the Korean Peninsula as a hub in the global transportation and logistics system linking the Eurasian economic bloc and the Pacific.

But while the economic advantages and incentives of unification may help to provide the driving impulse for the first steps towards reunification, much more attention needs to be given to the benefits in the political and social dimensions.

So much of South Korea's painful history of military dictatorship and oppressive national security ideology has been based on the need - actual or perceived - to counter the threat of North Korea. Likewise, anyone who has seen North Korean propaganda against the South can attest to the extreme vitriol that runs through it. But once the 'enemy' against which the politics of hate and fear has been mobilized becomes a partner, the liberating and moderating effects on political culture within both North and South are likely to be considerable.

In the social dimension, it is evident that North and South have much to learn from each other, to the mutual enrichment of both. While the

North obviously has much to gain from the South's experience of social modernization and global integration, some of the South's social ills arising especially from the loss of family bonds and community solidarity may be ameliorated by values re-learned from the North.

In any event, whatever model of reunification is ultimately pursued, the people of both Koreas will find in the international ecumenical movement - and I believe in many many other people and communities around the world - a great reservoir of goodwill and support for their efforts to create a peaceful and prosperous future together.



The Retrogressive Democracy in Thailand, Especially During the Coronavirus Pandemic

Bencharat Sae Chua
(Professor, Institute of Human Rights and Peace Studies,
Mahidol University)

Hello, my name is Bencharat Sae Chua. I'm a lecturer at the Institute of Human Rights and Peace Studies, Mahidol University, in Thailand.

I was asked to talk about the state of democracy in Thailand during the time of coronavirus pandemic. I made this VDO in mid-July while the situation of pandemic around the world is in the so-called "second wave" stage but there has been no domestic infection in Thailand for about 50 days. There are only new imported cases when people come back from abroad. However, the government still keep the Emergency Decree in place and has used the pandemic situation to restrict freedom of expression and association of the public.

Such a measure by the government need to be understood in the context of transition of democracy in the country, with lots of contention over who's in power and who is the sovereign body in the land. Also significant for our discussion here is the raising voices of dissent, especially among the youth, against authoritative use of power by the government. While there are setbacks, there are also progress and hope.

Before I go further into the discussion about the retrogressive or progress of democracy in Thailand during the pandemic situation, I will give a little bit of background of democracy in the country, especially the political conflicts of the last 15 years and the authoritarian rule after the military took over the power in May 2014. Then I will look at the emerging democracy

movement that try to overthrow the authoritarian regime. Lastly, I'll discuss the challenges such movements face from the government's attempts and claims to control the pandemic.

Thailand was under military government since the military staged a coup d'état on 22 May 2014. Even after the general election in March 2019, the military still maintain its control over politics by sending the person who staged the coup and was the Prime Minister during the military rule to be the Prime Ministry. The coup government that ruled the country for about 5 years from May 2014 to 2019 had already set up mechanisms to maintain its power in this newly elected government. For example, their nominated senate members, their selected members of independent institutions.

Dictatorial military control is not a new phenomenon of Thai political history; the military ruled most of the time after the revolution in 1932 coup that turned Thailand from absolute monarchy to a constitutional monarchy. The democratization process which was started in the late 1980s and the continued civilian representative democracy from 1992 were interrupted by the military coup in September 2006. Since that coup, prolong political conflicts led to frequent changes of government and culminated in the May 2014 coup.

We have seen one of the most repressive regime during five years of ruling by the military junta, which called itself the National Council for Peace and Order (NCPO). The NCPO issued many orders that restrict freedom of expression and rights to association. Any order and statement of the NCPO is legally legitimate and would remain enforced until a law was passed to revoke it. So this mean even after we got an elected government, those military rules are still largely enforced.

I would not go into details of how suppressive and authoritarian the regime was, but I would like to emphasize the implications it has on the potential of democracy movement.

During the military rule, any gathering of more than 5 people in public was banned. Any people who criticize the government may face serious

charge. Especially if those comments are seen as negative towards to monarchy, they may be charged with the notorious lese-majeste law. The punishment maybe several years in prison. There are also reports of attacks on political activists.

As a result, we did not see much political gathering or protest during that time. The democracy movement was mainly in the form of symbolic activities or in the guise of academic discussion. It was only in early 2018 that the movements to call for election emerged. The so-called “We Want to Vote” group staged protests from time to time despite being arrested or charged by the police in large number.

As I mentioned earlier, all these did not end with the election and the new government we got last year. The military has managed to maintain its control over elected government and public administration. The rule and regulation that restrict freedom of expression are still in place, though may appear in different forms. For example, the lese-majeste law are not used much but the Computer Crime Act are now being used against any critical voices. People could protest on the street and the government strictly enforce the Public Assembly Act that requires the demonstrators to inform the authorities in advance and restricts the area that a demonstration could take place. Sometime small harassment tactics are used, like using Public Cleanliness Law to charge the protesters for putting banners on street.

This, however, does not mean there is no protest movement in Thailand. Earlier this year, just around the Corona Virus pandemic started, large student-led demonstrations emerged across the country, in a scale that we have not experienced for years. It was because the Constitution Court used a very unreasonable ground to dissolve a very progressive political party, the Future Forward Party. The party was supported by many younger generations who, most of them, had chance to vote for the first time. When the party was dissolved, many university students, and even high school students, organized protest in universities and schools across the country. Not only that the size and number of protesters are spectacular, their demands and claims are also very progressive. They question not only the ground for legitimacy of the military-backed government, but also even

question the role of the monarchy in Thai politics, which is considered a taboo issue in the Thai society.

Sadly, the students-led protest did not last long. The COVID-19 pandemic led to measures to close universities and prohibition of public gathering to curb with the infection situation. On 25 March 2020, the Thai government declared the state of emergency in all areas of the Kingdom of Thailand. This includes the restriction of freedom of movements, the ban of travel into the country, the prohibition of demonstration, and the control of media reports, the use of military force to control security measures, among others. The measure is understandable when it is used for the benefit of public health. As in Article 4 of the International Covenant on Civil and Political Rights, in which Thailand is also a party, “in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed”, the government may take measures derogating from their human rights obligations “to the extent strictly required by the exigencies of the situation” and do not involve discrimination.

However, when the government keeps extending the use of Emergency Decree, now it has been extended for 7 times, the latest until 31 July 2020, without really showing that it is “to the extent strictly required by the exigencies of the situation”, it really cast doubt on the real intent of the law. As I mentioned earlier, there is no domestic infection in Thailand for almost 2 months now. But there is more and more discontent among the people in the way the government deal with the pandemic and economic problems of the people affected by the situation. There is also more and more political discontent that criticize the government’s various policies that do not allow people’s participation or benefit only the military. For example, the implementation of special economic zone without consulting the affected communities, the plan to buy expensive military gears and weapons while the poor receives very minimal support for the livelihood lost. When people criticize the government, however, they face intimidation. Critique on pandemic measures and the information about pandemic itself are also controlled by the government.

Despite all the control, what we have witnessed a few days ago when thousands of people gather on the street in Bangkok, and later elsewhere

across the country, show us that the demand for democracy is growing. What strikes me the most is how this new generation of protesters are using various social media to mobilize people and how they address the root cause of the democratic problem, namely the monarchy and the military control and the political culture that do not respect democratic principles and democratic values, and do not simply attack the malfunction of electoral politics system as it always be.

In sum, while democracy is under attack by both the authoritarian rulers and the conservative forces, democracy in Thailand is being flourish in other way. I believe this is the experience that is not limited only to Thailand. We have seen similar voices and demands for democracy from around the world, while we are all facing challenges from the same dictators and the conservatives. It is only when we keep challenging the authorities and the culture that back them, that we can make democratic change.



Human Rights and Democracy Status in the Philippines: On the COVID-19 Response and the Anti-terrorism Bill

Bub Mo Jung
(Professor, Pukyong National University)

In the Philippines, civil society has harshly criticized the retreat of human rights and democracy since the inauguration of President Rodrigo Roa Duterte in 2016. Civil society has been particularly strong in the Philippines, leading to a number of exemplary achievements in democratic movement in Asia. However, civil society in the Philippines seems very weak under the current government. The high support rate and economic growth rate during the current presidency of Duterte seem to make the general public remain silent or even supportive of governmental policies. Unfortunately, the current government's control over the people and society is incomparable to previous regimes, and it seems that the level of control has increased due to the COVID-19 crisis. Let me focus on national policy for the quarantine and the Anti-terrorism Bill after the COVID-19 outbreak in the Philippines.

In the Philippines, the first confirmed case of COVID-19 infection was reported on January 30, 2020, and the first death on February 1. However, the patients were Chinese from Wuhan, China, and March 6 marked the first community infection case in the Philippines. The Philippine government instituted their General Community Quarantine (GCQ) measures on March 15, and two days later, it was followed by Enhanced Community Quarantine (ECQ) measures. Under ECQ, people's mobility is limited with shut-downs of public transportation, schools, and workplaces. Curfew was in effect from 8 p.m. to 5 a.m., and allowed police and officials to use weapons against those who violated these measures. As public transportation was banned, people who did not have regular work or an automobile were

almost completely grounded. Poor people working in the informal sector were hit hard. For instance, in the metro Manila area, Quezon City, where the highest proportion of slums is found, is experiencing a higher ratio of coronavirus infection. Without access to health care and food in densely populated residential areas, the daily lives of the poverty-stricken are endangered.

The Presidential Emergency Measures Act, called BAHO (Bayanihan to Heal as One), was established by the government in March 2020 to overcome the COVID-19 crisis. It works primarily by connecting departments and policies to facilitate fast operation. However, it has brought about controversy over its unconstitutional nature. Valid for three months from March, it allowed the president to declare emergency countermeasures to address the national emergency associated with COVID-19 by using the necessary national budget.

It has been problematic to limit people's mobility and block the economic activities of the common people. The Anti-terrorism Bill, which has been rapidly promoted due to the COVID-19 crisis, is another factor that threatens the human rights condition in the Philippines.

For instance, the new Anti-terrorism Bill gives the authority to arrest suspects of terrorism without warrant, to detain them for 24 hours, and to install taps to eavesdrop if necessary. The Commission on Human Rights of the Philippines expressed concern that it could limit freedom of expression by branding human rights protection as a terrorist act.



<https://www.yna.co.kr/view/AKR20200604157800084>

The Anti-terrorism Bill is the latest in a series of anti-human rights policies prepared by the Duterte administration, following many victims of the war on drugs, martial law in the Mindanao region, undermining of the autonomy of the legislative and judicial bodies, illegal detention of opposition party members, and extra-judicial killings of social activists. This is seen as evidence of dictatorship by the current government in practice.

The Philippine civic group, IBON, has asked countries to adopt reports prepared by the Office of the United Nations High Commissioner for Human Rights. According to the report on human rights, there have been numerous sacrifices in the Philippines under the name of the “drug war” and “national security.” For example, according to the human rights group Asian Legal Resource Center (ALRC), 59 judicial officers including judges, prosecutors, and lawyers, from July 1, 2016 to February 29, 2020, were killed by extra-judicial killing under Duterte.

In addition to the oppression of opposition lawmakers, lawyers, and civil society activists, the Duterte administration handles the press in a violent way. For instance, it closed the broadcasting station ABS-CBN, which has maintained a critical stance against the current government, and prosecuted the representative of the newspaper Rappler. The government did not extend the business rights of the broadcasting station due to “unfairness of the news,” and the station was eventually ordered to stop broadcasting when the station reached the time when it was necessary to extend its business rights. Maria Ressa, the head of the newspaper Rappler, was indicted on charges of cyber defamation.

The current state of the Duterte government shows different traits from the previous authoritarian political system. Some call the current government a system of “populist authoritarianism.” The Duterte government used to target small groups of criminals who dealt in illegal drugs in the early days after inauguration rather than the leaders of gangs or criminal rings. It has led to the widespread arrest and detention of these people. By making them victims, the Duterte government became popular with its efforts for so-called “social cleansing” Also, the administration externally denied the authority of the International Court of Justice and the United Nations organization, and presented itself as one who resists neo-colonialism.

The COVID-19 crisis has spread like a new buzzword in the Philippines as 44,000 confirmed cases and 1,297 deaths have occurred as of the first week of July. The public may estimate that the policies of the Duterte administration has prevented a domestic epidemic of the coronavirus. The government has lifted the lock-down policy partially in the areas where there are no more confirmed cases, and for most parts of the country, the quarantine policy is strictly maintained. Those who participated in the demonstrations protesting against the Anti-terrorism Bill were harshly suppressed. Finally, President Duterte signed the Anti-terrorism Bill on July 3, 2020.

Support from the public toward the Duterte administration may be broken if measures to greatly restrict the people's livelihoods continues without a stable food supply for the common people. Furthermore, the public may realize that various policies of the current government have failed to reform the structure of society and that only the shell has been changed.



Democratic Solidarity in Indonesia and Korea: Necessity and Methodology

Je Seong Jeon
(Director, Southeast Asian Studies Institute,
Jeonbuk National University)

Good afternoon, everyone. I am Je Seong Jeon, the director of the Jeonbuk National University Institute for Southeast Asian Studies. I am grateful and honored to have been invited to this international forum celebrating the 40th anniversary of the May 18 Gwangju Democratic Uprising. I am going to talk about the necessity and method for democratic solidarity between Korea and Indonesia.

Indonesia is a country that shares the value of democracy with us. Among the ASEAN countries, it is the most appropriate country to cooperate with us since it has been at the forefront of democracy in ASEAN. For instance, Indonesia received the highest mark among ASEAN members in the Freedom House rating, which measures the degree of freedom. Indonesian elections, which directly elect the heads of the local government and the state, have been regarded as just and fair. So have the general and presidential elections held last year. Although there are nine political parties that occupy seats in the National Assembly and the leading party to which the President belongs secured less than 20% of the seats, the political regime of democracy in Indonesia remains stable thanks to consociational political operations. The combination of a unitary state with asymmetric federalism contributed to the resolution of separatism in the Aceh region and a peaceful settlement. President Joko Widodo (Jokowi), who has been re-elected, is a communicative and deliberative leader and does not have any relation to the past authoritarian regime.

Indonesia is an important country in ASEAN. In terms of population, area, and gross domestic product (GDP), Indonesia occupies about 40% of ASEAN. Therefore, it is called ASEAN's "natural-born leader." However, rather than being satisfied with this inherent power, Indonesia has actually demonstrated its delicate and discreet leadership in ASEAN. On the agenda of democracy among ASEAN members, as in the case of Myanmar, Indonesia has maintained a stance to encourage ASEAN-level consultation and involvement, and lead Myanmar on the path to democracy.

In addition, Indonesia also has been influential and received attention at the global level. It has constantly strived to practice the "free and active" diplomatic principles, which were established in the course of the National Revolution (1945–1949). The principles are a directive to "engage actively to achieve freedom." This is why Indonesia has been interested in international issues and always wants to speak up. So it is with democracy. With democratization in 1998, Indonesia became the world's third largest democratic country after India and the United States. It is also a rare case of successful democracy in a country where the majority of the population is Muslim. For this reason, Indonesia's democracy has been receiving worldwide attention. The Indonesian government, which is well aware of this, uses democracy as a diplomatic resource. We should pay attention to these points.

Of course, we cannot say that there is no deficiency in democracy in Indonesia. Indonesian elections consume enormous costs and labor. The huge election cost has given a rise to chronic political corruption. In the elections that simultaneously took place last year, a number of election officials died. Although "Unity in Diversity" is a national motto, religious tolerance and multiculturalism have been weakening in recent years. Aceh's separatism has been resolved, but discrimination and human rights violations against West Papua's residents and people from there have continued. Despite the president's pledges, none of the numerous incidents caused by state violence, which has haunted Indonesian history, has been properly documented through investigation of the truth; nor has there been punishment of those who are responsible for the violence, compensation for victims, or public education and commemorative projects.

Our support for democracy in Indonesia will be effective if it is given in a manner that helps us understand and overcome the shortcomings of Indonesian democracy. We all have shortcomings in some respects. So we have to uncover lessons to learn from others. For instance, we can learn deliberation, consociationalism, multiculturalism, and federalism applications from Indonesia.

In terms of governance, Korea is generally considered to be ahead of Indonesia. This is because Korea, with its tradition of strong state, is superior to Indonesia in terms of state capacity and 10 years ahead in democratization. With this in mind, the Korean government has employed cooperation programs to support the enhancement of institutions and system improvement in Indonesia's various national organizations. Nevertheless, consultation and cooperation with civil society, which is one of the connotations of the concept of governance, works well in Indonesia and better than in Korea in some respects.

We hope that Indonesia's health and welfare sector will be prioritized in governmental cooperation. It will facilitate democracy to actually improve its citizens' well-being and to become valuable and vital. Nowadays, cooperation in the medical sector is emphasized due to the COVID-19 pandemic; however, it is necessary to go beyond the supply of quarantine materials and promote health cooperation for a more fundamental system in the long term. It is less known to us that the Indonesian government has been steadily and seriously pursuing universal health coverage during the recent decades by recognizing its people's needs. Like other developing countries in Southeast Asia, Indonesia is promoting economic growth as well as improvement of its health and welfare system as simultaneous tasks rather than as sequential ones. It is a challenging and creative reform that is being carried out under unfavorable conditions, so the support from neighbors and their wisdom are desperately needed.

If we choose one area in which South Korea undoubtedly precedes Indonesia, it is in the historical rectification (transitional justice) of state violence. We believe that historical rectification of state violence should not be viewed only as reflection of what happened before because the same

problem could recur in the future if it is not properly rectified. It would be wonderful if South Korea were to become interested in the history of state violence in Indonesia and support the country so that Indonesia could take better measures to properly rectify its history. Human rights activists in Indonesia have become more aware of the May 18 Democratization Movement than they were before. This is the result of the May 18 Memorial Foundation's efforts to promote and hold international forums of significant scale in Gwangju each year. However, it seems that the process and method in realizing transitional justice are less known than the achievements of the movement. We should pay attention to the fact that the process and method of historical rectification is an immediate challenge for human rights activists in Indonesia and support them with practical advice.

Furthermore, in order for Indonesia and South Korea to develop democratic solidarity, channels must be formed and regular communications exchanged between civil communities of both sides. In Korea, Gwangju, the home of the May 18 Memorial Foundation, will be able to serve as a channel for solidarity. Bali seems to be suitable for Indonesia. It is not very well known that many innocent citizens were executed in 1965 in Bali, a world-famous tourist destination. The Bali Democracy Forum has been held each year in Bali, which has experienced the trauma of state violence just as Gwangju has. Former president Yudhoyono, who was active in making democratic achievements a diplomatic resource, launched the forum, and the South Korean government supported the forum twice as a co-host. During the subsequent regimes, the forum has lost its light, but the Institute for Peace and Democracy (IPD), established by the Indonesian Ministry of Foreign Affairs and Udayana University in Bali, have been active in hosting the forum. The IPD strives to hold the forum annually despite difficulties. After the 40th anniversary of the May 18 Democratization Movement, I hope that plans to form close solidarity between Gwangju and Bali that lead to the formation of two leaders for democratic solidarity in Asia will be promoted through cooperation between the May 18 Memorial Foundation and the IPD. We expect that Indonesian and South Korean democratic solidarity, facilitated by cooperation between Bali and Gwangju, can contribute to the promotion of democracy, not only in Asia but also on a global level.

In conclusion, I talked about the importance of democratic solidarity between Korea and Indonesia and how to develop it. Thank you for your attention. I wish you good health and happiness.



Democracy in Cambodia Falls Apart

Kyunghwan Boo

(Researcher, Asia Culture Institute)¹⁾

Since 1970, Cambodia has been suffered from constant violence and conflicts, such as coups, civil wars, genocide, and political terrorism, for more than 20 years. It was the Khmer Rouge's tyranny that pursued a radical communist revolution to begin the period of hard times; however, the country seemed to be far away from peace or stability even after Khmer Rouge rule was over. Eventually, the United Nations Transitional Authority in Cambodia (UNTAC) was formed for intervention by the international community, and the "Kingdom of Cambodia" was established again in 1993 by a general election. Since then, democracy in Cambodia, which was at least formally established, has been degenerating to the point of concern.

Election and Party Politics

The Cambodian Parliament is adopting a bicameral system consisting of the National Assembly and the Senate. Unlike the senators who are elected by indirect election, the members of the National Assembly are elected every five years by direct election, and according to the results of the general election, the party that occupies the most seats has the power to form the government. Since the current political system was established, Cambodia has held six general elections.

In the first general election held in 1993 under the control of the United Nations, no one secured a majority of the votes or a majority of the seats (see Table 1 below). Accordingly, FUNCINPEC, representing the

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royal factions, and the Cambodian People's Party (CPP), which was the ruling party after the establishment of the People's Republic of Kampuchea (PRK), formed a coalition government, and Norodom Ranariddh and Hun Sen, who represented the two parties, became the first and second Prime Ministers, respectively. However, in real politics, Hun Sen and the CPP, which had been in power since the 1980s, were forced to exercise superior influence. In 1997, armed conflict between the two parties resulted in the defeat of FUNCINPEC, and defection of Norodom Ranariddh, which created the de facto one-party rule by the CPP. Therefore, the democratic institutions and procedures to ensure fairness in establishing a peace regime was negated from the first attempt.

Since then, though it has had few external concerns, Cambodia has held domestic elections periodically. However, elections have been used only as a mechanism to expand the political power of the CPP and to confer legitimacy and justification for the government rather than to contribute to the development of democracy. Cambodia's election system and the fairness of the process have become subject to questions and criticism. In addition to the loopholes and unfairness issue of the system itself, which lacks equity, the manipulation of electoral rosters, denial of counts, politician and governmental influence on elections, oppression to political figures in the opposition parties, and sophisticated political schemes have been consistently pointed out by political dissents and scholars in and out of the country. Although the appearance of the Cambodian political system takes the form of democracy through elections, it is for the above reasons that it is literally an extension of the authoritarian system. Eventually, the more elections held, the stronger the CPP's one-party dominant system becomes.

The 2013 general election marked a significant break point in Cambodian political history. The CPP's earned less than 50%, and the number of seats dropped significantly to 68, just surpassing a majority. The Cambodian National Rescue Party (CNRP)²⁾ led by Sam Rainsy and Kem Sokha took 55 seats and emerged as an opposition party with strong willpower and capability while the previous ruling party led by royal

2) The party was established by integration of the Sam Rainsy Party and the Human Rights Party in 2012.

factions including Hun Sen was down and out with no seats. In particular, in four precincts³⁾, including Phnom Penh, it won more seats than the CPP, and the overall vote rate was only 4% behind the CPP, which seemed to be enough to threaten the long-lasting leadership of the CPP. The result of the 2013 general election was truly remarkable considering the “uneven playing field,” which was favorable to the CPP. There was widespread opinion that predicted stronger opposite results if the election process had been fair, and the CNRP and its supporters continued to protest, demanding re-examination of the election result. Even though the results of the general election did not change, it enabled institutional improvements such as changes in the composition of the election commission members and computerization of electoral lists (Jeong 2015, pp. 110-112; 2018, p. 123). Most of all, it brightened the prospect of a power change through elections, possibly in the next general election. However, the hopes of those who wished for a transition to democracy and peaceful regime change in the 2010s were not fulfilled, just as the hope for an end to the fierce civil war was severely curtailed on April 17, 1975.

