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Editorial

Taking Action

In many cases, human rights violation or abuse leads to disempowerment. Many remain silent for fear of suffering more violation or abuse. But there are also cases of inaction and fear evolving into confidence and resolve to address the injustice suffered. Their actions in turn gain support from other groups in society.

There are also cases of groups in society that highlight the injustice being suffered by the silent victims, and help them get empowered.

Society plays a part on both sides of issue. Societal prejudice leads to isolation and abuse of people who have "problems." This is seen in the case of people suffering from discrimination due to health conditions. But it is also the society that can address the injustice by changing its perspective and stopping practices that cause human rights abuse. It must be recognized though that societal change is not easily attainable.

Key to the change of societal perspective is the recognition of the injustice being suffered. And again, this change does not happen without actions being taken first either by the victims, or groups in society that help them.

Breaking Down Walls of Stigma and Social Discrimination: The Long Journey of the Hansen's Disease Recoverers

Miwako Hosoda

Do you know what the Hansen's disease is? Do you know that it is an infection caused by a bacterium called mycobacterium leprae that affects the skin and peripheral nerves causing the change in skin appearance? In the past, it was called "Leprosy" ("Rai 癩" in Japanese). But the name "Hansen's disease" is now the official disease name because the previous name was stigmatized and led to social discrimination. While there are few new cases every year, there are still fourteen Hansen's disease sanatoriums in Japan, with about 1,450 recoverers (having an average age of eighty-five years).¹ Most recoverers are cured, but they continue to stay in the sanatoriums for the after-effects, their advanced age and the problem of going home.

Despite the low-level infectiousness and effective medical treatments, patients of the disease still suffer social discrimination even after getting cured. This is the reason why they are called "recoverers." Once people were diagnosed with Hansen's disease, they were segregated from society and sent to the sanatoriums, located in remote areas.

After getting cured, recoverers have to change their names, stay silent about one's medical

history and hide one's identity to be able to live outside the sanatoriums. This is self-denial.

Discriminated people have difficult time regaining self-respect and overcoming discrimination. They get back their self-esteem only when they step out of such discriminatory circumstances and talk about themselves. But this takes a long time.

Human Rights and the Hansen's Disease Issue

The Japanese leprosy law of 1907 (first revised in 1931 and then in 1953) provided the basis for the absolute isolation of Hansen's disease sufferers policy. A building in one sanatorium, Kuriu Rakusei-en, called "Jyu-Kan-Bo, special

hospital ward", was actually a prison for disobedient Hansen's disease patients during the 1938-1947 period. Those who did not obey the medical staff or were suspected of committing a crime were not given an official trial and were locked in the small, dark prison-like rooms as punishment. Even after the Hansen's disease became curable in the 1950s with the introduction of the drug therapy using "Promin," the Japanese government, medical authorities and public opinion did not change their attitude on isolation of Hansen's disease sufferers for a long time.

When the Leprosy Prevention Law was repealed in 1996, the Japanese state admitted that the law violated the human rights of those with the Hansen's disease.



Nagashima Aisei-en, located in an island, is connected to the main island by a bridge built in 1988 and called "Bridge of recovery of human dignity."

Despite this, the social stigma against Hansen's disease recoverers still remains.

Stigma is defined as a labeling by society. Race, ethnicities, beliefs and criminal histories can carry social stigma. Also, stigma can attach to illnesses and disabilities. Discrimination studies locate the original source of stigma in the separation of "us" from "them." It is comparable to the distinction between "uchi" (inner) and "soto" (outer) in the Japanese context. While persons similar to us are acceptable, those different from us are not acceptable. People who are different from us might be harmful to us. Therefore, people different from us should be kept away and prevented from having contact with us. Thus, stigma is born from "fear" and the "difference" of others.

Zen-Ryo-Kyo's Activities: Continuous Struggle against Social Stigma

To overcome this situation, an organization of people living in the sanatoriums was established in 1951 and named Zen-Ryo-Kyo (National Hansen's Disease Sanatoria Residents' Association). Zen-Ryo-Kyo's goals can be divided into physical and emotional or intellectual goals. The first goal includes improving the medical circumstances and daily life in the sanatoriums. The second one involves social rehabilitation. The activities of Zen-Ryo-Kyo in pursuit of the second goal are designed to reduce social stigma and discrimination.



Stone Monument of "Jyu-kanbo"; special hospital ward/prison in Kuriu Rakusei-en.

The activities of Zen-Ryo-Kyo to reduce stigma can be categorized into four types: 1) efforts to change the name from "leprosy" to "Hansen's Disease;" 2) efforts to influence the mass media to avoid discriminatory expressions; 3) efforts to educate the public about Hansen's disease; and 4) efforts to repeal the Leprosy Prevention Law. Some of the activities may fit in more than one category.

