

Sexual and Gender-based violence

In November 2022, the first ASEAN Regional Plan of Action on Women, Peace and Security was released. Developed following consultation with stakeholders, it “aims to mobilise the whole of ASEAN to advance implementation of the WPS agenda” and notes the importance of a gender lens for community resilience and security challenges, including emerging threats like climate change, disasters, pandemics and violent extremism.¹ The RPA WPS builds on existing global and regional frameworks, notes country level National Action Plans (eg, Philippines and Indonesia), outlines progress, challenges and opportunities in the region, and provides priority actions and intended outcomes. It will be a core document for policy and action on gender equality and discrimination, gender-based violence, the experiences of women in the context of armed conflict, and indeed the prevention of gender-based atrocity crimes.

A Data Snapshot on Women’s leadership in ASEAN released by UN Women in October has found that across the region, women hold 22 per cent of parliament seats, but are “often relegated to leading committees on gender equality and women’s affairs”, that they led only 6% of environment related ministries, and that despite making up the majority of health care workers, only constitute 11% of chief executive officers in the largest hospitals.² The lack of women in leadership is an underlying risk factor for gendered violence and atrocities.

November saw the beginning of 16 Days of Activism against Gender-based Violence, dedicated to raising awareness of femicide,³ and the International Day for the Elimination of Violence Against Women. A new study issued on the day found that 45,000 women and girls were killed by relatives or intimate partners in 2021, and that the Asia-Pacific region accounted for the largest number of these.⁴ In Fiji, the Fiji Women’s Crisis Centre reported that seven women died due to domestic violence in the first 10 months of 2022.⁵

Women’s Peace Network, a civil society organisation working for women’s rights in Myanmar, issued a statement about the continually worsening situation in the country, and the particular risks for women.⁶ The statement referred to ongoing use of sexual and gender-based violence by the Myanmar military, and noted that since the February 2021 coup, more than 300 women have been murdered, and thousands more arbitrary arrested, detained and tortured. Women from ethnic and religious minorities continue to be targeted, while those in refugee camps in Bangladesh remain at heightened risk of SGBV. WPN has called on the UN Security Council to “uphold its mandate as well as its Responsibility to Protect and Women, Peace and Security agendas” in relation to Myanmar, including through economic sanctions against the military leaders and associated businesses. Domestic and sexual violence also affect Burmese migrant workers living in Thailand, and although they are not officially excluded from protection, they face obstacles in accessing support and justice, including difficulty communicating in local language, or fear of being reported as undocumented.⁷

Despite progress in Indonesia on the WPS agenda, it has recently passed a new Criminal Code which criminalises private, personal acts.⁸ Under the new Code, sex outside of marriage is outlawed, as is cohabitation, which will likely have the most adverse effects on women and the LGBTQ+ community. Charges can be based on police reports lodged by family members or the accused, and can result in a year’s imprisonment. The Code also prohibits the promotion of contraception, and maintains abortion as a crime. Restrictions on the freedom of the Indonesian population and erosion of democracy have also been highlighted, including the potential further silencing of critics of the government, journalists and human rights defenders, and extreme repression in West Papua.⁹

It has been reported that violence against women political leaders and activists is increasing in Southeast Asia, including gender-based hate speech as well as surveillance and intimidation.¹⁰ A forthcoming report, *Women's Political Leadership in ASEAN*, has found that “young, activist, social media-active, and Muslim female leaders are the most vulnerable”. Activists in Thailand, for instance, have faced charges over their political activism and have reported being sexually abused in detention. Threats and misogynistic hate speech against women can have the effect of discouraging women's participation in political processes and public life, thereby limiting progress on gender equality.

Further information about China's repression of the Uighur minority has come to light, with evidence of Uighur women being coerced to marry Han Chinese men, in order to forcibly assimilate them. The report, *Forced Marriage of Uyghur Women: State Policies for Interethnic Marriage in East Turkistan*, is based on women's accounts as well as official Chinese state media and policy documents.¹¹ This adds to existing evidence of other forms of sexual and gender-based violence against Uighur women, forming a pattern of abuse that may constitute atrocity crimes.

Recommendations

The Myanmar military should:

- Immediately cease the practice of using sexual and gender based violence as a form of torture against detainees, and as a tactic of persecution against women activists, and those from ethnic and religious minorities.

The Indonesian Government should:

- Consider feedback on the Criminal Code during the period prior to its taking effect, in order to prevent unintended consequences including the targeting of particular groups such as women and the LGBTQ+ community.

The Chinese Government should:

- Immediately cease its persecution of the Uighur minority including the use of gender-based violence.

The UN and regional bodies particularly ASEAN should:

- In line with human rights conventions, the Responsibility to Protect, and the recently released ASEAN Regional Plan of Action on Women, Peace and Security, take urgent and serious action on the situation in Myanmar to protect women from the high risk of sexual and gender based violence, and hold perpetrators accountable.
- Investigate reports of SGBV against Uighur women, including forced marriage, and call on the Chinese Government to uphold human rights and cease the persecution of religious minorities.
- Support research on gender-based hate speech as a form of gendered violence and its impact on women's participation in public life and activism.

¹ ASEAN Regional Plan of Action on Women, Peace and Security, November 2022, <https://wps.asean.org/resources/asean-rpa-wps/>

² UN Women, Women's Leadership in the ASEAN Region: Data Snapshot, October 2022, https://asiapacific.unwomen.org/sites/default/files/2022-10/ap-stats-01-221005_BLS22456-ASEAN-V03-s.pdf

³ <https://16dayscampaign.org/>

⁴ UNODC and UN Women, Gender-related killings of women and girls (femicide/feminicide), <https://asiapacific.unwomen.org/en/stories/statement/2022/11/ending-deadly-violence-against-women-in-asia-and-the-pacific-requires-thorough-data-collection-for-prevention-measures>

⁵ Praneeta Prakash, Need to work across differences to deal with domestic violence, FBC News, 7 December 2022, <https://www.fbcnews.com.fj/news/need-to-work-across-differences-to-deal-with-domestic-violence/>

⁶ Women's Peace Network, Statement on the International Day for the Elimination of Violence against Women, 25 November 2022, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/baa4a399-d3c3-b314-e5de-185e3816e86f/11_25_22_English_Statement_on_International_Day_for_the_Elimination_of_Violence_against_Women.pdf

⁷ Winnie Sachdev, Myanmar Woman Empowers Migrants in Thailand, Fortify Rights, <https://english.dvb.no/myanmar-woman-empowers-migrants-in-thailand/>

⁸ Lorcan Lovett and Oliver Holmes, Indonesia passes legislation banning sex outside marriage, The Guardian, 7 December 2022, <https://www.theguardian.com/world/2022/dec/06/indonesia-passes-legislation-banning-sex-outside-marriage>

⁹ Veronica Koman, This is more sinister than a Bali bank ban: my people's freedom is on the line, Sydney Morning Herald, 9 December 2022, <https://www.smh.com.au/world/asia/this-is-more-sinister-than-a-bali-bank-ban-my-people-s-freedom-is-on-the-line-20221208-p5c4w4.html>

¹⁰ Aim Sinpeng, In Southeast Asia, violence against female political leaders is rising, Rappler, 24 November 2022, <https://www.rappler.com/voices/thought-leaders/opinion-southeast-asia-violence-against-female-political-leaders-rising/>

¹¹ Uyghur Human Rights Project, Forced Marriage of Uyghur Women: State Policies for Interethnic Marriages in East Turkistan, <https://uhrp.org/report/forced-marriage-of-uyghur-women/>