The CPP’s scheme for oppression and pressure against the opposition party became rather explicit. In 2015, the Phnom Penh Municipal Court issued an arrest warrant for Sam Rainsy, the leader of the opposition party. The grounds for the warrant was defamation of Foreign Minister Hor Namhong. In fact, it was in 2008 that Sam Rainsy was convicted, but two years later he was reinstated after receiving a royal pardon. Thanks to this, he could return to the country just before the general election that year and was able to lead the party successfully. It was a problem that seemed to have already been resolved, but enforcement of the law had been abruptly changed while Sam Rainsy was abroad. After being removed from the National Assembly a few days later and disqualified from the immunity, Sam Rainsy failed in his return to Cambodia and once again went into exile.

In early 2017, a year before the general election, the CPP alone revised party law to allow a party to be disbanded if a representative of a party was proven guilty. The CNRP immediately replaced Sam Rainsy with Kem

3) Kampong Cham, Kandal, Phnom Pen, and Prey Veng.

Sokha as the representative of the party and held a local election. After the local elections, in which the CNRP ran successfully, Kem Sokha was also arrested and detained for unforeseen reasons in September of that year. Even though Sokha's trial had not been conducted, the CPP immediately called for the dismissal of the CNRP and the Supreme Court accepted it without delay. As the party was forcibly disbanded, both existing parliamentarians and local lawmakers were disqualified, and 118 high-ranking officials, including Sam Rainsy and Kem Sokha, were banned from political activities over the next five years.⁴⁾ A large political party with over 40% support disappeared helplessly.

The 2018 general election was an election with obvious results. The CNRP was disbanded and FUNCINPEC was powerless. In the elections with no valid competitors, the CPP won more than three-quarters of the votes and won all of the 125 seats. The remainder of the CNRP conducted a campaign against the election, but the effect was minimal. The situation in which people could no longer expect political competition and development can only be evaluated as having become even worse than at the time of the first election in 1993, when the country managed to hold an election only after bloody conflicts.

Civil Society and the Media

Democracy has been suffered from damage even in the place far off from the political confront. On July 10, 2016, an incident occurred that shocked the whole Cambodia on a lazy Sunday. The prominent activist and political critic Kem Ley, who continued to maintain a critical stance toward Prime Minister Hun Sen and the Cambodian government, was killed in broad daylight. While drinking coffee at a gas station convenience store in the center of Phnom Penh, Ley was shot and killed instantly. The suspect was arrested and said he murdered since he could not retrieve the \$3,000 from Ley that Ley owed him. But no one believed the story.⁵⁾

4) "Breaking: Supreme Court Rules to Dissolve CNRP." *The Phnom Penh Post*. Nov 16, 2017.

5) "What's Behind the Death of a Prominent Cambodia Government Critic?" *The Diplomat*. Jul 11, 2016.

Prime Minister Hun Sen condemned the case through his Facebook page and promised thorough investigation and punishment, but no convincing progress has been made after four years have passed. Several international organizations have requested transparent and fair (re)investigation through an independent organization, but the Cambodian government has remained silent.⁶⁾ Kem Ley's family had to leave the country in fear, and there was oppression of supporters who questioned or commemorated Ley's death.⁷⁾

Even though Cambodian civil society has continued its activities based on the support of the international community, the same time it has been oppressed in various ways, both tangibly and intangibly, by government authorities. In particular, influential activists have risked their lives: Chea Vichea, who was committed to the labor movement, was killed in 2004 and environmental activist Chut Wutty, who allegedly suspected the implications of illegal logging by the government and the military, eventually ended up dead in 2012. Kem Ley's death once again brought about great frustration and despair to many Cambodians who longed for social change and democracy.

The use of administrative and judicial powers, as well as various other means, to disrupt and discourage critical activities against the government has repeatedly been used against the media. In 2017, the *Cambodia Daily*, one of Cambodia's leading English-language newspapers, had to close because it could not pay millions of dollars in taxes. After that, the print newspaper was discontinued and resumed as an online service, but the Cambodian government blocked access to the *Cambodian Daily* website and its SNS account, which caused controversy once again.⁸⁾

The following year, another leading English-language newspaper, the *Phnom Penh Post*, was purchased by a Malaysian investor. The problem is that he was the representative of a public relations company for Prime

6) "Cambodia: Three Years and Still No Effective Investigation Into Dr. Kem Ley's Killing." Joint Statement on 3rd Anniversary of Dr. Kem Ley's Killing. Jul 9, 2019.

7) Activist Kung Raiya Receives Suspended Sentence in Kem Ley Shirt Trial." *VOD*. Jun 19, 2020.

8) "Cambodia Daily's Website, Twitter Blocked by Government Order." *The Phnom Penh Post*. Feb 4, 2018.

Minister Hun Sen. When the *Phnom Penh Post* published an article about the company, an order from higher officials for the oppression to immediately drop the article was placed before the major editors declined and resigned.⁹⁾

The independence of the media, which was already weak, was further diminished. In addition, more than the radio stations were closed in 2017 due to government crackdowns and investigations.¹⁰⁾ Most of them had broadcasted relatively independent and progressive content, such as that of the Voice of America and Radio Free Asia. On the contrary, most broadcast stations that have great influence on the Cambodian public are under the influence of the government, such as TVK (National Television of Kampuchea), a state-owned broadcaster, as well as TV3 (Channel 3) owned by Phnom Penh Municipality. In addition, the owner of the influential private broadcasters Bayon TV and ETV is Hun Mana, the eldest daughter of Hun Sen.

Conclusions

According to the World Press Freedom Index, published by Reporters sans frontières, Cambodia ranked 144th out of 180 countries, recording a score of 45.46 this year. Scores and rankings have been falling steadily over the past five years.¹¹⁾

The Freedom in the World index, released by Freedom House, has also considered Cambodia to not be free, recording a level 7 (5 out of 40) for Political Rights and a level 5 (20 out of 60) for Civil Liberties. The country received a rating of 'Not Free' in the total evaluation. This is also falling every year¹²⁾, and in particular, the political rights sector fell to its lowest level this year.

Even without looking at these results, degenerative moves observed recently have made it possible to fully feel that Cambodia's democracy

9) "A Newspaper Is Sold, and Cambodians Fear the End of Press Freedom." *The New York Times*. May 7, 2018.

10) "Cambodia: Switching Off Independent Radio Stations." *Al Jazeera*. Sep 22, 2017.

11) 128th (2016) → 132nd (2017) → 142nd (2018) → 143rd (2019) → 144th (2020).

12) 32 (2016) → 31 (2017) → 30 (2018) → 26 (2019) → 25 (2020).

is shaking. Prime Minister Hun Sen and the CPP government have constantly made anti-democratic attempts to remain permanently in power. In particular, the series of events discussed above occurred around the 2017 commune council election and the 2018 general election, when the atmosphere for regime change through election was ripe. On the premise that the election system itself will not be abolished, it can only be interpreted that everything that can threaten the re-creation of power has been removed.

Prime Minister Hun Sen and the Cambodian People's Party deliberately represent themselves as "winners" and "saviors," who defended Cambodia from the Khmer Rouge. This was a method to guarantee legitimacy and justification of the regime that was vulnerable at the time of the establishment of the People's Republic of Kampuchea (Boo 2011), and it was "sword of the Almighty" to strengthen their position and subdue criticism from their opponents. They always put "peace" and "stability" forward when public opinion makes demands for democracy and human rights, and suffocate them with threatening rhetoric such as "civil war can break out again at any moment" and "the time of difficulties can come again." In addition, rather than silencing the public by words, they also exercise state violence through measures that go beyond and even transcend the authority of the constitution.

Despotism based on deep-rooted terror has succeeded in making opposition parties, civil society, and the press powerless. Can democracy be established again in Cambodia?

Table 1. Votes and Seats Obtained by Party and Election Year

Year	Major Party				Second Party				Third Party			
	Political Party	Vote Rate (%)	No. of Seats	Share (%)	Political Party	Vote Rate (%)	No. of Seats	Share (%)	Political Party	Vote Rate (%)	No. of Seats	Share (%)
2018	CPP	76.85	125	100	FUNCINPEC	5.89	0	-	LDP	4.86	0	-
2013	CPP	48.83	68	55.28	CNRP	44.46	55	44.72	FUNCINPEC	3.66	0	-
2008	CPP	58.11	90	73.17	SRP	21.91	26	21.14	HRP	6.62	3	2.44
2003	CPP	47.35	73	59.35	FUNCINPEC	20.75	26	21.14	SRP	21.87	24	19.51
1998	CPP	41.42	64	52.46	FUNCINPEC	31.71	43	35.25	SRP	14.27	15	12.30
1993	FUNCINPEC	45.47	58	48.33	CPP	38.23	51	42.50	BLDP	3.81	10	8.33

Note. Abbreviations for political parties: BLDP: Buddhist Liberal Democratic Party; CNRP: Cambodia National Rescue Party; CPP: Cambodian People's Party; FUNCINPEC: Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif; HRP: Human Rights Party; LDP: League for Democracy Party; SRP: Sam Rainsy Party. Reference: National Election Committee, ANFREL (1999; 2003), COMFREL (2008; 2013).

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3. Website

Freedom in the World, <https://freedomhouse.org/report/freedom-world>
Media Ownership Monitor Cambodia, <https://cambodia.mom-rsf.org/en/>
National Election Committee, <https://www.nec.gov.kh/>
Reporters Without Borders, <https://rsf.org/en/>



Session 3

State Violence and Women

State Violence in the May 18 Democratic
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Im Seon Hwa (Department of History, Chonnam National University)

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Mar Mar Oo (Director, Association for Labor and Development)

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Field of Peace and Security

Cho, Youngsook (Chief, International Solidarity Center of Korean Women's
Association United)

State Violence in the May 18 Democratization Movement – A Study on Female Victims

Dr. Im Seon Hwa
(Chonnam National University)

1. Introduction

This year marks the 40th anniversary of the May 18 Democratization Movement.¹⁾ Although a generation has passed since the Uprising, May 18 still hasn't been completely investigated, and distortions of and fake news about May 18 continue and are even increasing. I hope that this year will be a chance to look back on the true spirit of May 18, which contributed to the development of democracy in this country, along with clarifying the truth of the Movement to welcome its 40th anniversary.

So far, interest in May 18 has focused on how the New Army Faction cracked down on citizens who opposed the military authorities that dominated state power. The investigation of the truth about excessive suppression, firing on civilians, and shooting from helicopters has continued. This has been the mainstream tendency of May 18 research since the beginning of the May 18 fact-finding efforts.

As the Me Too Movement has sparked significant changes in society, the issue of state violence against women during May 18 has been raised. Before that, the investigation about female victims had been conducted at the private level, but it has not received significant attention. Female victims were inflicted with wounds in various ways. Nevertheless, the sexual violence was mainly highlighted. Although this issue has received media attention,

1) Hereafter referred to as 'May 18'

the investigation was conducted with care and discretion since some of the victims have suffered from secondary victimization.

Since the late 1980s, cases of female victims have been mentioned by the Jeonnam Social Movement Council in *Gwangju Diary: Beyond Death, Beyond the Darkness of the Age* and books written by Jeong Sang-yong, Kim Young-taek, and others. Recently, in 2018, the National Human Rights Commission of Korea investigated injuries to women. Mostly, sexual violence and other human rights violations were investigated. It was meaningful that the Commission is the first state agency to investigate the damage inflicted on women by state violence.

Problems such as sexual violence were first given attention, but damage to women was not limited to that. At the time of the May 18 Movement, women were killed and injured. Women were also arrested and detained. Finally, many women were among the families of those who were killed, injured, and detained. In this article, I will consider the various situations that women faced, as exemplified above, and issues that continue to the present.

2. Women Who Were Killed or Injured

The number of female deaths known so far is less than those of men, but the number of female as well as male deaths is presumably much larger than the number known to the public. The reason is that there are cases of those who were carried away to unknown locations and appear in no record of what happened. In particular, it has been thought that there have been more deaths than the recorded number, considering the recently discovered bones of unidentified people and issues raised on the possibility of secret burials conducted by the martial law forces.

Twenty-one women were officially identified as injured. Looking at the injuries of these women until May 20th, bodily injuries were mainly bruises caused by clubbing or stab wounds caused by bayonets, and they were exacerbated into gun shot wounds after May 21st, when the mass shooting by the martial law forces occurred. In the case of Lim Ji-myung, a 9-year-old girl, she was shot in the elbow, and her elder sister has been trapped in trauma after witnessing the scene and has been treated at a mental hospital. This article does not focus on the psychological damage, however.

The victims of PTSD from being tortured during the investigation were not included in the casualty list, either. As will be mentioned later, those who were sexually assaulted by martial law forces during the May 18 period were not even recorded as among the injured. Only direct injuries that left visible bodily harm were mentioned, and many women who suffer from trauma after witnessing the violence were not counted as victims. The number of them would be difficult to count.

Fourteen female deaths were identified. Among them, Lee Yo-seung was hospitalized after being beaten by martial law forces several days before she died on May 21st. According to the record, other women died after May 21st when they were shot by martial law forces. One of the most well-known examples is Choi Mi-ae, who died after being shot by martial law forces while she was waiting for her husband when she was 8 months pregnant. In addition, Park Geum-hee, who was shot by martial law forces on the way back from donating blood, was also widely known.

The story of Park Hyun-suk, who was killed by martial law forces at Junam Village while going out to find coffins in the area near Gwangju, was also widely known. Many of those who died while leaving the suburbs were killed by multiple shots to the chest and pelvis. It is clear that martial law troops intended this as a final insult to the dying women.

According to a survey by the Human Rights Commission mentioned earlier, sexual assaults were committed by martial law forces in urban areas of Gwangju until May 21st, and on the outskirts of the city while the forces were retreating after May 22nd. The commonality of these crimes was that most of them were committed by more than two martial law soldiers after threatening women with their guns. Victims of sexual violence were devastated and have been deprived of normal lives since then.

It is assumed that there are many more deaths that have not been recorded. I hope that the truth of those deaths will be revealed to the world and give some comfort to the bereaved families.

3. Arrested and Detained Women

Many women were arrested after the suppression of May 18. Some of them were directly involved in May 18, but some others were arrested simply

because they donated blood during the uprising. This article takes examples of the women who have been detained for a considerable period of time, not those arrested for simple participation.

First of all are Jo A-ra and Lee Ae-shin, who were actively involved in the May 18 Citizens' Countermeasures Committee. In addition, the women who had worked for public relations in the former Jeonnam Provincial Hall, such as Jeong Hyeon-ae, Jeong Yu-ah, Kim Seon-ok, Lee Kyung-hee, Park Young-sun, Jeon Chun-shim, and Cha Myeong-sook. Many more women were arrested and detained. Among these cases, some victims were sexually assaulted by male investigators during the investigation process, and more women became subject to other human rights violations. For example, several women were imprisoned in a single cell, and hygiene products such as sanitary pads, were limited to one at a time, worsening the condition of the women.²⁾

The next cases involve relatively minor damages from women's human rights being routinely violated in detention centers. Because sexual violence has been frequently reported in the media so far, it will not be considered here.³⁾

4. On Surviving as family members of the dead, injured, and arrested

The cases of death, injury, arrest, and detention which we have reviewed so far were damage inflicted on individual persons. The stories related to these victims would be countless from the perspectives of the families of those victims, especially for wives and mothers whose husbands or children were sacrificed during May 18. Most of the families of victims were fingered as “leftist” and lived under state surveillance and all sorts of oppression. After those who were arrested were released, they had to fight for the livelihoods of their families. In the case of the families of the deceased, they

2) May Women's Association. *May 18 Democratic Uprising and Women*. Seoul: Christian Institute for the Study of Justice and Development, 1991: 269-74.

3) “Indelible May... Sexual Assault the Day Before Release and after Torturing for 60 days.” *Hankyoreh*. 8 May 2018.

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had to fight the powers of the state for the identity of the dead. In the case of the families of the injured, they had to take care of the injured, fight for a living, and try to escape from the stigma of being branded as “leftist”. The families of the imprisoned victims, like the families of the injured, had to struggle to unravel the stigma of double or even triple agony and to find out the truth of May 18.

As I reviewed the cases of women’s participation during May 18, I learned that many women were killed or injured just because they were in the vicinity, and some who were actively involved in the struggle were dragged away and suffered all kinds of hardships. Later, as remaining family members, some women also took part in campaigns for livelihoods to support bereaved families, and also carried out various activities to realize the spirit of May 18, along with efforts to identify other victims.



The Shadow of Democratized Myanmar – Woman of the Rohingya and Kachin Tribes

Mar Mar Oo
(Director, Association for Labor and Development)

Mingalar Par.

I am Mar Mar Oo from Myanmar.

I had participated in democracy revolution of Myanmar in 1988. The result of participation that I was arrested three times by Military government and spent more than 17 years in prison.

Now, I am working as director of Association of Labor and Development. Our organization is working for migrant workers who move locally and internationally, farmers and their families. Our priority is for women because women are most vulnerable among the migrant workers. For example, in the Yangon region, Over six hundred thousand migrant workers are working, among them 500,000 migrant workers are women who are working in the garment factories. These migrant workers move to Yangon from the different regions and they are many ethnic groups.

After 1988, even the politics of Myanmar transforms to Democracy system but Some students who want to transform to totally democracy and NLD members were still being detained. Daw Aung San Su Kyi herself has been under house arrest several time.

Daw Aung San Su Kyi and her party's members contested in election of Myanmar 2010, and they have performed a lot of democratization in Parliament. At the same time, NLD is strengthening its women organizations. In 2015 election, NLD opened up the opportunities for women from the various ethnic to contest in the election for different states and regions.

Similarly, NLD has allowed women who are leaders from CSO and NGO which are working on women's development to compete in the election. So, now the women participation rate is more than 13 % in parliament.

Due to the good participation of women from several sectors for example - NLD, CSO, NGO and ethnic women, there has been great deal of cooperation with local people when they are working on women's development.

Every citizen is given equal access to rights according to the following articles in our constitution, 2008.

- Article 8 Citizens' Rights and Responsibilities
- Article 347; Section 348 protects the rights of women and girls from discrimination

2012, Section 27 of the Pyithu Hluttaw Law; 2013 According to the Pyithu Hluttaw Rules 106 and the Pyithu Hluttaw Meeting Decision, the 15-member Committee on Women and Children has been appointed. According to Section 27 of the Amyotha Hluttaw Law, Rules 106 and 10 of the Amyotha Hluttaw Rules, women, members of parliament from states and regions can be included in women's and children's rights committees.

After 2015, there are opportunities to join the women from the parliament and women from the outside of parliament for working on women's development. But, they all face challenges. These challenges are ...

- 1) Gender discrimination according to non- formal rules.
- 2) Human rights violation and
- 3) Civil war.

People in war affected area are suffering from the bad conquest of civil war which is starting at the same time of getting the independence of Myanmar. Men and women of all ages are suffering from the land mines. Especially, women and children lost their life and hopes due to civil war. Due to the civil war in Kachin, the education, health and job opportunities status for women are low. When the women look for the jobs, they may be trafficked, exploited and sexual violence. There are many incidents in war affected area.

Rohingya women will face similar challenges. This is a legacy of civil war. The key challenges of CSO, NGO and INGO who are working on women's development is civil war and its consequences. Not only Kachin women but also other ethnic groups such as Shan, Palung, Myanmar and Kayin women etc. There are suffering from the bad consequences of civil war. Similarly, due to the civil war in Rakhine state, Rakhine and Rohingya women are suffering from the bad consequences of civil war as well.

To make Myanmar as a democratic country, we need to perform the following tasks

- 1) To stop the civil war.
- 2) Need to build mutual understanding between citizens.
- 3) Need the good cooperation and balance between citizens and government in building a democracy nation.
- 4) Need to be able to participate women who has the ability in building a democracy nation.

To fulfill the tasks, we, women are from all states and regions are working hard.

Thanks for your watching.



UN Security Council Resolution 1325 on Women, Peace and Security, and Gender Mainstreaming in the Field of Peace and Security

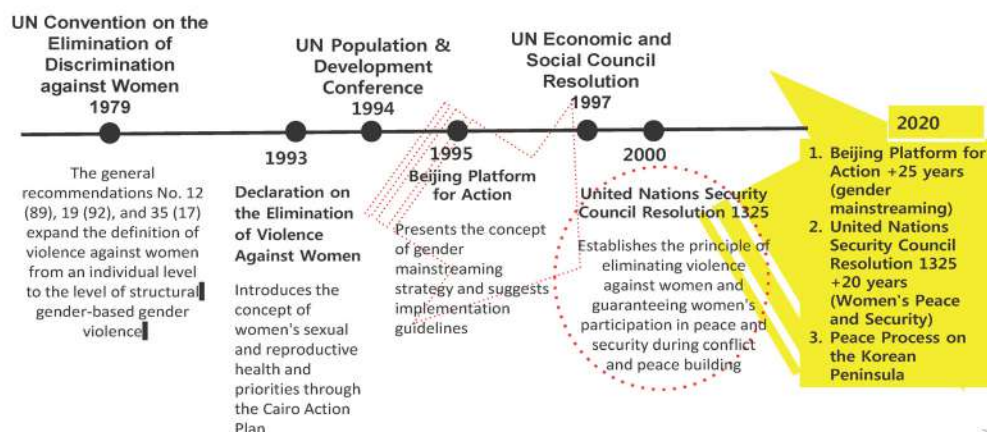
Cho, Youngsook
(Chief, International Solidarity Center of Korean Women's Association United)

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1. Gender mainstreaming in UN Security Council Resolution 1325 on Women, Peace, and Security
2. Integration of gender perspectives into the field of security and lessons from feminist foreign policy
3. Challenges facing the Peace Process on the Korean Peninsula and the Women's Peace Movement

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The 20 Years since the adoption of UN Security Council Resolution 1325 on Women, Peace and Security, which built on the gender mainstreaming strategy of the Beijing Platform for Action



3

1. Gender Mainstreaming in UN Security Council Resolution 1325 on Women, Peace and Security

- The Beijing Women's Declaration and Women's Platform for Action, adopted at the 4th United Nations Women's Conference in 1995, requires the implementation of gender mainstreaming as a strategy to achieve gender equality for all UN member states.
- The UN Security Council met on October 31, 2000 with the goal of counteracting the situation in which women continue to be unable to participate in the peace process, despite the fact that the nature of war is increasingly to target civilians (sexual violence as a means of war). The resolution was unanimously adopted during an open session.
- Resolution 1325 highlights violent conflicts and the excessive impact of war on women and girls, as well as the important role women play or are already playing in the process of conflict prevention, conflict resolution, peacekeeping, and peace building. In particular, the full participation and inclusion of women is considered important in all aspects of achieving and maintaining peace and stability within communities.
- The resolution urges all actors to expand participation from women and add gender perspectives to all UN peacekeeping activities. It also requires parties to a conflict to take special measures to protect women and girls from all types of gender-based violence, especially rape and sexual violence.
- Resolution 1325 included four pillars: Participation, protection, prevention, and relief and recovery.

