

ASIA PACIFIC REGIONAL OUTLOOK

EARLY WARNING ATROCITY CRIMES



FEBRUARY 2024 Featured in this issue...

- Increased atrocity risk in PNG
- Election challenges in the Solomon Islands
- Atrocities continue in Myanmar
- Call for crimes investigation in Myanmar

REGIONAL ATROCITY RISK ASSESSMENT



Very High

China
Myanmar
Democratic People's Republic of Korea (DPRK)

High

The Philippines ,Papua New Guinea

Moderate
(high to low)

West Papua (Indonesia) (moderate)

Low

Fiji, Cambodia, Indonesia (except West Papua) Laos, Solomon Islands, Thailand, Timor-Leste and Vietnam

Very Low

Australia, Brunei, Japan, Kiribati, Malaysia, Marshall Islands, Micronesia, Mongolia, Nauru, New Zealand, Palau, Republic of Korea, Samoa, Singapore, Taiwan, Tonga, Tuvalu, Vanuatu

Democratic People's Republic of Korea (North Korea)

Risk: Very High/Ongoing

The DPRK continues to commit widespread and gross violations of human rights in the Democratic People's Republic of Korea, which the UN's High Commissioner for Human Rights has reported as recently as February 2021 could constitute crimes against humanity.¹ In October 2020, the UN's special rapporteur on human rights in North Korea reported that the human rights situation remained "very severe" and that there were no signs of progress in any respect. Human rights violations are compounded by regime-induced malnutrition which the UN reports now affects 40% of the population or more than 12 million people. There is pervasive discrimination in the distribution of food as a result of which many citizens, including even farmers, do not receive adequate food. There has also been little to no progress on reducing political prison camps where torture and killing are commonplace. The UN estimates that there are 200,000 people held in political prisons. There has been no discernible reduction for some time. Large numbers of people, including children, are also routinely forced to perform unpaid labour. The UN found that this can amount to enslavement, a crime against humanity.²

None of this is new. In 2019, the UN General Assembly expressed "very serious concern" over continuing reports of, inter alia: torture and other cruel, inhuman or degrading treatment; political prison camps; enforced and involuntary disappearances; the forcible transfer of populations and severe limitations on the freedom of movement; the situation of refugees and asylum seekers; "all-pervasive and severe restrictions" on civil and political rights; violations of economic, social and cultural rights; and gross violations of the human rights and fundamental freedoms of women and girls.³ The COVID pandemic has introduced new threats as the government has reportedly adopted a policy of using lethal force against people trying to cross its border with China.⁴

The Biden administration has refocused attention on human rights in DPRK which is welcome but unlikely to yield concrete concessions from Pyongyang though it may build some momentum for positive international action to address the DPRK's violations through the UN system in 2023. Any proposals for sanctions relief should be tied to: (1) Pyongyang allowing the UN country team free and unimpeded access to all parts of the country in order to assist in meeting the needs of vulnerable persons, and (2) DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur's request for a country visit.

It is imperative that in the world's engagement with the DPRK renewed emphasis is given to human rights. Regional security and the improvement of human rights in the DPRK are indivisible. With the Biden administration indicating new resolve on the issue, it is important that allies such as Japan, South Korea, and Australia also take a lead in pressing for renewed action through the UN Security Council, Human Rights Council, and General Assembly as well as other available multilateral and bilateral channels.

Recommendations

The government of the DPRK should:

- Immediately cease committing crimes against humanity.
- Engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur and the OHCHR field office in Seoul to develop plans to faithfully implement human rights treaty obligations.

UN Member States should:

- Appoint a Special Envoy on Human Rights in North Korea.
- Collaborate to utilize the UN Security Council, Human Rights Council, and General Assembly to promote and protect human rights in the DPRK.
- Explore the use of multilateral, informal, and bilateral channels to encourage the DPRK to fulfil its responsibility to protect.

The UN Security Council should:

- Revive its informal dialogue on human rights in North Korea.
- Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanc-

tions relief on DPRK authorities.

The UN Human Rights Council should:

- Review what meaningful steps might be taken to achieve compliance with its previous recommendations.
- Ask the OHCHR to monitor patterns of abuse that may amount to crimes against humanity in the DPRK, investigate unresolved human rights issues, raise awareness and visibility of the human rights situation, and work with civil society and other governments to continue to press for accountability and an end to impunity.

Myanmar

Risk: Very High/Ongoing

Three years after the February 2021 coup, the junta in Myanmar continue to commit atrocities amidst widespread and intensifying armed resistance across the country. The Myanmar military appears to be suffering more casualties and reportedly losing more bases following the well-coordinated attacks in October 2023 by the Brotherhood Alliance against security forces. In the meantime, the humanitarian crisis in the country has turned for the worse with more than 2.6 million people internally displaced nationwide, of which 2.1 million were displaced since the coup as of end of December 2023.⁵ An estimated 628,000 people were forced to flee their homes since the intensification of the conflict between the junta forces and anti-coup resistance groups in October last year. The delivery of humanitarian assistance continues to be hampered by bureaucratic impediments according the UN OCHA, with over 142 aid workers arrested and/or detained by parties to the ongoing conflict in the country.⁶

As of 9 February 2024, there were over 4,500 people confirmed killed in Myanmar since the 2021 coup that includes pro-democracy activists and civilians.⁷ They were killed by junta forces and pro-military groups in the country. On top of this, some 1,000 deceased persons remain unidentified. Over 26,000 people have been arrested and more than 20,000 were detained, while over 8,700 are serving sentences. Between 1 January to 9 February 2024, junta forces killed 157 men and 25 boys. Of these, 46 were from Sagaing Region and 30 from Rakhine State. Among those killed during this period, 45 people were killed by the junta's air strikes—the highest number of deaths—while another 44 died under detention.⁸

Meanwhile, Amnesty International has called for war crimes investigation following an air attack by military forces in Sagaing on 7 January this year, which killed 17 civilians including 9 children who were attending a church service.⁹ Two anti-junta fighters in their 20s were reported to have been burned alive three months ago by soldiers and pro-military militias in Magwe Region. The young fighters were reported to have been arrested by junta forces on 7 November 2023. A video of the atrocity crime was uploaded recently and widely circulated in social media.¹⁰

