

# SDMA Issue Brief

Issue 2 – June 2012



Solidarity for  
Democratization  
Movements  
in Asia



SOLIDARITY FOR DEMOCRATIZATION  
MOVEMENTS IN ASIA



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[SDMA Issue Brief on Human Rights and Democracy \(SDMA Issue Brief\)](#) is an E- quarterly published by SDMA. It contains the special reviews on Asian human rights and democracy as well as news of a variety of activities of member organizations of SDMA.\*

\*Solidarity for Democratization Movements in Asia or SDMA was launched at the 2010 Gwangju Asia Forum with the aim of working for the improvement of Asian human rights and democracy through regional cooperation and working in solidarity. At present FORUM-ASIA (Thailand), IDSPS, Imparsial(Indonesia), IID(Philippines), Odhikar(Bangladesh), PSPD, The May 18 Memorial Foundation (Korea) are joined as member organizations.

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.....and so on.

In case of any suggestion and/or feedback:

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## Causes and Consequences of Violence against Women in Bangladesh

Saira Rahman Khan, Member, Odhikar<sup>1</sup>.

### Overview:

Women in Bangladesh are subject to various forms of violence because gender relations place them in subordinate positions in all aspects of life. The legal framework appears ineffective in combating patriarchal practices and dominance because of exceptions and loopholes. As a result, social norms that are detrimental to women are reinforced. Thus, women continue to face various forms of violence, harassment and degradation.

A large number of women fall victim to domestic violence every year in Bangladesh, mainly over dowry demands by their husbands and in-laws. The unwillingness to address the issue of domestic violence effectively is because domestic violence is a far more divisive and sensitive issue for Bangladeshi society than violence by police or violence in public spaces, since it raises the question of the abuse of the patriarchal power structure within the family. This patriarchal power is the source of domestic violence, the means for a husband to overpower his wife. Even the police view it as more of a social issue and not a legal one.

Women are, thus, the largely silent victims and witnesses to domestic violence, rape and other heinous acts – their silence made even more profound due to the social stigma attached to some of the acts of violence they face. Women are discriminated against in public life and within the family. They are sometimes labelled the ‘poorest of the poor’ due to their low economic status – especially if they are poor women who have been abandoned by their husbands or are poor widows. Even when they are strong enough to seek employment overseas, Government policy places them in the stereotypical jobs such as child minding, housekeeping and looking after the elderly – and even there they face discrimination and violence.

In Bangladesh today, ‘equality before the law’, though a constitutional guarantee, is still not the norm. True, on paper, the law seemingly discriminates among none and the same laws are applicable to all regardless of gender, belief or even financial status, but in practice, justice is for the rich and those who can afford legal representation and not for the poor who are, generally, at loss as to how and where to seek legal redress and who face the most abuse and exploitation.

**Table 1: Some Incidents of Violence against Women 2010 - 2011<sup>2</sup>**

Acid Violence				
	No. of Women	No. of Girl Child (below 18)	Total	
2010	84	16	100	
2011	57	10	67	
Rape				
	No. of Women	No. of Girl Child (below 18)	Total	
2010	248	311	559	
2011	246	450	696	
Dowry violence				
	Killed	Physically abused	Alleged Suicide	Total
2010	234	122	22	378

<sup>1</sup> The author is a member of Odhikar and an Associate Professor of the School of Law, BRAC University. This paper is part of a larger document to be published at the Asian Law Institute Conference in May 2012.

<sup>2</sup> Table taken from data in the Annual Human Rights Report 2010, Odhikar. [www.odhikar.org](http://www.odhikar.org). The table is not an exhaustive representation, as much of the violence goes unreported.

2011	305	192	19	516				
<b>Sexual harassment</b>								
	<b>Suicide</b>	<b>Killed</b>	<b>Injured</b>	<b>Assaulted</b>	<b>Abducted</b>	<b>Attempted to rape</b>	<b>Sexually harassed in various ways</b>	<b>Total</b>
2010	25	7	129	0	5	19	67	252
2011	29	6	59	91	12	15	460	672

Given the patriarchal nature of Bangladeshi society, and the higher social status of men in the country, a girl's refusal to have a relationship with a man or rejection of his marriage proposal is not well received. In many cases, especially in rural areas where the enforcement of law and order is, to say the least, not very strict, the jilted Romeo may take revenge by rape or acid violence, to spoil any future chances of a relationship for her. Failure to meet dowry demands may also lead to an acid burnt face and body. Rising social and political intolerance, easy availability of acid, deteriorating law and order situation, and the traditional mindset of men translate into various forms of violence against women.

Rape is a taboo issue in Bangladesh as it is something that brings shame to not only the victim, but to her family. When a woman has been raped and the crime made public, the first thought that enters the mind of the community is that she must have encouraged the perpetrator with sexual advances or flirtatious remarks. Unfortunately, in such a social make-up, here too, the woman and not the man is perceived to be of bad character. What happens afterwards? Usually, if the matter is not taken to court, a rural mediation or *salish* will commence with the village elite sitting judge and pass a decision whereby the rapist and his victim are married; or the victim is labeled a loose women and both she and the perpetrator either whipped, beaten with shoes or even stoned; or the family of the victim are ostracised by the rest of the community. Whatever the social treatment after the offence, the people who pass the decision are men, the marriage to her rapist will be fraught with domestic violence and her father will be shamed for life.

If the matter is complained of and see the inside of a court room, in camera trials are there in legislation but may not always be considered. As a result, the victim is made to relive the shameful event, in sickening detail, in front of a male Magistrate and a room full of (mostly) male lawyers and criminals, despite a legal provision for *in camera* trials for victims of rape<sup>3</sup>. Apart from that, there always remains the fear of threats from the rapist and his family, which compel some victims to stop appearing before the court.

Another form of violence is the mental stress that stems from verbal abuse and harassment of a sexual nature by colleagues, teachers, local men and neighbours and the such. In Bangladesh, this has even led to the suicide of young girls, too ashamed to leave the house due to, among other issues, the fear their families will be dishonoured if men and boys continue to harass them.

However, patriarchy not only perpetrates violence against women, it maintains it by preventing dissenting voices. When women human rights defenders (WHRD) rally and work to promote and protect human rights, they too face several gender-specific risks, in addition to those risks that are faced by their male counterparts. When women take action to defend their rights, they may be perceived as a threat to social stability. They also face social pressures, such as prejudice and exclusion, and even victimised at home where they may suffer domestic violence. Women human rights defenders may be subject to verbal abuse and sexual harassment. Given the culture of 'shame against a woman is shame against the family', the silence of the victim and the male-dominated legal system, also ensure that many of such violations are not made public and the experience is suppressed. This has serious repercussions on the well-being of women human rights defenders.

## The Law

Apart from the Penal Code of 1860, Bangladesh has several laws that have been enacted specifically for the punishment of perpetrators of acts of violence against women. Among them, the most important two are : The Suppression of Violence against Women and Children Act, 2000 (amended in 2003) and the Acid Crime Control Act 2002. However, such laws were enacted without popular opinion, and with little consultation from women's rights groups.

- **The Penal Code**

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<sup>3</sup> Found in the Suppression of Repression against Women and Children Act 2000 (Amended in 2003).



The Penal Code contains provisions for acts amounting to violence against women, such as wrongful confinement, abduction, kidnapping, rape, causing miscarriage, throwing corrosive substances, hurt and grievous hurt, etc. However, Trials took place as per the normal mandates of investigation, arrest, charge sheet, framing of charges, etc., and took a very long time. As a result, justice was not met since the whole exercise tended to exhaust the time and finances of the family of the survivor/victim, and as a result, some stopped making appearances in court on appointed dates and gave up pursuing the matter altogether. Further reason to stop pursuing the matter was threats from the family of the perpetrator and/or police paid by the perpetrator to scare the family of the complainant.

The need for special Tribunals was recognized with time limits fixed for investigation and trial. This gave rise to specific laws drafted to punish acts of violence against women.