4

Four Goals and Objectives of UNSCR 1325

1. **Participation:** Call for increased participation from women at all levels of decision-making, including national, regional, and international organizations. This involves boosting participation from women in conflict prevention, management, and resolution mechanisms, peace negotiations, and peacekeeping activities.
2. **Protection:** Special measures are needed to protect women and girls from sexual and gender based violence (SGBV), including in emergency and humanitarian situations such as refugee camps.
3. **Prevention :** States are urged to improve intervention strategies to prevent violence against women, including prosecuting those responsible for violations of international law. This involves strengthening women's rights in accordance with national law, supporting local women's peace movements and conflict resolution processes, and calling for "gendered approaches to reducing fragility" to this end.
4. **Relief and recovery:** Addressing global crises through the gender lens, respecting the nature of civilian and humanitarian aid at refugee camps, and taking into account the needs of women and girls in the design of refugee camps and settlements, as well as urging states to develop relief and recovery measures.

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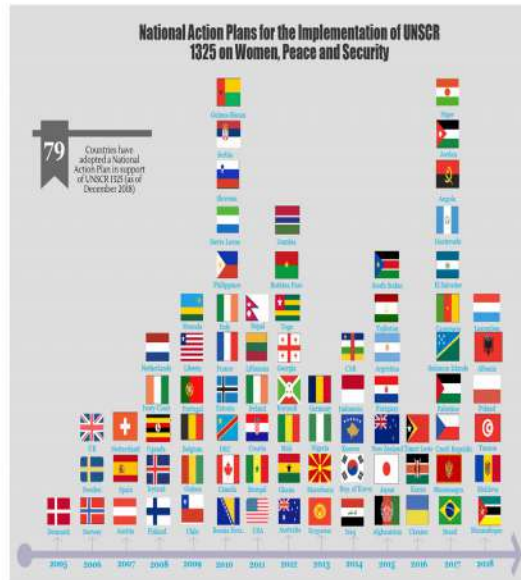
United Nations Security Council Resolution 1325 and the United Nations Convention on the Elimination of Discrimination against Women (General Recommendation)

General Recommendation (year)	CEDAW General Recommendation
United Nations Convention on the Elimination of Discrimination against Women No.30 (2013)	Principle of substantive equality in dispute / conflict resolution • Call for greater participation from women and gender equality in all processes (dispute prevention, dispute processes, post-dispute, etc.) and areas (participation, prevention, protection, relief / recovery) of disputes • Emphasis on budget allocation for National Action Plan (NAP) implementation and cooperation with women's organizations
United Nations Convention on the Elimination of Discrimination against Women No.35 (2017)	Gender-based Violence (GBV) prohibition recognized as international law practice • Violation of Sexual and Reproductive Health and Rights (SRHR) defined as gender-based violence. • Calling for changes in culture / traditions / religions that undermine progress in changing violence-causing social norms and stereotypes . • Urging states to strengthen national accountability for gender-based violence committed by nationals or domestic companies outside their jurisdiction. • Calling for the abolition or revision of laws and policies that abet gender-based violence. • Urging women to achieve greater autonomy and decision-making power in all fields.

Highlights of Security Council Resolution 1325 and Follow-Up Resolution

	Resolution (Year)	Main points of the nine resolutions on women's peace and security adopted by the United Nations Security Council
1	1325 (2000)	• Including gender perspectives and the importance of women's participation in all processes including peace negotiations / humanitarian aid / peacekeeping activities / peace building and governance after conflict
2	1820 (2008)	• Confirm that sexual violence committed as a means of war must be treated as a peace and security issue
3	1888 (2009)	• Urging states to strengthen their response to sexual violence by including gender experts in response teams for conflict-related sexual violence issues
4	1889 (2009)	• Calling for the development of 1325 monitoring and evaluation indicators • The Secretary-General of the United Nations is asked to submit a report on women's participation in the peace construction process
5	1960 (2010)	• Emphasis on monitoring and reporting mechanisms for sexual violence during conflict
6	2106 (2013)	• Stronger measures to hold perpetrators accountable for sexual violence during conflict • Emphasis on efforts by women to strengthen their political and economic power
7	2122 (2013)	• Concerns expressed about the delay in the implementation of the women's peace and security agenda • Emphasis should be placed on gender equality and women's empowerment as key issues in international peace and security issues • Emphasis on the Security Council's activities in consideration of the special nature of the impact of conflict on women
8	2242 (2015)	• Highlighting the activities of an informal group of experts • Emphasis on efforts to solve the problems of repeated delays in the implementation of financial and institutional reform • Violent extremism and anti-terrorism activities require integration of the women's peace and security agenda • Urging the Security Council to improve the way in which women's peace and security work is conducted
9	2467 (2019)	• Agreement reached on providing support for abortions to women who have been the victims of sexual violence during conflict, in response to opposition from the US Trump government

Mechanisms for Implementing UN Security Council Resolution 1325 the National Action Plan (NAP) on UNSCR 1325



- Since 2005, countries have been developing UNSCR 1325 National Action Plans (NAPs) to implement Resolution 1325.
- As of December 2018, 79 countries, which account for 40% of UN member states, have adopted National Action Plans.
 - ❖ Only 34 countries (43%) allocated funding for NAP implementation.
 - ❖ 57 countries (72%) are monitoring and evaluating the implementation of NAP, and evaluations have found insufficient analysis of gender violence and the link between sexual violence and gender during conflicts.

8

2018 UN Security Council's WPS forum

At the UN Security Council's Open Debate on Women, Peace, and Security (WPS) on October 25, 2018, the Secretary-General of the United Nations announced the Security Agenda on Women, Peace, and Security through political and economic empowerment of women. This called for the implementation of Resolution 1325 and making peace sustainable, while urging countries to accelerate their implementation of an NAP.

- ☐ Women's access to resources and economic empowerment are instrumental in the prevention of conflict and sexual and gender-based violence, SGBV .
- ☐ Importance of securing funding for women's organizations and expertise, as well as supporting women's participation in peacebuilding at the local level. The importance of securing funding for women's organizations and experts, as well as supporting women's participation in peacebuilding at the local level.
- ☐ Emphasizing the importance of women's organizations in activities that drive problem solving and providing resources that can overcome unbalanced gendered violence and patriarchal structural inequality.

9

2. Integrating gender perspectives in the field of **security**, and lessons from feminist foreign policy

- At the 63rd United Nations Committee on the Status of Women (CSW63) held in March 2019 in preparation for the 25th anniversary of the Beijing Framework for Women's Action and the 20th anniversary of the resolution of 1325, "The Action to Accelerate Women, Peace and Security (The Road to 2020: Accelerating Action on Women, Peace and Security)".
- 20th Anniversary of Resolution 1325 (2020): Reinforcing the voice for closing the implementation gap.
- Women's Participation and Gender Perspectives are Peaceful
- Priorities for implementing gender mainstreaming on the peace and security agenda



10

Priorities for implementing gender mainstreaming on the peace and security agenda

- UN Women quoted analysis that from 1990 to 2017, only 2% of mediation officers and 8% of peace negotiation representatives were women, and women were completely excluded from peace talks in Syria and Yemen. Six problem areas that require a rapid response were put forward ahead of the 20th anniversary.
 - 1) Civil society and protecting women human rights defenders
 - 2) Expanding financing for the women, peace, and security agenda
 - 3) Increasing the number of women in uniform related to peacekeeping activities
 - 4) Promoting women's economic recovery in post-conflict contexts
 - 5) Standardizing gender-responsive conflict analysis and planning
 - 6) Promoting gender inclusive peace processes and negotiations

11

OECD / DAC disputes and ODA gender equality goals for vulnerable countries

- In order to properly respond to vulnerable situations, the gender equality perspective needs to be changed to emphasize women as 'agents of change'.
- Women should be supported in strengthening their capabilities so that they can serve as 'agents of change' in peace building and nation building, rather than passive victims or beneficiaries.
- Emphasis should be placed on the unequal balance of power between genders and vulnerability, including social norms. Efforts to improve gender norms should be emphasized, especially for men.
- We need to identify all links between gender, conflict and vulnerability, such as how gender inequality leads to conflict and vulnerability, and then form a policy framework for responding.
- We need to work with gender experts to understand the power relations that spark gender inequality, conflicts and vulnerability.
- United Nations Security Council Resolution 1325 seeks to strengthen integration and cooperation between frameworks, governance participants, and experts across national agencies on national action plans (NAPs) and peace and security.
- Effective links between UNSCR 1325 NAP activities, ODA donors, and recipient countries.

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SWEDEN: Feminist Foreign Policy (established in 2014)

- Goal 1: To ensure that all women and girls can fully enjoy human rights
- Goal 2: All women and girls are free from physical, mental and sexual violence.
- Goal 3: For women and girls to participate in conflict prevention, dispute resolution, and peace building after conflict
- Goal 4: For women and girls to participate in politics and have influence in all sectors of society
- Goal 5: To ensure that all women and girls fully enjoy economic rights and empowerment
- Goal 6: To guarantee women's and girls' sexual and reproductive health and rights
- Goal 7: The Swedish Ministry of Foreign Affairs is committed to supporting and developing feminist foreign policy

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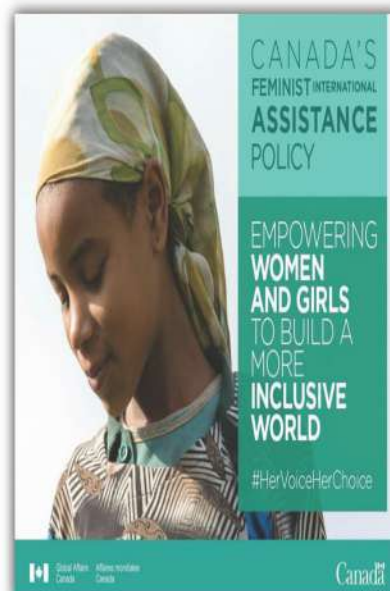
Canada: Feminist International Assistance Policy (established in 2017)



Trudeau made his cabinet with equal numbers of men and women for the first time in Canada's history.

His answer was concise when asked by a reporter, 'Why did you consider an equal gender ratio important?'

1. 15% of Canada's total bilateral aid is allocated as an independent project budget for achieving gender equality and women's empowerment goals.
2. NGOs working to further women's rights, women's leadership, and gender equality will receive 150 million Canadian dollars (about 1362 billion won) over the next five years.
3. It is mandatory to include gender equality and women's empowerment projects in all aid projects. Unless reasons for not including gender equality projects are clearly indicated, the project will not be supported in principle



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3. The Korean Peninsula Peace Process and the Women's Peace Movement

- **First**, efforts must be made to be in accordance with global women's peace and security related processes. A response is necessary in light of the evaluation process commemorating the recent 25th anniversary of the Beijing Women's Platform for Action and the 20th anniversary of the Security Council's Resolution 1325. In addition, the implementation of gender equality issues is related to women's peace and security, including the Convention on the Elimination of Discrimination against Women (CEDAW 1979), the Population Development Conference's Action Program (ICPD PoA 1994), the Beijing Women's Platform for Action (BPfA 1995), and the Sustainable Development Goals (SDGs 2015). Dialogue and consultation between the government and women's organizations is required to make further progress.
- **Second**, the National Action Plan (NAP) adopted in 2014 for the implementation of Security Council Resolution 1325 has entered its second phase as of 2018, but implementation is still insufficient, with only two public-private joint meetings held so far. Therefore, it is of urgent importance to establish a system of governance between the government and women's organizations for monitoring and evaluating implementation.
- **Third**, the ongoing peace process on the Korean Peninsula requires greater participation from the women's peace movement, which is based on the global women's peace and security paradigm, the integration of gender perspectives, and social recognition of the role and contribution of the women's peace movement. Support for this must be institutionalized.

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3. The Korean Peninsula Peace Process and the Women's Peace Movement

- **Fourth**, the Ministry of Foreign Affairs formed the "Women's Peace Initiative to Prevent Sexual Violence in Dispute" in 2018, in which female NGOs have participated in the formation of global norms related to women's peace and security in humanitarian assistance and international development cooperation projects, both in Korea and the international community. It is very positive that efforts are being made to prevent sexual violence, expand women's participation, and promote gender perspectives during conflicts. Such efforts will serve to expand the ODA project, a contribution by Korea to the international community as a member of the OECD / DAC, as well as promote the peace process on the Korean Peninsula.
- **To achieve this**, it is necessary to analyze sexual violence, women's participation and gender perspectives in disputes raised in Korean society, including the comfort women issue, based on the gender equality norms of the international women's peace and security system. We must also find ways to incorporate the lessons learned in a systematic manner and prevent sexual violence during conflicts. It is also necessary to provide more humanitarian assistance, promote cooperative development projects for women's participation, and endeavor to incorporate this into the overall peace process on the Korean Peninsula. (End)

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Session 5: Emerging Voices

The Chronicles of the Heroines in Democratic Transition in Myanmar
Démona Khoo (Gender and Development Institute)

The Second Wave of Youth Movement, Transition and Role of Youth
Towards Democratization in Thailand
Tao Don Tajaroensuk (People Empowerment Foundation)

The Human Rights and Democracy Struggles of the Filipino
'Youthniverse'
Gianna Catolico (IDEALS)

Challenge in Hong Kong and the Spirit of Democracy From Hong
Kong Youth's Point View
Chloe Chan (Chonnam National University)

A Filipino Perspective on Civil Society and Human Rights
Aron Aldrich Guevarra (The Ateneo de Manila University)

The May 18 Democratic Uprising to the Candlelight Revolution
Team Semdle (Hansung University)

Religious Minority Facing the Challenges and Threatening for Human
Rights, Democracy and Peace in Bangladesh
Shapla Swarana Ruram (Bangladesh Centre for Human Rights and Development)

Active Youth Leadership Could Strengthen and Protect Human
Rights in Society
Abdul Ghani (University of Sindh)

On the Necessity of Social Discourse on Refugees
Team Runing Men (Sungshin Women's University)

A Call for Access to Environmental Justice
Visalaakshi Annamalai (UNHCR)

The Chronicles of the Heroines in Democratic Transformation in Myanmar

De Mona Khoo
(Gender and Development Institute)

Myanmar is a country slowly stepping towards the democratic transition from military regime. Indeed, there are many challenges, difficulties and barriers to overcome in moving forward. By observing the justice transformation and democratization movement in Myanmar, I would like to pinpoint my perspectives on some issues concerned with young women and their involvement in the democratic transition process.

1. Perspectives on Women

When it comes to conflicts, fighting for freedom, or fighting for the justice transformation, we have seen many articles that women and children are mostly portrayed as victims describing the impact of conflicts or revolution. Various types of media and social media mainly portray women as weaker than men or males and the victims or prey during the hardships and wars. In this case, I am not denying the fact that many women suffer during various hardships and become victims. Nevertheless, women are not the only gender suffering from hardships and revolution but people from all genders and social classes are impacted by the transitional Justice process. A report in Myanmar provides the fact that when a woman is a spokesperson, she is likely to be representing an NGO or CSO, or government. When a woman is a subject, she is likely to be a victim.¹⁾

1) Breaking Gender Stereotype: Gender in Myanmar News, News content analysis from a gender perspective November 2019, Page-23.

From a diverse perspective, it is undeniable that there were women who did not allow themselves to be victims but bravely fought along with men in history and there are women currently doing the same thing as well. Therefore, the accreditations for these kinds of contributions should be highlighted in various media and encourage women involvement and representation in the transitional justice process as well.

2. Recording and Recognition of Women Involvement in Democratic Transformation

In September 2007, there was a nationwide uprising to remove the military regime in Myanmar, which is also known as saffron revolution. In this uprising movement, the author herself had experienced that women (mostly young women) participated in the frontier to fight together as students and political activists along with Buddhist monks and men groups in Myanmar. Among those women, the appreciation and recognition go to only very few women who are mentioned as icons. The recognition is lacking for those many non-iconic women who gave their lives, who separated from their families, who suffered for life long, for the sake of their brave involvement in the fight. We still owe an honor to those women at least to recognize and record their names.

Even on the international levels, we have seen that different rewards and recognitions are given toward individual women for their dedicated works for justice transformation. However, there are still many anonymous women who are really involved in the fights or sacrifice their life for the transitions of their countries but their involvement and contribution have not even been mentioned or their names are not recognized by any organizations. And, I believe that among these hidden heroes who are not mentioned include not only women, but also men and they deserve to be recognized for their sacrificial acts.

There are incidents that women are recorded, recognized and rewarded for their sacrifices in Myanmar. Yet, those events are still very few. We need to give appreciation to those women of all ages who are involved in

transitional justice and democratization of the country. It is extremely important to include those women who anonymously fought for social justice, in honor at the same level as women who were put in jail or who were forced to exile to other countries.

3. Young women facing against two sided combat at the same time

Apart from challenges of women to be able to involve themselves in the fight for democratic transformation, it is also very challenging for them to be able to voice out freely (freedom of expression) and to involve in leadership roles for the changes of the country. The Women's freedom of expression and access to information are under the continuous attacks. The primary right to involve decision making, freely voice out their perspectives and access to information is trapped in the society's stereotypical norms and discriminatory traditions.²⁾ Although many women are actively and courageously involved in transitional justice, the freedom of expression and access to information are still a huge challenge until now as well as in the past.

According to the cultural, religious and social norms, males are usually in a favorable position in society. Consequently, societies in Myanmar automatically and undeniably accept that male are the most suitable for leadership roles and decision making positions.³⁾ Therefore, being a woman, a young person, a minority coming from remote areas, chances to take part in leadership positions are completely dim for them even if they are qualified. As much as they are in a position of fighting against a combat to democratization movement, they are also fighting against the cultural norms for the leadership position.

In conclusion, the Gwangju May 18, 1980 uprising was a very important step for the republic of Korea's democratic journey and it is the day to honor the unseen or hidden hero in the revolution assigned by the government.

2) ARTICLE 19 - Censored gender: Women's right to freedom of expression and information in Myanmar - Page 14.

3) Gender and Development Institute -Women at the cross road: A Study Report on the Barriers and Opportunities for Women's Political Leadership in Myanmar, 2015, Pg. 21.

Hopefully, May 18 spirit will inspire Myanmar to honor those who were part of the revolution, traditional justices and democratization journey in Burma. The author would like to conclude this article by hoping that this article will inspire the documentation and honoring of women of all ages who fought for the transitional justice, and democratization process as well as those still fighting for the remaining journey.



The Second Wave of Youth Movement, Transition, and Role of Youth Towards Democratization in Thailand

Tao Don Tajaroensuk
(People Empowerment Foundation)

This presentation will give an overview of Thailand's democratization after the last coup in 2014 and examine the role of the youth in its process in Thailand. The youth today are essentially anticipated to become key factors for future democratization movement.

After the Thailand coup of 2014, Thailand's democratization has been constantly unstable. However, there have been activists who have involved in the democratization movement but it seems that the movement in Thailand is still struggling because of strict policies and arbitrary jurisdictions conducted by military who have been controlling Thai politics over the last 5 years. Paradoxically, on March 24, 2019 a national election was held after the military reformation was set up and this brought the new constitution of 2017. It was recognized as an unfair election which military party and its allies are being advantaged under their reformation works.

The youth and students became a frontline of democratization process supported by academics, NGOs, civil societies, and some independent medias as well.

During the first wave of student's movement there were some significantly miniscule number of people who participated in the democratization. Awfully, some youths were jailed and sentenced to imprisonment. Even though the democratization movement could be seen as unsuccessful but it has been transformative, expanding to other sectors of democratization movement. Some students moved strategically to be members of the

parliament, NGOs, and other civil societies to influence and motivate a new wave of democratization. The first wave of the youth democratization was pervasive to other social sectors as schools and universities in an attempt to expand democracy throughout the nation. The academics and NGOs have practically provided and educated the youth who have learned lessons from democratization processes around the world, such as Hong Kong, South Korea and Gwangju Uprising, which become one of the most significant and essential studies in the field of democratization movement.

The second wave of youth democratization has certainly begun on February 25, 2020. Unexpectedly, the youth in many universities have instantaneously demonstrated against the dictatorship after dissolving the Future Forward Party. Students have clearly demanded the new constitution which should be based on people's benefits, such as freedom, democracy, decentralization of economy. It is quite obvious that the second wave of youth is purified from any involvement of other political and economic actors. Even though it is still long way to democratically succeed, the second wave of youth democratization bring back hope and take back to the track of democratization while the first wave is feeble. It could be described that the second wave of youth democratization is fruitful and is an outcome of first wave of the democratization movement. It is especially remarkable for the transition period of democratization in Thailand to make progress from one generation to another.

Lastly, I would like to emphasize you all that the democratization process importantly needs a collective action from many social and democratic actors. Democratization makes transitions directly and indirectly from one generation to another, from one country to another. We must ensure that democracy contributes to human rights, social equality, rule of law, and social justice for all.



The Human Rights and Democracy Struggles of the Filipino ‘Youthniverse’

Gianna M. Catolico¹⁾

(Initiatives for Dialogue and Empowerment Through Alternative Legal
Services Inc.)

Unlike South Korea, the Philippines harvests a young population ; thirty percent of the country’s population are between the ages of 10 and 24, or over 30 million Filipinos (Chavez, 2018). The youth’s thrust and thirst for change have led to reforms in the country’s civil society, and recently, the local government arena. Given the high percentage of youth, it’s prevalent that their passionate voices, robust efforts in mobilizing, and heightened presence on social media platforms, pose a threat to the current regime of President Rodrigo Duterte. In this paper, the author enumerates five human rights and democracy challenges faced by the Filipino youth—or rather the ‘youthniverse’—under Duterte’s regime.