Amidst intensifying attacks from resistance forces and ethnic armed groups, the junta on 10 February enforced a military service law following battlefield losses. The law requires all men aged 18 to 35 and women aged 18 to 27 to render military service for at least two years.¹¹ The junta has also started conducting training of professors and students from four universities in Patheingyi in Ayeyarwady Region as auxiliary forces to compensate for its losses and inability to recruit young people into the military.¹² The Myanmar military has lost major towns and bases across the country following Operation 1027 in October last year in Shan, Rakhine, Kayah, and Chin States.¹³ Anti-junta resistance forces have claimed that they have already downed seven military aircraft since the February 2021 coup, three of which happened in January of this year.¹⁴

In Rakhine State, intense fighting between the Arakan Army and junta forces since November 2023 has resulted in continuing displacement of over 100,000 people who were already displaced by previous violence in the area. AA fighters have occupied Rohingya villages in Buthidaung township since January of this year. Between 12 and 24 Rohingya people were killed in continuing armed clashes between AA and junta forces, which also injured more than 100. Some homes in the township were destroyed or damaged by the encounter, including air attacks by the military.¹⁵

Meanwhile, the State Administrative Council (SAC) continued to defy ASEAN's calls for a halt to violent attacks against civilians and has not implemented the group's Five Point Consensus (FPC) as agreed in April 2021. As Laos took over the ASEAN Chairmanship from Indonesia, Vientiane is unlikely to break the current impasse in ending the Myanmar crisis and in pushing for ASEAN to do more in addressing the humanitarian crisis in the country. Thailand appears to be continuing with its independent policy towards Myanmar by initiating the creation of a humanitarian corridor between the neighbouring countries. The main centre will be in Mae Sot, which will start in March this year. The initiative was approved by ASEAN foreign ministers in their recent meeting in Luang Prabang in Laos in January. The delivery of humanitarian aid will be coursed through the respective Red Cross groups of Myanmar and Thailand under observation by the ASEAN Humanitarian Assistance (AHA) Centre.¹⁶ The government-to-government initiative, however, is unlikely to effectively alleviate the suffering of over 2.6 million displaced people in Myanmar even as many civil society groups expressed doubts that the junta would be impartial in the delivery such aid.

Recommendations:

The Myanmar junta should:

- Immediately cease all violations of international humanitarian law.
- Ensure that those responsible for violations are held accountable.
- Take tangible steps to return authority to the democratic government.
- Fully comply and implement the FPC agreement with ASEAN leaders without preconditions
- Allow the unrestricted delivery of and access to international humanitarian assistance to IDPs and other affected communities in conflict affected areas in Myanmar

ASEAN and its members should:

- Impose more stringent measures on the military regime for its non-compliance with the FPC. These should include suspending Myanmar's membership of ASEAN and considering the recognition of the NUG as Myanmar's legitimate government.
- Uphold their commitment to the FPC even as they also explore alternative pathways in resolving the Myanmar crisis.
- Engage directly with the NUG and other democratic forces in Myanmar.
- Ensure protection of refugees from Myanmar, including the Rohingyas, who are fleeing violence in Myanmar and who are victims of human trafficking.
- Refrain from forcibly repatriating refugees, victims of human trafficking, and anti-coup activists back to Myanmar.
- Oppose plans by the junta to hold general elections that excludes the participation the NLD and other democratic parties who are opposed to the coup.
- Expand the delivery of humanitarian assistance by expanding the mandate of the ASEAN Humanitarian Assistance (AHA) Centre and coordinating humanitarian response with independent humanitarian organisations within Myanmar.
- Encourage the participation of community-based stakeholders in the delivery of humanitarian aid to Myanmar people on both sides of the Myanmar-Thai border areas under the humanitarian corridor initiative of Thailand as approved by ASEAN Foreign Minister in January 2024.

All UN Member States should:

- Increase humanitarian support, in coordination with ASEAN and other independent humanitarian organisations working within Myanmar, to civilians suffering as a result of ongoing atrocity crimes and conflict.
- The UN Secretary General should immediately name a new Special Envoy to Myanmar who will work closely with ASEAN in implementing the FPC and explore other pathways in responding the Myanmar crisis.
- Increase humanitarian assistance to Rohingya refugees.
- Expand and implement targeted sanctions against the Myanmar military and its business holdings in Myanmar and call on other UN member states including those in ASEAN that continue to do so.
- Support the establishment of a process to investigate alleged war crimes and crimes against humanity.

China

Xinjiang Risk: Very High/Ongoing

Under policies purported to combat terrorism and ‘extremism’, the Chinese government has subjected Uyghurs and other Turkic Muslims in the Xinjiang Uyghur Autonomous Region (‘XUAR’ or ‘Xinjiang’) to serious human rights violations consistent with crimes against humanity and acts of genocide.¹⁷ Violations include large-scale arbitrary detention, an intrusive system of mass surveillance, cultural and religious persecution, enforced disappearances, family separations, forced labour, torture, forced abortion and sterilization, and sexual violence.

In 2018 it was estimated that upwards of one million Uyghurs and other Turkic Muslims were remanded in state custody for ‘re-education’ or ‘de-extremification’ in what Chinese authorities refer to as “Vocational Education and Training Centres” (VETC). The scale of incarceration represents the largest arbitrary detention of an ethnic or religious minority population since the Second World War. Former detainees report that they were subjected to torture and ill-treatment as well as sweeping cultural and political indoctrination.¹⁸ On 24 May 2022, a group of 14 news organisations published thousands of leaked documents known as the Xinjiang Police Files that affirmed the militarized nature of the camps and refuted the Chinese government’s claims that they were benign education facilities.¹⁹