- **Suppression of Repression against Women and Children Act 2000:**

This Act replaced the Suppression of Repression against Women and Children Act 1995 and was introduced by the Government to pay special attention to the violence faced by women and children, including kidnapping, trafficking, dowry violence, rape and acid violence. It provided for a special Tribunal for speedy trials and fixed time limits for investigation, trial and judgment. The law also makes provision for the punishment of sexual abuse and sexual harassment, and puts restrictions on the media so that the victims' privacy is protected. The introduction of the concept of the safe custody is one of the most important features of the law. This act introduced capital punishment in cases of rape, and grievous injuries. The important features of the Act are: speedy investigation and trial of cases will be held in tribunals and all crimes under the ambit of the law are non-bailable, with few exceptions; a summary tribunal titled Women and Children Repression Tribunal would be formed for every district town to dispose of the related cases; the tribunal will complete the trial process within 180 days; the investigation should be completed within 60 days of the order by a magistrate or filing of the case.

The Act was amended in 2003. The Act of 2003 has all the components of the Act of 2000, but provides for more stringent measures including the death penalty, and life imprisonment for the crimes of rape, abduction, dowry and trafficking related offences. The age of children has been revised to 16 years from 14 years under this law. Although the law prohibits rape and physical spousal abuse, it makes no provisions for spousal rape as a crime. Regarding the issue of acid violence, the Act provides for punishment for causing death, grievous hurt for even attempting to throw any 'burning, corrosive or poisonous substance on any woman or child (Section4).

- **The Acid Crime Control Act 2002**

The President of the Peoples' Republic of Bangladesh approved the Acid Crime Control Act 2002 on 17 March 2002. The law was promulgated to meet the demands that acid crimes be controlled and perpetrators receive swift punishment. The Act of 2002 provides for compensation to the victim; penalties for carelessness of the investigation officer; bailability; Magistrate's power to interview at any location; medical examinations; and protective custody. The Act provides that if the Acid Crime Control Tribunal feels that the investigating officer has lapsed in his duty in order to 'save someone from the liability of the crime and did not collect or examine usable evidence' or avoided an important witness, etc., the former can report to the superior of the investigating officer of the latter's negligence and may also take legal action against him.

According to the Acid Crime Control Act, this law aims to rigorously control acid crimes. It houses stringent punishments ranging from the death sentence to life imprisonment, to between fifteen to three years and a hefty fine. The variations of punishments depend on the gravity of the crime. For example, if the victim dies due to the crime, or totally or partially loses sight or hearing or both or 'suffers disfigurement or deformation of face, chest or reproductive organs', the punishment is the death penalty or life imprisonment, if just her arm is burnt, the punishment will be different and so forth. This Act, therefore, breaks the female anatomy into a jigsaw puzzle in order to award a specific punishment to the perpetrator, instead of awarding specific punishments based on 'injury', 'hurt', 'grievous hurt' or 'death'. This is extremely demeaning to the survivor, who is in excruciating pain, regardless of which area of her body has been injured.

- **Rule issued against Sexual Harassment**

In response to a public interest litigation filed by the BNWLA<sup>4</sup>, the High Court ruled on May 14, 2009 that any kind of physical, mental or sexual harassment of women, girls and children at their workplaces, educational institutions and at other

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<sup>4</sup> The Bangladesh National Women Lawyers' Association.

public places, including roads, was a criminal offence, punishable by fine and/or imprisonment. The ruling detailed sexual misdemeanour as ‘any kind of provocation through phone calls or e-mail, lewd gestures, showing of pornography, lurid stares, physical contact or molestation, stalking, vulgar sounds or any display of a derogatory nature.’ The HC bench directed the government to make a law on the basis of its guidelines; until that happened, its guidelines would enjoy the status of law<sup>5</sup>.

### **How effective are these laws?**

The new Laws contain harsher punishments than those found in the Penal Code of 1860. Twelve offences are punishable with up to the death sentence in the Act of 2000 and three in the Acid Crime Control Act of 2002. In contrast, the Penal Code of 1860, which has more than 500 sections, carries a death penalty for only eight crimes. The death sentence is no longer an effective deterrence. So, how necessary are these laws if they cannot contain the violence? Would it not have been easier to amend the Penal Code, as has been done before? Again, if the Nari O Shishu Nirjaton Domon Ain 2000 (Amended in 2003) contains provisions relating to acid violence, then why have another Acid Crime Control Act 2002?

### **The issue of implementation**

It is a common consensus that both the lack of understanding the law and the lack of implementation of the law are reasons that are seriously hampering justice. Even if we ignore the flaws in the prevalent laws and focus on the lack of implementation, we will see that the latter is possibly one of the main causes for the continuation of violence against women. Not many women in Bangladesh complain against domestic violence, either because they are ignorant of the laws that condone this act or because they or their families wish to keep the matter private. In the police stations law enforcement officers still perceive domestic violence as a social and not a legal issue. It is ‘ordinary’ or ‘common’ for a man to chastise his wife. Unfortunately, such violence that stems from dowry demands and may lead to the death of the wife by her husband or her in-laws. Only after her death is the crime acknowledged and the perpetrator arrested. It is truly unfortunate that in cases of domestic violence, the bride keeps returning to her father’s home for refuge, but is usually sent back to her husband’s when he demands – or when her father cannot afford to feed her and/or her children. Later, she may return as a corpse.

Therefore, indifference; corruption; poor investigation; lack of evidence; poor preservation of evidence and reluctance of the police to handle domestic violence issues are some of the reasons. Others include the obvious ambiguity in the language of the new laws, ignorance of the law, the inability to go to the police station to complain due to threats by the perpetrator; inability to continue court appearance due to financial or social reasons; and inefficient legal representation.

Unfortunately, despite the Constitutional guarantee that everyone is equal in the eyes of the law and everyone has the right to seek justice, in practice, the criminal justice system is not pro-poor. Every step of the way involves ‘paying’ someone or the other in the system, be he the police officer investigating the matter, the clerk who files the case to even the Public Prosecutor and Magistrate. As a result, poverty rules out justice.

Furthermore, little is being done to control or prevent the violence. It has always been the target of the Government to focus on economic development – exports, trade relations, foreign investment – rather than on the protection of its people. Needless to say, such economic interests is predominantly the realm of the men of the country. Time and again, the country’s legislature houses Members of Parliament who, for the majority come from the business community – industrialists and businessmen. It is their interests that are catered to. Thus, even if there is a show of supporting and protecting the women of Bangladesh by the passage of Bills into Laws, the constituencies such Members of Parliament are representing, still have to face poor law enforcement, corruption, lack of access to justice and continuing acts of violence against women as a result.

### **Other issues**

There are three main sectors involved in the game of effective implementation of the laws – law enforcing agencies, the judiciary and the health sector. There are gaps in all three sectors that hamper the effective implementation of the laws and that a more coordinate effort among them is required in order to see that justice is done.

### **The Law Enforcement Agencies:**

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<sup>5</sup> Bangladesh National Women Lawyer’s Association Vs. Government of Bangladesh and Others. Writ Petition No. 5916 of 2008.

- The limited skills of the investigating officer and the fact that he is overburdened with other duties to fulfill hamper a successful investigation. Because of his workload, he must rely on others to prepare the case docket and other relevant documents. As a result, it is often found that the documents have conflicting statements.
- Regarding the issue of domestic violence, usually caused by dowry demands, the police still consider this a domestic and not a legal issue. This makes it very difficult for the wife or her family to file a complaint.
- Police in Bangladesh are not paid adequate living wages and therefore, some find ways and means by which to earn some extra money, leading to the nation-wide complaint of police corruption and impunity. Those conducting the initial investigation, in order to get money from both sides, leave strategic loopholes in their reports leaving it ambiguous as to whether a crime was committed or not.
- There are not always enough resources in the police station to conduct a proper investigation, including transport, forms, manpower and travel funds, leading to delays in submitting reports etc.
- Bangladesh does not have a separate investigation wing or department in the police force. The arresting officer is also the investigation officer and more often than not, the Officer in Charge of the police station and has many other duties to fulfill.
- Sometimes witnesses cannot be found to appear at hearings, having most probably been threatened with dire consequences by the perpetrator's family.
- In the case of acid attacks, police are supposed to monitor the procurement of licenses to trade in acid, as per the Acid Control Act 2002. This is not being done effectively and very few traders have procured a license while others are taking advantage of the inefficiency of the local police and have not purchased one.