Changing the Name of the Disease

Since the word "leprosy" evoked negative impressions and had led to social stigma and discrimination, Zen-Ryo-Kyo began as early as 1952 to promote the term "Hansen's disease." This effort was influenced by the residents of Carville, Louisiana in the U.S. who had demanded that authorities use the term "Hansen's disease" after the Norwegian medical scientist Armauer Hansen who identified the leprosy bacteria. This name change gradually became accepted, and the mass media in Japan such as newspapers

started to use the name "Hansen's disease" from mid-1960s and to a great extent abandoned the word "leprosy" by the end of 1970s.

Persuading Mass Media Not to Use Discriminatory Expressions

Zen-Ryo-Kyo protested whenever it noticed negative and incorrect information about the disease on television or radio, or in newspapers, novels and illustrated books. For example, in 1973 Zen-Ryo-Kyo found an incorrect and misleading article about Hansen's disease in a health science textbook for junior secondary school students. The article did not offer an accurate scientific explanation of Hansen's disease, and stimulated social stigma and discrimination by exaggerating the fear against the disease. Zen-Ryo-Kyo requested the Ministry of Health and Social Welfare and the Ministry of Education to revise the textbook. The Ministry of Education subsequently directed the publisher of the textbook to make the revisions.

Educating the Public

Zen-Ryo-Kyo worked to help people understand Hansen's disease. A prime example of these efforts is the establishment of the National Hansen's Disease Museum in Tama-Zensyou-En, a sanatorium in Tokyo. The museum was established in 1992 by Tofu Kyokai Association, a Hansen's disease recoverers' support group. Some of the recoverers are working there as "narrators," talking about life with Hansen's disease.²

Working to Repeal the Leprosy Prevention Law

Zen-Ryo-Kyo worked to repeal the 1931 Leprosy Prevention Law which established the policy of absolute isolation. This law was based on the 1907 law called "The Matter Related to the Prevention of Leprosy."

The 1931 law that required absolute isolation also guaranteed that the Japanese government would support both the financial and medical needs of the Hansen's disease sufferers while in the sanatoriums.

From the beginning, in the 1950s, Zen-Ryo-Kyo protested against the injustice of the Leprosy Prevention Law and tried to modify or repeal it. However, the revision of the 1931 law in 1953 retained the isolation policy, which remained on the books until 1996.

Zen-Ryo-Kyo continued its advocacy to repeal the law by working with local governments, other groups of people with illnesses and disabilities, civil movement groups and lawyers. As a result,

the Cabinet Council submitted a report to enact the bill entitled "The Matter Related to the Repeal of the Leprosy Prevention Law." This led the Diet to enact the law that repealed the 1953 law in 1996.

Hansen disease recoverers started filing cases in court in 1998 demanding compensation from the government. Several complaints were filed in the courts in Kumamoto, Tokyo and Okayama prefectures. In 2001, the Kumamoto District Court ruled that the isolation policy under the 1953 revision of the law violated the rights of the Hansen disease recoverers provided for in the Japanese Constitution, and that the government failed to take action to eliminate discrimination and prejudice against the patient's families. The court also ordered the government to pay each complainant between eight million Yen and fourteen million Yen in compensation for their forced isolation under the law (that was repealed in 1996).³

In 2001, the Diet enacted the Act on Payment of Compensation to Inmates of Hansen's Disease Sanatorium (Act No. 63 of 2001). In the following year, 2002, members of Zen-Ryo-Kyo obtained compensation from the Japanese government for damages caused by the isolation policy.

Contribution of Zen-Ryo-Kyo and Hansen's Disease Recoverers

What factors proved effective in the actions to reduce stigma? Why and how? Two factors can be identified. Firstly, this movement is not only for people

affected by Hansen's disease but for all those stigmatized for their illnesses and disabilities. The activists of Zen-Ryo-Kyo find motivation in the fact that their activities profit not only their own interests but benefit all others who suffer due to illnesses and disabilities.

Richard Parker, a medical anthropologist, wrote that "the key question is whether we will be able to build upon the politics of identity so as to transform it into a politics of solidarity" (Parker, 1999). The members of Zen-Ryo-Kyo believed that collaboration among vulnerable people has enormous power. Zen-Ryo-Kyo promoted solidarity among those oppressed as a result of social discrimination against people suffering from illnesses and disabilities, and removed the barrier between "us" and "them."

A second factor contributing to the success of the Zen-Ryo-Kyo movement is the number of individuals and groups who have been supporting the movement. From the beginning, Zen-Ryo-Kyo has a particularly strong bond with Japan's National Hospital Workers' Union (Zen-I-Ro, established in 1948) and Japan's Patients League (Nikkan, established in 1948) which originally represented tuberculosis patients. These two groups and Zen-Ryo-Kyo share ties of "brotherhood." Through their partnership, Zen-Ryo-Kyo learned how to organize a movement and how to negotiate with the government. Japan's Patients Council (established in 1986) and the National Conference to Support the Life

and Rights of Disabled Persons (established in 1967) also worked closely with Zen-Ryo-Kyo. In addition, Zen-Ryo-Kyo gradually developed close collaboration with other organizations, such as the Hansen's Disease Provision Council and the National Hansen's Disease Sanatoriums Presidents League.