In its August 2022 report on the human rights situation in Xinjiang, the Office of the UN High Commissioner for Human Rights (OHCHR) concluded that extensive and discriminatory detention in Xinjiang in the period of 2017-2019 and potentially thereafter may constitute crimes against humanity. It likewise noted that even though China has claimed to have reduced the scope of its VETC program “the laws and policies that underpin it remain in place”, and a parallel uptick in imprisonment rates suggests that China has simply shifted detainees to the criminal justice system without due process.²⁰ In March 2023, the UN Economic and Social Council (ECOSOC) Committee on Economic, Social and Cultural Rights echoed concerns over “severe, systematic, vast and undue restrictions” of human rights in Xinjiang, particularly in relation to large-scale arbitrary detention, forced labour and enforced family planning.²¹

There is credible evidence that Uyghur, Kazakh and other ethnic minorities in Xinjiang have been subjected to forced labour on a widespread basis. Xinjiang’s current Five-Year Plan (2021-2025) set in place unemployment and poverty alleviation targets and a system of surveillance that has formally consolidated forced labour practices, such that “individuals who were coercively mobilized into work placements are now effectively prevented from leaving them”.²² Allegations of state-sponsored forced labour have tended to focus on Xinjiang’s outsized cotton, tomato paste, and solar-grade polysilicon industries, but evidence suggests Uyghur forced labour is present in a much broader range of agricultural, raw materials, and manufacturing industries.²³ In July 2022, the UN Special Rapporteur on contemporary forms of slavery concluded that some instances of forced labour of Turkic Muslims in China may amount to enslavement as a crime against humanity due to “the nature and extent of powers exercised over affected workers during forced labour, including excessive surveillance, abusive living and working conditions, restriction of movement through internment, threats, physical and/or sexual violence and other inhuman or degrading treatment”.²⁴

The destruction of Uyghur cultural heritage in Xinjiang may also constitute atrocity crimes. Using satellite imagery, the Australian Strategic Policy Institute found that of a sample of 533 mosques across Xinjiang, 31.9% had been destroyed, 32.8% were damaged, and 35.3% were undamaged.²⁵ Extrapolating this data to mosques across Xinjiang, approximately 16,000 mosques may have been damaged or destroyed and 8,450 completely demolished since 2017.²⁶ Besides mosques, ASPI’s data and analysis suggested that 30% of other sacred sites (including shrines (*mazar*), cemeteries, and pilgrimage sites) have been demolished, mostly since 2017, and an additional 27.8% have been damaged in some way.²⁷ Additionally, the government has allegedly separated Uyghur children from their parents and enrolled them in state boarding schools, which resembles a government-led “parallel campaign to systematically remove children from their roots” alongside the broader effort to “transform the identity of Xinjiang’s adults” through repressing Uyghur religious and cultural expression.²⁸ In February 2023 the Uyghur Human Rights Project issued a report that argued that China’s attacks against Turkic Muslim culture constituted what UNESCO labels a strategy of “cultural cleansing”-“the intentional and systematic destruction of cultural heritage, the denial of cultural identity, including books and manuscripts, traditional practices, as well as places of worship, of memory and learning”.²⁹ The International Criminal Court’s Policy on Cultural Heritage, issued in June 2021, affirms that attacks against cultural heritage may provide evidence of specific genocidal intent to destroy a group, and may constitute crimes against humanity.³⁰

In relation to the question of genocide, there is significant evidence available to establish forced sterilisation as having occurred in Xinjiang. With the intent to destroy a group, forced sterilisation and other forms of SGBV fall within the defi-

inition of genocide under the Genocide Convention by causing serious bodily or mental harm, inflicting conditions to bring about the group's destruction, and imposing measures to prevent births within the group. As a matter of law, the crime of "forced sterilisation" occurs when: (1) the perpetrator deprives one or more persons of biological reproductive capacity; and (2) the conduct was neither justified by the medical treatment of the person nor carried out with their genuine consent. Individual reports by NGOs and news agencies documenting interviews with Uyghur women, as well as doctors that have treated Uyghur women both in Xinjiang and abroad,³¹ are evidence that numerous women have been sterilised by Chinese authorities and without their genuine consent. The occurrence of these sterilisations is consistent with official government statistics, which document a significant decline in birth rates in Xinjiang and a disproportionate rise in sterilisations in Xinjiang as compared to the rest of mainland China.³² This evidence points to a deliberate government strategy to change the demographic balance in Xinjiang in favour of Han Chinese by depressing the Muslim population and increasing the Han.³³

The international response to atrocity crimes in China has been uneven and inadequate, and mostly led by Western states. The US government and parliaments of Canada, the UK, the Netherlands, Lithuania and France have publicly identified China's human rights violations as genocide, and the parliaments of Belgium and Czechia have condemned China's treatment of Uyghurs as crimes against humanity. The European Union, UK, US and Canada have imposed Magnitsky-style sanctions on Chinese officials, as well as passed legislation to prevent the import of goods associated with forced labour in Xinjiang. In December 2023, the US issued new sanctions against two Chinese officials and three Chinese firms, bringing the total number of sanctioned entities under its Uyghur Forced Labor Prevention Act to 30 companies. Notably, these US sanctions included the first against a central government official in connection to policies in Xinjiang—targeting Hu Lianhe, the Deputy Office Director for the Xinjiang Work Coordination Small Group of the Central Committee. Several major brands identified as having links with forced labour in Xinjiang have likewise ceased their presence in the region.³⁴ Most recently, global carmakers such as General Motors, Tesla, BYD, Toyota and Volkswagen have been under pressure to ensure that their supply chains are not linked to Uyghur forced labour.³⁵

Countries, mostly from the West, have also sought to address atrocities in Xinjiang in the UN Human Rights Council and UN General Assembly. The most recent effort was in late January 2024 during China's Fourth Universal Periodic Review, which was the first cycle since the August 2022 OHCHR report finding evidence of crimes against humanity in Xinjiang. A number of mostly Western countries condemned ongoing atrocity crimes in Xinjiang, but these statements were overshadowed by a larger number of states lauding China's human rights achievements. This is a familiar scenario. In October 2023 the UK delivered a joint statement calling on China to end persecution in Xinjiang in the UN General Assembly's Third Committee, which was initially supported by a record 51 countries, before Fiji withdrew its support under pressure from China.³⁶ China responded with a counter-statement delivered by Pakistan, which was supported by 72 signatories—up from 66 countries in support of a similar counter-statement issued by Cuba in 2022. Venezuela also issued a statement in support of China on behalf of the Group of Friends in Defense of the Charter of the United Nations.