### **The Health Sector**

- There is lack of expertise, especially at the local and rural health-worker level, which hampers the proper identification of burn wounds, evidence of rape, etc.
- The injury registers at the local hospitals are not maintained properly and this hampers the case.
- Medical certificates are not always issued because doctors are unwilling/uninterested to act as witnesses; again, some medical certificates are unclear and ambiguous as to the source of the injury.
- The doctors are constantly overburdened and hardly ever able to come to court to give evidence or expert statements.
- Because district-level government doctors are transferred from one place to another, they are difficult to trace by the summons officer.

### **The Judiciary**

- The criminal justice system is not pro-poor. Therefore, almost all the victims who come from poorer backgrounds suffer.
- There is no law protecting victims and witnesses from backlash by the perpetrator. As a result, they refrain from coming forward with statements.
- There is an insufficient number of court officials in the relevant courts and due to the backlog of cases, the matter takes a long time to be heard and decided on.
- The witnesses do not receive summons on time and therefore do not/cannot appear in court on the date mentioned.
- The District Judge is overburdened with several kinds of cases – including acid crime cases, causing delays that go beyond the legal time frame.
- Justice is also delayed when the examining doctor and the investigating officer cannot be found for giving their statements in court.

### **The Family of the Victim and the victim**

The victim and her family members may also be reluctant in pursuing a case of violence, and there are several reasons for this:

- The life of the victim and her family are often at risk when they try to bring the perpetrator to justice. In the cases where the culprits belong to the rich and influential families, the situation gets worse. Threats to the family of the victim are a major reason for families not to file a report in the police station or to stop proceedings against the accused.
- Victims and their families sometimes change their stories. Occasionally, a local influential/local politician in the community will tell a victim or her family to put the blame on his rivals and they will be rewarded by him. Facts are also often hidden due to fear of society's sanctions and shame.<sup>6</sup>
- Due to the long wait in between hearings, family members lose interest or are unable to afford the frequent travel to and from court. Furthermore, unscrupulous lawyers are also responsible for taking large fees from victims and their families in exchange for 'legal assistance' and for acting as a liaison between the family and the Public Prosecutor. Given the fact

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<sup>6</sup> Khan, Samira: *My Face is OK but my soul is Burnt*. Slate Magazine. (New Age publication) August 2006.

that a large majority of victims come from financially poor backgrounds, paying a lawyer, travel to court on workdays (and thus risking loss of job) and maintaining a family is almost next to impossible.

- Women who become victims of rape do not want to talk about the crime, let alone go to a hospital for an examination to prove it. As a result, the perpetrator roams free to commit more crime.
- Family members encourage the victim to remain in an abusive marriage, usually because they can no longer afford to feed her or her children, or are unable to afford the money needed to engage in a trial.

### **Why is Violence against women a human rights violation?**

As has been mentioned throughout the paper, the most common causes of the failure to protect women's rights are poverty, lack of proper understanding of the rights of women, weak law enforcement, and widespread corruption within the justice system. Violence-related issues at the community level continue to be unresolved without much visible government intervention. Unusual delay in court procedures and trial proceedings allow accused persons out on bail to intimidate victims and tamper with evidence.

Corruption in the law enforcing agencies is a critical obstacle to eliminate crime and violence against women. Medical care, short-stay-homes or shelters are far too inadequate and girls and women who suffer from family problems often are left with no option but to fall prey to new exploiters. There are no facilities to treat trauma victims, or to provide occupational therapy, education-cum-vocational training or recreation.

It is a fact that human rights violations are violations perpetrated by the state – either by being involved directly in the act, through state agencies, or acknowledging that such acts exist but refraining from doing anything to stop or curtail them. In the matter of violence against women, the inaction of the police, for whatever reason, and their reluctance to carry out proper investigations, the inaction of the Government appointed civil surgeon in ensuring proper medical examinations of victims, all contribute to encouraging acts of violence against women, and thus such acts are also human rights violations. Furthermore, there have been cases where the police themselves are the perpetrators of such violence. That too, is then a human rights violation.

### **Recommendations:**

Women who survive attacks suffer prolonged physical and mental sufferings, social isolation, insecurity and declining working capability. In most of the cases, they do not get justice. The traumatic experience of the incident and the social and economic hardships after, further damage self-esteem and may hamper their development. It is unfortunate that despite adequate laws and increased public awareness, the number of incidents of violence against women remains high. In order to curtail acts of violence against women, the following suggestions may be made:

- There must be the political will to improve the situation of women and effectively investigate all incidents of violence against women – whether public or domestic.
- A law protecting victims and witnesses must be enacted, so that they can give evidence without the fear of threats from the perpetrator.
- A separate, independent Investigation Cell needs to be established in the police department. Police officers of the level of Inspector or above should be chosen for this cell and given training in modern investigation skills and techniques for crimes amounting to violence against women.
- Witnesses must be questioned and their statements noted under the supervision of the superior officer.
- Case dockets should be prepared under the supervision of the investigating officer and if any ambiguity arises, he must be held liable.
- Proper care must be taken in collecting and preserving evidence. Furthermore, there must be sufficient care taken to ensure that the witness and the witness statement are from the same source.
- Doctors at the local level hospitals need to receive training on how to identify and treat burn wounds and rape cases; and even how to prove domestic violence.
- The responsible doctor must enter all the details in the Injury Register as soon as possible.
- The issuing of medical certificates must be made legally binding.
- It must be the responsibility of the public prosecutor to ensure the timely presence of witnesses and their statements.
- Cases must be heard and decided within the time frame decided by law.
- Comparatively less burdened courts must be given the jurisdiction to try these cases.
- Steps must be taken to reduce corruption in the office of the public prosecutor and in the police force and any corrupt official must be penalized.



It is high time the government made a critical examination of past and present actions that have allowed perpetrators of acid violence walk free and that have allowed acts of violence against women continue unabated. Unless it makes a critical examination of such actions, and unless it wills itself to take on the challenge to uphold the constitutional obligation of 'justice for all', and not just for those who can afford to 'pay', all other forms of gender-based violence will continue and the future of women in Bangladesh will always remain a cause for concern.



# Freedom of Expression, Association and Peaceful Assembly in South Korea

People's Solidarity for Participatory Democracy (PSPD)

## 1. Concerns regarding the freedom of assembly

Article 21 of the 1987 Constitution of the Republic of Korea guarantees the freedom of assembly and explicitly states that the “licensing of assembly and association shall not be recognised.” Article 21 of the International Covenant on Civil and Political Rights to which the Republic of Korea is a party also guarantees the freedom of peaceful assembly. Between 2008 and 2012, several restrictions have been placed on the freedom of peaceful assembly through application of the Assembly and Demonstration Act as well as the Criminal Act.

Article 6(1) of the Assembly and Demonstration Act (Act) requires that any person who wishes to hold an outdoor assembly or demonstration shall submit a report to the competent police station with details regarding the planned event. According to the Article 8 of the Act, the police may ban an assembly or demonstration if it deems that it poses a direct threat to public peace and order. Violation of the ban can invite punishment of imprisonment of up to two years or a fine. Existence of this provision acts as a major impediment to the freedom of assembly and makes reporting assemblies and demonstration as de facto permit system. Under this circumstance, the police can make arbitrary decisions on granting assemblies and demonstrations.

There are serious concerns regarding the restrictions on the freedom of peaceful protest with regard to the construction of a naval base in Gangjeong village in Jeju Island. The Ministry of Defence and the Navy of the Republic of Korea are enforcing the construction of a naval base at Gangjeong village without proper consultation with villagers which is creating a situation of conflict. The naval base construction at Gangjeong is being pushed under the name of a national project with violence being frequently employed. People in Gangjeong village have been protesting for years against the Government’s violence and attempts to construct the naval base. As of 14 April 2012, 442 people were arrested and/or detained due to their actions against the construction of naval base.