Underrepresented in the Lower House

The youth are underrepresented in the legislative branch of the government. The lone representative of the youth sector, *Kabataan* (youth) Party-list representative Sarah Elago, faces challenges in performing her duties as she is surrounded by an almighty and all-powerful ‘supermajority’ in the Congress. Kabataan Partylist is affiliated with the left-wing *Makabayan* (nationalist) bloc, which is a minority in the legislative branch. “[Kabataan Party-list] does bring and tackle the youth and students’ primary demands

1) 1Program Officer, Initiatives for Dialogue and Empowerment through Alternative Legal Services Inc.; Former International Intern, May 18 Memorial Foundation; Treasurer, Asia-Pacific Master’s Alumni Association of the Institute of Human Rights and Peace Studies, Mahidol University.

such as campaigns against persistent tuition and miscellaneous fee increases, higher state subsidy for education, jobs for new graduates, and promote youth empowerment among all the sectors in society,” The College Editors Guild of the Philippines, a youth group advocating for student rights and free press in campuses, said in an interview.

This is in contrast to another youth group vying for power in the Lower House—the right-wing Duterte Youth Party-list. The latter is one of the personality-based and candidate-centered parties controlled by provincial bosses, political clans, and political machines. Drawn from patron-client relationships, the Philippine electoral system has weak citizen-party linkages (Teehankee, 2010). Duterte Youth party-list will be discussed in detail in the next section.

Misrepresented in the National Youth Commission One of Duterte’s rotten promises was to pattern his cabinet on Canadian Prime Minister Justin Trudeau’s inclusive, youthful, and gender-balanced cabinet (Ranada, 2016). But Duterte resorted to ‘gifting’ supporters positions in the government and thus, failed to appoint a genuine youth representative to the National Youth Commission (NYC), a constitutional body created under The Youth In Nation-building Act (RA 8044).

Duterte’s basis in selecting heads of government agencies was their loyalty and support to his rule, a facet of the country’s political history of cronyism and the *padrino* system (a local term for political patronage). Since 2016, youth groups and human rights activists believe that NYC doesn’t act upon pressing issues encapsulating the Filipino youth.

Here is a timeline of NYC Chairpersons since 2016:

- **Ice Seguerra (July 2016 to March 2018)**

A former child star-turned singer and LGBTQI member, Seguerra and his partner, Liza Diño, were staunch supporters of Duterte. Diño, the daughter of one of Duterte’s cronies, chairs the Film Development Council of the Philippines. He allegedly resigned due to pervasive bureaucratic red tape (Tantiangco, 2018).

- **Ronald Cardema (August 2018 to May 2019)**

Cardema is the former head of the Duterte Youth group and a crony of the Duterte oligarch. He made controversial pronouncements during his stint as NYC chair. He requested Duterte to revoke the scholarships of student activists from state colleges and universities, whom he describes as “anti-government scholars” (Tomacruz, 2019)²⁾. Cardema’s stint abruptly ended because of his greed and lust for power. When the Duterte Youth Group scored a seat in the House, he filed a petition to substitute his wife, the party’s nominee, of hopes to become a member of the legislative branch. Already overaged and unqualified,³⁾ Cardema not only lost his position at NYC, he was barred from representing his party-list.

- **Ryan Enriquez (July 2019 to Present)**

To curb the spread of human immunodeficiency virus (HIV/AIDS) and teenage pregnancy, Enriquez suggested that teenage girls and boys be segregated in schools (Yee, 2019). Likewise, he named an actor as a national youth ambassador and just recently, manifested support to allow the President to exercise emergency powers to solve the COVID-19 pandemic, which drew flak on social media⁴⁾.

Postponing the Sangguniang Kabataan Polls

The *Sangguniang Kabataan* (Youth Council) polls at the village level have been postponed three times since 2016, the most number of postponements by any administration. By virtue of the Sangguniang Kabataan Reform Act (RA 10744), youth ages 18 to 24 years must elect one SK chairperson and seven youth leaders in their respective village for a three-year term. Just like his predecessor, former President Benigno Aquino III, Duterte was adamant in

2) Cardema’s red-tagging of activists is, in fact, an odd pronouncement for Cardema. His uncle, a former left-wing activist, was a victim of extrajudicial killing in 2006. To protest his uncle’s death, he discontinued his studies at the Philippine Military Academy.

3) Under the Party-list System Act, a nominee of the youth sector must not be more than 30 years of age on the day of the election.

4) Refer to NYC’s statement:

<https://www.facebook.com/nationalyouthcommission/photos/a.668983936448467/3326087027404798/?type=3&theater>

delaying the SK polls, a crucial political exercise for the youth. According to Duterte, delaying SK elections will “save government money,” (Ranada, 2019).

Here is a timeline of postponement of SK polls:

- **October 3, 2013:** Aquino signed Republic Act (RA) 10632 postponing the SK elections initially set on October 28, 2013. The new election date will be held between Oct 28, 2014, and Feb 23, 2015.
- **October 2016 :** Duterte signs RA 10923, rescheduling the October 31, 2016 polls to October 23, 2017.
- **October 2017 :** Duterte signs RA 10952, rescheduling the SK elections anew to May 14, 2018. (Bueza, 2018)
- **May 2018:** SK polls pushed through.
- **December 2019:** Duterte signed RA 11462, rescheduling the elections from May 14, 2020, to December 5, 2022.

The government's collated efforts to impede village youth elections proves that promoting youth leadership, and even respecting their right to elect and be elected, has been relegated and downplayed over the past years. In his article on youth participation, Flores (2019) says, “To reinforce the idea of an inclusive democracy to the youth, democratic ideals need to be cultivated within the environs where young people thrive,” (p. 339). Without streamlining free, fair, and periodic polls in sync with Article 25 of the International Covenant on Civil and Political Rights, the current government has broadened the gap between them and the youth sector.

Red-tagging and Crackdown on Youth Civil Spaces

In a nutshell, the government has recognized the importance of student-fortified social movements but at the same time, lashed at communist insurgency. In August, Malacañang signed RA 11369, declaring November 17 as a national holiday to recognize the impact of student activism in Philippine democracy

in conjunction with International Students' Day. Ironically, one month later, Duterte signed Executive Order 70, which is now used in targeting legal activists and left-wing organizations critical of the government's policies.

Disciplining the Commander-in-chief

Lastly, this government continues to evoke the concept of 'parent-style discipline' in his platforms. Since he came to power, Duterte has hammered traditional 'disciplining' approaches to addressing issues affecting the youth. This was evidenced when he certified Senate Bill 2232, which required Grade 11 and 12 students to undergo the Reserve Officers' Training Corps (ROTC) program⁵). Duterte's desire to push mandatory ROTC is convoluting and ironic when even he, himself, skipped ROTC training because "he doesn't want to be shouted at," (Ranada, 2017). To avail of the ROTC exemption, he tricked the military registrar by submitting medical documents of a Tuberculosis-infected patient written under Duterte's name. Youth groups have lamented this proposal for mandatory ROTC, citing previous cases of campus hazing and costly military uniforms.

Light After the Dark Tunnel: The 'Renaissance' of Millennial Voices

There is still a glimmer of hope despite the government's collated efforts to tame the 'youthniverse' into quiescent, pliable, and 'disciplined' citizens, off-line and online. There are flourishing social platforms with youth amplifying their grievances against Duterte, incumbent politicians, and their lackeys. Just while the author was writing this speech, Duterte ordered the police and military to "arrest, detain, and shoot" citizens who will 'defy' the lockdown (Esguerra, 2020), a statement that surged fury from the author and the entire Filipino youth. Following his rant, the youth flooded social media with posts calling on the ouster of Duterte and restructuring of the

5) Duterte's letter certifying SB 2232 as urgent can be accessed at:
<https://twitter.com/piaranada/status/1135494446257098752/photo/1>

bureaucratic system. Even senators and local leaders were not spared from their calls for transparency and accountability.

However, the possibility of ousting Duterte is far from reality. The president enjoys a high trust and approval rating and the legislative branch is penetrated by his lackeys. As pointed out by Parenti (1978), one of the reasons why there is no overt conflict between the ruler and the ruled because, “they are dissatisfied but acquiesce reluctantly because they do not see the possibility of change,” (p. 16). Nevertheless, political participation among the youth has bolstered under the incumbent government. As long as inefficient governance, cronyism, inconsistent rhetoric, and disregard for the rule of law and due legal process thrives, the Filipino youth will be a ubiquitous offline and on-line force Duterte has to deal with before he steps down in 2022.

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Challenges in Hong Kong and the Spirit of Democracy

– From the Hong Kong Youth's Point of View

Chloe Chan

(Chonnam National University)

Hong Kong has been through many crises.

These days when everyone is concerned about corona virus, as a Hongkonger, I often recall the memory during SARS epidemic. In fact, besides SARS, we have gone through many struggles during the transition from being a British colony to being under Chinese sovereignty. We also endured the Asian Financial Crisis that came along with the handover, and finally built up the Asia World City that we are living in today. The challenges we are facing right now, are not just the intensifying economic inequality but also the fear that our autonomy and political freedoms maybe getting eroded.

Hong Kong has been part of China since 1997 and has remained as a self-governing special administrative region under the “one country, two systems” policy from the Basic Law, which guaranteed Hong Kong a high degree of autonomy for 50 years and safeguarded the preexisting civil liberties. According to article 45 of the Basic Law, Hong Kong's chief executive will ultimately be elected by universal suffrage- however, this promise, to a certain degree, is not being realized. The implementation of an authentic “one-man, one-vote” universal suffrage is what is deemed to be the key step in the democratic reforming process; hence it was also constantly being stressed as one of the “five demands” from the recent protests as well as during the Umbrella Movement in 2014.

Besides the realization of universal suffrage, another challenge is considered to be the clash between Mainland China and Hong Kong's ideologies. Hong Kong has developed its political system and a unique

cultural identity ever since the British colonial period prior to 1997. It has remained a self-governing region with its own laws, currency, and education system that are significantly different from Mainland China's. The advocacy of "self-determination" in Hong Kong, which is often mis-associated with national independence, is criticized as being against Mainland China's "One-China policy". Under such circumstances, many human rights activists are being stigmatized and labelled as "rioters", who intend to undermine China's territorial integrity and accused of "conspiring against the central government". On the other hand, Hong Kongers' resistance towards the attempts of expanding Mainland China's political control is escalating.

As we know, a series of protests put Hong Kong at the forefront of global attention last year. The prologue to a series of demonstrations began on June 16th, 2019. The protest against the extradition bill on that day can be marked as one of the largest demonstrations in Hong Kong's history. According to the data from the organizer, Civil Human Rights Front, nearly two million people participated (on that day). If this number is accurate, considering Hong Kong has a population of 7 million people, then one out of every three and a half Hong Kong citizens have joined the protest. Moreover, among these protesters, most of them appeared to be the youths. In fact, the youths in Hong Kong have become a powerful force and have been contributing to the society with their creative democratic innovations- the combined use of different information and communication technologies, such as Telegram and AirDrop broadcasts are widely adopted in today's grassroots movements, allowing wider civic engagement when compared to the past. For the older generation in Hong Kong, economic steadiness is often regarded as the fundamental basis to ensure a stable life. However, in the view of Hong Kong youths, democracy is seen as an essential value that is worth risking a temporary decline in the economy. The youth's active participation in politics is becoming a new phenomenon in Hong Kong society, and has shed light on the formation of new democratic values.

This may also explain the large voter turnout for the district council elections in November 2019. More than 71% of Hong Kong's electorate had voted. Compared to the previous highest turnout, the number of the electorate had doubled. In addition, pro-democracy candidates won local council

elections by sweeping 347 of 452 seats in the legislative council, which is unprecedented. With the district councils being the only political leadership bodies that are directly elected by the civilians, the election for this time can be demonstrated as the civic response to the present situation in Hong Kong, and moreover the public's awareness towards democracy.

With an internship experience at the Gwangju Trauma Center, I personally find the teachings from the May 18th Gwangju Uprising particularly insightful. The "dark history" of Gwangju, including the periods of Japanese occupation and military dictatorships, has indeed refined Gwangju and granted Gwangju citizens strength and toughness. During the time serving the victims of May 18th, I could often identify a strong sense of determination from the bereaved parents' straight and steady gazes. The "Gwangju Spirit" manifested in the braveness of the youths at that time, and I strongly believe that bloodshed was not for nothing. It had indeed, awakened the civilians with a message that "changes for this society are needed to be made by the people". Thanks to the commemorative work that has been successfully carried out, Hongkongers have begun to look to Gwangju Uprising for democratic inspiration among others. The anthem of the Gwangju Uprising, "March of the beloved" was converted into Cantonese version during the Anti-extradition Law protest, as a way of paying respect to the pioneers of democracy. As of today, the damage caused by the Hong Kong protest is incomparable to the great loss of life during the 1980 Gwangju Uprising. But in both cases, there is credible evidence of the authorities' executing excessive force, such as firing tear gas upon the crowds, brutal beatings, and arbitrary arrests, which resulted in serious human rights violation issues. An implication from these movements is that, the authorities that try to suppress people's freedom of expression will only create instability and distrust within a society. Democracy, in many cases may seem to be an endless pursuit as we always find it hard to live up to the democratic expectations. But what truly matters, I firmly believe, is to keep up critical thinking to make fair judgements and be given rights to disapprove anything unjust.

On top of that, democracy is built on the people's participation. In the new age of democracy with the growing power of youths, more and more

political interactive platforms and spaces for political discussion are being introduced. NGOs are also assisting in making up good governance by defending human rights. Due to these positive responses towards the challenges of democracy, I believe no matter what crises are awaiting, we will always be capable to find solutions by working hand in hand.



A Filipino Perspective on Civil Society and Human Rights

Aron Aldrich Guevarra
(Ateneo de Manila University)

I extend my humble greetings to the May 18 Memorial Foundation—the organizer of the Gwangju Asia Forum, to our distinguished representatives from various sectors around Asia, to my fellow youth session participants, and to all our partners for human rights. I am humbled to have been given the opportunity to present my essay, “A Filipino Perspective on Civil Society and Human Rights” to the forum’s session on “Emerging Voices: Challenges to Democracy and Human Rights in View of Youth.”

Allow me to start my discussion on giving a background on the complex political history of the Philippines. Scholars would often make a timeline dividing the nation’s history in four categories—the Pre-colonial period, the Colonial period (Spanish, American, and Japanese occupations), the Post-colonial period from the 1946 declaration of independence until the Marcos dictatorship, and finally the period of returning to democracy from 1986 until the present.

Throughout these periods, the Filipino youth has always served as a catalyst for social reforms. As a country that is dominated by a youth population of more than 55 million people below the age of 25, the Filipino youth is expected to cultivate an active role that promotes leadership and values the importance of a functioning civil society. In the Philippine context, the term “civil society” strikes quite close to home for it has been a foundation of

numerous events that shapes the country on what it is today. As early as the beginning of the Spanish colonization up to the present post-colonial independence, Filipinos have been going against various forms of oppression, and have been standing up to numerous injustices that have been directed to its people. Interest groups had emerged long before post-colonial times—the natives starting to go against the Spaniards was a form of mobilization against an oppressor. With this we can say that “civil society” existed long before the term was even formally coined. Fundamentally, civil society is considered as a community of citizens linked by common interests and collective activity.

The term “civil society” generally is used to refer to social relations and organizations that are external to control of the state or the government. It can also be considered outside the economic or business sphere as well. Usually “civil society” refers to nongovernmental organizations (NGOs) and associations that people belong to for social and political reasons such as churches and church groups, community groups, youth groups, service organizations, interest groups, and academic institutions and organizations, among others. It also refers to the activities of these organizations. Though independent of the governmental structure, these organizations frequently become involved in political activities. It is not uncommon that these groups influence governmental decision making and often consulted regarding public processes. As such, the establishment and maintenance of a healthy civil society is extremely important for the successful development and operation of democratic political systems.

Once civil society has been eliminated, the path to retrieve it is very slow. It can be aided significantly by outside assistance—by international NGOs (Non-Governmental Organizations) coming in and helping the local people start parallel organizations of their own. Initiating training on inexperienced organizations in organizational and advocacy skills can be helpful, as can training in goal setting, option analysis, and conflict resolution. Yet it is important that organizations be able to form in their own way to meet their

own needs—they should not simply be little models of outside organizations that work in different places and different cultures. Although civil society exists independently of the state, it is dependent on the state's acceptance to be able to grow and flourish. People must have the freedom to associate, to speak freely, to publish, and to participate in social and political processes without fearing repercussions. Without such freedom, civil society will be stunted at best. It is a strong foundation in the formation of democracy and liberation for the Filipino people.

During the dictatorship of Ferdinand Marcos that lasted for more than two decades, the Filipino youth was not deterred to participate in social movements that advocates democracy and human rights. Over the years, mobilization to protect liberal democracy has transpired, election-watch campaigns, as well as “peaceful revolutions” have emerged, one after the other, drawing many supporters in the Philippines by means of constructions that inspire oneness among Filipinos; notions of “universalists leadership,” equality, and the inalienable rights of people have instigated these peaceful revolutions. After the end of the Marcos regime, the role of the youth was further institutionalized as the new constitution paved way to the establishment of the National Youth Commission (NYC), a government agency that promotes the youth agenda and provides opportunities for youth representation in both domestic and international affairs.

It is therefore my understanding that human rights can be protected and enhanced as the youth continue to engage and further strengthen its participation to civil society and the government decision making processes. As part of the civil society, the youth should find ways to check, monitor, and restrain the power of political leaders and state officials. Civil society actors should watch how state officials use their powers. They should raise public concern about any abuse of power. They should lobby for access to information, including freedom of information laws, and rules and institutions to control corruption.

As a reiteration, civil society groups and organizations are platforms for the Filipino people to express their concerns on matters that should be attended to by the higher authorities. It is a voice, a microphone of Philippine democracy and has been able to serve the Filipino people effectively for the past years. In our discussion, I tried to shed light to the reality of mobilization and civil society groups, its history, its importance in relation to human rights, and the reason why civil society groups still exist today: because these groups act as instruments that amplify the pleas of the ordinary Filipino to be heard and therefore, these should be thoroughly examined as part of a thriving democracy.

With that being said, allow me to end my speech by sharing a timely quote from Martin Luther King, Jr. that reminds us the significance of youth participation towards the upliftment of civil society and human rights, as well as give us motivation to continue serving amid the challenges we face during these uncertain times due to the Coronavirus pandemic—"Life's most persistent and urgent question is 'What are you doing for others?'"



The May 18 Democratic Uprising to the Candlelight Revolution

(An Overview of Korean Democracy)

Samdle (Speaker: Lee Su-ho)
(Hansung University)

The democratization of South Korea has been accomplished by the desire of the public to achieve democracy. Citizens have expressed their opinions based on their continued interest in realizing democracy in Korea. Among them, the May 18 Democratization Movement, the June Struggle for Democracy, and the Candlelight Revolution had pivotal roles in the realization of Korean democracy. These three events have something in common in that they aimed for democracy, while they are different in the ways they developed in accordance with time and situation.

By examining each protest in terms of protest method and purpose, we want to further expand on the basic knowledge of the aforementioned three events as simple historical events. This study aims to reconsider the need for continuous and collective concern for and interest in democracy and how we should live in this contemporary society.

After President Park, Chung-hee was assassinated in 1979 and the country was suffering from uncertainty and political upheaval, the New Army Faction led by Chun Doo-hwan tried to take control of the country. Citizens who hoped the assassination of Park would put an end to the military dictatorship and lead to the rebirth of the country as a democratic nation started to resist the Chun Doo-hwan regime. Chun Doo-hwan responded with violent suppression to quench the aspiration of citizens for democracy, as democracy could have hindered his regime. Citizens were angered by this

anti-human and oppressive approach and began to speak out more loudly. Citizens had to arm themselves to protect themselves. The oppressive suppression of the regime of Chun Doo-Hwan forced citizens to desperate resistance that became violent protest. Although citizens of Gwangju strived to overthrow the Chun Doo-hwan dictatorship during the uprising that lasted for 10 days, they eventually ended up being suppressed by the massacre committed by martial law forces.

In May 1980, citizens wanted the country to no longer moan under dictatorship, and devoted themselves with blood and sweat for the advent of democracy. Some argue that the May 18 Democratization Movement was a failed democratization movement, but the citizens showed firm resolve to continue the struggle for democratization in the wake of this incident, which became the driving force behind the June Struggle for Democracy in 1987. After the May 18 Democratic Uprising protests for the democratization of Korea continued to sporadically occur across the country. However, Chun Doo-hwan not only ignored the demands of citizens who desired democracy, but also suddenly attempted to paralyze the democratic system with the 4.13 constitutional measure. As a result, citizens demanded the abolition of this abrupt declaration and began to rise again for democratization. In the midst of this protest, the truth that the university student Park Jong-cheol was tortured before he died in custody was revealed, and the still sporadic movement started to spread as a nationwide protest after another student, Lee Han-yeol, was hit by a tear gas canister and died. Citizens were no longer silent. Those who realized that they were not properly protected by their rights all came to the streets and demanded legitimate rights from the state. The Chun Doo-Hwan regime still maintained its oppressive response; however, this time, it was impossible to stop the people. In the midst of violence, the citizens shouted for non-violence, and no oppression, and no more sacrifice. Eventually, the strong will of the citizens forced the dictatorial regime to kneel down, and they achieved the rights of a direct presidential election. Citizens in the democratic protests of the June Struggle for Democracy went beyond the simple demand for democratization. More than that, they autonomously recognized their rights to realize democracy and began to demand it directly from the state. The June Struggle for Democracy once again reminded us that people's rights should not be violated by state power.

The May 18 Democratic Uprising and the June Struggle for Democracy acted as the epicenter of democracy in Korea, and their impacts contributed to ushering in many changes in the modern history of this nation. However, South Korea has long suffered from corruption and abuse of power by a few self-interested people, and this problem has been perpetuated in Korean society for a long time like a chronic disease. Then, on April 16, 2014, the Sewol ferry disaster caused immeasurable sacrifices, exposing a monopolization scandal of which the citizens had absolutely no idea. In addition, as various irregularities related to the shadowy rulers surrounding the then President Park Geun-hye turned out to be related to the disaster, people began to protest against the incompetent government. They began to gather in squares one by one, and a cumulative 17 million citizens gathered for an ongoing peaceful candlelight vigil. The candlelight that many people lit in 2016 was not shaken by any sort of pressure. Citizens who have shouted for democracy risking countless sacrifices, blood and efforts from the past, all gathered together and began to light up the world with candlelight instead of blood. Citizens in 2016 were fully aware that the people's rights included the right to judge those in power, and, beyond demanding the basic rights of the people, the power to demand impeachment of the then president and to exercise fully the rights justly granted to them. As a result, the impeachment of the incompetent president was carried out by citizens, and, once again, the people showed who should hold the source of power in a democratic society.