The UN system has endeavoured to address the situation. In addition to the findings of the OHCHR and the UN Special Rapporteur on slavery that the Chinese government's abuses in Xinjiang may constitute crimes against humanity, concerns have been raised in reports of the International Labour Organisation and by UN human rights treaty bodies and special procedures.³⁷ Due to the lack of improvement in human rights in Xinjiang, on 24 November 2022 the UN Committee on the Elimination of Racial Discrimination (CERD) issued a decision under its early warning and urgent action procedure calling on Chinese authorities to cease and investigate violations.³⁸ The decision is relatively rare (the last one was in 2019) and unprecedented, insofar as it referred the matter to the attention of the Special Advisor of the UN Secretary-General on the Responsibility to Protect. Australia, Liechtenstein, the UK and US urged follow up action on this referral at the 4 July 2023 biennial dialogue of the Human Rights Council with the Special Advisor to the UN Secretary-General on the Prevention of Genocide, whose office shares a mandate with the Special Advisor on the Responsibility to Protect.³⁹ The UN High Commissioner for Human Rights, Volker Türk, noted the need for "concrete follow-up" on OHCHR's recommendations, and at the 54th Session of the Human Rights Council in September 2023 called for "strong remedial action" by authorities.⁴⁰

As noted, China has reacted to international scrutiny with predictable hostility, endeavouring to silence criticism and secure statements of support. After its failed efforts to suppress the August 2022 OHCHR report on Xinjiang,⁴¹ China publicly denied and disparaged the report's findings and led an intense campaign to successfully prevent the UN Human Rights Council from holding a debate on the situation (in a failed vote of 17 for, 19 against, and 11 abstentions on 6 October 2022).⁴² Sixteen member states of the Organisation of Islamic Cooperation (OIC) voted against or abstained on the resolution. This is a departure from the OIC's position in other cases of atrocities against Muslim populations, such as its support for Gambia filing a case before the International Court of Justice in November 2019 alleging that atrocities against Rohingya Muslims in Myanmar violated the Genocide Convention.

Recommendations

The government of China should:

- Immediately halt acts that may constitute atrocity crimes in XUAR and take active measures to prevent the recurrence or escalation of such acts.
- Repeal policies that institutionalise abuses in XUAR and respond favourably to requests for UN special procedures mandate holders to undertake official visits to China with unhindered access in Xinjiang.
- Cease its campaign to prevent discussions of the OHCHR report on the situation in Xinjiang and engage in a process to meaningfully implement the recommendations of the report.

UN Member States should:

- Examine what bilateral measures to take to encourage China to immediately halt violations in XUAR and take tangible steps to apply pressure and uphold accountability.
- Cooperate to utilize all multilateral avenues to express disapproval of Chinese policies and encourage the authorities to change course, including through supporting a UN resolution to set up an investigative mechanism to investigate alleged violations in Xinjiang with an aim to advance accountability.
- Support efforts to identify and trace the whereabouts of Turkic Muslims who have been detained, imprisoned or forcibly disappeared in Xinjiang with the aim of finding missing persons and pressing for their release.
- Actively counter China's campaign to silence criticism of its policies in Xinjiang, including through building a broader coalition of states in support of the UN's mandate to investigate and report on atrocity crimes in Xinjiang.

The UN Human Rights Council should:

- Urgently establish an investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity or other atrocity crimes that are universally prohibited under international law, and to recommend avenues for holding perpetrators accountable.
- Utilise treaty-body and other human rights reporting processes to draw critical attention to atrocity crimes in Xinjiang.

The OHCHR and special procedures mandate holders should:

- Continue to call for the immediate release of persons involuntarily held in detention or in forced labour, closely monitor the situation in Xinjiang, and continue to urge China to implement the recommendations of the August 2022 OHCHR report on Xinjiang.

Papua New Guinea

Risk: High

22 people were killed in Port Moresby and the second largest city, Lae, when violence, riots and looting erupted in January 2024.⁴³ Shops and businesses were set on fire, along with official buildings, ATMs were ripped out of walls, and gunshots were fired. Among the businesses attacked were several Chinese owned shops. China said it would provide consular protection to Chinese nationals. With chemists attacked and looted, access to medicine was reduced, adding extra pressure to the hospital system.

The government declared a state of emergency for two weeks⁴⁴ deploying 180 law enforcement personnel to the capital to assist in restoring order and putting 1,000 defence personnel on standby to deal with any further escalation.⁴⁵ The violence was triggered by strike action taken by the Police upon a reduction in their pay, which the government said had been an administrative error.⁴⁶ The government suspended the Chief of Police and senior bureaucrats, and at one point threatened to shut down social media access.⁴⁷ Prime Minister James Marape said he had asked Australia to be on standby to deploy security personnel if necessary.⁴⁸

Several MPs resigned in the wake of the chaos, citing shame over bureaucratic negligence and loss of confidence in the Prime Minister's response.⁴⁹ A vote of no confidence could occur from February when an 18 month grace period expires. The violence comes amid high unemployment, a cost of living crisis, skyrocketing inflation, increases in violent crime, and ongoing corruption within the police force and other institutions.⁵⁰ These underlying socio-economic problems remain unaddressed, heightening the risk of further violence and riots.

On 12 January, human rights organisation Magna Carta released a statement calling for reflection on the violence and for responsibility by leaders to make decisions that are in the best interests of the population. It described the events as reflecting "a country in societal disarray and disfunction" and noted that leaders are expected to uphold the rule of law. Magna Carta called on the parliament to revisit and reflect on decisions, to support effective conflict resolution and peacebuilding, and act in accordance with Melanesian values.

There is a sense among the population of a temporary fragile peace and a strong prospect of further events like Black Wednesday.⁵¹ Indeed, in early February, it was reported that a whitegoods warehouse in Port Moresby was ransacked by "hundreds of looters."⁵² The overall state of lawlessness and simmering tensions means there is a high risk of further violence, which may not be able to be kept under control by PNG authorities. In such a situation, the risk of atrocities is high.