In March 2012, two activists, Mr. Song Kyung-Dong, a poet and Mr. Jeong Jin-Woo, a member of the New Progressive Party were charged under the Act for holding an unlawful assembly despite the fact that they organized a peaceful assembly for solidarity in support of labour activist. In January 2011, Mr. Park Rae-gun and Mr. Lee Jong-hoe, two human rights activists, were handed out suspended sentences for their role in a 2009 peaceful protest in support of victims of a forced eviction in Seoul that resulted in fatalities. The two activists were charged with “organising an illegal assembly” and “blocking traffic” despite a March 2010 noting by the Constitutional Court that peaceful assemblies may result in traffic disruptions and activists should not be charged only because “blocking traffic” under the Criminal Code.



The UN Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression in his June 2011 report has highlighted the issue of lack of accountability of law enforcement officials for alleged use of excessive force against peaceful demonstrators.

## **2. Concerns regarding the freedom of expression**

Article 21 of the 1987 Constitution of the Republic of Korea guarantees the freedoms of speech and the press with an explicit prohibition on censorship. Article 19 of the International Covenant on Civil and Political Rights to which the Republic of Korea is a party also guarantees the freedom of expression and the right to hold opinions without interference.

In contrast to the Constitution and international law provisions, the National Security Act criminalises praising or encouraging “anti-state” groups. This blanket provision remains an impediment to freedom of opinion and expression. Additionally, the internet remains a highly restricted space and a number of internet users critical to the Government’s actions have been harassed.

In February 2012, in an apparent case of restriction of the freedom of expression, Mr. Jeong-gun Park was arrested under the National Security Act for re-tweeting the message, “long live Kim Jong-il” from the North Korean government’s official twitter account even though he claimed that his tweets were meant to ridicule North Korea’s authoritarian leaders rather than to support them.

The internet remains restricted in the Republic of Korea on the grounds of national security and through the Act on Promotion of Information and Communications Network Utilization and Information Protection, etc. (Network Act).. Technically, the Korea Communications Standards Commission (KCSC) can request internet service provider to delete certain content that they find illegal. The KCSC’s vaguely defined standards and wide discretionary power to determine what information should be deleted on the internet remain a matter of concern. The number of blocked websites under the National Security Act has increased from 2 in 2008 to 139 in July 2011 is another matter of serious concern.

## **3. Concerns regarding freedom of association**

Article 21 of the 1987 Constitution of the Republic of Korea guarantees the freedom of association. Article 22 of the International Covenant on Civil and Political Rights to which the Republic of Korea is a party also guarantees the freedom of association with others, including the right to form and join trade unions for the protection of his interests.

Unfortunately, in the Republic of Korea, serious concerns persist with regard to the denial of freedom of association to foreign migrant workers and discrimination with regard to their right to form trade unions. In relation to the Ministry of Labour’s rejection of legal registration of the Migrants Trade Union (MTU), the Seoul High Court has ruled that the Republic of Korean Constitution and the Trade Union Law protect the right to freedom of association of all those who enter into an employment relationship as workers, including undocumented migrants. Despite the ruling, the Ministry of Labour continues to deny the MTU’s legal status and on several occasions members of MTU have been arrested and deported.

## **4. Deportation of Foreign Civil Society Members**

Article 1 of the UN Declaration on Human Rights Defenders mandates that “Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms”. Nonetheless, in a number of instances, foreign civil society members have been prevented from carrying out advocacy activities in the Republic of Korea and made to leave the country.

Since 2010, the Government has extended its repressive arm to international human rights defenders and deported them based on vague grounds using the Immigration Control Act. International human rights defenders have been impeded from attending civil society conferences including the International People’s Conference organised by Put People First!, the Korean People’s G20 Response Action and have been prevented from undertaking solidarity actions on environmental protection in the country.

On March 18, 2012, Mr. Sato Daisuke from Japan who was supposed to attend the Asian conference on Nukes prior to the 2nd Nuclear Security Summit was also denied entry into the country at the airport. In the same month, Ms. Angie Zelter from United Kingdom and Mr. Benjamin Monnet from France were also deported due to their involvement and protest regarding construction of the controversial naval base in Gangjeong village in Jeju Island.

In April 2012, three environmental activists from Greenpeace – Mr. Mario Damato, Mr. Fung Ka Keung and Mr. Rashid Kang - were denied entry into the country and it is assumed that the Government wanted to prevent them from carrying out anti-nuclear energy campaigning activities. In November 2010, seven prominent Filipino civil society representatives were denied to enter the country at the airport as they planned to participate in the G20 Seoul People’s Conference, the civil society counterpart to the G20 Summit of the world’s biggest economies. The apparent motivation for the deportation was to pre-empt mass protests during the G 20 Summit in Seoul.

## **5. Recommendations to the Republic of Korea**

CIVICUS and PSPD call on the Government of the Republic of Korea to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders.

#### Regarding restrictions on the freedom of peaceful assembly

- The Assembly and Demonstration Act should be repealed / abolished or suitably amended to ensure that *de facto* restrictions on the freedom of assembly are removed
- Arrests carried out during public demonstrations should be properly investigated and law enforcement officials carrying out wrongful arrests should be brought to justice
- Law enforcement officers should be trained on the UN Basic Principles on the Use of Force and Firearms

#### Regarding civil society members and individuals detained for exercising their legitimate rights to freedom of opinion and expression

- All prisoners of conscience detained for exercising their freedom of opinion and expression should be unconditionally and immediately released and their sentences should be reviewed to prevent further harassment
- The National Security Act should be repealed / abolished to guarantee freedom of opinion and expression in line with the UN recommendations
- Restrictions on internet content should be removed to enable the freedom of information and expression

#### Regarding restrictions on the freedom of association

- Freedom of association for civil society groups including migrant workers association should be guaranteed. Instructions should be issued to ensure non-discrimination of foreign migrant workers' associations.

#### Regarding Deportation of Foreign Civil Society members

- The practice of deportation of foreign civil society members on vague grounds , impediments to their entry and legitimate activities in the Republic of Korea should be discontinued forthwith
- Cases regarding denial of entrance or deportation of foreign human rights defenders on unsubstantiated grounds should be properly investigated and a mechanism to prevent further arbitrary interpretation on the Immigration Control Act should be established

#### Regarding open invitation to the UN Special Procedures

- Extend standing invitation to the UN Special Procedures , particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression and Special Rapporteur on Freedom of Assembly and Association

This report was submitted to the 14<sup>th</sup> Working Group Session of the Universal Periodic Review (UPR) on the Republic of Korea by CIVICUS: World Alliance for Citizen Participation and People's Solidarity for Participatory Democracy (PSPD). UPR is a unique process which involves a review of the human rights records of all 193 UN Member States once every four years. The UPR is a significant innovation of the Human Rights Council which is based on equal treatment for all countries. It provides an opportunity for all States to declare what actions they have taken to improve the human rights situations in their countries and to overcome challenges to the enjoyment of human rights. The UPR also includes a sharing of best human rights practices around the globe. Currently, no other mechanism of this kind exists.

(Source: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/BasicFacts.aspx>)





## News from the SDMA Member Organizations



### 1. Endline Survey on Human Rights National Action Plan (Jakarta, Indonesia. April 2011 – March 2012)

IDSPS serves as consultant for IOM (International Organization for Migration) in conducting Endline Survey on Human Rights National Action Plan.



*IDSPS presented the research findings of Endline Survey on Human Rights National Action Plan among IOM, Indonesian Police, and other stakeholders, April 2011*

### 2. State Secrets Bill Advocacy (Jakarta, Indonesia. June 2012 – January 2013)

State Secrets Bill made by the government contains the expansion of the term “classified information”, which can be misused to protect the interests of the ruling party, reducing the function of parliament and detrimental to the public. IDSPS, as part of civil society in Indonesia, feels obliged to conduct advocacy for this Bill. IDSPS along with TIFA, started from June 2012 will conduct the advocacy for State Secret Bill.