As such, democratic movements of Korea, the May 18 Democratic Uprising, the June Struggle for Democracy, and the Candlelight Revolution have different aspects in terms of the causes and processes of the events and the objectives of the citizens at the moment. However, citizens showed solidarity consistently. Citizens who tried their best in their respective positions showed decent citizenship and pushed for further democratic reforms that moved the system one step forward from the past, eventually realizing true democracy in Korea. Whenever we faced a crisis, there emerged a collective intelligence to defend the rights of the people.

A democratic system always has vulnerability to regression. If citizens lack keen awareness and concerns about the protection of their rights and the

need for maintaining a democratic system, democracy in Korea will be in jeopardy again. To this day, the truth of the democratization movement in the past has not been properly settled, while the sacrifices of citizens who have created democracy are used as political tools, and historical distortion continues. If the efforts made by the democratization movements in the past are devaluated into something that happened long ago, the authoritarian past can return at any given time to Korean politics, suppressing the democratic development we have achieved. Therefore, we, who are living in the contemporary society built upon the devotion and dedication of former generations, should be fully aware of the rights everyone deserves under a democratic system and continue our collective and continuous interest and concern for our democratic society.



Religious Minority Facing the Challenges and Threatening for Human Rights, Democracy and Peace in Bangladesh

Shapla Swarna Ruram
(Bangladesh Centre for Human Rights and Development)

Hello friends, I would like to give a big thanks to the May 18 Memorial Foundation for their great initiative in the field of human rights and democracy and also selected me. I am Ms Shapla Swarna Ruram and have been working for the protection and promotion of Human Rights in Bangladesh as Young Human Rights Defender. I have successfully completed my master degree in Masters of Social Science in Political Science from University of Dhaka. I am Garo Indigenous Woman; working for promoting and protecting the democracy, good governance, human rights, women rights, minority rights and development areas in Bangladesh. I attended and successfully completed the Training Program in Mexico and conducted by the International Indigenous Women's Forum-FIMI. I am belonging to Garo Indigenous Peoples, I am also belong to Catholic Christian Religious Minority Community with recognized leadership by the indigenous women community. I am conducting the fact findings and reporting to identify and respond to allegations of violations of indigenous women in agreed upon target areas in Bangladesh and developing the entrepreneurship for them for their economic empowerment.

I am sharing here my Essay on **“Religious minority facing the challenges and threatening for Human Rights, Democracy and Peace in Bangladesh”**

Context: In terms of religious preferred by the population, we see that Muslim comes in with 90% of the population, religious minorities with 10%,

and other religions make up the remaining 0.9% (includes Buddhist, Christian) of the population. Officially referred to as 'ethnic minorities', it is estimated that there are over 54 indigenous groups in Bangladesh, amounting to 1.5% of the population, who live in the Chittagong Hill Tracts, and the Plain land areas. Most indigenous peoples are also religious minorities – largely Buddhists, Christians, and some animists – reflecting overlapping minority identities. Caste-based or descent-based discrimination also affects both Hindus and Muslims in Bangladesh, with estimates of the number of Dalits ranging from 3.5 to 6.3 million. The recent crackdown on political opposition and civil society, and targeting of activists by extremist groups, has had a detrimental effect on HRDs working on minority rights issues due to fear and intimidation. This is particularly worrying in the context of a deepening political crisis, and the upcoming general elections.

Issues: Religious Minorities in Bangladesh have long faced social, economic, and political discrimination, as well as violence at the hands of state and non-state actors. Bangladesh's Constitution affirms certain rights for minorities, but the legal environment has increasingly entrenched a narrow understanding of Bangladeshi identity and reflects growing politicization of religion, including through establishing Islam as the state religion. The long-standing problem of non-recognition of indigenous communities remains unaddressed. Since 2013 the worsening political crisis, rising extremism, and impunity/lack of enforcement of legal provisions have contributed to escalating levels of violence against minorities. Religious minorities are often victim to reprisals and attacks –Hindus have been targeted following communal violence against Muslims in neighbouring India (Babri Masjid 1992, Gujarat 2002) and, more recently, after an International Crimes Tribunal verdict in 2013. Following the National election of 2014, a High Court ruling stated that law enforcement agencies has “seriously failed” to protection vulnerable groups, including minorities, from violence.

Human Rights Cultivating for the UPR & UN CAT Committee recommendation: The proposed action will complement and directly build on the human rights and democracy cultural, which has been working in Bangladesh by the Human Rights Defenders on issues facing indigenous peoples, religious minorities, as well as those affected by descent-based discrimination. The

Bangladeshi government's failure to accept recommendations on key human rights issues during the country's third Universal Periodic Review (UPR) denotes its lack of commitment to protecting human rights for the minorities. The third UPR of Bangladesh was held on 14 May 2018 in Geneva, Switzerland. The Bangladeshi government accepted 167 of the 251 recommendations it received from other United Nations (UN) member states. Another 61 recommendations were not accepted and the government said it would examine and provide a response to the remaining 23 recommendations by the 39th session of the UN Human Rights Council, to be held in September 2018. Although Dhaka accepted recommendations calling for investigations into all allegations of extrajudicial killings, enforced disappearances, and torture, the government delegation maintained that they disagreed with the proposition that enforced disappearances "occur frequently." The delegation also repeated the claim it made during the previous UPR cycle in 2013 that the government has a "zero-tolerance policy" towards law enforcement officials accused of human rights violations, despite evidence that no credible investigations have been undertaken into these allegations.

SDGs: The proposed action aligns with sustainable development goals (SDGs) priorities for Bangladesh and, in particular those of the goals of 16 on Peace, Justice, Good Governance and Human Rights, as part of the broader development partners initiatives. This includes key issues highlighted during the latest initiative of UN CAT Committee recommendation and national human rights institutions in Geneva, such as extrajudicial killings, freedom of association and expression, as well as shrinking space for civil society.

Problem analysis and Ways forward: The action will address a set of interrelated **problems:** 1) The need for a stronger and more integrated minority rights approach amongst Human Rights Defenders (HRDs): National Human Rights Institutions have repeatedly emphasised the need for greater support in terms of capacity building and resources. A key concern is security of HRDs working on minority issues, and increasing restrictions on freedom of association. 2) Absence of strong, systematic reporting of violations against minorities: many violations go unreported, or are not promptly or accurately reported, by HRDs or by the media. This contributes to impunity, undermines effective responses, and perpetuates insecurity and lack of participation amongst

minorities. 3) Inability of minorities to effectively engage with local authorities at the grassroots levels to seek redress for violations, and lack of responsiveness on the part of authorities: victims are often unable to engage with authorities, due to lack knowledge or resources, or are deterred from doing so by fears that their efforts will be ineffective, or will lead to reprisals. Minorities often do not make use of provisions such as legal aid, or laws/policies to facilitate the return of land. 4) Laws and policies to promote and protect the rights of minorities are absent or inadequate: The proposed anti-discrimination legislation requires further refining and input from the affected minorities. Adequate security provisions for minorities remain lacking, particularly during key moments and processes, such as elections.



Active Youth Leadership Could Strengthen and Protect Human Rights in Society

Abdul Ghani
(University of Sindh)

It is absolutely amazing to know you and your struggle through the May 18 Memorial Foundation platform and I thank the forum for this opportunity. I am Abdul Ghani from Pakistan and you can call me Ghani. As you know all that we given limited time and therefore, I am coming to my essay that how Active Youth Leadership Could Strengthen and Protect Human Rights in Society.

Presently human rights are known as core values of any civilized human society. International community consider human rights as a core obligation of Nation States to protect the rights of their citizens. However, human rights situation in Pakistan and all around the world is deplorable. From Arab Spring, Syrian War, Venezuela civil crises, Hong Kong unrest and people uprising in Papua is highly alarming and shaking the international community. During war on terror around 80 thousand Pakistani have killed and Pakistan facing threat of terrorism (Count, 2015). But, we youth activist constantly and actively working for positive peace and playing our constructive role about protection of human rights in Pakistan.

Youth are known as the true energy of any society. History is witnessed that active youth always played active role in strengthen and protection of human rights locally, nationally and globally. Active youth leadership could be an individual, small or larger group compatible group of youth who may campaign to protect human rights in their society.

First, actively know your rights and educate yourself: Youth Activist leadership first must know human rights, constitutional rights and international human rights in general and also educate ourselves on self-help basis. In addition, we should replicate same knowledge to our peers. This action will enhance our human rights knowledge and understanding about human rights issues.

Secondly, actively Engage and Learn Local issues: We youth should actively learn about the local human rights issues and keep educating our peers groups about the protection of human rights and seek local solutions. Active youth keep actively discuss these human rights issues with our community and society members and formed local advocacy groups to resolve these issues at local and national level. Active Youth discuss possible solutions about these issues, arrange local community meetings with community elders, professors, teachers, and civil society groups to build pluralist society, so we can protect and enhance human rights in our society.

Thirdly actively speak out: Presently the social media is vibrant source for protection, awareness-raising, and supporting human rights locally and globally. Therefore, we Youth activist should know our significant of social media platform and raise awareness through social media platforms like “Facebook, Twitter and what’s App” in our society. In addition, we also meet with local community leaders, teachers, labor activist and citizen’s conduct community trust building with them.

In last that, Active Youth in Pakistan must not just actively stand up protection of human rights but they must also actively educate themselves and their society members about human rights and human rights movements around the globe (The May 18 Democratic Uprising, Hong Kong and Jakarta Movement). They must encourage people in society actively support their actions that protecting human rights in Pakistan. Pakistani active youth should also be creative and a force striver their best to work for peace in their society. Without these active actions by youth, the common public in Pakistan will have to joy of their rights and peace in Pakistan. Thus, active

youth could play a vibrant and robust role in protection of human rights and spread peace in their society, Pakistan, and global world.

Abstract: Abdul Ghani: Youth Session: Gwangju Asia Forum 2020



On the Necessity of Social Discourse on Refugees

Running Man (Speaker: Kim Ji-min, Jeong Sun-hwa)
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1. The Rise of Controversy over Yemeni Asylum Seekers in Jeju

The military clash between governmental forces and militia in Yemen in September 2014 expanded into sectarian conflict between Sunni and Shiite Muslims. Subsequently, the Arab coalition supported Yemeni government forces, Iran backed Houthi militia, and the Yemen civil war became an all-out, ongoing war resulting in hundreds of thousands of casualties and millions of refugees. The Yemeni escaped to Djibouti, Somalia, and Indonesia. Some escaped to fellow Islamic countries such as Malaysia, which allows 90 days of visa-free stay, and then entered Jeju Island by air. Jeju Island permitted foreigners to stay for up to 30 days without a visa to revitalize foreign tourism, and then, as authorized by the refugee law, issued Yemeni refugees alien registration cards that allow them to stay for several months during the refugee application period.

In May 2018, the arrival of about 500 Yemeni people in Jeju Island and their application for refugee status brought about a nationwide controversy. The petition to the Blue House online system demanding that the government reconsider the refugee law, visa-free entry, and refugee application procedures garnered numerous signatures of citizens. Respondents in favor of accepting refugees argue that the existing refugee law should be honored by embracing asylum seekers with humanitarianism, while those who oppose the refugees staying are gradually increasing and expressing their concern about domestic security as well as abuse of the refugee law and visa-free entry. As the public pressure escalated, the Ministry of Justice decided to withdraw the Yemeni's

permission to enter Jeju Island through the visa-waiver system on June 1. However, the agitated public sentiment has not been easily calmed.

484 out of the 500 Yemenis who arrived in May 2018 applied for refugee status. Two of them have been recognized as refugees while 412 were granted temporary humanitarian stay permits; 56 received notice of non-recognition of refugee status; and applications of 14 were terminated by the authorities. The two Yemenis given refugee status are journalists who released critical articles against the Yemeni government, which puts them at risk of persecution such as kidnapping, murder, or blackmail if they return home. Because the process of getting refugee recognition is very difficult, only two have been recognized as refugees. However, the sudden influx of asylum seekers spawned anti-immigrant sentiment across South Korea. This is largely due to the lack of sufficient social discourse on policies and systems despite the rapid increase in the number of foreigners, including asylum seekers, in this multicultural era. Without discussion on the nature of this heated controversy, there exist possibilities to face similar problems in the future.

2. Refugee-Phobia

Multi-layered context and circumstances exist surrounding the phobia toward the Yemeni asylum seekers who arrived in Jeju. First of all, the combination of multiculturalism and neo-racism is commonly found in developed countries in the neoliberal world, which has often been the subject of criticism. As the number of migrant workers increased soon after economic growth and democratization, the government-led multiculturalism of Korea facilitated acceptance of immigrants without working through a process of social recognition for immigration. The multicultural policy, which was a main agenda of the Lee Myung-bak administration, was characterized by emphasis on complete assimilation and compassion-evoking images of immigrants, with the aim to contribute to reproduction of Korean families. However, the policy resulted in aversion toward immigrants who allegedly benefit from multiculturalism as 'free riders' who consume the governmental budget without any contribution to it. This xenophobic response toward

refugees can be defined as the result of the instrumental multiculturalism of the conservative regime. Despite advocating multiculturalism, Korean society had its first experience of facing a group of people whose skin color and culture were completely different from that of Koreans, and in the process of attempting to address the issue, aversion toward refugees was created.

In addition, refugee phobia is strategically advanced by conservative Protestant right-wing groups. In the course of modern history, right-wing Protestantism has led the anti-communist movement, targeting “Commies” as their primary enemies. Now, they are promoting anti-homosexuality and anti-Islam campaigns as a new agenda, as anti-communism became weaker in the post-Cold War era. They are reproducing a complex discriminatory argument that demands detention of asylum seekers in Jeju Island in order to guarantee security of the main land, declaring “Islam should never touch the main land. Otherwise, we will witness its expansion.” Their targets such as commies, homosexuals, and Islam have been combined with each other, and greater hatred has been generated for those targets.

Furthermore, the expansion of xenophobia by women also displays complicated social conflicts that emerged recently. While racism represents the appearance or thought of certain groups in a negative way based on the sense of superiority of those who practice it, xenophobia is a fundamentally comprehensive practice that stems from unsubstantiated fear and antipathy toward culturally different groups of people. The fact that 91% of Yemenis who landed on Jeju Island were male gave rise to anxiety among Korean women who belong to a community that has been exposed to issues regarding the Me Too movement and the danger of hidden cameras and revenge murder, which have never been resolved.

The most astonishing thing about the Yemeni refugee crisis in Jeju was that this issue encouraged the solidarity of sentiment among the aforementioned conservative politicians, fundamental Christians, young people, and women. The message that even women and feminists opposed refugees contributed to forming a strong emotional coalition. The problem is that the selective use of women's human rights became a means to justify refugee phobia.

Fake news about Muslims regarding the possibilities of sexual assaults has led to projections of fear and disgust which many women hold toward Yemeni refugees. The anxiety arising from the fears, which Korean women have dealt with on a daily basis, is exaggerated with the appropriation of this fear to induce refugee phobia and blame something external while avoiding the real cause of the fear. Even though the fear itself is not groundless, it cannot justify hatred toward someone else.

3. Necessity of Social Discussion About Refugees

Korea established a refugee law long ago. However, has there ever been a social consensus on issues from the enactment of the refugee law to the adoption of refugees? The spread and acceptance of distorted information, which is unilaterally constructed for the various parties of interests, have compromised the possibilities of social discussions on refugees. Politics, represented by the National Assembly or the Ministry of Justice, played an important role in provoking the refugee controversy by not releasing to the public detailed information on the enactment of the refugee law and the agreement of the refugee convention. Rather than that, the government manipulated the complicated procedure and demanding standards for refugee status to prevent unwarranted application, displaying its authority as a patrol state. The National Assembly focused on criticizing the current administration rather than contemplating policies, and thereby strengthened the dichotomy of the people versus refugees. As a result, feelings of hatred toward refugees began to rise in Korean society, and the Yemenis became something to reject due to the abundance of accumulated anxiety in Korean society.

As noted above, the common perception of refugees in Korean society stems from hatred. And this sentiment is what hinders the serious discussion on a societal scale of refugees and the acceptance of them. In other words, the feeling of hatred, which has established itself as a stereotype, eradicates the possibility of open discussion on refugees at the societal level.

However, it should be borne in mind that our society has never had opportunities to conduct serious societal discussions about refugees. It

means we should rethink whether the widespread hatred prevailing in this society is really the people's own perspective. It is difficult to take a multi-dimensional approach for comprehensive understanding for refugees after blindly accepting opinions based on fake news or hatred. Therefore, the overall social discussion should be conducted based on information of various sources to facilitate diversified analysis on refugees.

In addition, it is important to remember that there are many different types of subjects that employ hatred toward refugees. The fact that they share interests requires thorough understanding of the origination of the hatred. For example, as concerns the expansion of xenophobia toward refugees among women, it is necessary to understand what the fundamental source of their fear of refugees is. Also, understanding and resolving gender-based domestic problems is a prerequisite to stepping forward to social discourse on certain issues.

4. Conclusion

The Yemeni asylum seekers in Jeju exposed a number of social issues including human rights in Korea, let alone the problems in the overall refugee recognition process. Since South Korea joined the Geneva Convention relating to the Status of Refugees in 1992, the number of asylum seekers has steadily increased while Korean society has maintained poor understanding of refugees. Under the name of a single-ethnicity society, the exclusive gaze continuously haunted migrant workers and immigrants as well as refugees, and the unidirectional multicultural policy of the government sets up the immigrants or refugees as a prey to hatred. Refugees are determined by the standards set forth by the refugee law as those having 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion,' not simply by humanitarian principles. In addition, lack of understanding about other cultures, especially religion, reproduces discrimination and creates groundless fear and aversion to specific groups of people. As such, the refugee issue is complex and has produced a new discriminatory discourse.

The Yemeni asylum seekers in Jeju also brought about questions of the system and the roles of central government, local government, and civil society. In addition to the problem of defining the term “refugee,” the system also neither achieved proper social agreements from people nor properly implemented adequate consideration for the asylum seekers, proper and correct procedures, or work forces to cope with the administrative tasks and finances. The central government placed the burden of dealing with asylum seekers on the local government of Jeju, while the local government had a hard time in the sense of anxiety, and civil groups that react negatively to this unfamiliar issue hinder possibilities of mediation on a societal scale. The refugee issue is a multi-layered phenomenon at the individual, social, and national levels. Refugee phobia occurs at each level.

The new arguments for discrimination combined refugee issues and matters of security, forming an emotional solidarity among conservative politicians, fundamentalist Christians, young people, and women. In this process, media reproduced fake news instead of practicing fair reporting, strengthening the discourse of racism, nationalism, and ethnocentrism. The refugee issue reflects multiple reasons for hatred and is externalized by it. Framing and dichotomization cannot address this problem. In addition to a mature understanding of culture, it is necessary to have sufficient social consensus about and accountability for refugees both institutionally and politically. We must not manipulate the human rights of someone else to justify our own hatred, as when refugee issues are linked with women's safety issues. The refugee issue should be linked to the issues of human rights, creating a new interest in the international and domestic reality of human rights. Various problems surrounding this issue and the efforts to solve them will mark the beginning of resolving other human rights issues of minorities in Korean society.



A Call for Access to Environmental Justice

Visalaakshi Annamalai
(UNHCR India)

It is absolutely amazing to connect with all of you in this virtual platform and I thank the forum for this opportunity.

I am Visalaakshi Annamalai. You can call me Visala! I am currently working with the UNHCR in India. I wrote this essay for you while I was interning with the ILO's TRIANGLE in ASEAN Programme in Thailand. Most of my work revolves around migration and refugee issues.

I am given seven minutes! So, zooming straight into my essay - I am happy to present this piece on Environment that has found its way to the forum amidst other equally pressing themes surrounding human rights.

Someone once said that "There are no passengers on Spaceship Earth, we are all crew"! I want to take this stage to iterate the need for the access to environmental justice. We all know, at least subconsciously, that human survival is a condition precedent for the realization of any other human right. I need to be alive to be able to realize my human rights and the role of access to justice as a right is inherent in so far as realization and enforcement of other human rights are concerned. We are also very well aware, strangely, that degrading environment is a threat to human survival. But, our policies are largely short-sighted, knowingly or unknowingly compromising the future. Children are coming up and questioning the actions of the older generations for failing to hold the planet in confidence for them. What do we tell them?

For a person who is starving today and is in difficulty to meet ends for the next day, to look far into the question of human survival is useless. Every successive generation has in some way not been fully committed to the idea of intergenerational equity and has been let down. We would be playing the blame game in that case. Now is the time we can wake up to the alarm. Whether we do or not is a question only time can answer. The clock is ticking and we need to protect ourselves and our surroundings to further protect and enhance human rights.

We know what is happening. We also seem to know what the future holds at this rate of climate change and global warming. Will we stop burning fuel? Will we stop using vehicles? (Alright, we didn't expect a pandemic, did we? I've been reading that this pandemic could do more than what years of our policy can do). And on the other side, things do not change, do they? Media and social media have more about economy, development and jobs than the environment!

What we need is simple. We need the environment. We need a right to environment. We need a forum to realize this right. We need the right to access to environmental justice. Environmental decision making must be made public, open to challenge before an independent court, with the expertise, to make sure the approach is participatory and no single selfish purpose is served. This is also the mandate of a few international instruments on Environment Protection (never under the umbrella of core human rights instruments) which are, nevertheless, and sadly, non-binding on all States. While conducting research for my thesis, a respondent told me that most people, especially those that are not very well educated realize that something is wrong only when they are affected. That is when they start searching for forums to address their grievance and seek redressal. It is only when it affects them are they able to name the problem, attribute the blame on someone and then try to seek redressal. Out of all the countries worldwide, only around 44 countries have separate forums to address environmental rights and a closer look also shows that many of these forums do not have

the power or teeth to see their decisions implemented. Therefore, an independent evaluation of environmental courts across the world has to be done to see if these forums fulfill the needs for the realization of the right to access to justice. If there is no forum at all, countries should be pushed to help people realize this right. Of course, there has been a sharp increase in recognizing the right to environment in many national jurisdictions today, but is not yet universal in character.

As the starting quote says, we are all crew. We either live with the Spaceship or crash with it. I believe that the crew will live and is a positive note to end my speech? Perhaps?



Laureates' Summit

Basil Fernando, Sri Lanka

Angkhana Neelapaijit, Thailand

Malalai Joya, Afghanistan

Sushil Pyakurel, Nepal

Adilur Rahman Khan, Bangladesh

Mothers of Khavaran, Iran

Bersih 2.0, Malaysia

Jatupat Bunpattaraksa, Thailand

Joanna K. Carino, Philippines

Tempo, Indonesia

Sombath Somphon(Shui Meng), Laos

Dialita Choir, Indonesia

The May 18 Spirit Stands Firm During the Coronavirus Pandemic

Basil Fernando, Sri Lanka

The uprising of the Gwangju people and also the sacrifice of life by about 160 people in that struggle is not a past event. As all historic moments get written into the present, the Gwangju event also lives within the present of the consciousness of the South Korean people. What the uprising showed was the resilience of about 700,000 people faced with the armed battalions waiting to take their city. They did not surrender. The city was taken by force and bloodshed. And those who did that act had gradually to pay. Modern South Korea was born with that kind of struggle, and therefore the resilience of people is marked by the events that were to follow in the subsequent 40 years.