PNG is in early discussions with China for a security/policing agreement, while the US has warned that Chinese investment and defence comes with "a high cost".⁵³ China and PNG signed an MOU in January for the manufacture of products using locally sourced nickel and cobalt, among a general policy to attract more investment and development in PNG.⁵⁴ There are concerns about the impact of such developments on local communities and sustainability, with a recent study finding that more than two-thirds of those surveyed do not welcome more investment from China in the mining sector.⁵⁵

On 8 February, Prime Minister James Marape delivered a speech to the Australian Parliament, the first Pacific leader to address the joint sitting of both houses.⁵⁶ The Prime Minister referred to the January outbreak of violence, but highlighted PNG's commitment to democracy and to improving the public sector, police force and judiciary.⁵⁷ He spoke strongly of the historical relationship between PNG and Australia, and said, "We must become a strong country standing on our own two feet economically independent and strong so we too can help Australia maintain democracy, preserve peace and ensure stability in our part of planet Earth, in our Pacific."

The visit and unprecedented speech to Parliament follows the two countries signing a security pact in December 2023.⁵⁸ Under the agreement, Australia will provide \$200 million to support PNG's internal security by strengthening PNG's police force via training. The issue, however, of violence within the police force, especially gender-based violence, has been identified as something that should be prioritised in the implementation of the security agreement.⁵⁹ Any increase of police personnel should be accompanied by training and systemic, cultural shifts in perceptions of gender relations and domestic violence, as well as engagement with local leaders and communities for input on tribal dynamics, in order to more effectively prevent and respond to tribal conflicts.⁶⁰

Gender-based violence continues to plague PNG, with 80% of women affected by intimate partner violence.⁶¹ An analysis of 152 cases from 2020 has shown 60 victims experienced physical abuse, while 46 experienced psychological abuse, and 45 experienced both. Justice and accountability remain elusive, with only 20 victims able to get court orders served to the

perpetrators. In 50 cases, the perpetrators were not punished, with complainants withdrawing their case due to threats from partners and families, or financial reliance on the offender.⁶² The same report found a lack of privacy or protection between the victim and perpetrator, preventing the victim from reporting the details to police, and the lengthy time for court cases to be heard. Financial difficulties and family responsibility are additional obstacles.

In addition, a new report has found that polygamy is spreading in PNG. Where it used to be concentrated in the highlands, it is now increasing across the country, leading to a host of social problems. 65% of female prisoners are convicted of crime related to a polygamous relationship, often the murder of a fellow wife.⁶³

Recommendations

The government of Papua New Guinea should:

- Address structural risk factors and underlying socio-economic issues that create an environment conducive to outbreaks of violence and lawlessness.
- Ensure accountability for violence and crime.
- Work towards a culture of accountability and trust within the police force.
- Provide assistance to those affected by the January 2024 riots.
- Develop policies to foster community and inter-ethnic harmony.
- Work towards institutional change within the security sector to better respond to victims of SGBV and other forms of violence, including through training and other capacity building opportunities provided under the security treaty with Australia.

Neighbouring states and regional bodies should:

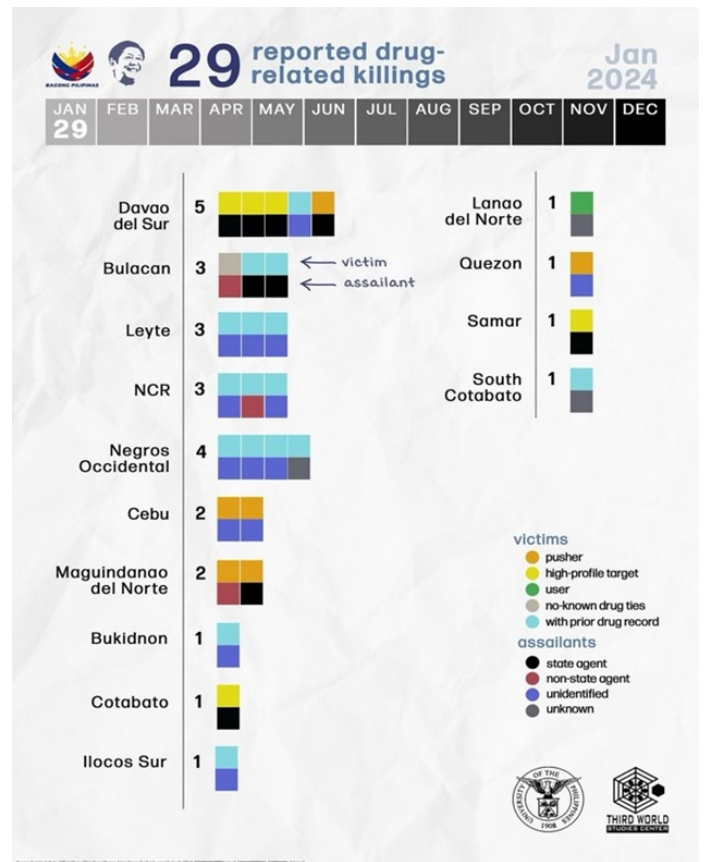
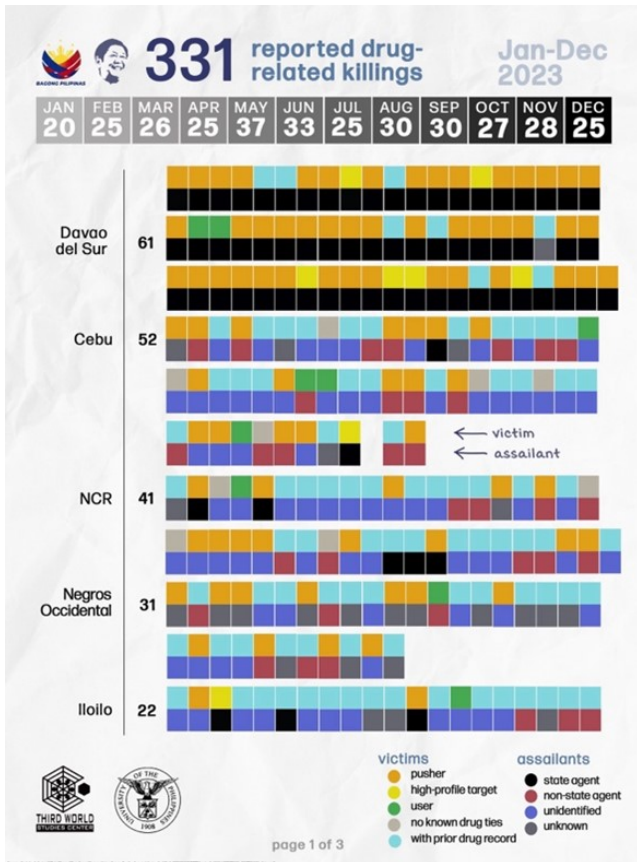
- Support strategies for achieving gender equality and a reduction in gender-based violence.
- Strengthen the partnership with PNG in dealing with regional security priorities and in addressing systemic risks for future internal violence.
- Support PNG to prevent and reduce the incidence of tribal violence.

