

Dr Daye Gang

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- Admitted to the Supreme Court of Victoria in 2015
- Called to the Bar in Victoria in 2019
- [Outstanding Young Lawyer Award, International Bar Association 2020](#)
- Undergoing certification process for [Justice Rapid Response Roster](#)
- Track 1.5 diplomatic organ [Peaceful Unification Advisory Council 민주평화통일자문회의](#)
Overseas Council Member;
Global Strategic Special Committee (글로벌 전략 특별위원회) Member,
Government of the Republic of Korea

Education

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| 2024 | Justice Rapid Response
United Nations BSAFE, PSEA, and PSHAA courses, March 2024
Institute for International Criminal Investigations program, forthcoming April |
| 2016- 2023 | Doctor of Philosophy, Monash University
Michael Kirby Centre for Public Health and Human Rights
Faculty of Medicine, Nursing and Health Sciences
“Restorative Justice Processes for Survivors of Sexual and Family Violence”
See below for publications and descriptions
Monash Equity Scholarship |
| 2015 | Graduate Diploma of Legal Practice, College of Law |
| 2010-2014 | Bachelor of Arts/Bachelor of Laws (First Class Honours), Monash University, Arts Major in French |

Work Experience

October 2019-current **Barrister, Victorian Bar**

- **Victorian Office of Public Prosecutions:** carriage of whole prosecution from pre-committal to preparation for trial to plea hearings, written opinions, witness conferences, public interest immunity hearings; prosecutions of sexual offending in serial, historic, institutional, and family violence contexts, property and dishonesty offences, drug offending
- **Private criminal defence:** of state and federal offending, provision of culturally and linguistically competent advice and in-court representation
- **Victorian Department of Families, Fairness and Housing:** child protection litigation under the *Children, Youth and Families Act 2005* (Vic)
- **Victorian Department of Health:** Assessments of Victorian Pandemic Orders and

Directions on compatibility with the *Charter of Human Rights and Responsibilities Act 2006* (Vic)

- **Commonwealth Director of Public Prosecutions:** carriage of whole prosecution from sufficiency advices to trial preparation to parole violations to plea hearing; large child abuse materials matters, drug importation conspiracies, money laundering including Operation Avarus-Nightwolf, the largest money laundering prosecution to date in Australian history
- **Minister for Immigration, Citizenship and Multicultural Affairs, and applicants in migration matters:** judicial reviews and merits reviews of visa refusals and cancellations, urgent applications, mandamus applications in the Administrative Appeals Tribunal, Federal Circuit and Family Court of Australia, and Federal Court of Australia, instructed by government solicitors and private firms
- **Other Administrative and Quasi-Criminal Law:** parole violation under the *Crimes Act 1914* (Cth); advice and Tribunal applications for freedom of information requests, *Crimes (Mental Impairment and Unfitness to be Tried) Act 1997* (Vic) review hearings, licence suspension reviews for the Department of Transport, native title joinder advice, judicial review appeal for prisoners' rights; interpretation of the *Forests (Wood Pulp Agreement) Act 1996* (Vic) led by Perry Herzfeld SC (reported in the [Saturday Age](#))
- **Private and Commercial Law:** prospects advice and litigation on breach of contract, breach of Australian Consumer law, regulatory compliance, discrimination claims under the *Equal Opportunity Act 2010* (Vic), exploration of litigious options following termination of subcontractor contract, workers' compensation under Victorian WorkCover Authority
- **Public and Private International Law:** International Covenant on Civil and Political Rights submission to the Human Rights Committee on family separations in immigration detention, instructed by the Human Rights Law Centre; litigation and advocacy prospects advice for corporate breaches of international human rights obligations, instructed by the Australian Centre for International Justice; strategic advice for the Asylum Seeker Resource Centre
- **Legal Adviser to Justice for Myanmar [confidential]:** strategic legal advice on reports, press releases, and submissions as necessary on international, cross-border, and domestic law implications of business and human rights issues arising in relation to corporations in Myanmar—inclusive of sanctions listing applications, direct and indirect personal and corporate sanctions breaches advocacy to executive branches and accountability complaints to local police, application of the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights, universal jurisdiction and complicity in international crimes, corporate complicity in Geneva Conventions breaches; legal drafting for reports; media engagement advice; successful submissions to sanction Burmese conglomerates; '[Memorandum on potential international law issues arising from the sale of Telenor Myanmar](#)', led by Felicity Gerry QC, discussing potential breaches of international law by Norwegian telecommunications company Telenor and its majority shareholder, the Norwegian State, in divesting from its subsidiary in Myanmar; '[International Legal Issues Arising for the Singapore Stock Exchange from its Listing of Emerging Towns & Cities Singapore](#)', led by Felicity Gerry QC, exploring potential breaches of international law by the Singapore Stock Exchange (SGX) listing Emerging Towns & Cities whose one asset finances the