This program is conducted in two phase:

a. **The formulation of alternative draft of State Secret Bill. By agenda as follow:**

- *Public Hearing.* To gather information related to State Secret Bill. This agenda will be carried out twice.
- *Academic Review.* To discuss alternative draft from civil society. This agenda will be carried out before and after Forum group Discussion (FGD).
- FGD.

b. **Advocacy. Through agenda as follow:**

- Lobby to the House of Representative to propose alternative draft of State Secret Bill.
- Media briefing to deliver information to public about the alternative draft proposed by CSOs

### **3. Judicial Review of Law of Social Conflict Management (Jakarta, Indonesia. April 2012 – till date)**

The government has released Law of Social Conflict Management. The Law legalizes the involvement of military force to handle social conflict occurred in the society. IDSPS along with several CSOs will conduct Judicial Review of this Law.



## News from the SDMA Member Organizations



### Papua situation was reviewed during the UPR on Indonesia 2012 (Poengky Indarti – Imparsial)



During the review of Indonesia's UPR in 2008, five countries<sup>1</sup> have raised their concern on Papua issues, especially situation on human rights, Human Rights Defenders and torture in Papua. The Indonesian Government, however, did not give clear answers during the review session nor update information on the 2012 UPR report. The numbers of country<sup>2</sup> who raise the issue about Papua in 2012 now almost triple if we compare it to 2008.

Human rights abuses frequently occurs in Papua, especially in Freeport area and Puncak Jaya, in which number of people died and wounded due to frequent shootings by unknown groups. In the recent weeks, following the recommendations on Papua during the UPR Review on Indonesia, mysterious

shootings also increased in Papua's capitol of Jayapura. The police always failed to arrest the perpetrators, despite many security forces are stationed in Freeport area and Puncak Jaya, such as the police, the military, and intelligence agencies.

Violations that have been done by unknown group, allegedly the Indonesia security forces, increasing sharply during commemoration of historical day, for example the first of December and during special occasions, for example the Third Papuan People Congress in October 2011 and West Papua National Committee's long march in August 2011.

Freedom of expression also limited in Papua. In 2011, Indonesia security forces dispersed the Congress and more than 200 persons were arrested. The leaders of the congress were also imprisoned with treason charges.

Papuans still received label as separatist. It also used by the Indonesian government to make its policy, for example when it made a policy on Intelligence that allows intelligence to interrogate, wiretapping, and checking the flow of the funds of a person due to separatist allegation<sup>3</sup>.

Instead of keeping his promise to have dialog with Papua people<sup>4</sup>, President Susilo Bambang Yudhoyono was establishing a unit for the acceleration development in Papua and West Papua, which mainly focused on development issues. Ironically, the development that made in Papua is not based on people's participation. For example, the MIFEE project is the Central Government project that marginalized indigenous Papuans.

Imparsial activities on this issue are urging the Indonesian Government and the Parliament to evaluate security approach policy in Papua and prepare dialog with Papuan representatives in order to bring peace in Papua.

Imparsial was raising issue on the mysterious shooting in Papua that reminds the public of the policy during Suharto regime in which the unknown persons shot the criminals for shock therapy. In Papua, the policy allegedly was implemented to create shock therapy for the groups who demand separation from Indonesia.

<sup>1</sup> The five countries are Germany, Canada, the UK, the Netherlands and France.

<sup>2</sup> Fourteen countries that raise issue on Papua are Germany, Canada, the UK, France, the US, Spain, Mexico, New Zealand, Japan, South Korea, Italy, Norway, Australia and Switzerland.

<sup>3</sup> See article 31 of the Law No. 17 Year 2011 on the State Intelligence.

<sup>4</sup> See <http://www.setkab.go.id/nusantara-3063-presiden-dorong-dialog-terbuka-selesaikan-masalah-papua.html>



## News from the SDMA Member Organizations



### 1. Meeting on 'Violence in Bangladesh Politics and its impact on Human Rights'

On January 21, 2012, Odhikar organized a meeting on 'Violence in Bangladesh Politics and its impact on Human Rights' at the Celebration Point of Barisal Town. The meeting was presided over by Odhikar's Secretary Adilur Rahman Khan. A key note paper was presented by Program Coordinator Taskin Fahmina. Talukder Mohammad Yunus, Member of Parliament- Barisal-1 and Mojibor Rahman Sarwar, Member of Parliament – Barisal -5 were both Special Guests in the meeting.

Political activist across the divide, civil society groups, human rights defenders, academicians, lawyers and journalists were present in the meeting. The speakers at the meeting emphasized the need of political coexistence tolerance. They urged the ruling party and the Opposition to strengthen the national parliament through dialogue and taking decision, in order to strengthen democracy. The speakers commented that the state systematically violates human rights. Political violence can be reduced; however, the precondition is to eliminate plundering resources and nepotism. They also stated that due to lack of commitment of the politicians, the politics of Bangladesh has become confrontational. Killings in border by Indian BSF, extrajudicial killings, torture and enforced disappearances are going on massively. Without political consensus and pressure from the people, this situation cannot be changed.

Odhikar urged the major political parties to stop partisan conflict and violence and concentrate on resolving the issues between them in a peaceful manner and through dialogue and respect for the human and civil rights of the citizens.



*Discussion meeting organised by Odhikar on political violence and human rights in Bangladesh.*

### 2. Training programs on fact finding, documentation and advocacy

Odhikar conducted five, 3-day training programs on fact finding, documentation and advocacy for the grass root level human rights defenders (HRD). Strengthening the capacity of Bangladeshi human rights defenders, to conduct fact finding missions and report on human rights violations while becoming effective advocates for accountable governance, rule of law and human rights, is vital to generate increased public pressure for real reforms and concrete actions by political leaders to guarantee the freedoms and rights, which they claim to uphold.

### 3. The capacity development training courses for human rights defenders

The capacity development training courses for human rights defenders were organized between February and May 2012, with the intention to strengthen and mobilize HRDs at a grass root level and develop an effective network of HRDs to defend human rights and promote a culture of accountability and transparency in the society. The first training program was conducted on 18-20 February, second training on 03-05 March, third training was organized on 21-23 March, fourth training on 2-4 May and the fifth training was held on 26-28 May 2012. A total of 125 HRDs attended the training programs.



*Participants at group work*

### 4. Training of Human Rights Defenders on the issues of Torture and OPCAT Awareness

Odhikar organized two 3-day training workshops from 3-5 April and from 26-18 April 2012 respectively at BRAC-CDM,



Khagan, Savar, Dhaka for the human rights defenders. The title of the training course was “**Training of Human Rights Defenders on the issues of Torture and OPCAT Awareness**”. Twenty-five Human Rights Defenders from 10 districts attended the training course. The training course was part of the Education on the Convention against Torture and OPCAT Awareness Program in Bangladesh supported by the Delegation of the European Union to Bangladesh.

The inaugural session was chaired by Adilur Rahman Khan, Secretary, Odhikar. Dr. Mizanur Rahman, Chairman, National Human Rights Commission (NHRC) was present as the chief guest of the session while Farhad Mazhar, Advisor, Odhikar attended as the special guest. The objectives of the workshop are given below:

- ① To know about human rights.
- ② To know about the duty and responsibility of HR defenders if human rights are violated.
- ③ To have a clear idea about the type of torture and ways for prevention.
- ④ To gather knowledge about UN Conventions.
- ⑤ To gather knowledge about CAT and OPCAT.
- ⑥ To learn about fact finding and documentation.
- ⑦ To learn the techniques of local and nation level advocacy and networking.
- ⑧ To gather knowledge about reporting and report writing.



*National Human Rights Commission chairman, Dr. Mizanur Rahman, speaking at the Odhikar workshop.*

## 5. Human Rights Defenders Conference



*Participants at the human rights defenders conference*

Odhikar in collaboration with the Finnish NGO Foundation for Human Rights –KIOS organised a 2-day human rights defenders conference on 19-20 April 2012 at the BRAC-CDM, Savar, Dhaka. Odhikar’s advisor Farhad Mazhar inaugurated the conference while Ulla Antila, Executive Director, and Maarit Roström, Coordinator of KIOS were present as guests of honour. Adilur Rahman Khan, Secretary of Odhikar, presided over the inaugural session of the HRDs conference. A total 55 HRDs from 20 districts attended the conference.

Ulla Antila highlighted the Universal Declaration of Human Rights while speaking on human rights activism. She commented that human rights cannot be established through implementing

projects unless the people of the country are aware of their rights. In that case, people of Bangladesh can play an effective role to establish their human rights.