The Philippines

Risk: High

The Philippines remains at high risk of atrocity crimes as drug war-related killings continue in the country. Throughout 2023, there were a total of 331 persons deaths reported, including 21 people composed of state agents, police informants, a village official, a witness, and 9 “collateral damage” killed during operations.⁶⁴ Accordingly, among those killed included 17 drug users and 37 high value individuals involved in drug crime operations.⁶⁵

Davao del Sur accounted for 18.4 percent (or 61 people) who were killed, followed by Cebu (15.7 percent or 52 people), and the National Capital Region or NCR (12.3 percent or 41 people).⁶⁶ Davao del Sur is the home province of former President Rodrigo Duterte, where he currently resides and where his son is the incumbent mayor of Davao City. As of 31 January 2024, there were a total of 29 people killed in drug related operations, with Davao del Sur accounting for the highest number of deaths (5), followed by Bulacan, Leyte, and NCR with 3 deaths each.⁶⁷ (See infographic below.)



(Source: UP Third World Studies Centre Facebook Page)

Amidst continued insistence of the Marcos Jr administration that it will not cooperate with the International Criminal Court (ICC) in the investigation of drug related killings under the Duterte administration, three separate resolutions were filed in the lower chamber of the Philippine legislature to cooperate with the international court’s probe.⁶⁸ These resolutions were adopted on 29 November 2023 by the House Committee on Human Rights and Justice.⁶⁹

In response to these resolutions, President Marcos Jr said that the government will review the Philippines’ withdrawal from the ICC but insisted that currently the international court has no jurisdiction over the Philippines.⁷⁰ On 23 January, Marcos reiterated that the Philippines will no cooperate with the ICC investigation as its probe is a “threat to national sovereignty”. He also said that ICC investigators may visit the country as private individuals, but the Philippine government will not cooperate or assist them while in the country.⁷¹ For their part, Duterte supporters, including Vice President Sara Duterte, argued that allowing ICC investigators in the country is a violation of the Philippine constitution.⁷²

Recommendations:

The Government of the Philippines should:

- Comply with international norms on human rights protection by holding accountable law enforcers and other members of the security sector for violations of human rights in relation to the war on illegal drugs during the Duterte administration and after.
- Vigorously push for the amendment of Republic Act 6891 on Witness Protection Program (WPP) to cover law enforcers as part of encouraging them to turn state witness in the drug war related killings and other EJKs
- Reconsider its position on membership of the International Criminal Court (ICC)
- Support the House resolutions in the Philippine Congress urging the Marcos Jr administration to cooperate with the ICC.
- Pursue its own credible and transparent probe into the drug war killings both under the administrations of President Duterte and Marcos Jr.
- Encourage PNP and Department of Justice to pursue vigorous investigation of killings involving policemen and other law enforcement agents in relation to the past and ongoing drug war operations and file appropriate criminal charges against them.

Indonesia

Risk Low : West Papua Risk: High Indonesia as a whole is at low risk of violence and atrocity crimes.

As Indonesia prepares for a federal election, the risk of a rise in violence remains low across the country. In a study by University of Gadjah Mada students in the lead-up to the elections, they found that potential conflict triggers in the region were mostly not ideological nor religious, but political, and this violence often incited by organisations that have political affiliation.⁷³ Yet much work has already been done to prevent a rise in violence given the risks associated with federal elections, including incentives by organisations such as UNESCO that conducted a series of high-level meetings titled “Combatting Hate Speech and Disinformation ahead of 2024 Indonesian elections.” This and other workshops and seminars have been aimed at reducing the risk of inciting violence in the early-2024 period.

As noted by the *Jakarta Post*, elections have, for the most, been peaceful across the last twenty years in Indonesia, except for the post-election violence that erupted in 2019.⁷⁴ One reason for there being little risk of violence either before or after elections in 2024 is due to a lack of polarisation amongst voters,⁷⁵ with Prabowo Subianto seen as a clear favourite to win.⁷⁶

While not contributing to incitement to violence, what has become apparent in the 2024 election is social media’s role in promoting politics through the employment of individuals and companies who are paid to “push political agendas”. In Indonesia, “buzzers” have been utilised to promote candidates and to fuel disinformation about others via social media. In some cases, buzzers have falsely promoted the claim that people supporting a particular candidate stand the chance of being given money.⁷⁷

Alongside this proliferation of online hoax news or disinformation there has also been reported a rise in online bullying targeting Indonesian women. While this was a phenomenon that became apparent in Indonesia during the COVID-19 pandemic, this bullying is being noted across the country in the lead-up to the federal elections, with those bullying suggesting that “politics is no place for women.” As noted by Civic Media Observatory, “Cyberbullying makes women more reluctant to participate online which exacerbates the gender digital divide.”⁷⁸

Overall, there is low risk of violence in the lead-up to the Indonesian federal elections, which include sub-regional elections across the Indonesian archipelago. While these elections are being signalled as non-democratic given the mixture of staid politics and social media propaganda, there is no hint that this will lead to outbursts of violence, even in regions such as Aceh where there are historical risks given the past injustices suffered by people of Aceh by the most likely candidate to win the election, Prabowo.⁷⁹

Recommendations

The Indonesian government should:

- Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
- Ensure the monitoring and removal of inciteful social media posts in the lead-up to the elections.
- Ensure legislative decisions do not compromise Indonesia’s democracy and will not lead to human rights abuse across all regions.
- Ensure legislation that is stalled at Bills that does criminalise human rights abuse, is advocated for and adopted into legislation.
- Work to further implement legislation to online bullying against Indonesian women.