Myanmar military. Following our memo, ETC announced it was selling the asset, SGX introduced a sanctions policy, and ETC was informed it would remain suspended from SGX for trading with a Sanctioned Nation

November 2016-current **International Consultant, Citizens' Alliance for North Korean Human Rights**

- Drafted a grant application to commence collaboration between the human rights/accountability community and the sanctions community on North Korea
- Populated an investigation and analysis tool with witness statements and third party documents to identify international crimes capable of being worked up as dossiers for prosecution, including translation from Korean to English
- Participated in drafting the Statement of Intention and then full grant application for the US State Department DRL funding round, proposing to analyse evidence and conduct further investigations to assess whether criminal dossiers, civil litigation, or sanctions can be pursued. As of July 2021, this proposal has been recommended for funding
- Drafted a submission to the DPRK's Universal Periodic Review before the Human Rights Committee monitoring implementation on the ICCPR
- Interviewed, researched and wrote a report laying bare the DPRK's system of government and trade that is dependent on international crimes at all levels of society, using coal mined in detention camps as an example. Conducted human rights advocacy with the Deputy Director-General in Seoul, Brussels, Geneva, New York, Washington DC with the UN, EU, and US Senate to improve sanctions effectiveness and pursue accountability
- Published a research report discussing discrimination against women in North Korea, analysing these patterns according to national responsibilities towards citizens and international human rights law by comparing interviewees' testimony to North Korean government statements:
Hosaniak, J.; Gang, D. (2018) ["They only claim that things have changed..." Discrimination against Women in the Democratic People's Republic of Korea](#). Seoul, Life & Human Rights Books.
- Wrote a submission with the Deputy Director to the UN Panel of Experts on an accountability strategy for North Korean human rights violations using information from a summit of transitional justice and international criminal law experts. Presented to the Panel of Experts on Accountability in December 2016, which adopted our recommendations, leading to the creation of a Special Prosecutor position in the UN Field Office in Seoul
- Wrote the Citizens' Alliance submission to the Committee on the Elimination of Discrimination against Women for North Korea's periodic review on women's rights. The Committee used our research and advocacy to formulate questions for the North Korean delegation
- Wrote and edited advocacy letters and submissions on mediated North Korean human rights issues to UN Special Rapporteurs and the South Korean government
- Regular translations of organisational materials into English and Korean, including witness statements
- Edited and proofread a book indexing records on Korea and Koreans held in the Archives of the Polish Institute of National Remembrance – Commission for the Prosecution of

Crimes against the Polish Nation:

Hosaniak, J.; Leskiewicz, R. (2019) [North Korean Archives Project](#). Seoul, Life & Human Rights Books.

May 2020- **Founder and Sole Translator, Law and North Korea**
current www.lawandnorthkorea.com

- Translating North Korean laws into English to broaden the scope of research and analysis that can be conducted on North Korean law and inter-Korean legal comparison; also features the only North Korean-English glossary on the internet

March 2016- **Consultant, Nous Group**
June 2019

- Reviewed the processes which caused a noncompliant Excellence in Research Australia submission for a Victorian university and recommended procedural changes
- Developed a demand model and workforce strategy for a Victorian regulatory agency granted additional statutory responsibilities
- Developed an information sharing legislative reform proposal for child safety
- Conducted an organisational review for the National Measurement Institute to improve alignment with its new strategy
- Wrote a white paper for a long-term investment strategy for supercomputing technology for the Bureau of Meteorology

Feb 2015-Jan 2016 **Legal Associate to the Honourable Justices Cronin, Macmillan, Johns, and Thornton, Family Court of Australia (Melbourne Registry)**

I performed legal research and statutory interpretation; drafted and edited judgments; wrote case summaries; clerked in courts; and provided administrative and research assistance when interstate on circuit.

PhD Candidature

- Gang D, Loff B, Naylor B, Kirkman M. (2020). A Call for Evaluation of Restorative Justice Programs, *Trauma, Violence, & Abuse* 22 (1), 186-190.
doi:10.1177/1524838019833003
Systematically searched evaluations of restorative justice programs for sexual and family violence offences. Learned how to conduct a systematic search across research databases, formulate inclusion and exclusion criteria, and include and exclude papers according to the criteria. Learned to draft reasonable conclusions and recommendations for further research. Cited by Centre for Innovative Justice (RMIT).
- Daye Gang, Bebe Loff, Bronwyn Naylor, Maggie Kirkman. (2021). Opening Pathways to Restorative Justice: Analysis of Parliamentary Debates on Sex Crime Law Reform in Victoria, Australia, *Social Politics: International Studies in Gender, State & Society*.
<https://doi.org/10.1093/sp/jxab019>
Collected data alone of Parliamentary debates on sex offences law reform. Learned to perform thematic analysis by identifying subthemes and organising under broader themes. Compiled table of legislative amendments to sexual violence laws since 1976. Results discussed how debates constructed sexual violence, victims, perpetrators, and sexual violence in society over time. Discussion of implications for acceptability of

restorative justice.