Zen-Ryo-Kyo also developed strong partnerships with lawyers, medical professionals, mass media, and civil society activists during the campaign to repeal the "Leprosy Prevention Law" in 1990. Lawyers argued that the policy of absolute isolation was discriminatory and violated the human rights protected by the Japanese Constitution. Medical professionals at the annual meeting of Japanese Leprosy Association blamed themselves for not taking action against the Leprosy Prevention Law in spite of the fact that they knew that absolute isolation was medically unnecessary. Mass media ran stories about social stigma and the discrimination against Hansen's disease sufferers and advocated the repeal of the Law. About twenty civil society groups actively supported the Zen-Ryo-Kyo's claim for compensation against the Japanese government. Many civil society groups held meetings to learn about Hansen's disease and communicated with people who recovered from Hansen's disease. Also, some members of the civil society groups attended court hearings and influenced public opinion.

It took the mass media some time before adopting a neutral

position, although they were aware of the unfair discrimination against people with Hansen's disease. In the 1990s, all mass media outlets supported Zen-Ryo-Kyo's efforts to repeal the "Leprosy Prevention Law." Many civil society groups collaborated with Zen-Ryo-Kyo in 1999 in preparing for legal proceedings against the government. In sum, collaboration among people with Hansen's disease, professional groups and civil groups can change society.

Collaboration to Change the Society

In the first forty years of its existence, Zen-Ryo-Kyo had few collaborators because of the great stigma attached to Hansen's disease. During this period, however, activists of Zen-Ryo-Kyo believed that they were working not only for people with Hansen's disease but for all who had health problems.⁴ After a long time Zen-Ryo-Kyo finally obtained the sympathy of other individuals and groups. This sort of movement should serve as a model in future cases where stigma and social discrimination against people with diseases or disabilities arise.

Zen-Ryo-Kyo continued to undertake many activities to reduce stigma even though it took a long time for its efforts to bear fruit. The Japanese society need to provide more support for their activities. There are many people who are stigmatized because they have heritable diseases, HIV/AIDS, physical disabilities, or mental disorders and are discriminated against in education,

employment and marriage. Now is the time to look back at the history of the movement conducted by people with Hansen's disease to find ideas to solve the problems of other people with stigmatized illnesses and disabilities and to design social support systems to help similar movements. People with Hansen's disease have offered society the chance to change from an intolerant society to a generous one. Can our society grab this opportunity and change its nature? Our ability to accept this opportunity is now being judged.

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- 1 National Institute of Infectious Disease, "Hansen's Disease,"

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Child Marriage in Indonesia: Resolving an Issue*

Lies Marcoes and Fadilla Dwianti Putri

Child marriage is a form of violence against women and girls, as it deprives them of their rights to education, healthcare, and freedom from violence, among others. Indonesia has committed to end child marriage in order to reach the Sustainable Development Goals (SDGs) by 2030.

However, as of 2016, it is estimated that one in nine girls in Indonesia will marry before the age of eighteen¹ and, due to its large population, the country is among the ten countries worldwide with the highest absolute number of girls married while underaged.²

The Issues

The research on child marriage in Sumenep Regency, Madura, East Java undertaken by Rumah KitaB³ in 2015 shows that close to 70 percent of the people in the regency got married before the age of eighteen. The district of Dungkek in the regency had the highest number of child marriage, with about 80 percent of its nearly four thousand people - as per national population records in 2015 - having married as children.

The research also reveals that child marriage is caused by different factors and circumstances. But there is one common factor that led to it - either the complete absence of parental guidance due to

migration, or weakened family structures resulting from divorce or pressures related to survival in the face of poverty.

Another research conducted in Lombok, West Nusa Tenggara province involving four girls (identified as Rita, Ida, Vera and Idawati)⁴ reveals the significant roles played by religious and community leaders in Lombok, West Nusa Tenggara. Young couples who eloped (*merariq*) are urged by these leaders to marry immediately, and insist that marriage is the only solution to the situation to prevent shame on the whole village. The community has a strong culture of shame. It recognizes the religious and community leaders as custodians of customary rules. These customs are reinforced by Islamic religious values that add greater pressure to eloping young couples to marry.

Unmarried girls who eloped and failed to immediately marry are subject to social pressure including gossip and ridicule. They would be referred to as *mayung bakat* (literally meaning "injured deer"), *dedare toaq/mosot* (old spinsters) or "tainted" and thus a disgrace to the family. Boys on the other hand are not subject to these social mores.