Neighbouring governments should:

- Encourage Indonesia to take active steps to fulfil its responsibility to protect.
- Explore avenues for cooperation with the Indonesian government and society in the areas of combatting disinformation and misinformation related to the upcoming elections.
- Provide humanitarian assistance when requested to help the government and civil society tackle challenges that stem from a lack of access to basic infrastructure.
- Explore dialogue with Indonesian officials to help discourage the use of hoax news and disinformation as political propaganda.

West Papua – High Risk

The region of West Papua is at high risk of violence and atrocity crimes.

It has been over a year since New Zealand pilot Philip Mehrtens was taken hostage in West Papua by the West Papua National Liberation Army. Any attempt at freeing Mehrtens has been thwarted due to concerns of his killing by the group should a rescue occur. Making rescue also difficult is the fact that Indonesian forces are losing ground and control of the highland region where the pilot is being kept. This situation has been met with the appointment of a new Indonesian Commander of the Indonesian Defences Forces who has “promised to crush the armed groups and build more territorial commands, as well as create four more provinces in Papua,” which will only heighten tensions in the region.⁸⁰

There has been ongoing conflict and ongoing deaths in the region across late-2023, both in the highlands but also on rare occasions along the coast. As a reaction to these battles there has also been military escalation by the Indonesians, which has added to the “mass killings.”⁸¹ This tension is also exacerbated by Indonesian efforts to deforest and develop the region, where the Indonesian government is describing West Papua the new “food bowl” of Indonesia’s future, in so being killing off native plants and wildlife and displacing local peoples. The county’s rainforest has been reduced by 13 per cent in only a short while, with more of this to be logged and “developed” over the coming years as Indonesia’s central government looks to West Papua as a region that will help sustain the rest of Indonesia’s population’s rice and food needs.⁸²

Recommendations

The Indonesian Government should:

- Address entrenched racial discrimination, hate speech, fake news, and incitement against West Papuans, and provide clear advice to security forces to abide by international law and refrain from the use of violence and torture.
- As a member of the UN Human Rights Council, ensure human rights are protected in all Indonesian territories, including freedom to protest and gather and freedom of speech.
- Refrain from manipulating news to serve the interests of the Indonesian forces in the region.
- Consider the aspirations of West Papuans and the underlying issues fuelling the need for independence, and endeavour to consider these aspirations in future dealings with the province.
- Place consideration on the region’s natural environment and the impact development is having on this ecosystem, including its impact of local peoples.

Solomon Islands

Risk: Low-Moderate

The 2023 Pacific Games were held from 19 November 2023 in the Solomon Islands after several years of planning and construction. 80% of funding was contributed from foreign sources including \$1 billion Solomon Islands dollars from China.⁸³ This is one element of an increasingly strong diplomatic and security relationship between the Solomon Islands and China. The Pacific Games have been described as "...another example of the tug-of-war between major powers jockeying for regional influence and security positioning in Solomon Islands and the Pacific..."⁸⁴

The potentially adverse impacts of China's influence on local businesses and workers have also been highlighted,⁸⁵ and there may be a risk of rising ethnic tensions which have erupted in the past in riots and the targeting of Chinese shops. There are also concerns about the integrity of electoral processes,⁸⁶ with the Solomon Islands election scheduled for April this year.⁸⁷ The election was delayed for several months, which the government blamed on the Pacific Games. The government is now in caretaker mode, and police forces have met in Honiara to develop strategies for the election period and voting day.⁸⁸ Careful monitoring and efforts to stabilise and de-escalate any rising tensions during the election period will be crucial.

Concerns remain more broadly about the level of corruption and lack of institutional transparency in the country, with Transparency International giving it a score of 42/100 on perceptions of corruption.⁸⁹ While the Solomon Islands has had an Independent Commission Against Corruption (SIICAC) since 2018, the government does not provide operational funding and little progress has been made to reduce the prevalence of corruption or to hold offenders accountable.⁹⁰

In February 2024, the Right to Information Initiative was launched in the Solomon Islands, a joint project between the University of The South Pacific and the United Nations Development Program under the Strengthening Anti-Corruption, Transparency and Accountability in Pacific Island Countries program.⁹¹ The initiative aims to foster more transparent and accountable governance through a range of tools (mobile applications, website, RTI digital literacy e-course) in recognition of access to information as a fundamental human right.

The Solomon Islands continues to struggle with a range of socio-economic issues, from youth unemployment to a lack of public infrastructure, and inadequate health services. Environmental degradation and increasing risk of climate-related disasters is also a problem.

On the environmental front, the Solomon Islands has developed a renewables readiness assessment that identifies ways to accelerate the use of renewables and speed up energy transition efforts. This is intended to address issues of energy security and sustainability, which are exacerbated by rapid population growth and high levels of poverty.⁹²

Recommendations

The Solomon Islands Government should:

- Work with regional partners on security, policing and other shared issues with a view to continuing peace and stability.
- Ensure the protection of human rights during the 2024 National Election, including by ensuring the safety of voters.
- Ensures that the national election is free, fair and transparent.
- Take steps to prevent the escalation of community tensions during the election campaign and prevent the incitement of ethnic or other prejudices.

Neighboring governments should:

- Support the Solomon Islands in training and capacity building on human rights and atrocity prevention.
- Offers support for the 2024 elections as required.