Just now, as we are talking, another and more subtle form of attack has come on all countries, including South Korea, by way of COVID-19. South Korea was also, at the beginning, seriously affected by the attack but it is today regarded as a fine example of the manner in which the problem was faced by the Korean people and their government. They demonstrated a quick capacity to act against the adversary, to take all that was needed, like the testing of everybody within the shortest possible time, thus preventing the attack having the worst kind of repercussions it could have created. Unfortunately, even some of the richest countries have not been able to act in that manner. This demonstrates that there is not only a formal democracy in South Korea, but also a democracy that is written in the hearts of the people.

Fighting for each other's best interest is the highest form of democracy. It is unfortunate that many other countries have mostly formal democracy,

like the election of governments – however, their internalized commitment to each other and therefore fighting against the factors that undermine the life and liberty of people does not demonstrate the same kind of resilience shown by the Korean people.

Around Asia, where the AHRC works, we see an enormous threat to liberal democracy and the rule of law. Countries that were once promised lands for democracy have abandoned this goal and, more and more, dictatorships and authoritarian forms of government that use ultra-violent means against the people have got established. Militarism has become a part of life that most people have to put up with. With that, there is disillusionment and also many forms of demoralization among the people. We need, once again, to take the message of Gwangju to the people around, so that it will demonstrate the capacity of people to develop their own societies with the kind of resilience that could stand against not only political authoritarianism but also grave dangers that will come in natural ways, like the deadly viruses and, also, as predicted, massive forms of starvation that may be a problem that the poorer countries of Asia will have to face soon.

We therefore commemorate the great event of the Gwangju uprising as an event that gives hope and also generates moral strength, not only to the people of South Korea but for all of us.



“Left No One Behind” The Situation of Coronavirus Pandemic in Thailand¹⁾

Angkhana Neelapaijit, Thailand

On the 40th Anniversary of May 18 Uprising for Democracy I would like to express congratulation to Gwangju citizens in this very important month. Unfortunately this year our world faces the big challenges of widespread Pandemic Coronavirus (COVID-19) that affected to so many people around the world. Many countries lock down and lots of people lose their jobs and have to change their way of life to what we called “new normal”. COVID-19 is a test of societies, of governments, of communities and of individuals. It is a time for solidarity and cooperation to tackle the virus, and to mitigate the effects, often unintended, of measures designed to halt the spread of COVID-19. Respect for human rights across the spectrum, including economic social and cultural rights, and civil and political rights, will be fundamental to the success of the public health response.

In Thailand after widespread of Coronavirus Pandemic (COVID-19) in April 2020, Thailand is one of the countries that announced the Emergency Decree Law which the national lockdown measures have been in place which a lots of affect to people especially the vulnerable people. Many private sectors, factories, schools, universities, restaurants, shopping malls, theaters, hair salons, entertainment places or even hotels are closed. Some people can work from home but many cannot. Only fresh market or people who selling food or grocery store are allowed. While people are asked to stay at home and the Government of Thailand assures that “no one will left behind” but in reality the stay-at-home and social distancing policy is blind to the situation of the impoverished masses and their needs for assistance. We have to accept that many people live without access to the internet as well as other

1) Angkhana Neelapaijit –speech to May 18 Foundation

vulnerable groups such as low-income workers who cannot afford to stop work, migrants and displaced persons, those who are non- Thai, people living with disabilities and others on society's margins.

Low -income Workers

Low income workers in developing countries face a higher risk of income loss during the Covid-19 lockdown as it is less possible to conduct their jobs from home. The low income workers, such as farmers and construction or factory workers, tend to work in jobs that require less physical proximity to other people at work than high income workers, such as office workers or school teachers.

Most of the low- income families stay in small room in big city like Bangkok, most of them earn day by day without reserved money. Social distancing might sound easy for some, but not for all. And especially not for low-income earners who live in shared houses or city dwellers in one- or two-bedroom apartment units and most of them survived by receiving food handouts from charity organizations.

Although the Thai government announced a stimulus package for those working in the informal sector, the 5,000 baht (around \$154) per month that will be issued between April and June but it not cover all groups of people of low income workers in the country.

The Illegal Migrants, Refugees and Asylum Seekers

While some people are able to work from home, have adequate shelter, and access to clean water, food and sanitation, information and health services. But for the urban refugees, asylum seekers or illegal migrants who have to hide themselves in some small room in some communities or for other of them who were arrested and detained at Immigration Facilities how do they have self-isolation? How do they wash their hands regularly if they do not have enough water or soap or alcohol gel? How do they access healthcare if they live in constant fear of being arrested because of their legal status?

I am really appreciated that in mid of April 2020 during COVID19, the Royal Thai Government on its efforts to begin the release around 8,000 prisoners currently held for minor offenses, regrettably there're have no policy to protect the illegal migrants, refugees and asylum seekers especially those who were detained at Immigration Facilities all over the country. The crowded detention places make it impossible for social distancing and make these group of people more vulnerable and risk of COVID19 affected.

On 25th April 2020, Thailand reports the 42 cases of COVID19 who are illegal migrant workers at the detention center at Sadao district Songkla Province, on the Malaysian border. The migrants in the center comprise 34 from Myanmar, 3 from Vietnam 2 from Malaysia and 1 each from Yemen, Cambodia and India, according to the Centre for Covid-19 Situation Administration. 36 of them are being treated at the makeshift hospital while 6 others, including a pregnant Burmese worker, have been admitted to hospital.

Now there are 26 Rohingya women in Sadoa detention facility, and the Immigration Bureau wants to remove them for fear they'll become infected with the Covid-19 coronavirus as the detention area is too small to implement social distancing guidelines. The Rohingya are a stateless, mainly Muslim ethnic group from the Rakhine state in Myanmar. They have been arrested and detained for years as they cannot back to country of belonging or going to the third country. Regrettably that on 4th May it was reported once again of 17 Rohingya women and one boy at Songkla Immigration Bureau affected by COVID19.

For urban refugees, asylum seekers and illegal migrants as they are not Thai citizens and have no identity they cannot access to any kind of State's support, they can survive by only some charity or donation from the people around.

Psychological Affects

During this hard situation the research conducted by the 'Office of the Committee for the Promotion of Science, Research and Innovation who're

the group of academics from 6 Universities, based on press reports published during the first three weeks of April 2020, during which the national lockdown measures has been in place. The report says that there were 38 suicide attempts during that period, resulting in 28 deaths, adding that, while the lockdown has been somewhat successful in slowing the rate of new COVID-19 infections and deaths, it also has a devastating impact on the economy.

It accused the Government for not being well enough prepared and slow to come up with remedial measures to cushion the impacts on the people, especially ordinary workers, freelancers and the urban poor, who were caught unawares, blaming the bungled 5,000 baht/month subsidy scheme for driving some people to kill themselves.

To prevent future suicides, the researchers propose the setting up of a hotline, to receive complaints from those affected and to address their grievances, before they become too desperate.

Conclusion

The Covid-19 pandemic lays bare the malaise afflicting in Thai society while some private's rights must be restricted regarding to public interest but fundamental rights of people must be protected such as the freedom of expression, right to access information, right to be participate in all policy making that affect to people wellbeing.

The COVID-19 pandemic shows us the unequal society, the pandemic exposes yet again the chasm between the rich and the poor, stigmatize and discriminations the lessons we learn from COVID19 is how important the State Welfare should be adopt to guarantee the wellbeing of all people especially those who are vulnerable. The strong welfare system will coverage,



meanwhile, shows respect for human dignity, equal rights and non - discrimination for all people in the country. For the fundamental human decency to fight and living under Pandemic Coronavirus we should show our empathy to those who are suffering – all member in our society deserves our kindness, resilience and caring.

Human Rights Issues of Afghanistan

Malalai Joya, Afghanistan

Dear friends,

I extend my utmost regards and thanks to (May 18 Memorial Foundation) for inviting me to deliver a message on behalf of suffering people of Afghanistan. your show of solidarity and support to us is inspiring and highly appreciated.

Respected Friends,

Afghanistan is in a very critical time. From one side Covid-19 virus is awfully impacts the life of our poor people, but from another end, after around two decades of war, destruction and massacre of hundreds of thousands of Afghan civilians, the Trump administrator signed a fake “peace agreement” with the Taliban according to which Taliban will no more attack US forces. However, Taliban cruelties against Afghan people continues. Only few days ago, Taliban shot dead five ordinary workers of Afghanistan central bank in Western Herat province. Taliban carried out over 2000 attacks on Afghan security forces and civilian targets, killing dozens. Therefore, the “peace” which the White House is talking about is just a big lie to deceive the US public in coming presidential elections and tell them that Trump finally fulfilled one of his promises to end the longest war of US history. However, this brutal war is far from over because a sinister dealing with a savage terrorist group armed and supported by foreign intelligence agencies will never bring peace.

The Covid19 Pandemic has changed the course of history; the very first outcome is pushing hundreds of millions to extreme poverty and destitution.

In Afghanistan, despite call of the government for quarantine, “taying in home” for millions means dying of starvation as majority of Afghans earn a little on daily bases to survive. They still have to go out in search of earning a living. In the past few days, a number of cases were reported from those who could not feed their children and had no hope but to commit suicide.

The Covid19 pandemic once again remind us how much fragile is the world system that a virus can halt everything. The capitalist system and neoliberalism imposed on poor nations in the past few decades has made life miserable for billions of people. A very few people have their grip on all resources and their ego for capital has pushed our planet towards barbarism, destitution, destruction and environmental disasters. As a result, a large number of displaced people are risking their lives in search of a human life and a gross majority has little to eat. This system is unacceptable, cruel and disastrous. The toiling people of the world must unite to put an end to this inhuman and unjust setup. The distribution of resources among humankind should be just, regardless of race, religion, sex, ethnicity etc. Our planet has enough resources to provide a proper life to everyone, but colonialism and exploitation are two major viruses more dangerous than Corona virus, which need to be uprooted. Only then, justice, human rights, progress, prosperity and fight against dangerous national disasters will turn successful results.

Everyone knows now that what Martin Luther King said, 50 years ago remains true. The current US system is the biggest purveyor of violence and terrorism in history.

In these hard times of fighting Covid19, the richest and mightiest country of the world, the USA government again showed its inhuman face. Trump administrator is not properly helping the needy people in its soil, expels thousands of asylum-seekers, cuts aid to World Health Organization, confiscates shipment of face masks headed to Germany etc. In the meantime

the world is watching how a small and poor country like Cuba, despite half century blockade, is sending medical teams and supplies to tens of nations to combat Covid19. We all need to learn from people of Cuba and regard it as an iconic example of solidarity and cooperation among nations.

While the current tragedy around the world is rising unemployment and poverty in alarming rate, all progressive forces should work towards uniting their masses for a decisive fight against capitalist system. I agree with Arundhati Roy that “istorically, pandemics have forced humans to break with the past and imagine their world anew.

This one is no different. It is a portal, a gateway between one world and the next.”So, it is time to work for a new and better world of justice. The fight against Corona Virus should be orchestrated with a decisive fight against the root causes, which has made our beautiful planet so miserable, thus; humanity is unable to curb such disease.

The current arms race among big powers and their proxy wars in Syria, Iraq, Yemen, Ukraine, Afghanistan, Sudan, Libya etc. triggers the danger of a 3rd world war which will have unimaginable catastrophes for the earth. The big powers led by the Pentagon are investing on terrorist and medieval-minded groups such as Taliban, ISIS, Al-Qaeda, Abu-uSayyaf, Boko Haram etc. for advancing their strategic interests, but their acts of terror are not confined to poor people of abovementioned nations but expanding to the cities of Western countries as we witnessed many such coward acts in European cities over the past few years.

Stopping the savage war and brutalities and establishment of lasting peace is the moral responsibility of every conscious citizen of the world. Today noble champions of human rights and justice like Julian Assange, Chelsea Manning, Edward Snowden and other are under pressure and being tortured. In the era of horror and beastliness, they are shining faces

of humanity so the world conscience need to join hands in supporting them and following their glorious example.

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Protection of Human Rights during Pandemic: Challenges to the Human Rights Defenders

Sushil Pyakurel, Nepal

As the year 2019 was moving in its last legs and as preparations to welcome the New Year 2020 were underway worldwide, Novel Coronavirus, which causes the fatal Covid-19 disease, appeared in the Wuhan Province of China between late November and early December. Within a month, it spread across the globe as an epidemic. With the threat of the virus growing, contemporary science and technology is faced to a serious challenge. The world powers, which are seen as the likely countries to invent a vaccine, also appear helpless in the face of this pandemic.

Out of compulsion to break the chain of the transmission of Covid-19, the governments around the world have adopted rigorous steps to combat this virus. Citizens of most nations are forced to stay indoors in a lockdown situation. Business and commerce have come to a standstill. Predictions of worldwide economic recession are trending. This has not only resulted in the closure of financial activities but also has dragged unemployment to the extreme. The ordinary wage earners and tillers are at the receiving end together with the persons displaced by conflict or other causes. As the resources of States and governments are funneled towards pandemic control, the low-income groups have been left to bear the brunt.

Pandemic Control and Human Rights

The emergency measures put in place by the world governments have led to a situation wherein even the basic limits of human rights are also open to compromise. International norms on human rights have attached some extra liabilities on States during the time of medical emergency. However,

we cannot discount the possibility that compromises and violations of human rights may befall while discharging official duties.

The governments across the world have either restricted or imposed limitations on several fundamental rights in their fight for pandemic control and treatment of the infirm. The International Covenant on Civil and Political Rights (ICCPR), 1966 has indeed authorized the States to restrain some rights for public benefit. However, such restrictions need to be lawful and plausible. Those checks should not be pretexts for human rights violations. The ICCPR provides that even in times of pandemics, the governments are duty-bound to act for their control and the treatment of the ill, within the full extent of their capacity and importance. Still, those prevention and treatment measures should be within simple and reliable access of commoners and deprived people.

The peoples of both the rich and developing nations have been suffering now from the Coronavirus pandemic. Hence, there seems a possibility that the means and resources available in the world may be deployed for use especially in the rich countries at the expense of developing nations. The sudden explosion of Covid-19 pandemic at once across the planet has shown a dire shortage of health professionals. The medical equipment, apparatuses and required logistics that they employ at work are also in a shortfall. Serious problems have resulted from the insufficiency of machines such as the virus testing kits and reagents.

Due to sprawling globalization and growing interdependence among nations, crisis in one country inevitably affects the other. In today's world, there is a considerable presence of foreign workers in each country. Closure of business and industries leaves workers in the middle of economic distress. Primarily, the workers of developing nations are involved in the development process of rich and industrial nations. In the course of addressing the pandemic, there is an adequate possibility of rights of the migrant workers being compromised.

The big and wealthy nations have announced relief packages considering their own financial and commercial interests. However, there is a grim

possibility of the migrant workers not being covered by these relief instruments. Thus, they are in double jeopardy in the time of Coronavirus outbreak.

No special attention is paid to the persons displaced from conflicts worldwide. The adequacy of personal protective equipment (PPE) and social distancing cannot be thought of in the refugee camps. How can the refugees forced to be crammed in tight spaces be expected to follow social distancing? Similarly, most of the prisons are also overwhelmed.

Millions of workers from most of the countries in South Asia, South America and Africa are serving in countries of South-east Asia, Europe, North America and the Gulf Region. Protection of their rights has become a pressing challenge in this time. The market and State capitalism that is prevalent today have not included the problems of workers within their rights periphery. International institutions such as the UN, UNICEF and ILO are expected to take lead in stepping up the process of the welfare of the downtrodden across borders. However, they appear to be lagging behind in their efforts to effectively create an environment of international cooperation and solidarity against this outbreak.

Responsibility of the Human Rights Community

In simple terms, human rights defenders are such community who strive for the rights of others. UN Secretary General Antonio Guterres has deeply admired the courage and sacrifice of human rights defenders. He says "...these individuals and organizations are our eyes and ears and conscience." Realizing this potential, it is the time for the human rights community to be active as the eyes and ears of the world. In the pretext of controlling or aiding in the prevention of pandemic, the powerful nations may dominate the weaker ones and the governments may curtail fundamental rights of their people in the pretext of combating this outbreak. In addition, the human rights defenders need to be more active for restoring the political, social and economic rights of the laborers, Women and Children, and those engaged in overseas employment as migrant worker.

In such a situation, on the one hand, there is a need for cooperation and solidarity among the human rights communities at a global level; and on the other, within a country, the joint initiatives of national institutions and human rights community would be required. In these turbulent times, the shortage of means and resources is another nuisance. However, it is imperative that some agencies and governments of all nations should step out considering their responsibilities.

It is necessary for all the human rights defenders, human rights Institutions and civic bodies to effect a change in their day to day working style and approach in this medical emergency. We cannot win over a pandemic like Covid-19 without cooperation and solidarity at all levels. The globalization of Covid-19 is our present and real hazard. Hence, its treatment is also possible only at the global level. For this to happen, solidarity among the States, citizenry, human rights communities and international actors is an essential prerequisite. The activeness and joint endeavours of national human rights community would certainly help prepare an environment for international cooperation and solidarity.



40 Years of Gwanju Uprising: Challenges of Our Time

Adilur Rahman Khan, Bangladesh

Today we all have come together to remember the democratic uprising in the city of Gwangju that took place from May 18 to May 27, 1980. The sacrifice of the young activists, for the right to self-determination and democracy against military dictatorship, is now a global inspiration that binds us deeply as human rights defenders anywhere in the world. These are sovereign moments of people's power that reminds us of our collective tasks of struggle against the new neo-liberal rhetoric of security, control and surveillance. The ruling elite is wielding new forms of power, control, surveillance, militarization and the state of permanent war. The bottom line is the coercive and dictatorial rule and architecture of a global capitalist order. Accumulation of wealth in the hand of the one percent of global elite is the goal. Now is the time that the rest of us, the ninety nine percent of global citizens, claim our stake, and fight together to defend our life, dignity and rights. Enforced Disappearances, Extra Judicial Killings and Custodial Torture continue to suppress dissidents. The media mostly publish what the authority dictates. Silencing the dissidents by enacting repressive laws and policies are common practice in different countries. Covid 19 has provided an opportunity to the authoritarian regimes to bring people under stricter and higher level of surveillance and control.

We are at a time when the entire world is facing the Covid-19 pandemic, and the worst ever scenario after the Second World War. Covid-19 has exposed our vulnerability as a biological being on this planet. The environmental and ecological destruction coupled with the climate disaster has almost irreversibly damaged planet Earth. Consequently our biological existence is now threatened. We are increasingly being reduced to hosts of

viruses and infectious diseases. It is not the Covid-19 alone that is the issue, it is the very foundation of our biological life that is at stake. Scientists have warned that the massive environmental and ecological destruction caused by deforestation and parallel industrial farming of animals is unleashing the virus that normally exists in animals and birds. It is now mutating and attacking human beings.

Pandemics are here to stay; and we must have the courage to put aside the 'official' narratives and start analyzing the situation ourselves in order to comprehend this situation in the overall context of political, economic, environmental and ecological disasters. As human rights defenders, we must reconstitute our demand for Right to Life to face this new reality. We are living in the worst era of history, since a vast number of people are systematically being denied their rights to housing, food, nutrition, medical care and other very basic necessities of life – all enhanced due to the pandemic. In other words their Right to Life is being denied by the gradual processes of dispossession and destruction of an environment essential to survive as biological beings. This dispossession and destruction brings with it a host of problems and violations, which can and do instigate occurrences such as outbreaks and pandemics.

Despite the vivid and blatant reality of wide spread disaster everywhere, the dominant narrative about the Covid-19, crafted by the global elite, systematically reduces the problem of a pandemic into a single causative factor. Denying the overarching issues of economics, environment and ecology without which we will never understand the danger of Covid_19, the pandemic has been narrowed into a medical problem only. It has always been claimed that the pandemic could be technologically solved with vaccines produced by transnational corporations. We must remain alert about transnational corporations venturing to make huge profits from the global shock and disaster.

However, while we must take all health precautions and medical measures to combat the Covid-19 pandemic, we must not forget our fundamental demand for Right to Life, that now must include our resistance against a global system, processes and agencies that are systematically destroying the

foundation of our biological existence. Right to Life also includes right to food and nutritional sovereignty, right to health care and the right to have strong and effective public health system, reversing the privatization of health care.

As human rights defenders, we must constantly expose neo-liberal economic policy, financialization of global economy and the restructuring of the state to only serve the expansion and accumulation of Capital. It is not enough to demand social justice, health care and global equity while we know all too well that it is impossible to achieve human rights keeping the post-colonial and imperial world order as it is now and without challenging the existing states. The states are now essentially serving merely as the security, surveillance and coercive apparatus against the people of the world. Authoritarian and apartheid governments are gearing up to access more and more surveillance technologies to monitor the citizens. Military industries are working to create more developed instruments of surveillance. The industries in the developed countries are busy supplying these equipment. Digital technological revolution is increasingly becoming a curse, rather than tools of emancipation.

Neo-liberal globalization, carrying all the legacies of colonial and imperial power, are the main cause of war, occupation, destruction, food crisis, hunger and the outflow of refugees. Science has also been used to develop nuclear warheads and biological weapons and weapons of mass destruction. Although it has been claimed the Covid-19 is not a laboratory made biological agent, there are looming controversies that are of very serious concern to us, as human rights defenders. Despite the claim that Covid 19 is not a laboratory made biological weapon, we have hardly any solid ground to believe those who are rampantly engaged in war and destruction.

The scale and severity of the COVID-19 pandemic is a particular form of public health threat that could justify restrictions on certain rights, such as those that result from the imposition of quarantine or isolation, limiting freedom of movement and economic rights. While these might be justified under such circumstances, past experience shows that exceptions during an emergency tend to become the rule. We should also remain alert to ensure

that health emergencies do not lead to stigma and discrimination towards certain communities and groups or affected persons.

Carrying the revolutionary and democratic legacies of the young activists of Gwangju, I would suggest that we concentrate more on the following areas as human rights defenders.

- 1) Developing a more comprehensive analysis and understanding to expand the idea of Right to Life, integrating environmental, ecological and socio-economic concerns;
- 2) Finding collective ways to deal strategically with the new challenges posed by the transformation of states into security and surveillance apparatus.
- 3) Constantly building resistance against neo-liberal economic and social policies that are destroying our lives and livelihood and which have literally dismantled the public health institutions.

In solidarity, thank you all.



How to Maintain Human Rights Strong During the Coronavirus Pandemic?