For girls who get pregnant, religious values require marriage in order to have the

names of both parents listed on the child's birth certificate. According to Islam, the relationship of a child to the father can exist once *ijab qabul* (exchange of marriage vows) has occurred. Outside of marriage, the child would only be officially related to the mother.

Girls who marry early are forced to bear the financial burden of their households through informal work, and not allowed to continue their education (but the boys continue their study). Many are forced to raise children alone (as in the cases of Rita and Ida). Child marriage is also associated with the high divorce rate in Lombok. Being psychologically ill-equipped at such young age to deal with marriage and economic pressures, many child marriages lead to divorce within one year.

Health and Child Marriage

Studies on child marriages often refer to the impact of underage marriage on women's reproductive health. From the four case studies in Lombok, three of the girls experienced adverse effects on their reproductive health. One showed signs of anemia during her pregnancy, and another experienced bleeding due to an underdeveloped uterus. A third one was administered contraception at a very young age. 80 percent of teens in



Wedding reception in Lombok (Photos by Morenk Beladro)

Lombok suffer from anemia, a condition affecting the uterus and nutrient supply to an unborn child. This poses risks during and after (postpartum) birth. Furthermore, the impacts of child marriage on reproductive health are not limited to physical health, but also to the psychological health of the girls who have not yet reached a level of maturity required to raise a child.

The 2013 data from Lombok, show the mortality rate of women as shown in the table below.

The Lombok statistics show that the highest rate of maternal mortality occur at the post-natal phase. The leading causes of maternal mortality in Lombok

are bleeding, infection, complications associated with heavy workloads following birth, and poor health and sanitation facilities.

Infant mortality, on the other hand, usually occurs when infants are around one month old, and two-thirds of the cases occur when infants are around one week old. The West Lombok Health Department sees low birth weight, often related to the physical and mental condition of young, ill-prepared mothers, as the biggest factor for infant mortality. These factors also relate to the high rate of maternal mortality in Lombok, especially when a mother's reproductive organ is not yet fully mature.

Measures to Address Child Marriage and Health Problems

The Indonesian Marriage Law of 1974 provides that a girl of at least sixteen years of age can marry with parental consent. But the Law on Child Protection of 2002 defines a person under the age of eighteen as a child regardless of gender. The conflict between the two laws was brought to court. On 13 December 2018, the Constitutional Court of Indonesia issued an order declaring the provision of the Indonesian Marriage Law of 1974 on marrying age for girls unconstitutional and discriminatory against girls. It also considered this legal provision as against the law on child protection.⁶

But the question remains, how can child marriage be stopped at the level of the community? The people know the law on marriage and in a number of cases prevented the application of the law by using the traditional marriage system to allow child marriage,⁷ or by using the legal process with falsified documents on their age.

Number of Maternal Mortality in Lombok in 2013

	Pre-natal	Natal	Post-natal	Amount
Mataram	3	2	9	[14]
East Lombok	10	0	25	35
Central Lombok	1	3	16	20
West Lombok	4	3	3	10
North Lombok	0	0	2	2
Total				[81]

Source: West Nusa Tenggara (NTB) Statistics Office⁵

Of the four case studies examined in the research, it is clear that there is a link between child marriage, social change and cultural stagnation in terms of the application of *merariq* in Lombok's case or fear of becoming an "old spinster"⁸ in other cases.⁹ Due to the absence of parental guidance and support, low levels of maturity and education, the girls agreed to marry. They viewed marriage as a solution to the problems they faced at home. Social and institutional pressures and the strict application of cultural traditions by community and religious leaders make it difficult for girls like Rita and Vera to be allowed to continue their schooling and postpone marriage until they are physically, emotionally and psychologically more equipped to deal with the pressures of marriage and raising a family. The case of Vera (who continued her study after marriage) however is a clear example of how intervention by legal aid providers and provincial and district legal institutions can lead to much better outcomes for girls particularly in relation to education.

Therefore, besides working at the national level to raise the minimum age of marriage for girls, working together with formal and non-formal institutions at the community level is crucial since these institutions are the "gatekeepers" who have power to allow and, at the same time, to prevent child marriage at the community level.

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* This article is largely based on the 2015 report of the authors entitled *Child Marriage and the Phenomenon of Social Orphans in Lombok*, Rumah Kita Bersama and Australia Indonesia Partnership for Justice, and the 2016 report entitled *Testimony of the Child Brides - Summary of Results of Research Study on Cases of Child Marriage and the Role of Institutions in Nine Regions in Indonesia*, April 2016. More recent documents supplemented the discussion from these reports.

community members. The interviews were held after getting the approval of the woman, her parents and village leadership.