- Gang, D., Kirkman, M., & Loff, B. (2023). "Obviously It's for the Victim to Decide": Restorative Justice for Sexual and Family Violence From the Perspective of Second-Wave Anti-Rape Activists. *Violence Against Women*, 10778012231174353.
Drafted ethics approval application granted by MUHREC. Interviewed former members of anti-rape activist group active during the Women's Liberation Movement about their experiences in the group. Asked about their views on restorative justice for sexual and family violence. Thematically analysed responses again according to a hierarchy of themes and subthemes. Major findings included importance of victims taking back choices they didn't have when they were sexually assaulted; reservations were more about how a constrained system could meet victims' needs and preferences rather than principled opposition to restorative justice. In discussion, explored these surprising results against feminist theory in the field opposing the use of restorative justice because of the risks of retraumatisation. Discussion on importance of research and evaluation of programs actually in operation.
- Gang, D., Loff, B., Kirkman, M. "Systematic Review of Restorative Justice for Sexual and Family Violence" [Unpublished manuscript], School of Public Health and Preventive Medicine, Monash University.
Drafted protocol for publication on PROSPERO proposing what our systematic review would do. Systematically searched for *any* research (evaluation or not) on restorative justice for sexual and family violence cases. Developed new inclusion and exclusion criteria against 9,000 search results, resulting in 15 included papers. Compiled tables of program features, paper features, conducted quality assessment according to systematic review procedure. Identified strengths of restorative justice in these cases included victim-led decision-making, better outcomes than prosecutions, high satisfaction, decreased problematic behaviours among perpetrators, and desirable changes in perpetrator-victim relationships. Weaknesses included undermining victims' agency, problematic processes for consent, voluntariness and safety, limited follow-up, and reinforcement of traditional gender norms. Determined that restorative justice could and should not be defined globally. Encouraged local evaluations with detailed descriptions of their own definitions of restorative justice and program procedures so like can be compared with like.
- In tying publications into overall thesis, explained deliberate adoptions of terms such as "victim" over "survivor"; set out origins of restorative justice and theoretical debates about appropriateness of restorative justice for sexual and family violence; described prevalence of sexual and family violence in Australia against few prosecutions. Contextualised thesis with phenomenology and narrative identity to explain how thesis changed me from an "outsider" to a "tentative insider" and explored the self as the research tool in qualitative research.

Recent Academic, Speaking, Continuing Professional Development, Committee Work

International Women's Day 2024 | Panellist, Victorian Women Lawyers **Dame Roma Mitchell Memorial Lunch**

Forthcoming | An article comparing domestic exercises of international criminal law in Australia

	for ADF personnel in Afghanistan and in South Korea for perpetrators of atrocity crimes in North Korea
Forthcoming	Elgar Concise Encyclopaedia of International Law , Human Rights Law in North Korea
September 2023-	Republic of Korea Peaceful Unification Advisory Council member
June 2023	CPD Seminar with Dr Ian Freckelton QC on developments on expert evidence in criminal law
May 2023	Speaker, Law Council of Australia International Law Section Young Lawyers Summit , "Civil Society Organisations -International Legal Work for Young Lawyers"
March 2023	Keynote speaker, Young Lawyers' Day, Commonwealth Law Conference 2023, India , "Discomfort in Growth: Law and Life after Lockdowns"
Judge	University of Melbourne Law Students' Society International Humanitarian Law Moot Grand Final
Oct 2021 – Feb 2023	Subeditor, ANZSIL Perspective, Australia-New Zealand Society of International Law
September 2021	'What International Frameworks Would Effect Structural Change in North Korea?' , ANZSIL Perspectives
July 2021	Podcast guest, Advocates: The Podcast: The Juniors
2021	Guest, YTN Global Koreans
2021	Guest, SBS Korean Radio
2021	Asian Women in Law Panel, Melbourne China Law Society
2021	Rapporteur, Castan Centre - Human Rights Law Conference
2021	Speaker, International Bar Association Global Influencer Forum 'Modern slavery – towards Sustainable Development Goal 8.7'
2021	Speaker, Law Council of Australia International Law and Practice Course 'Rule of force: Economic, political and ideological levers of power in North Korea and Myanmar and pathways to accountability'
2021	Speaker, UN NGO Commission on the Status of Women Forum 'Next Frontier: Neurofeminism #UsToo and Korean Reunification'
2021	Panellist, Australian Intercultural Society and Victorian Bar Iftar Dinner

Memberships

- Cultural Diversity Working Group, Equality and Diversity Committee, Victorian Bar
- Committee Member, Victorian Branch, International Law Association