## 6. National advocacy meeting on ‘Combating Violence against Women’

On 21 April 2012, Odhikar in collaboration with the Finnish NGO Foundation for Human Rights–KIOS organised a national advocacy meeting on ‘Combating Violence against Women’ at the BRAC Centre Inn at Mohakhali in Dhaka. Dr. Mizanur Rahman, Chairman of the National Human Rights Commission, was present as the chief guest while Swedish Ambassador Anneli Lindahl



*On 21, April 2012 Dr. Saira Rahman Khan, founder member of Odhikar, addressing the national advocacy meeting on ‘Combating Violence against Women’ held at BRAC Centre in Dhaka.*

Kenny and KIOS Executive Director, Ulla Antila, were present as the special guests. Odhikar’s Treasurer Farida Akhter chaired the meeting. The NHRC chair called on the government to ensure justice against all kinds of violence against women. Slow enforcement of laws is also denial of justice and the government should consider this issue.

Saira Rahman Khan, a founding member of Odhikar and a Law professor, presented the keynote paper. She said that the law enforcement agencies did not give ‘enough importance’ to most of the violence against women and that there was little effective implementation of penal laws. This negligence from the State agencies meant that the state violates women’s rights. Speakers at the discussion made several recommendations such as establishment of separate investigation

agencies rather than appointment of officers-in-charge as investigation officers, enactment of a victim and witness protection act, and mandatory provisions for physicians to immediately issue medical certificates, the time limit for completion of cases of violence against women.

## 7. Education on the Convention against Torture and OPCAT Awareness Program

On 26 May 2012, Odhikar organized a meeting in Dhaka, with senior journalists on ‘Education on the Convention against Torture and Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The meeting was chaired by Odhikar’s advisor, Farhad Mazhar. Journalists and rights activists expressed grave concern over growing incidents of custodial deaths and torture, inhuman treatment of citizens in the hands of law enforcement

agencies and demanded immediate passage of a private member' bill, pending in Parliament, to address the issue. Participants at a discussion urged the stakeholders to create public awareness on the need to enact an anti-torture law. Though the government ratified the Convention against Torture in October 1998, it was yet to sign the OPCAT. The participants also urged the government to adopt the UN Optional Protocol to the Convention against Torture (OPCAT).



## News from the SDMA Member Organizations



### 1. Civil and Political Rights related activities

#### 1) 2012 General Election, The movement of Remembrance, Promise and Judgment will continue

PSPD took the lead in establishing 2012 General Election Voter's Network (launched on 9 February 2012) in which more than 1,000 civil society organizations participated, and organized the campaigns of Judgment, Promise and 'Must Vote' in order to make the 4.11 General Election to be the forum for 'Remembrance, Promise and Judgment'.

Participating organizations selected and announced the 'To be judged' list of 139 candidates for the 19th National Assembly. As a result, number of them have failed to gain the seat; 60 out of 139 candidates (43%), 15 among 55 (27%) who have been selected by more than three organizations, and 3 from 10 'Not to be elected' list (30%).

In addition, the Network has chosen 33 policies through online live policy contest and Internet users' votes. The chosen policies include Korea-US FTA, four major rivers restoration, removal of discrimination and redundancy against irregular workers, half tuition fee for high education and reform of prosecutor's office. They were presented to candidates and 77 among who have joined 'the campaign of promise' by giving a word for its implementation have been elected.

From now on, PSPD will begin a new movement of voters to raise their voice to urge the 19th National Assembly to resolve livelihood matters of people.

#### 2) President Lee Myung-bak must answer on controlling the media and illegal surveillance

Korean Broadcasting System (KBS) press union disclosed the documents produced by the Public Service Ethics Department under the Prime Minister's Office which clearly exposed how the media has been controlled and manipulated under the current administration.

Some evidences show the involvement of the Prime Minister's Office and even the Blue House in the matter of media control and illegal surveillance. There were interventions not only from the office of Social Policy and Civil Affairs in the Blue House but also from the chief of staff and the higher.

In this regards, the 'Emergency action for Illegal Inspection of Civilians' where PSPD is a member together with the National Union of Media Workers have submitted the letter of complaint to the Blue House and requested for a meeting.

Moreover, PSPD is working for the civil action urging for the National Assembly to settle down media strikes and hold hearings for the media control and illegal surveillance of people.

#### 3) Solidarity Network for Freedom of Opinion and Expression presented a summary of the "freedom of opinion and expression" under the Lee Myung-bak administration

On 9 April 2012, 'Solidarity Network for Freedom of Opinion and Expression (Solidarity Network)' in which PSPD is participating, presented a summary of the situation of 'freedom of opinion and expression' under the Lee Myung-bak administration. It investigated and studied laws, regulations and customs relevant to the freedom of opinion and expression while stating why this right has been violated and threatened under this administration. It also evaluated related pledges of each political party that are related to freedom of opinion and expression.

As a result, the Solidarity Network held "Hello, Freedom of Expression" talk show on 21 April 2012 to present policy proposals which has been prepared and researched for a year since June 2011.

## 2. Socio-Economic Rights related Activities

### 1) PSPD announced five evil policies which incurred business suspension of saving banks and 26 bureaucrats who should take the responsibilities.

Civil Economy Committee of PSPD has presented five evil finance policies on 9 March 2012, which incurred suspension of 16 savings banks in 2011, and announced the list of 26 government officers who are responsible for these policies.

The listed bureaucrats have defended themselves and people's attention on this incident was high. However, no one has taken responsibility for policy failure even though 11 out of 26 bureaucrats were still in their position when suspension was ordered in January 2011. Even worse, 10 still remain at financial supervisory authorities.

Government officers who proposed failed policy should step down from policy making lines. Especially when assigning a position for finance bureaucrats, mutual control and independency of each organization must be considered.

### 2) PSPD called for Hearings for skyrocketed fee of subway line 9 and execute the investigation right for administrative work

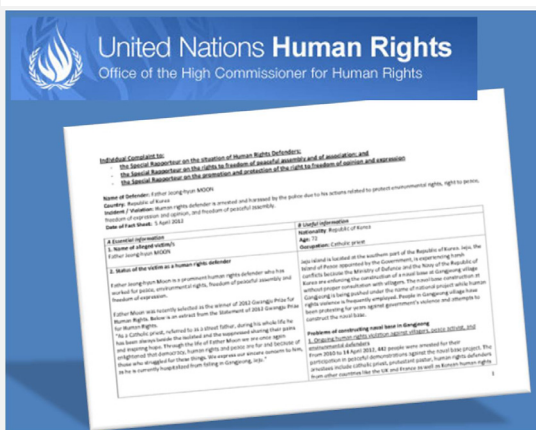
Seoul Metro Line No. 9 Corporation, the management of Seoul's first private city rail subway line No. 9 has announced to raise the fee from 16 June by 500 KRW. This is absolutely an arbitrary decision which Seoul city government does not approve.

The business implementation contract between Seoul city government and the Seoul Metro line No. 9 Corporation was made in 2005 when current President Lee Myung-bak was a mayor of the city. It guarantees 8.9% net profit after tax until the end of the contract. Taxpayers' money of 71 billion won was paid to the Corporation from 2009 to 2011 according to 'Minimum Revenue Guarantee' agreement which covered up the part of loss. Without a doubt, this is preferential contract that secures high revenue of conglomerates and foreign funds.

Together with the Korea Public & Social Service Transportation Workers Union, PSPD held a press conference and discussions in order to publicize this unfair contract. They also urge the National Assembly to investigate the problems of business implementation contract signed by the former mayor Lee Myung-bak in 2005 and take actions to solve fundamental problems such as considering nationalization of subway line 9.

## 3. UN Advocacy

### 1) PSPD submitted individual complaint to the UN Special Procedure Mandate Holders regarding Human rights violations at Gangjeong, Jeju Island



On 18 April, the Peace and Disarmament Center at PSPD submitted individual complaints of Mr. Kang Dong-gyun (head of Gangjeong village), Dr. Song Kang-ho, Father Moon Jeong-hyun and Mr. Yang Yoon-mo (Movie critics) to the Special Rapporteur on human rights defenders, the Special Rapporteur on rights to freedom of expression and opinion, and the Special Rapporteur on freedom of peaceful assembly.