SEXUAL AND GENDER BASED VIOLENCE

Since the Myanmar military launched a coup on 1 February 2021, it has continued to commit widespread and severe human rights violations against the population, and to deliberately use sexual and gender based violence (SGBV) as a weapon of intimidation and humiliation. According to Women's Peace Network, at least 3,771 women are detained in prisons and other facilities, some of whom have been targeted with SGBV and other forms of torture.⁹³ Over 1500 civilians have been killed, which WPN says include "young people, women human rights defenders, and pro-democracy activists".⁹⁴

The use of SGBV by the Tatmadaw is systemic and longstanding, often used against women from ethnic and religious minorities, or those speaking out against the military. In fact, women continue to play a prominent role in human rights activism, with the "unwavering participation and leadership of women who have defied patriarchal systems, including gender stereotypes, and set an unquestionable new standard of what is possible for women and girls in Myanmar."⁹⁵ Those who are taking action include women of different ages and ethnic backgrounds, and from both urban and rural areas; many workers in female dominated jobs have been part of the Civil Disobedience Movement, refusing to work for the junta.⁹⁶

Women human rights defenders (WHRD) play a significant role in advocacy and peacebuilding around the world. Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders told the General Assembly in October 2023 that "Women human rights defenders provide support to civilian populations, document human rights violations, gather evidence to secure future accountability and work to maintain or create space for the active participation of women in public life. In doing so they bring peace and justice closer."⁹⁷ According to the Special Rapporteur, the likelihood of a peace agreement lasting at least two years increases by 20% if women are involved. WHRD face not only the threat of violence and intimidation, but also gendered perceptions that can diminish the role they play and their right to participate in peacemaking and related efforts.

In Papua New Guinea, WHRD have been active in calling for peace and stability, and for the government to address underlying causes and triggers of the social unrest that erupted in largescale violence in January 2024. Magna Carta, a human rights organisation, called for "effective conflict resolution and peacebuilding" based on Melanesian values. WHRD in PNG are contributing to efforts to reduce the shocking levels of GBV in the country, including domestic violence, intimate partner violence, sorcery accusation related violence, and tribal violence that has seen massacres of women and children.

A recent study of 152 cases from 2020 in PNG found 60 victims experienced physical abuse, while 46 experienced psychological abuse, and 45 experienced both. Justice and accountability remain elusive, with only 20 victims able to get court orders served to the perpetrators. In 50 cases, the perpetrators were not punished, with complainants withdrawing their case due to threats from partners and families, or financial reliance on the offender.⁹⁸ In addition, while polygamy was previously concentrated in the highlands, it is now increasing across the country, leading to a host of social problems. 65% of female prisoners are convicted of crime related to a polygamous relationship, often the murder of a fellow wife.⁹⁹

In Fiji, the Online Safety Commission is taking a lead role in tackling online GBV, by empowering young people in digital literacy and providing education programs to counter online violence against women.¹⁰⁰

Recommendations

The UN and ASEAN should:

- 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;
- Continue to platform Burmese human rights defenders in UN forums and fund and support the work of civil society organisations in Myanmar, including by ensuring the safety of members and staff.

Pacific regional organisations should:

- Update the Pacific National Action Plan on WPS and continue to support programs that aim towards gender equality and reduced violence against women.

The Australian Government should:

- Continue to support GBV reduction policy and programs in the Pacific, with specific focus on SGBV, tribal violence, and sorcery accusation related violence in PNG;
- Implement diplomatic tools to encourage the Myanmar military to cease its targeting of civilians and its systematic use of SGBV.

Disinformation, Hate speech and Incitement

Human rights activist and once Philippine legislator, Mong Palatino, recently wrote that “Internet restrictions, AI-driven disinformation, and mass arrests have intensified ahead of major elections across Asia.”¹⁰¹ This is a sentiment being shared across the region as federal elections in countries including Indonesia occur in 2024. In sharing this statement,¹⁰² Palatino noted several laws that had been amended in the region in 2023 that were being used “as censorship tools” in the lead-up to the elections, including laws in Bangladesh, Pakistan, Indonesia, and Hong Kong. This censorship was being mixed with “buzzers” or “cyber-troops,” who are individuals or even corporations, that are employed to spread hoax news and disinformation, hoping to bolster political support at the expense of other parties and their representatives.¹⁰³ There has also been a marked uptake in the use of AI, including, as reported by Palatino, a cloned video of a detained former prime minister of Pakistan, being used to address voters.¹⁰⁴

In some cases, including in Bangladesh, this use of technology has incited violence, and it has also led to the arrests of people speaking out against the government via their social media posts.¹⁰⁵ The violence in Bangladesh has also targeted journalists, with one journalist who was recording voting irregularities on his smartphone, bullied and his phone snatched, and the photos and recordings deleted.¹⁰⁶ Those targeting the journalists appear to be working to a political agenda, with governments also blocking websites and social media posts that track, for example, politically motivated hate crimes in places such as India. The Indian government is being blamed for blocking the American site Hindutva Watch, which is an independent research programme that documents religious hate crimes in India. This blockage appears related to the blockage of their X site that, according to reports, was in violation of India’s problematic Information Technology Act.¹⁰⁷

Aside from election worries, there has also been growing awareness of the ways social media is being employed to spread hate against Rohingya refugees who are reaching Indonesian shores. In the province of Aceh in Indonesia, fake news and disinformation about Rohingya refugees led to local Indonesians storming a refugee camp and forcing 137 Rohingya onto a truck; they were then taken to a government building and the abductees requested the government remove the refugees from the area. Ann Mayman from the UNHCR in Indonesia believes that hatred against the Rohingya appears “on multiple platforms, with similar messages and it was professionally [made] content. It was not made in a fisherman’s hut on a beach in Aceh. This was professionally-made and there were a lot of bots involved.”¹⁰⁸ One example of a post, and one that has been prolifically spread in Indonesia, suggests the Rohingya influx to Aceh similar to the takeover of Gaza by the Israeli army, and that the Rohingya, while they claim to be Muslim, “do not look like real Muslims.”¹⁰⁹

Recommendations

Southeast Asian governments should:

- Realise the importance of fake news, hate speech and danger speech legislation, and implement this legislation in its civil and penal codes.
- Work to recognise the difficulties associated with Chat GPT or GPT, when combined with deepfake and AI technology.
- Work with the private sector, including social media sites and internet companies more broadly, to implement a
- range of generic policy measures across the region, rather than on a state-by-state basis.
- Work with CSOs and NGOs at large-scale educational programmes for all ages and all users.
- Learn from and work with the European Union and the European Council, and their partners, to implement measures to curb hate speech and danger speech in Southeast Asia.

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