Mothers of Khavaran (Speaker: Mansoureh Behkish), Iran

Hello, my name is Mansoureh Behkish, one of the “Mothers of Khavaran”. Before I start my talk, I would like to extend my deep respect to all of you, survivors and victims of the Gwangju Uprising of May 18 1980 and those who, in South Korea and all around the world, have stood up against dictatorship and injustice, sacrificing their lives to build a more humane world.

Undoubtedly, your quest for justice and your insistence to keep the memories of your fallen loved ones alive is the continuation of their fight for a better world, and I wish you all good health, success, and victory.

These days I ask myself **"Will the Corona catastrophe lead us to a better world to live in?"**

Apparently, the COVID-19 Pandemic has mostly affected countries that have a stronger economy, better health care system, and more testing capabilities. However, for a moment, imagine if the virus spread in poor countries; countries that are deprived of minimum rights, have weak economies and health care systems, what would be the consequences for all of us? Can profit-based governments think differently and make human rights and human dignity their first priorities?

Why, after all these years of struggle for human rights and the existence of so many human rights monitoring bodies and advocacy organizations, has the human rights situation remained extremely weak?

Why is it that whenever such tragedies occur, the most vulnerable are the victims?

Imagine, those who do not have any saving or support must go to work under any circumstance to provide food and secure shelter for their families. Or think about the people who live in countries like Iran, where the government does not comply with any international human rights norms and standards. How can these people protect themselves from disease, poverty, war, flood, famine, environmental destruction, repressions, and so on while authoritarian and profit-based regimes are in power?

Could we close our eyes to these realities or, at best, only think about humanitarian and charitable activities in terms of donations to poor people or countries?

Also, when the developed countries control this pandemic, imagine for a moment, without a cure or vaccine for all people in the world and without a democratic solution to improve living standards, the health care system, and the human rights situation for all the people around the world, could the citizens of these countries be safe from the next pandemic? Or all of us will hit harder? Would not this system lead us to the destruction of humanity?

These days my mind have involved with these sorts of questions. The COVID-19 Pandemic showed all of us that the global political, social and economic system is very vulnerable and discriminatory. The system is organized in a way to increase the profit of the few wealthiest; not to provide a better life for the people. Especially governments that have proposed a herd epidemic policy. They do not care about the lives of low-income people or medical staff.

The politicians and their wealthy supporters do their best to protect the existing system. Their accumulated wealth and power has been used for oppression, war and concentrating more power and wealth in their hands, not for the comfort and well-being of the people. For them, human rights is a show and they will ignore it whenever and wherever it is inconvenient. I hope this risky period, forces us wounded people, to think of other ways to build a humane life for ourselves and people around the world; a world in which dictators and profiteers are not allowed to destroy our existence. On the other hand, over the last few weeks, I read more about the ten day Gwangju Uprising from May 18 to May 27 of 1980. The participation of

different sectors of society, women, student, workers, teachers to name few, in the uprising was incredible and their resistance and cooperation was very inspiring.

It reminded me of the 1979 revolution in Iran, what had happened after, and how the Islamic government of Iran violently shut down all universities in May 1980 as part of their so-called “cultural revolution” and a year after crushed all oppositions and critics by mass arrest, torture and execution of intellectuals and women, students, workers and political activists.

I was amazed to learn that the ten-day uprising had been compared to the Paris Commune by some scholars. Like the Paris Commune, the strong solidarity and active interaction that had developed between the people and political activists during these ten days made it possible to take over parts of the city and organize a heroic resistance.

It is very unfortunate that this inspiring and courageous movement could not stand any longer and was severely repressed by the military government. Many fighters were killed, wounded, and arrested.

Undoubtedly, these courageous struggles against the military rule of the time, particularly the persistence of the families in their fight for seeking justice as well as your efforts and commitment to commemorate, have become a symbol of solidarity and resistance against tyranny in Gwangju. Their struggles for freedom and justice will be cherished and will serve as an example for future generations.

Thousands of our loved ones in Iran also stood up to injustice, oppression and inequality and sacrificed their lives to keep alive the struggle against tyranny and for justice. The struggles of “mothers and families of Khavaran” for truth and justice have started since 1981, when the first series of leftist political prisoners were executed in Iran and buried in Khavaran Cemetery. Unfortunately, many mothers and families of Khavaran, who had for many years stood in the face of harassment, threats and arrests by the regime, so that they could see the trial of the perpetrators, are no longer among us, but the younger generation has followed in their footsteps. This struggles for seeking truth and justice continue in various forms.

Here I would like to remind you of Parvaneh Milani and Masoumeh Daneshmand, two courageous women who came to Gwangju to accept the human rights award on behalf of "Mothers and Families of Khavaran". Unfortunately, Parvaneh Milani died 8 Month after and Masoumeh Daneshmand (Mother Bazargan) is currently in a coma due to advanced cancer. I wish her a good health and fast recovery.

I and many other "mothers and families of Khavaran" hope that these struggles to seek truth and justice will one day bear fruit and that the facts will be clarified, so that we will be able to bring the perpetrators to justice to prevent recurrence of these sorts of crimes in Iran. If and when all of this happens, we will achieve freedom and justice. We hope that one day our people can live in freedom, justice, peace and prosperity.

Long live the memory of all those who fought for freedom, equality and justice!

Let's be victorious

April 30, 2020



THE OCCASION OF THE 40TH ANNIVERSARY OF THE MAY 18TH UPRISING IN GWANGJU, SOUTH KOREA

Bersih 2.0 (Speaker: Thomas Fann), Malaysia

I am Thomas Fann, the Chairperson of The Coalition for Clean and Fair Elections in Malaysia, or more commonly known as BERSIH 2.0. It is my great honour to address all of you on this occasion, the 40th Anniversary of the May 18 Uprising in Gwangju. The hundreds of lives sacrificed for the sake of democracy and freedom 40 years ago in Gwangju triggered a wave of struggles for democracy and freedom not just in South Korea, but also throughout Asia and beyond. The ripples of change did not bypass Malaysia, but it eventually reached our shores 38 years later when we saw a peaceful transition of government for the first time in 2018.

But unfortunately, the forces that were deposed 2 years ago fought back and managed to overthrow our democratically elected government, the Alliance of Hope, in a political coup when some MPs joined forces with the old ruling parties to form a new government on 1st of March 2020. This is a very tragic development for democracy and freedom in Malaysia, that in less than two years, the people's mandate given to the new government in a general election can be so easily nullified by the scheming of the political elites. What happened to us is a reminder that democracy is under threat, not only in Malaysia but globally. Many countries in Asia that had experienced the springs of freedom and democracy have returned back to the winter of authoritarianism and curtailment of freedom. We had hoped that Malaysia would have been a beacon of hope for the region, but it was not to be. But I believe that the setback in our struggle for democratic reforms and freedom is only temporary. We have to remind ourselves that change is not

an event but a process, a long term process, and indeed a never-ending process to push for a system of government that elevate the dignity of every human being, empower us to make informed decisions about our future and an electoral system that allows the people to voice that choice.

We also need to understand why democracies worldwide are voting in leaders that are clearly not committed to the ideals of democracy, freedom and human rights itself. Right-wing populist leaders who are xenophobic, nationalistic, who leans toward authoritarianism and carries an anti-elitist message, are being voted into power. We have to ask ourselves the question why are people willing to surrender their own freedom, democratic rights and even their dignity as a person to vote in a person who is likely to trample upon these ideals?

This is not an easy question to answer but I believe it has got something to do with the fulfilment of their basic needs as a person, the need for food, shelter, jobs and security. When these are lacking in a democracy, people choose to surrender their rights and freedom when some politician comes along and promises all these basic needs and usually by blaming others within or outside their country. We saw in post-World War 1 Germany where Hitler rode on the German's economic depression and came to power blaming the Jews and the Allied forces who defeated them in WW1. Hitler was democratically elected and so are many of today's right-wing populist leaders.

Democracy as a standalone ideal is not enough to protect human rights and dignity. It has to show that it is compatible with inclusive and stable socio-economic policies and able to bring prosperity and security to the masses. Democracy and prosperity are not a zero-sum game. Those who assert that it is are just justifying their own authoritarian tendencies. We can see many examples of successful modern democracies, in particular in the Scandinavian and some Western European countries, where they consistently rank in the top percentile of the most prosperous countries in the Legatum's Prosperity Index. Countries fail not because of democracy but weak institutions and flawed electoral systems that allowed bad politicians to stay in power to mismanage and often times amass wealth for themselves and their cronies.

How should we move forward then? Just as most of us can agree that the economy cannot be the supreme god that guide every government policies and actions, we cannot hold that Democracy is the be-all and end-all. Democracy as a system of government where the common people has direct or indirect political power is still the best system to guard the interests of the people from the scourge of dictators and the elite political class who only seeks to perpetuate modern-day feudalism.

Democracy and institutions that represents and protects it must remain strong in order to hold political parties and politicians to account, and that any policies advocated by them must adhere to the established democratic spirit and processes of the country. The values of human rights, inclusiveness, freedom of speech, expression and assembly are non-negotiable in the push for economic prosperity. Again, I want to say, the choice between economic prosperity and democracy is a false dichotomy, both could co-exist splendidly. And going forward, we have to argue and defend this fact.

Thomas Fann
Chairperson, BERSIH 2.0, Malaysia

Dated: 18th May 2020



We Fight to Bring A Better Society Where Everyone Can Enjoy Their Innate Rights

Jatupat Bunpattaraksa, Thailand

In COVID19 pandemic situation, the Thai state categorizes citizens into different class. They speak nicely to the rich. Behave well just in front of the media. This is a government that does not respect the rights of citizens and does not prioritize public welfare.

This is an important issue. The idea of human rights can come reality only when the state work on it. And then it has to be developed and expanded continuously.

At the same time, the people must be aware of human rights and fight for equality.

In the past, the Thai state was very good at deceiving people. The people do not know that the state just says sweet words using rhetoric, without the idea to adhere to the principle of equality. Thai state only pleases the rich capitalist, ignoring the poor. They try to create illusion to make people satisfying with their life. Some of the people are so busy earning their living and don't have time to study and understand human dignity. Some do not believe that there is a better life and better welfare. Some blame it on fate. All these stop the people from joining forces to fight against authoritarian state and assert equality.

Thailand therefore does not have better development in human rights. People are not aware of human rights and demand for it to enough to create powerful momentum for change.

And the most important problems are non-respect of laws and tearing up the constitution. The coup d'état disrupts democratization.

This is Thailand under the rule of a military dictatorial government. When we hear the gun shot, the law became silenced. Human rights principles are destroyed. Time after time, the coup d'état joins forces with power dictatorship, creating discourse of “good people” that look down at other people and reject election results. These ideas still exist in Thai society nowadays, so the coup d'état can maintain its power until today.

When Thailand was under the full control of the military dictatorship, many people warned me and my friends. Their concern is based on past experiences where any people who were resistant to the military rule would be imprisoned.

But because we are young and rebellious; because of silence in the society; because we learnt about the 14 October 1973 violence; and because I already learned about what it happened on May 18, I can understand that when injustice becomes law, Resistance is a duty. We couldn't bear to stand still so we had to come out.

When we came out to fight for equality by demonstrating against the coup, we received expensive lessons. The cost of equality is our freedom.

In normal political situation, our conflicting party is the business.

We are arrested for violating the Energy Enterprise Act.

During an unusual political situation under the rule of military dictators, we were detained and “attitude adjusted” for holding the three-finger salute symbol against the coup. In my view, the attitude of the military is not based on equality. It is an attitude that does not allow people to think and only to believe the prime minister, General Prayut Chan-o-cha.

Another lesson is that just a pamphlet that says “Isan (northeast Thailand) does not welcome dictators” and holding the three-finger symbol are so sensitive. While those acts cannot overthrow the dictatorship, at least my human dignity is evolving.

I feel better than being quiet. I feel doing something. I felt the small victory of the losers. On the 1st anniversary of the coup, we organized activities again, and we were arrested again. This is the reward of the courage, haha.

We can only laugh and laugh. When there is the first case, the second case followed because we keep trying to affirm the principle of equality. Then the third case, the forth case and the fifth case. Whoever stop activism, there will be no more case. Whoever are active, they face for legal cases. So some continue their work while some stop.

The cost of human rights is too high. That is to say, expressing political opinions that are different from the state means one of your legs was already in prison.

I was deprived of freedom for more than 2 years and 5 months. I dreamed of beautiful principles that human beings have the freedom to express political views, the principle of presumption of innocence, and the right to get bail. I expect to use on the human rights principles and mechanisms that Thailand already ratified.

Even though Thailand doesn't have human rights principles, at least this world must have human rights. We have human dignity as we are human being on this earth. In the end, the truth appeared. The Thai state just went to report (to the UN) and receive the concerns of other states. But this is mere abstract because the concrete truth was that I was still in prison. There are many people who are still in prison because of their political views. Even now that I am speaking, there were people in prison. I never thought that what I had read in the book would happen to me. Things that have happened in Thailand before return. Yes, the dictator is back, and this time it was me who became the victim. Many people who were in prison during 14 October 1974 and 6 October 1976 events visited me in prison. In the jail, I read the books of many people who had been in prison before. Some books were written in prison. Yes, it was me who read it in today's prison. It's a joke for my life. We try to insist on human equality and affirming the right to freedom of political opinion. But sometimes I can hardly laugh as it was terrible when I have no freedom.

In the end, the solution for Thai society is the movement of people. And the movements must be designed and take into consideration the situation of COVID19. We have to pressure the government and senators to open legal channels for the people to draft the people's constitution. The Constitution

by the people and for the people. Yes, my proposal is not new. It has happened in the past that are destroyed today As for the future, the country's future requires new generations to participate. Now, the young generation has started to play a political role. It's the time when we have to create a political culture that doesn't involve coup-making. We need to adhere to the law and respect for election regulations. Because in the past, military groups had never respected the law and it always seizes power and breaks the constitution every time.

We must be confident that we can help each other to draft our own constitution. We must believe that our movement will lead to a good political foundation. The government must be elected by the people. The government must follow universal regulatory mechanism. The state must consider human rights principles and develop and expand the concepts concretely for people to have a good quality of life. And develop human dignity to be equal.



Human Rights in the Philippines During the COVID-19

Joanna K. Carino, The Philippines

The whole world is now reeling from the effects of the COVID-19 pandemic. As of April 29, 2020, there were 3,146,651 people infected with the disease, with 218,178 deaths and 961,833 recoveries. There is still no visible cure in sight in the near future. No country has been spared, and the epicenter has spread from where COVID-19 originated in Wuhan, China, to Europe and the United States.

Countries all over have closed their borders and locked down. As people are forced to stay home and maintain physical distancing from one another in order to avoid the spread of the deadly virus, unemployment has loomed large, hunger has struck hundreds of millions of people, with all of the concomitant social effects of poverty and depression.

It looks like it is going to get worse before it will get better.

Different countries have dealt differently with the pandemic. There are positive lessons to be learned from the more successful, such as the early conduct of mass testing, massive education information campaign, encouraging citizen altruism and participation. High-handed approaches appear to not work as well.

Antonio Guterres, the Secretary General of the United Nations has said:

The COVID-19 pandemic is a public health emergency - but it is far more. It is an economic crisis. A social crisis. And a human crisis that is fast becoming a human rights crisis.

We have seen how the virus does not discriminate, but its impacts do - exposing deep weaknesses in the delivery of public services and structural inequalities that impede access to them.

We see the disproportionate effects on certain communities, the rise of hate speech, the targeting of vulnerable groups, and the risks of heavy-handed security responses undermining the health response.

The best response is one that responds proportionately to immediate threats while protecting human rights and the rule of law.

More than ever, governments must be transparent, responsive and accountable. Civic space and press freedom are critical. Civil society organizations and the private sector have essential roles to play.

And in all we do, let's never forget: The threat is the virus, not people.

Unfortunately, the Philippine president Rodrigo Duterte has not heeded the words of the UN Secretary-General.

Even before the COVID-19 pandemic, the human rights situation in the Philippines was already grave. With President Rodrigo Duterte's authoritarian militaristic response to COVID-19, the human rights situation has worsened.

To start with, the President initially belittled the COVID-19 threat of pandemic, thus government response was late and hopelessly inadequate, especially given the situation of a long-neglected public health system. Consistent with his authoritarianism, Duterte's response was militaristic and threatening, relying more on the military and police for population control, and viewing people as the threat, not the virus.

As the numbers of people infected with the disease rose, Duterte ordered a Luzon-wide lockdown on March 15, whereby people had to stay in their homes under Enhanced *Community Quarantine (ECQ)*. The lockdown has now been extended twice, up to May 15. The lockdown was implemented to curtail mobility, even while the Duterte regime did not have a comprehensive plan to contain the deadly virus, nor how to provide the survival needs of millions of poor families under lockdown who would lose their jobs and their incomes.

Furthermore, disproportionately large numbers of doctors and nurses at the COVID-19 frontlines were infected with the disease early on. Many have died due to the lack of personal protective equipment. The ill-equipped Philippine health system has not been able to provide for the facilities and equipment needed to face the pandemic, nor the necessary protection for health front liners.

Duterte called Congress to an emergency session in order to pass emergency legislation termed *Bayanihan to Heal as One*, which was signed on March 24, 2020. The law placed the whole country under a state of emergency effective for three months unless extended. The President was given the power to realign funds to government measures that would address the COVID-19 pandemic in the country. Some 18 million households were to receive an emergency subsidy from a minimum of P5,000 to a maximum of P8,000 for two months, computed based on the prevailing regional minimum wage rate. The law also included a dangerous provision imposing penalties on anyone who would spread disinformation or fake news, which would be used to curtail freedom of information and free speech.

The president then appointed a group of generals to implement the National Action Plan. The police were deployed to man checkpoints and walk the streets to make sure that the people were abiding by the rules for the lockdown. The militarist mindset that COVID-19 was a peace and order issue instead of a public health emergency made the central role of the police and military subject to abuse of authority.

It is now seven weeks into the lockdown, but less than half of the targeted 18 million families have received anything from the government's Social Amelioration Program. The government's promise of relief has been very slow in coming, what with the stringent requirements and bureaucratic entanglements. This means that millions of families are now experiencing hunger and deprivation. Even worse, there have been charges of mis-use and corruption of the funds. Even the Department of Social Work and Development has confirmed that some people who are already dead received SAP cash, even while millions are impatiently awaiting their share.

Much of the content in the news programs from day to day are of hungry people begging for food, or complaining that they have not received the promised relief and social amelioration. More and more people are demanding government support for all whose livelihoods have been suspended due to the lockdown, not only the informal and formal workers, but also other low-income families. The indigenous peoples, who have long-suffered historical government neglect, are among the most affected sectors.

Criticisms of the Duterte government's handling of the COVID-19 crisis have spiked, such that the OUST DUTERTE hashtag even trended on social media. An urban poor community in San Roque went out to demand the promised relief, for which they were arrested and charged, but also received some support after this was covered by media. An artist in Cebu who came out with a sarcastic comment in Facebook was to be charged for purveying fake news. An overseas Filipino worker (OFW) in Taiwan was threatened with deportation after she posted critical Facebook posts.

There have been several reports of police abuse in checkpoints nationwide. A fish vendor was beaten, dragged and arrested in Quezon City simply for failing to wear a face mask. A mentally-challenged retired Army veteran in Quezon City was shot dead for violating quarantine protocols. In Caloocan City, violators were ordered by authorities to walk along EDSA center island at around 10 p.m., while tugging a rope with them. In Antipolo, Rizal, 39 violators were asked to stay inside a detention court for eight to ten hours without food or drink. Five youths were locked inside a dog cage after breaking curfew in Laguna. Police and barangay officials tortured quarantine violators in Koronadal City including punching, hair pulling, slapping, and forced feeding of siling labuyo.

The United Nations has raised concern over some countries' repressive measures to implement lockdowns, citing the Philippines' *"highly militarized response"* to contain the spread of COVID-19. The UN High Commissioner for Human Rights Michelle Bachelet has said that police and security forces have used unnecessary force to make people abide by lockdown and curfew rules - with the victims mostly coming from the poor and vulnerable sectors.

She said force should only be used when strictly necessary and lethal force should only be carried out when there is an imminent risk to life. She further warned that "Shooting, detaining, or abusing someone for breaking a curfew because they are desperately searching for food is clearly an unacceptable and unlawful response."

The Philippines' "highly militarized response" to the pandemic has led to the arrest of over a hundred thousand people for violating Enhanced Community Quarantine ordinances. Over 152,000 quarantine violators have been reported nationwide following the implementation of the lockdown over Luzon and other provinces, as per official police reports. Of this number, at least 38,000 have been arrested.

Unfortunately, even under conditions of lockdown, the wider world does not stop.

While Duterte had announced that the Armed Forces of the Philippines would cease offensive military operations and re-channel their efforts to the pandemic, military operations continued in rebel hotspots. When the UN secretary-general called for a ceasefire to armed conflicts, the Communist Party of the Philippines – New People's Army responded with an order to its combatants to desist from conducting tactical offensives while still being alert to the movement of government troops. There have, however, been reports of some encounters between the two armed forces. The president has threatened to formally declare martial law, while democracy and peace-loving groups have called for the resumption of the peace talks between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines.

Meanwhile, the political vilification and red tagging of progressive civil society organizations is relentless. My organization, the Cordillera People's Alliance for the Defense of Ancestral Domain and Self-Determination, has been under constant attack from the military and their trolls in social media. Direct threats have been made against our chairperson Windel Bolinget, and even his children have unjustly been included in their threats. Two helicopters hovered over Sagada, Mountain Province, and dropped black propaganda fliers, squandering government resources which could better have been used for much needed relief.

Illegal arrests on trumped up charges have continued, as have extra-judicial killings. The latest, as of today April 30, is Bayan Muna activist Jory Porquia, who was shot dead by unidentified men wearing masks in Iloilo City. Before this extra-judicial killing, he was harassed by the police for conducting feeding programs and relief operations for the urban poor communities and Bayan Muna members in Iloilo City.

Even relief operations of activist organizations have been targeted. A relief operation of the peasant organization Kilusang Magbubukid ng Pilipinas was stopped and brought to the police station in Norzagaray, Bulacan. A former congressman for the peasants tried to intervene, but he was also held. They were threatened to be charged with sedition, but public outcry led to their release.

In any kind of crisis such as the Covid-19 pandemic, the best of the people and the social activists stand out and shine. Non-government organizations, people's organizations and civic-minded citizens and groups have pitched in to mitigate government's shortfalls, although civilian relief operations have been subjected to bureaucratic rigmarole. At the community level, they create ways for the people to have food, shelter and medical care and to engage in mutual help. They call for donations from those who have more to be distributed to the less fortunate. And they do not get paid for the volunteer work that they render. The actions that they carry out for the common good under the circumstances of fighting the pandemic are their way of living out the activist slogan to serve the people.