The individual complaints letters to the UN Human Rights Council are used to communicate information on a violation that is allegedly ongoing or about to occur. The intention of these letters is to ensure that the appropriate State authorities are informed as quickly as possible of the relevant

circumstances so that they can intervene to end or prevent violations.

## 4. Activities with Members

### 1) Spring picnic with PSPD members

The destination of spring picnic was a quiet and peaceful Buam-dong, Seoul. More than 70 members, their families and friends started to walk from the poet Yoon Dong-Ju's hill, looked around the Buk-ak Mountain, the Gyeongbok Palace and old Seoul fortress, and stopped at Beaksasil valley to sit and listen to classical guitar plays. Mr. Koh Kyung-il (professor at Sangmyung University, Cartoonist) volunteered to draw caricatures for other member's children for free.



Let's share the outing atmosphere with the comment of Lee Hee-ra who joined the picnic.

“It was my first participation in PSPD members' gathering. Lovely program made me join the picnic. In fact, I was little bit worried about the atmosphere but it turned out to be useful and interesting. The beautiful weather made the picnic more wonderful. I fully enjoined ukulele play, classical guitar performance, caricature, quiz and presents and so one. I could see the efforts of organizers. Thank you very much for a wonderful day. My niece who came along with me also loved it. I look forward to joining the next picnic.

## 2) Café Tong-In is now open for the public

Café Tong-In which is located at the ground floor of PSPD building used to open only during office hours but now it is available for small meetings of more than 4 persons at a reasonable rate from 1 April 2012. This will give opportunities to meet more members and people. If you need a space for a small gathering on weekday evenings, weekends or holidays, please do not hesitate. Suitable for reading clubs, discussions, birthday parties and conversation with writers. Close to Gyeongbokgung station (Subway line 3). To apply, please contact civil participation team 02-723-4251 [we@pspd.org](mailto:we@pspd.org)





## News from the SDMA Member Organizations



### 1. 2012 Gwangju Asia Forum



Monitoring and Assessing Democracies in Asia

The 2012 Gwangju Asia Forum, held in 5·18 Memorial Culture Center, Gwangju between 16 to 18 May was successfully completed. There were altogether more than 300 participants (including domestic participants) attending the event from 26 different nationalities and backgrounds.

During the Forum there were five workshops conducted on different topics; 1-2) Two SDMA workshops: (Monitoring and Assessing Democracies in Asia & Judicial Watch: Review of Verdict by Asian Civil Society), 3) East-Asia Democracy, Peace and Human Rights Network & Co-MOU Ceremony, 4) Human Rights Violations Trauma and Rehabilitation Workshop, 5) Co-Forum for Solidarity for National Historical Justice.

The program was meaningful to brainstorm the ideas coming from participants who were representing the various nations, societies, cultures and backgrounds on recent genuine

issues and gave participants opportunities to pledge to mutually cooperate to support each other's work while sharing their own experiences.

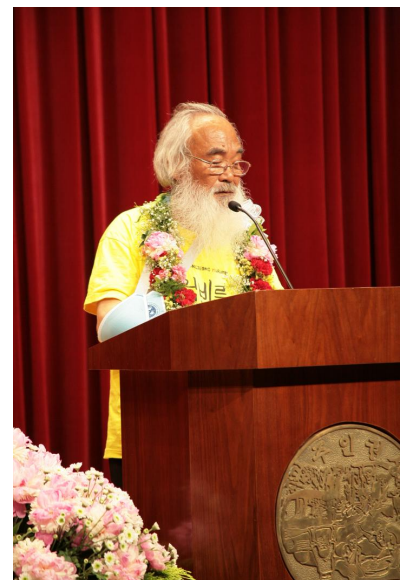
### 2. 2012 Gwangju Prize for Human Rights

The 2012 Gwangju Prize for Human Rights Award Ceremony was held in 5·18 Memorial Culture Center, on 18 May. This year's prize winner was a Korean Catholic Priest, Fr. Mun Jeong Hyeon who was awarded the prize for his lifetime effort fighting against human rights violations by state powers. Fr Mun is widely known as a "street father" who is always working for oppressed people. He currently lives on Jeju for a protest against construction of the Gangjeong village naval base.

### 3. May 18 PeaceJam Ambassadors

May 18 PeaceJam Ambassadors is a peace education and youth leadership training program. It is a partnership between the May 18 Memorial Foundation and PeaceJam Foundation (USA), the youth organization of 12 Nobel Peace Laureates including the Dalai Lama, Aung San Suu Kyi, Jose Ramos-Horta, Shirin Ebadi, Desmond Tutu and Jody Williams. 34 Korean high school youth in the program are regularly studying the lives and work of Gwangju Prize for Human Rights Laureates and the Nobel Peace Laureates. By discovering the skills and attitudes that the Laureates have used in addressing difficult

situations, it is hoped that these young people will be inspired to apply these helpful insights to their own lives and communities. The May 18 PeaceJam Ambassadors also met with and heard from the 2012 Gwangju Prize for Human Rights Laureate Fr. Mun Jeong-Hyeon and Brett Engle from PeaceJam Foundation (USA). They have also learnt about the dramatic history of their hometown through learning about the 1980 Gwangju uprising and visiting historic places connected with the uprising.



Fr. Mun, giving an acceptance speech to the audience.





May 18 PeaceJam Ambassadors Training with Fr. Mun, Brett Engle (PeaceJam Foundation, Colorado, USA) and Prashant Varma (Deer Park Institute, India)

#### 4. The May 18 Academy 2012

The May 18 Academy 2012 will be held from 30 July to 15 August in Gwangju and Seoul, Korea.

The May 18 Academy is an education and training program for domestic and international civil society activists working in the area of human rights, democracy and peace. The May 18 Academy provides special lectures based on the May spirit and is a valuable opportunity to share experiences among activists in solidarity.

Academy 1 is a course for Korean civil society activists which consists of a domestic program and an Asian civil society field trip. The program began in 2004 and as of 2011, 164 activists have participated in this program.

Academy 2 is for international civil society activists from Asian Countries consists of programs to promote better understanding of Korean modern history and of commemoration events for democracy, human rights and peace movements. It is a three-week course with three categories of participants: Senior, Middle Manager and Junior. The program began in 2004 and as of 2011, 169 activists from 26 countries have participated in the program.

Academy 3 consists of a course for Korean democratization movement commemorative organizations consisting of special lectures on state violence, democratization movements and an Asian Commemorative Organizations field trip. The May 18 Academy 1 and 3 will be held from 8-11 August (domestic program) and 20-26 August (Asian civil society field trip).

The Foundation calls for participants to apply for May 18 Academy 2012 until the deadline for applications on 29 June. For more information, please refer to the May 18 Memorial Foundation website, [www.518.org/eng](http://www.518.org/eng)



The May 18 Academy 2 (ex- Gwangju Human Rights Folk School)

#### 5. May 18 Teacher's Training, "Story of May with a Teacher"



Discussing with school teachers – May 18 teachers Training

An overnight May 18 Teacher's Training was held from 28 to 29 April in GSTEC (Gwangju Science and Technology Exchange Center). The training consisted of special lecture about May, trauma and rehabilitation, exchanging good examples of May 18 classes held in each school and field trips to the May 18 historical sites. Participants had a meaningful time sharing their experiences in the class and adopting good teaching methods on democracy and civil education.



## 6. May 18 Youth Culture Festival, Red Festa

May 18 Youth Culture Festival, Red Festa was held from 26 to 27 May in downtown Gwangju. It is a youth festival that presents the May 18 spirit anew by re-interpreting democracy, human rights and peace from the youth's perspective and conveying the interpretations through exhibitions, activities and a variety of cultural performances. Approximately 10,000 youths in Korea nationwide participated in the festival. 1,500 students paraded starting from Chonnam Univeristy, the initial place where the student protest occurred in May, 1980 through the city to the street downtown (Guemnamno). In the street a variety of student campaigns reproducing the ones in May, 1980 including plays, games, hands-on activities and exhibitions took place.