- 5 Lies Marcoes and Fadilla Dwi-anti Putri, *Child Marriage and the Phenomenon of Social Orphans in Lombok*, Rumah Kita Bersama and Australia Indonesia Partnership for Justice, 2015, page 4.
- 6 See Agustinus Beo Da Costa, "Court ruling brings Indonesia closer to ending child marriage: campaigners," *Reuters*, www.reuters.com/article/us-indonesia-women-marriage/court-ruling-brings-indonesia-closer-to-ending-child-marriage-campaigners-idUSKBN1OC1CM.
- 7 See discussion on role of institutions in *Testimony of the Child Brides - Summary of Results of Research Study on Cases of Child Marriage and the Role of Institutions in Nine Regions in Indonesia*, op. cit.
- 8 Translated from the Indonesian language "perawan tua."
- 9 Marcoes and Putri, *Testimony of the Child Brides - Summary of Results of Research Study on Cases of Child Marriage and the Role of Institutions in Nine Regions in Indonesia*, op. cit.

Endnotes

- 1 UNICEF Indonesia Factsheet: *Child Marriage in Indonesia*, 2017.
- 2 UNICEF, *State of the World's Children*, 2017.
- 3 Lies Marcoes and Fadilla Dwi-anti Putri, *Testimony of the Child Brides - Summary of Results of Research Study on Cases of Child Marriage and the Role of Institutions in Nine Regions in Indonesia*, April 2016.
- 4 The four women in the case studies were identified through consultation with local activists, government officials and

Continuous Distortion of the May 18 Uprising in South Korea: A Challenge for Transitional Justice

Praveen Kumar Yadav

The Gwangju Uprising of 1980 also referred to as the "May 18 Democratization Movement[,] was the cornerstone [of the Korean movement] towards democratization and has been considered to be the milestone of Korean democracy."¹ The struggles of the Gwangju Uprising prompted the pro-democratic forces to extend the fight nationwide. Seven years later, in the June 1987, another uprising finally defeated the dictatorship and restored democracy.

The work towards transitional justice and reconciliation after the Gwangju Uprising started thirty-nine years ago and still continues at present. The truth on what happened during the uprising has remained elusive despite government investigations.

Several significant government investigations on the Gwangju Uprising have been held including prosecution investigations (1995), Past Affairs Truth Unveiling Committee of the Defense Ministry (2007), Past Affairs Truth and Reconciliation Settlement Committee (2010), and Defense Ministry Special Rapporteur (2018).² They all had significant results but still failed to unveil the complete truth. Notably, they failed to find out

what happened to the missing persons, how many people died, and who ordered the firing on the demonstrators on 21 May 1980.

In order to deal with the Gwangju Uprising, citizens' and civil society organizations identified five principles:³ (1) conduct of fact-finding/investigation; (2) punishment for those responsible for the violence; (3) reparation/compensation for the victims; (4) restoration of the honor of the victims; and (5) commemoration projects.

The pardon of the two former Presidents - Chun Doo-hwan and Roh Tae-woo - after spending only two years in jail stopped the completion of transitional justice in the country.

In February 2018 the Korean National Assembly passed the Gwangju Uprising Fact-Finding Special Act to investigate "the human rights violations committed by the government's martial law troops and identify who gave the order to open fire."⁴

May 18 Uprising

The assassination of President Park Chung-hee in 1979 raised the hope for democracy among the South Koreans. But this hope

was crushed by the military coup led by then Army General Chun Doo-hwan in 1980.

On 17 May 1980, Chun imposed martial law nationwide and ordered the arrest of thousands of pro-democracy activists.⁵ The next day (18 May 1980), soldiers stopped students protesting against martial law in front of Chonnam National University in Gwangju city. When the students refused to stop, the soldiers brutally beat them. The soldiers also beat the bystanders and passersby. Thereafter, the students went to the South Jeolla Provincial Hall protesting the soldiers' brutal action. They chanted the slogans "Lift the emergency martial law," and "Chun Doo-hwan out." The soldiers viciously attacked the students in response. This abuse outraged the citizens of Gwangju city. For ten days (18 - 27 May 1980), people bravely fought the soldiers to defend Gwangju city and demanded democracy. On 27 May 1980, the soldiers suppressed the protest and sang a war song in triumph. Eventually, Chun became the fifth President of South Korea on 1 September 1980. He led a dictatorial government until February 1988.

Official figures put the number of casualties during the uprising at 5,517 in total, including one

hundred fifty-five dead, eighty-one missing, and many others who were injured and died due to injuries, and detained by the authorities. However, figures from different sources vary from those of the government.

The 1980 Gwangju Uprising started the democratic movement in South Korea that continued till late 1980s. The death of Park Jong-chul due to police torture in 1987 made the South Koreans realize the significance of the Gwangju Uprising. The May 18 Democratization Movement was revived with the search for truth and justice for those who suffered from state violence.