In the Philippines, the numbers of people getting infected by COVID-19 and dying continues to grow by the day. The curve still has not flattened. The number of prisoners in the over-crowded jails who have been infected is rising, as there has been no mass release of prisoners as recommended by the United Nations. As of April 29, 2020, there are 8,212 cases in the Philippines, with 558 deaths and 1023 recovered.

The biggest problems under COVID 19 Enforced Community Quarantine are inadequate mass testing, slow social amelioration for the poor, the economic slowdown and the relentless assaults on human rights. There is

the urgent need to implement a more comprehensive public health program to curb the spread of the virus in order to be able to lift the lockdown, to include mass testing, contact tracing, isolation and curing of those infected by COVID-19. Lockdown on its own will not succeed without the necessary medical and public health measures to address the pandemic, and the provision of social protection and economic assistance.

While there is the necessity for physical distancing, there is, more importantly, the need for social solidarity as the world battles the deadly COVID-19 virus.

The pandemic has unmasked the greed, selfishness, wastefulness and harmfulness of imperialism and the dominant capitalist neo-liberal order which has been the source of social inequality, environmental destruction, climate change and most other global crises that humanity has been confronted with. It is time to take stock and work towards a new normal, no more business as usual, as what was accepted as normal before COVID-19 has brought us to this global crisis.

Let us draw the important lessons from the survivals of the communal core value system of indigenous communities worldwide: common ownership of ancestral land and the means of production, community interest before private interest, stewardship of the environment for the succeeding generations, production for the common good, mutual help, food sharing, frugality – not wasting anything, simple living.

These altruistic communal core values have survived the test of time because they have relevance for all times. It is time now to work for system change and a more humane future.

jpkc/043020202

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How to Maintain Human Rights Strong During the Coronavirus Pandemic?

Tempo (Speaker: Hermien Y. Kleden), Indonesia

Dear Human Rights Defenders (HRDs), Gwangju Prize for Human Rights (GPHR) Laureates, fellow journalists in Gwangju, Korea, in wider world, especially in Asia,

Please let me start my sharing from Jakarta, Indonesia, by sending a very, very warmest greetings to celebrate the 40th anniversary of the May 18 Democratic Uprising.

Despite the Covid-19 pandemic that spreading all over the world now, let's keep our spirit high, and hopeful hearts in this difficult time around.

Please allow me to share something from home front, Jakarta, Indonesia -about **Strengthening Human Rights to Fight COVID-19 in Indonesia**

An archipelago country of 17,000 islands – and of almost 267 millions population – Indonesia faces huge and unique challenges since day first the government officially announced the COVID-19 outbreaks.

When it was firstly declared on March 2, 2020, Indonesia had two confirmed cases.

As of today, May 3, 2020 - by the time I prepare this notes-there has been 10,551 confirmed cases; 800 deaths; and 1591 recovered.

It skyrockets Indonesia COVID-19 mortality rate to the highest in Asia, based on data of The Johns Hopkins University, Baltimore, Maryland.

The infectious disease pandemic has significantly hit economy of the whole country. Millions of workers has lost their jobs.

In Jakarta alone-the capital city-we can easily find new homeless people, sleeping in front of closed shops, side of roads, empty parks, under pedestrian bridges.

Weeks ago, they were workers with regular incomes at restaurants, factories, small shops, construction projects, just to name a few. Some of them used to be owners of small businesses. Unemployment rate is fastly soaring up.

Indonesia Finance Minister Sri Mulyani Indrawati explained that millions of people will fall into poverty and unemployment as the COVID-19 pandemic batters the Indonesian economy.

She also explicated, around 1.1 million new poor and 2.9 million new unemployed people would be added-based on Govt “bad” scenario.

And what’s the prediction of the worst-case scenario?

More or less 3.78 million people would fall into poverty and 5.2 million would lose their jobs. “This situation will definitely affect our social and development conditions,” the Minister said.

Statistics Indonesia (BPS) data showed that the country’s unemployment stood at 7,05 million out of the workforce of 133,56 million at 2019.

Figures above is pushing the country to deal with a fundamental issue which should be taken immediately into highest priority by the authorities-aside of health and fatality rate issues: it is employment security.

The pandemic had caused restriction of business activities and declined productions. Many have become jobless-even homeless. They are no longer able to pay room/house rents, nor return to their hometowns, islands, homevillages.

Since mid April 2020, the Govt has officially imposed Large Scale Social Restrictions (PSBB) in Greater Jakarta – and has been followed by several provinces. Borders are closed, so are harbours, airports. Travelling between cities and islands are tightly restricted.

The government has established various policies to deal with the outbreaks. However, referring to the brief released by Indonesia's Human Rights Defenders Coalition (HRDC), the country is still taking actions that are detrimental to the community, especially farmers and environmental human rights defenders.”

According to the Coalition, instead of protecting the community, medical personnel at the forefront, suppressing the spread of epidemics and number COVID-19 victims, the Government and other security actors forcibly repressed peaceful actions by farmers and environmental fighters

I mention this as one example of cases HRDs are facing during the pandemic.

Speaking of which, we have, at very least, one crucial question to pose to Human Right Defenders (HRDs): what role should they play during this humanitarian crisis?

In my humble take, in Indonesias, they must firmly remind governments and leaders, time after time, to act as early as possible, stay transparent in public communication, take priorities in the most pressing problems.

The Govt here, in many countries, I believe, have expanded powers in the name of pandemic emergency. Regarding to this matter, HRDs should step in and make sure that the expanded powers of authorities don't turn out into threats to freedoms of expression, using pandemic statistics for political motives, for instance.

Indonesian media and HRDs works together to promote public rights of openness & transparency of either pandemic data or its effects on economy as well as humanitarian crisis.

Correcting and clarifying unclear data becomes one of HRDs high concerns – and actions. Unfortunately, this makes them an easier target since certain authorities use pandemic crisis to attack civic freedoms.

It may come in various forms of actions. For instance, the arrests of people accused of spreading fake news about COVID-19, has occurred here and there. National media and HRDs call National Police to stop using these repressive methods.

The most effective way to prevent hoax news is to provide transparent information about the disease.

As of the end of March 2020, Tempo Weekly Magazine and many major media in the country reported that the directorate of cybercrime prosecution at the National Police criminal investigation department had named 51 people as suspects for spreading fake news about the coronavirus.

The way to stop information like this being passed on is not to arrest the people responsible. But to provide accurate and trustworthy information. Some HRDs and independent observers who try to provide alternative facts and figures than the Govt's reportedly to have forcibly silenced.

As a matter of fact, Indonesians poor and rich, don't get equal opportunity to Covid-19 tests.

Why is it so?

Because the government offers free testings at hospitals only for those who have been in contact with positive cases or who have visited high-risk areas and present with COVID-19 symptoms.

People who present with symptoms but have no contact history are not eligible for free testings. While such prioritization is understandable given the country's limited resources, it also leads to unequal access to testing.

Another issue that raises HRDs concerns are fundamental freedoms of expression, association, and assembly, that these defenders need to be able to organize and work.

Let's remind ourselves that during the pandemic crisis, HRDs in any country of the world – including Indonesia – are still dealing with the “same old problems”: harassment, killings, death threats, and other attacks and intimidation of HRDs related to COVID-19, while major media, governments, authorities, even wider public are merely, probably merely paying attention to the pandemic crisis only.

If I may humbly call – our issue is not only to strengthen Human Rights Defenders to fight COVID-19 in Indonesia and the world -- but also, it's very important to strengthen protection for HRDs in doing their tasks and service in the pandemic crisis.

I would like once again to send warmest greetings from Jakarta to Gwangju, for the 40th anniversary of the May 18 Democratic Uprising in May.

All the best, and in solidarity we stand.

Thank you for having me!

Jakarta, Indonesia, May 3, 2020

Hermien Y. Kleden

Jakarta-based journalist, editor, writing mentor



Drawing Inspiration from the May 18 Democratic Uprising for Laos Development

Sombath Somphon (Shui Meng), Laos

Good morning. Today, I want to talk about a little bit about my personal journey of being a human rights defender and how I drew inspiration from the May 18 Democratic uprising in Gwangju 40 years ago. My own personal journey of activism for social justice, human rights and peace-building cannot be separated from that of my husband, Sombath Somphone's journey of engagement and lifework in building a better society in Laos, particularly improving the livelihoods of poor rural communities and improving education for young people in Laos. For Sombath, these actions of building improved justice, equality, and well-being for the Lao people are the basis for developing a democratic and rights-based society in the Lao context.

But unfortunately, he became a victim of Enforced Disappearance 7 years ago in 2012.

Working in Laos for Social Justice for the Rural Poor Through Improved Livelihoods and Poverty Reduction

Now let me tell you a little bit about my husband, Sombath Somphone.

Sombath studied at the University of Hawaii in the 1970s. He studied agriculture and returned to Laos in the 1980s. He was the first and only Lao student who came back to Laos. None of his fellow students came back because they were afraid of what the new government would do to them.

Laos in 1975 was taken over the Lao Communist party and it became a one-party controlled state. So many people at that time were afraid to come back to Laos.

I supported Sombath's decision to return to Laos. And we both knew that returning to Laos, we had to take on a different type of activism. Given Laos communist system of governance, one like to North Korea, the struggle for "freedom", "democracy", and "human rights" must take a more low-profile approach.

Instead we focused on the issues of Laos' high incidence of food insecurity and poverty, and struggle for peace after years of war as a rallying point for our work. We knew that we must use the Lao Communist Party slogans to promote equality for the masses, especially for farmers and workers, and development through education for the poor to frame the way we work.

Our work evolved around "freedom from hunger", "freedom from poverty" and "freedom from ignorance" and drew inspiration from the international human rights framework of "right to survival"; "right to education"; "right to sustainable livelihoods", which were all theoretically endorsed by the "Socialist Ideology" of the Lao Government.

Working humbly and quietly, but effectively, Sombath used his knowledge and skills to help rural communities improve production, education, hygiene and sanitation and development of small rural enterprises.

Sombath also started youth development programs to engage the young people to enrich their school-based education with life-skills education and taught them how to use interactive media to reach out to other young people through radio programs, drama and community exchange. All these were done in a way to empower the poor and the young to shape the development of their own communities and their own future in a practical and meaningful way.

Sombath's quiet work for more than 30 years gained him regional and international recognition. In 2005 he was awarded the Ramon Magsaysay

Award for Community and Youth Empowerment. The Ramon Magsaysay Award is Asia's equivalent of Nobel Prize. As a result, Sombath became well-known as Laos' community development worker championing the rights of the rural poor and was recognized as Laos' leading a civil society leader.

The Enforced Disappearance of Sombath Somphone – Transforming Fear to Action

Unfortunately, Sombath's recognition was not appreciated by the Lao Communist Leadership who was afraid that Sombath could become a rallying point to mobilize people against the one-party authoritarian regime. On 15 December 2012, Sombath was disappeared right in front of a police post. And his abduction was caught by the police CCTV camera. Despite the clear evidence of his, the Lao Government had denied its involvement and insisted that Sombath could have been kidnapped for personal or business reasons.

The injustice of Sombath's Disappearance shocked me. To see the most important person in my life who spent his entire life working for the good of people disappeared in such a way made me extremely distressed. It was a violation of Sombath's rights and a violation of my rights.

I studied the issue of Enforced Disappearance and I understood that repressive regimes often use enforced disappearance to silence critics and use it as an intimidation tool to frighten the entire community. I became aware that in Asia enforced disappearances are still used very broadly and widely. And it is used often to silent political critics, civil society activists, academics, journalists, and students.

As the days passed, my fear turned into despair. Fortunately, I was contacted by many wives and victims and family members of enforced disappeared persons. They reached out to me and advised me that I should have courage and I should not be afraid to speak up. They encouraged me to give interviews to use social media and other forms of communication to tell the world what happened to Sombath. They told me that in all cases of Enforced Disappearance, it is the state's intention to intimidate family members and friends of the disappeared to keep them quite and not to seek

truth and justice. They advised me that the best way to get truth and justice is to use all avenues to seek supports to resolve the case. I had to use avenues like the United Nations and its special procedures, human rights reporting mechanisms; the international community; and the media to highlight the case and to hold the government accountable to reveal truth and justice of the case.

I took that advice and I overcame my fear and despair. I transformed myself from a victim to become a human rights activist and a human rights defender, especially on the issue of Enforced Disappearance.

Drawing Inspiration from the May 18 Uprising and the Gwangju Prize for Human Rights

I also drew inspiration from the May 18 Uprising and the Gwangju Prize for Human Rights.

When Sombath and I were students, we had followed the May 18 Gwangju Uprising in 1980, 40 years ago. We had admired the courage of the students and workers who stood up against the dictatorial military regime of Chun Doo Hwan and had sacrificed their lives for freedom and democracy in Korea.

In 2008, Sombath and I had the opportunity to visit Kwangju for the first time. The first place we went was to visit the National Cemetery for the May 18 Democratic Uprising. We walked around the cemetery and visited the memorial hall to remember the spirit of the May 18 Uprising and learned more about the struggles for democracy and social justice as a process.

Upon our return to Laos, Sombath often talked to the Lao young people about the Gwangju Uprising and the role young people had played in their struggle to improve democracy in their own society.

Then on 18 May 2015, Sombath was awarded the Gwangju Special Award for Human Rights. The award was an honor for Sombath; it also demonstrated

that the May 18 Foundation wanted to use its prize to acknowledge the contribution of Sombath's tireless work for Laos and the Lao people.

And like Sombath, I also strongly believe that people's aspirations for a better life, a better society, and a better world could not be stopped by intimidation and subjugation forever. The sparks of hope and the human desire for justice, freedom, democracy, and peace would ignite and spread, as history has repeatedly itself; as the heroes of Gwangju have demonstrated. The May 18 Gwangju award has boosted my courage and confidence to speak truth to power, and to advocate for justice for the victims of human rights violations. Over the past few years, and especially after the Gwangju Human Rights Award in 2015, I have traveled the world and spoken openly and tirelessly at numerous human rights events, at press conferences, and TV and radio interviews.

I believe that the 40th Anniversary of the May 18 Democratic Uprising is once more a very important marker to all freedom and democratic loving people all over the world to remember the heroes of the May 18 Uprising and to draw renewed energy and strength to continue their struggle wherever they are.

And to sustain my journey going forward, I will continue to draw inspiration from all the other victims of enforced disappearance and human rights violations just like the heroes of the May 18 Democratic Uprising and I will fight harder for justice, human rights, and peace for all.

Thank you.



Through songs, We Are Seeking for Reconciliation Paths

Dialita Choir (Speaker: Irina), Indonesia

Good day dear Friends, Ladies and Gentlemen,

First of all, I would like to take this opportunity to convey our deepest sympathy to all victims of Covid 19, to those who died or who are still struggling in treatment, and to all the doctors, nurses and medical staff, as well as the families they left behind during the this difficult times. Let' join hands, together we may overcome this global affliction and return to our daily routines, healthier, more spirited and peaceful!

Ladies and gentlemen,

I am, Irina, representing the Dialita Choir from Indonesia. At this great occasion I would like to deliver this speech to the 40th anniversary of the May 18 Democratic Uprising in Gwangju, South Korea.

Dialita is a choir group initiated by women survivors of 1965 political tragedy that established in 2011 to break the silence. At the beginning, we organized ourselves to raise funds for our fellow elderly survivors who are helpless with no means of living –this is an activity we continue to do to this day. Then gradually, we started to sing songs of hope, solidarity and peace to eliminate the stigma that had been entrenched on us as family of former political prisoners.

The public started to recognize Dialita's presence and capture messages of our songs. The Dialita's audience - who are mostly young people - showed great interest and their support has been a source of energy for us. The young

people continue to inspire and motivate us, to become individuals who are confident and dare to come up without fear of being underestimated. We learned a lot from their openness and generosity to share common space for intergenerational dialogue.

We choose to sing songs written inside the prison during 1965 to 1979. The main objective was to document and to save the archives that to many are still scattered. These songs have personal stories and each story captured in these prison songs have power to bring everyone closer to each other, closer to long lost memories that have left pain and sufferings to survivors and it' descendants.

Through singing and sharing stories, Dialita brings its audience closer so that enabling direct interactions; this kind of interaction never happened in the past decades. Through singing, Dialita uncovered historic experiences and opened public discussions to recall collective memories of the humanitarian tragedy that occurred in the mid-1960s.

When the dialogue space is wide open, Dialita started to collaborate with young talented Indonesian musicians. Thanks to their excellent support and collaboration, Dialita has now produced two albums and held three concerts in the past four years. Our second album, titled "Salam Harapan" -it means "Greetings of Hope" -, reflects the spirit of our eternal hope. Dialita concert tickets were always sold out and hundreds of young goers filled the concert halls. Our songs paved the way for the youth to think critically when looking into the history taught in our school books. These young people then reinterpreted the survivors' history into various works, such as research works for academic theses and journals, theater performances, poetry, songs/music, art installations, workshops, documentary films, newspaper articles and many other forms.

We are also very fortunate to have the support of many groups: NGOs, journalists, academics, government institutions, artists, students and so on. These various forms of support are the key to paving the way for the

accession of the ideals of struggle: networking and collaborating to support each other, strengthen each other and learn from each other.

Our supporters have not only been limited to locals but also come from friends abroad and in various forms. Last year, Dialita received the "2019 Gwangju Special Prize for Human Rights" award from the May 18 Memorial Foundation, Gwangju, South Korea. This award is a source of strength and motivation for Dialita to continue working to uphold human rights in Indonesia.

This award does not belong solely to Dialita, it is a recognition of all the efforts of the survivors whose rights have been violated in all forms possible. This recognition has also expanded our network and a sense of solidarity among victims. This appreciation of humanity inspired Dialita to consistently remain part of the democratic movement for an inclusive and peaceful society.

Dear ladies and gentlemen,

Throughout our journey, Dialita has transformed from victims group to survivors and from survivors has now become part of the movement for social change. By carrying out daily conversations with the themes of peace and reconciliation, together, we gradually reduce the entrenched stigma that we have carried with us for more than fifty years. Indeed, we are feeling that it is gradually dissipating –in particular among open and progressive minded youth – thus, we are optimistic that we will see a future where this stigma will completely be abolished.

Because we believe that the next generation will learn and continue to bring this history to light through proper records and documentation. These experiences confirmed our belief that art – in this case music and songs – can be an effective medium for conveying messages and reclaiming what we stand for.

That is why we will continue to voice out this forgotten past, to spread the message of hope, friendship and reconciliation.

My respected friends,

Yet, the Covid-19 pandemic is high in our minds, and as a group of elderly, we constantly are aware that we are much at risk of being infected. No words can describe our gratitude for all the sacrifices across the world to ensure that we remain protected and in good health and able to continue our ongoing struggle.

My dear friends,

I will end this speech by sending greetings of solidarity from my sisters in Dialita and all my friends in Indonesia to you and all people throughout the world.

Greetings of Hope, Salam Harapan!

Indonesia, 21 April 2019

Irina Dayasih

General Secretary of the DIALITA Choir



Appendix

2020 Participants List

Appendix

| 2020 Participants List |

Session	Name	Offiliation and Position	Country
Keynote Speech	Patrick Burgess	Chairman, Asia Justice and Rights	Australia
Democracy and Transitional Justice	Gaston Chillier	Executive Director, Centro de Estudios Legales y Sociales	Argentina
	Eunju Chi	Research Professor, Peace&Democracy Institute, Korea University	South Korea
	Namhee Lee	Associate Professor, Modern Korean History at University of California, Los Angeles	USA
	Landon Hancock	Professor, Kent State University	USA
Retrogression of Asia's Democracy and Counter-Action	Patrick Burgess	Chairman, Asia Justice and Rights	Australia
	Chito Gascon	Commissioner of National Human Rights Commission of the Philippines	The Philippines
	Peter Prove	Commission of the Churches on International Affairs/Future Solidarity After Peaceful Reunification of the Korea Peninsula, World Council of Churches	Australia
	Bencharat Sae Chua	Professor at Institute of Human Rights and Peace Studies, Mahidol University	Thailand
	Bub Mo Jung	Professor, Pukyong National University	South Korea
	Je Seong Jeon	Professor of Jeonbuk National University	South Korea
	Kyunghwan Boo	Researcher, Asia Cultural Institute	South Korea

Session	Name	Offiliation and Position	Country
State Violence and Women	Im Seon Hwa	Department of History, Chonnam National University	South Korea
	Mar Mar Oo	Chairperson, Association for Labor and Development	Myanmar
	Cho, Youngsook	Chief, International Solidarity Center of Korean Women's Association United	South Korea
Emerging Voices	Demon Khoo	Staff, Gender and Development Institute	Myanmar
	Tao Don Tajaroensuk	Activist, People Empowerment Foundation	Thailand
	Gianna Catolico	Staff at Initiatives for Dialogue and Empowerment through Alternative Legal Services	The Philippines
	Chan Hoi Yee	Student at the Chonnam National University	Hong Kong
	Aron Aldrich Guevarra	Student, The Ateneo de Manila University	The Philippines
	Semdle (Speaker: Ms. Lee Soho)	Student at Hansung University (Team Name: Semdle)	South Korea
	Shapla Swarana Ruram	National Advocacy Manager of BCHRD	Bangladesh
	Abdul Ghani	Student, University of Sindh	Pakistan
	Running Men (Speaker: Ms. Kim Ji Min, Ms. Jeong Sun Hwa)	Student, Sungshin Women's University (Team Name: Running Men)	South Korea
	Visalaakshi Annamalai	Staff, UNHCR	India

Session	Name	Offiliation and Position	Country
Laureates' Summit	Basil Fernando	Chairperson of Asia Human Rights Council	Sri Lanka
	Angkhana Nellapaijit	Fomer President of Thailand Human Rights Commission, Attoney	Thailand
	Malalai Joya	Former Lawmaker	Afghanistan
	Sushil Pyakurel	Former Expert Advisor to Rt. Hon. President (Human Rights & Political)	Nepal
	Adilur Rahman Khan	Representative of Odhikar	Bangladesh
	Mothers of Khavaran (Speaker: Mansoureh Behkish)	Mothers of Khavaran	Iran
	Bersih (Speaker: Thomas Fann)	Representative of Bersih 2.0	Malaysia
	Jatupat Bunpattaraksa	Human Rights Activist	Thailand
	Joanna K. Carino	Representative of Cordillera Peoples Alliance	The Philippines
	Tempo (Speaker: Hermien Y. Kleden)	Tempo	Indonesia
	Shui Meng	Wife of Sombath Somphon (2015 GSPHR Laureate)	Laos
	Dialita Choir (Speaker: Irina)	Dialita Choir	Indonesia