Red Festa – flea market



Red Festa – Making and sharing jumokbab (rice- ball) with citizen

## 7. May Archives Open



Visitors watching U.S. documents about May 1980.

The May Archives Opening Ceremony was held on 12 May at the 5.18 Culture Center. May Archives Open was run from 11 to 25 May and approximately 1,500 citizens visited during the event.

Among 69 May 18 archives, there was a documentation from the White House, USA describing a meeting in which the Department of State, the Joint Chiefs of Staff from the U. S Department of Defence, the Admiral of Central Intelligence Agency participated in 22 May, 1980. It was one of the documentations classified as confidential in the name of "CHEROKEE" in the White House Situation Room after the assassination of Park Jung Hee. One quote is " ...the first priority is the

restoration of order in Kwangju by the Korean authorities with the minimum use of force necessary without laying

the seeds for wide disorders later..." which proves a direct involvement from the USA related to the massacre in Gwangju.

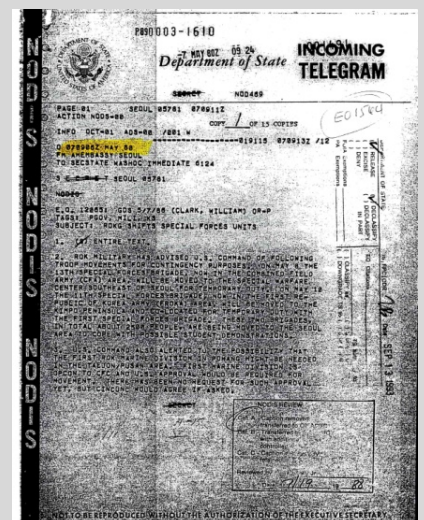
During the event the Foundation's official website ran an on-line archive exhibition which helped in understanding of the political intrigue by the military government and the media while hands-on participatory events took place where people could experience producing oral history on "My May".

Many visitors asked for the development of the May 18 Archive center in order to contribute to spreading the May spirit amid current situation where constant efforts to distort the historical justice are observed.

## 8. Unsolved tasks and research

The Truth and Research team translated telegrams exchanged between Embassy of the United States of America and U.S. Department of State in 1980 into Korean. It will be utilized as research material to investigate the link between the U. S. and the May 18 uprising.

Aside from telegrams, the Truth and Research team will also launch a translation of the May 18 - related documentations from the U. S. Department of Defence and CIA while calling for the revealing of other documentations which are not open yet or partly censored.



A telegram sent to Embassy of the United States of America from U.S. Department of State

# SDMA Member organizations

## **FORUM-ASIA (Asian Forum for Human Rights and Development) Thailand**

FORUM-ASIA is a membership-based regional human rights organization committed to the promotion and protection of all human rights including the right to development. FORUM-ASIA was founded in 1991 in Manila and its regional Secretariat has been located in Bangkok since 1994. At present, FORUM-ASIA has 47 member organisations across Asia.

As a membership-based regional human rights organisation, FORUM-ASIA works to promote and protect all human rights, including the right to development, through collaboration and cooperation among human rights organizations and defenders in Asia.

FORUM-ASIA is committed to building a peaceful, just, equitable and ecologically sustainable community of peoples and societies in Asia, where all human rights of all individuals, groups and peoples-in particular, the poor, marginalised and discriminated against-are fully respected and realised in accordance with internationally accepted human rights norms and standards.

FORUM-ASIA's goal is to strengthen FORUM-ASIA's leading and coordinating role in building a regional human rights movement through international solidarity action and engagement with states and other stakeholders in Asia.

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## **IMPARSIAL, the Indonesian Human Rights Monitor Indonesia**

Established in 2002 by a number of activists who are well known and have prominently advocated for victims of human rights violations for many years, Imparsial aims at promoting the application of internationally recognised HR standards in public policy and practice. In the arena of national human rights organisations, it has found its niche in the establishment of a standardised HR documentation system based on Huridocs, promoting alternative policies in the sense of improving national HR instruments, and instituting a comprehensive system for the protection of Human Rights Defenders (HRDs).

The issue of HRD becomes more relevant when the former executive director of Imparsial, Munir, was assassinated on 7 September 2004 on his way to the Netherlands. Imparsial sees its establishment as timely in a conjuncture where communal and political violence is increasing, the authority of state apparatuses including the military is broadening and the enactment of repressive laws are either already reality or imminent, partly as a consequence of the "War on Terrorism" in the aftermath of "0911". Against these setbacks, Imparsial works at intensified efforts for legal reform, actions against continuing impunity and professionalisation of the work of HRDs. Coalitions with other civil society actors and active cooperation with relevant semi-governmental institutes like the National Commission on Human Rights are considered crucial. Imparsial is a limited association with 18 members and employs a staff of 12 persons and 3 volunteers. Imparsial's basic management instruments are developed in the course of the two first years of the existence of the organisation. The previous support to Imparsial is embarked on in the context of the multi-annual worldwide campaign of Hivos on a better protection of Human Rights Defenders (2003-2006).

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## **Odhikar Bangladesh**

In October 1994, Odhikar (a Bangla word that means 'rights') came into being with the aim to create a wider monitoring and awareness raising system on the abuse of civil and political rights. The principal objectives of the organisation are to raise the awareness of human rights and its various abuses, on the one hand and to create a vibrant democratic system through election monitoring on the other. The organisation also performs policy advocacy to address the current human rights situation. Odhikar has no field or branch offices. Instead, it has trained more than 300 people all over the country to be human rights defenders, who are relied upon for information outside Dhaka. These activities help contribute to eventual positive steps towards the creation of transparency and accountability in the responsible sectors of the government with an aim to improve its human rights record and to facilitate an active democracy with the participation of people from all sections of society.

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## **IDSPS (Institute for Defense Security and Peace Studies) Indonesia**

The Institute for Defense, Security and Peace Studies (IDSPS) was established in mid-2006 by some activists and academics concerned about security sector reform advocacy in the frame of strengthening the democratic transition in Indonesia post-1998. IDSPS works together with civil groups and society dedicated to a democratic and accountable governance, as well as strong involvement of the civil society in the security sector policy making.

IDSPS carries out policy research in the fields of defense and security, conflict resolutions and human rights; establishes dialogue with various stakeholders: civil society, the security sector, parliamentarians, and other corresponding institutions. These activities aims to push for policy acceleration in the security sector, strengthen the involvement of civil society organizations, and encourage peaceful resolutions for violent conflict and human rights violations.

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## **PSPD (People's Solidarity for Participatory Democracy) Republic of Korea**

Founded in 1994 by more than 200 members, the People's Solidarity for Participatory Democracy (PSPD) is a civil organization dedicated to promoting justice and human rights in Korean society through the participation of the people.

PSPD has been serving as a watchdog against the abuse of power. It has developed various activities to bring justice and democracy to many areas in our society: the PSPD evokes public awareness through campaigns, questioning social and political activities, filing administrative and public litigations, and petitioning legislation. The Civil Actions for 2000 General Election (the CAGE) and the Minority Shareholders' Campaign might be said to be the most successful activities.

PSPD has developed and coordinated a wide range of activities to bring about a systematic reform and to suggest counterproposals to various government policies and agendas. In this process, the PSPD has regarded independence and consistency as the most important principles of being a watchdog of power.

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## **The May 18 Memorial Foundation Republic of Korea**

The May 18 Memorial Foundation is a non-profit organization established on August 30, 1994 by the surviving victims of the 1980 Gwangju Democratic Uprising, the victims families, and the citizens of Gwangju. The foundation aims to commemorate as well as continue the spirit and struggle and solidarity of the May 18 Uprising; to contribute to the peaceful reunification of Korea; and to work towards peace and human rights throughout the world. Thus the spirit of the May 18 is inherited and passed on, significantly influencing the progress of democracy in Korea.

Since its establishment, the foundation has carried out numerous projects in various fields, including organizing memorial events, establishing scholarships, fostering research, disseminating information to the public, publishing relevant materials, dispensing charity and welfare benefits, building international solidarity, and awarding the Gwangju Prize for Human Rights.

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### **The SDMA Secretariat**

#### **The May 18 Memorial Foundation**

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