Continuing False Claim

The 2017 three-volume book (*Chun Doo Hwan Memoirs*) of Chun distorted the Gwangju Uprising history by asserting that there was no gunfire from helicopters during the Gwangju Uprising. He also accused the late priest Cho Chul-hyun of making a malicious argument and wrote that he should be ashamed of calling himself a clergyman. Cho, an eyewitness of the 1980 uprising, said that he saw helicopters firing on the protesters.

In response to Chun's lies, Cho's relatives and activists sued him for defamation in April 2017. The Prosecution agreed that helicopters opened fire during the crackdown and indicted Chun in May 2018.

Two members of the Liberty Korea Party (LKP) (Kim Jin-tae and Lee Jong-myeong) organized a public forum on the Gwangju Uprising at the

National Assembly building on 11 February 2019. Jee Man-won, a controversial far-right commentator, repeated in the forum his claim that North Korean soldiers were deployed in the Gwangju Uprising.⁶

Jee was convicted of defamation by the courts in 2003 and 2013 for his false claims about the involvement of the North Korean military in the Gwangju Uprising.⁷ A report states that the Korean "Supreme Court had ruled Jee guilty of defamation for such claims in 2013."⁸

Another member of the party, Representative Kim Soon-rye, also gave controversial remarks during the public forum and "referred to family members of those who died in the May 18 movement as a 'monstrous group' formed by 'pro-North Korea leftists' that is 'dipping into tax money.'"⁹

The LKP recommended Kwon Tae-oh, a career soldier and former secretary-general of the National Unification Advisory Council; Lee Dong-uk, former reporter for the *Chosun Monthly*, and Cha Gi-hwan, a lawyer, for membership in the Gwangju Uprising Fact-Finding Commission. Activists and advocates for the victims of the Gwangju Uprising expected them to block efforts at getting the truth out since they have expressed bias against the uprising.¹⁰ In February 2019, President Moon Jae-in rejected two of the three LKP nominees to the Commission. The failure of LKP to nominate acceptable nominees and the controversial position of some LKP members have delayed the establishment of the Commission.¹¹

These developments show the continuing distortion of the truth about the Gwangju Uprising.

Dodging Accountability¹²

Chun failed to attend the 7 January 2019 court hearing on a defamation charge against him supposedly due to flu and high fever. Activists and victims of the Gwangju Uprising who gathered at the High Court of Gwangju loudly expressed their disbelief. They considered Chun a great liar.

Chun has been avoiding appearance in court. Prior to the January 2019 court hearing, Chun claimed that he was suffering from Alzheimer's disease. In addition, he asked for a long period of preparation for the trial, and tried to change the venue of the trial from Gwangju city to Seoul. When the Gwangju High Court rejected his petition to change the trial venue, he went to the Supreme Court which upheld the lower court decision.¹³ The Gwangju High Court issued a warrant of arrest to force Chun to appear in the next hearing scheduled for 11 March 2019.

Outrage for the Distortions

In response to the controversial remarks by the LKP members, *The Korea Times* published an editorial entitled "Anachronistic View"¹⁴ that reads:

It is ludicrous to make such a claim. Scholars, officials, and civic activists have already conducted numerous investigations and concluded that the Gwangju Incident was a pro-

democracy movement against the Chun Doo-hwan-led military junta. Chun seized power through a military coup after the Oct. 26, 1979 assassination of then President Park Chung-hee.

The editorial questions how they (LKP members) could even denounce the pro-democracy movement, which claimed more than two hundred lives, as a "riot." They had not even hesitated to describe the pro-democracy activists as a group of "monsters."

Tim Sharrock, who did extensive reporting on Gwangju Uprising and received honorary citizenship from Gwangju city in 2015, reiterated that there was absolutely no evidence of North Korea involvement from the thousands of documents of American government agencies.¹⁵

Civic groups launched a petition¹⁶ on the website of Cheong Wa Dae (Blue House/ Executive office and official residence of the President of the Republic of Korea), signed by 9,000 people (as of February 2019), demanding their removal from the parliament for their defaming remarks about the Gwangju Uprising.

On 16 February 2019, thirty-nine years after the Gwangju Uprising, people in Gwangju city gathered again at Geumnam-ro street to protest the distortion of the truth about the uprising. The historic event in 1980 took place on Geumnam-ro street. The demonstrators and the leaders who spoke during the protest gathering pointed out that the root cause of the Gwangju

Uprising was Chun's military coup.¹⁷

Conclusion

The investigation by the Gwangju Uprising Fact-Finding Commission is highly important considering that the witnesses are getting old and evidence must be secured. This fact-finding effort is considered as the ultimate opportunity for discovering the whole truth about the Gwangju Uprising.

Civic groups, including the May 18 Memorial Foundation, have demanded that the LPK lawmakers giving controversial remarks about the Gwangju Uprising should make a public apology to the victims and activists of the democratic movement. The LPK itself should take an action against them, and recommend members for the Gwangju Uprising Fact-Finding Commission who have proper historical awareness and common sense that the people in Gwangju city can accept.

Last but not the least, a special legislation to prevent the distortion of history is a must. This will pave the way for a successful transition to justice.

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Asian Human Rights Monitoring Mechanism: Workshops for Asian Human Rights Court

Jau-hwa Chen

In 2006, members of the Peacetime Foundation of Taiwan visited Srinagar in Jammu and Kashmir state to meet the founders of an organization working on forced disappearances. The group, welcomed with warm hugs by a lawyer and a representative of a victim, was informed that it was the very first Asian group to visit the organization. They had been visited by groups from either Europe or the Americas. As a member of the group, I had a mixed feeling of joy and shame. I was ashamed of myself for being indifferent to my neighbors' plight.

Human Rights Mechanisms

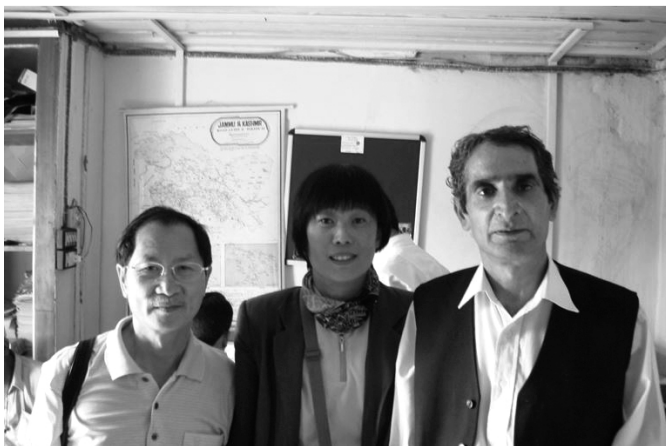
The regions of Europe, the Americas and Africa have adopted human rights instruments such as Bill of Rights and Human Rights Charters and subsequently established mechanisms such as

human rights courts to ensure the protection of human rights. For instance, the Convention for the Protection of Human Rights and Fundamental Freedoms was adopted by the newly-formed Council of Europe on 4 November 1950. In 1959, the Council of Europe established the European Court of Human Rights (ECtHR) based on the Convention. Since then, the Court has enabled individuals to file complaints at the transnational ECtHR for the violations of the Convention, as long as they had exhausted all possible remedies open to them under the laws of their country.

It is worth recalling that in addition to the joint and separate efforts of European governments, various proposals concerning the founding of human rights court in Europe were raised by European non-governmental organizations (NGOs). They were key actors

in the 1948 Hague Congress that served as a forum for European unity. Witnessing the continent being ravaged by war, those actors were adamant that power tended to intoxicate those in government and that unchecked power bred totalitarianism. They saw the necessity of setting up a transnational body to enforce and oversee the protection of human rights.

Taking inspiration from European human rights mechanism, countries in the Americas adopted the American Convention on Human Rights, also known as the Pact of San José, on 22 November 1969. They subsequently established the Inter-American Court of Human Rights (IACHR) on 22 May 1979 to interpret and oversee the implementation of the Pact and to establish rules and procedures governing cases brought before it.



Modelled on the European Convention on Human Rights and the Pact of San José, the African Charter on Human and Peoples' Rights was adopted by African countries on 27 June 1981. The African Commission on Human and Peoples' Rights was established on 2 November 1987 to oversee the implementation of the Charter. The African Court on Human and Peoples' Rights followed in 2004. Given these, Asia (and Pacific) is the sole region in the world that lacks a transnational mechanism to advance the cause of human rights.

Asian Situation

The absence of a transnational human rights system renders indigenous peoples, minorities, and disadvantaged and marginalized groups in Asia vulnerable to human rights violations, abuses, and discrimination based on race, ethnicity, religion, gender, and sexual orientation or other status. Asian countries have proposed remedial measures to mitigate the effects.

Non-governmental organizations adopted the Asian Human Rights Charter in Gwangju, South Korea on 17

May 1998. While this Charter is not legally binding, its content and principles closely resemble the core international human rights treaties existing at that time.

Article 16.2 of the Asian Human Rights Charter refers to "independent commission or a court" that would enforce a human rights convention; which is also proposed to be adopted by Asian states.¹

Phrased differently, an Asian Human Rights Court has already been proposed as a possible human rights mechanism in Asia.

There are peoples' tribunals as well as human rights courts in Asia, functioning at both domestic and international levels. The Constitutional Court Simulation (CCS) in Taiwan that held sessions during the 2014-2016 period is an example. The Regional Peoples' Tribunal (RPT), which held a session in New Delhi on 17 March 2015 to hear cases related to Dalit human rights violations, is another example.² Both of them highlighted non-governmental approaches to justice. Another similar example is the Permanent Peoples' Tribunal (PPT).³

Functioning at an international level, PPT takes a different perspective by looking at cases mainly from the viewpoint of international criminal law and examines charges concerning war crimes and crimes against humanity.

From 1993 to 1995, the Asian Women Human Rights Council⁴ organized seven women's court sessions in Lahore (Pakistan), Tokyo (Japan), Bangalore (India), Cairo (Egypt), and Manila (Philippines) on a variety of issues: violence against women, war crimes and female slavery, crimes against Dalit and indigenous women, the consequences of demographic policies on women, the dominant system of development and nuclear policies. The culmination of these initiatives was a global public hearing in the NGO Forum of the Fourth World Conference on Women.⁵ In 2000, the Violence Against Women in War Network-Japan organized the Women's International War Crimes Tribunal on Japan's Military Sexual Slavery in Tokyo. Victims from China, South Korea, Taiwan and the Philippines presented their testimonies in the court hearing.⁶

Campaign for an Asian Human Rights Court

The Chang Fo-chuan Center for the Study of Human Rights (hereafter the Center), founded in 2000 at Soochow University in Taipei,⁷ has organized lectures, conferences, and seminars to facilitate exchanges among human rights scholars, activists and legal experts. In close collaboration with seventeen human rights organizations, the Center has strived to materialize the establishment of an Asian Human Rights Court through workshops. The workshops revealed the longing of people in Asia for the establishment of a regional court or tribunal for



human rights. The judgments and recommendations of the previous non-governmental tribunals and courts in Asia stimulated dialogues on human rights violations in a simulative fashion, and often pointed out the sense of injustice as crucial concern of the peoples in Asia. A research into the types, structures, rules, cases of peoples' tribunals and human rights courts as well as the verdicts produced is a concrete step to pave the way for an Asian Human Rights Court.

Conceptualizing the Asian Human Rights Court

In order to address the key issues in establishing an Asian Human Rights Court, the Center is organizing two workshops on 9-12 May 2019 and 11-14 July 2019 in coordination with four institutes and organizations: The Institute of Human Rights and Peace Studies (IHRP) of Mahidol University, Thailand; Research Center for Human Rights (RCHR) of Osaka City University, Japan with which the Center had signed a memorandum of understanding in 2016; Foundation of Women's Rights Promotion and Development (FWRPD), Taiwan, and the Global Voice (GV), an international and multilingual community of bloggers, journalists, translators, academics, and human rights activists. Each workshop would have six sessions to provoke thoughts and discussions in connection with the networking, promotion and advocacy on the establishment of an Asian Human Rights Court. The first workshop will focus on the Association of Southeast Asian Nations

(ASEAN) and its human rights declarations and conventions; while the second workshop will focus on the Asia-Pacific Economic Cooperation (APEC), gender and economics.

The workshops will emphasize discussions of regional human rights systems, peoples' tribunals and human rights courts in Asia, including but not limited to CCS, RPT, PPT and other similar initiatives. The planned topics of the six sessions are the following:

1. Introduction of regional human rights court mechanisms;
2. Tribunals and courts across Asia;
3. Identification of human rights cases across Asia;
4. Potential human rights cases to be considered by the Asian Human Rights Court;
5. Advocating Asian Human Rights Court within the Framework of ASEAN and APEC; and
6. Networking, promoting and advocating the Asian Human Rights Court.

A Vision for an Asian Human Rights Court

An Asian Human Rights Court should deal with human rights violations and abuses that happen daily at the local level. The lack of a regional human rights monitoring system at present renders the protection of peoples' rights inadequate and hindered.

I remember the time when I was travelling around Asian countries wearing a cap with the words *Human Rights*

Quarterly written on it. After arriving at Leh, Ladakh in Jammu and Kashmir state, I was asked by a Tibetan hotel manager, "Why do you advance human rights only quarterly, but not EVERYDAY?" The manager displayed an Asian human rights sentiment we all share, also a commitment made through the Universal Declaration of Human Rights seventy years ago.

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and tactics for human rights activism. In 2008, the Center set up a two-year MA program in human rights, the very first Master's degree in human rights in Taiwan. Interdisciplinary in scope and based upon the established undergraduate program, this MA program has helped students become theoretically informed while equipping them with knowledge and skills to conduct innovative research and establish local and/or regional networks among various rights groups.

The Long Journey of the Hansen's Disease Recoverers

(Continued from page 5)

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Continuous Distortion of the May 18 Uprising in South Korea

(Continued from page 11)

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HURIGHTS OSAKA Calendar

HURIGHT OSAKA is redesigning the front page of the English section of its website. The new design is meant to make it more attuned to the perspective of young people.



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