

ASIA PACIFIC REGIONAL OUTLOOK



OCTOBER 2019 ISSUE 13

Featured in this issue...

West Papua: risk increases in Indonesia

Ongoing concerns about PNG after recent killings

No progress in Myanmar

Risk remains high in Xinjiang

REGIONAL ATROCITY RISK ASSESSMENT



Very High

Myanmar
Democratic People's Republic of Korea (DPRK)
The Philippines

High

China, Indonesia

Moderate
(high to low)

Papua New Guinea

Low

Brunei, Cambodia, Laos, Thailand, Timor-Leste and Vietnam

Very low

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



Myanmar remains at a very risk for atrocities amidst ongoing armed conflict in Rakhine, Shan, and Kachin states between the Tatmadaw and ethnic armed groups. In Rakhine, over 60,000 civilians have been affected by the fighting between the Arakan Army (AA) insurgents and the Myanmar military, with 82 civilians killed and 126 injured since January this year. Dozens of civilians have also been detained by the Tatmadaw on suspicion of supporting the AA forces. Northern Rakhine has been under curfew and internet services have been shut down since June in four townships (Ponnagyun, Kyauktaw, Mrauk-U, and Minbya) while services in

the other five other townships (Rathaetaung, Buthitaung, Maungdaw, Myebon, and Paletwa) were restored on 1 September. The shutdown of mobile and internet services in Rakhine and Chin states have severely affected the delivery of humanitarian assistance by relief organisations to internally displaced people affected by the fierce fighting between AA and Tatmadaw forces. Local state officials and international human rights advocates and humanitarian groups have called on the Myanmar government to restore internet services since June in order to effectively respond to the humanitarian crisis in Rakhine. As this developed, fighting resumed in September in Shan state between the Tatmadaw and the ethnic armed groups from Ta'ang National Liberation Army (TNLA) and the Restoration Council of Shan State (RCSS) after the Myanmar military's unilateral ceasefire ended on 21 September.³

Amidst sustained and intense AA attacks on police outposts in Rakhine, state parliamentarians have called on the insurgents and the Tatmadaw to stop the violence and spare both civilians and heritage sites. They also asked the central government to conduct an investigation into civilian casualties.⁴ On 24 September, the Rakhine State Parliament created an investigative committee composed of parliamentarians, civil society organisations, and state officials that will look into civilian deaths brought about by clashes between the AA and the Tatmadaw.⁵ Civilians were reportedly killed or injured in the fighting were not involved in combat but were hit by artillery shells in their homes and villages. Local residents in Mibya township claimed that the Tatmadaw used fighter jets to attack AA forces in August on top of constant artillery firing from a military base resulting in civilian displacements in Mrauk-u and Myinba.⁶ In May, Amnesty International claimed that the Tatmadaw was committing a new round of war crimes in Rakhine as it used air power to attack both AA insurgents and civilians. Meanwhile, some 26 unsolved murder cases in northern Rakhine involving 16 civilians and 10 police officers and village administrators have been reported since December 2018, which occurred outside of the clashes between AA and the Tatmadaw. The two protagonists blamed each other for these unsolved killings.⁷

Civilian casualties in landmine explosions in Shan state were reported in September as the Tatmadaw intensified its offensive attacks against TNLA and RCSS forces. Ten civilians have been struck by landmines and three have been killed in the months of August and September in northern Shan state. Frequent fighting between the Tatmadaw and TNLA forces, as well as between TNLA and RCSS, resulted in more civilian casualties in recent months. Local villagers in Kyaukme in Northern Shan State have reported about injuries from landmines and unexploded ordinances. The area is a high-risk place for landmines: in 2018, 123 out of 276 victims of landmine explosions in Myanmar were from Shan state, of which 25 were fatal.⁸ Both the Tamadaw and ethnic armed groups are known to use landmines but they refuse to take responsibility for injuries involving civilians.

The continuing violence in Rakhine has contributed to further delays in the repatriation of Rohingya refugees in Bangladesh. More than two years since their exodus from Myanmar, many of the refugees still refuse to voluntarily return to Rakhine in the absence of guarantees for their safety, access to basic services, and sources of livelihood. In August, Myanmar announced that some 3,450 refugees that were processed by Bangladesh were ready for repatriation, but approved the return of only a handful of those eligible.⁹ In his address at the UN General Assembly in September, Myanmar's minister at the State Counsellor's office Kyaw Tint Swe said that his country is cooperating with Bangladesh and the UN in the search for "long-term and practical solutions" to bring home over 700,000 Rohingyas back to Rakhine in a "more conducive environment" and relocated under "controlled conditions".¹⁰ Meanwhile, some 300 Rohingyas who returned to Rakhine on their own volition reportedly claimed that they still face unfavourable conditions such as persecution and not being able to return to their original villages which were burned down during the August 2017 military crackdown. They are also having difficulties finding jobs to earn a living to support their families. Some of them claimed that very few refugees in Bangladesh were aware of the repatriation option. Specifically, only those in refugee camps 26, 27, and 28 allegedly know about the agreement and that the list of people who wanted to return were drawn only from these camps.¹¹

During their ministerial meeting in Bangkok in August, ASEAN foreign ministers reiterated their call on Myanmar and Bangladesh to ensure the safe, voluntary, and dignified repatriation of Rohingya refugees. A delegation of representatives from the ASEAN Secretariat, which included the ASEAN Humanitarian Assistance Centre, visited Cox's Bazaar in July and held a dialogue with refugees. However, Malaysian Foreign Minister Saifuddin Abdullah pointed out that due to trust deficit, the Rohingya refugees remain reluctant to voluntarily return to Myanmar.¹²

In Bangladesh, Rohingya refugees are also facing persecution amidst growing frustration on the part of the government in Dhaka over the stalled implementation of the repatriation agreement with Myanmar. In early September, the Bangladesh government imposed a ban on mobile services in Rohingya camps following an outbreak of violence for weeks in Cox's Bazaar. The ban was part of a crackdown on criminal activities in the camps involving Rohingya refugees. The local police claimed that some 600 cases of drug trafficking, murders, robberies, gang fighting, and family feuds were filed against the refugees

since their arrival in August 2017.¹³ At least 44 Rohingyas were killed by Bangladesh security forces over the past two years many of whom were allegedly involved in methamphetamine trafficking. In 2019 alone, 39 Rohingyas were killed in gunfights with security forces in Bangladesh.¹⁴ A UN official expressed concern over the crackdown against the Rohingya refugees as this could push them to engage further in criminal activities, violence, and extremism as a consequence of their isolation and persecution.¹⁵ The Dhaka government also banned two humanitarian aid agencies from operating in the Bangladesh for allegedly instigating the refugees not to participate in the repatriation to Myanmar.¹⁶

Accountability for atrocities committed against the Rohingya people and other ethnic minorities in Myanmar remain elusive despite efforts by the UN to put pressure on the NLD government to cooperate with the international community in holding accountable the perpetrators of atrocity crimes in Rakhine, Shan, and Kachin states. To date, the NLD government still refuses to allow the UN's investigative panels and special rapporteur on human rights to visit the country even as it also asserts that the International Criminal Court has no jurisdiction over Myanmar.

In August, the UN Independent International Fact-Finding Mission (IIFFM) on Myanmar released its second and third reports on the Tatmadaw's economic and business interests and its use of sexual violence against vulnerable groups and minorities, respectively. The second report identified foreign investors and local businesses in Myanmar who are engaged in the military's economic activities in the country, including arms trade, which enable the Tatmadaw to continue committing atrocities against the Rohingya and other ethnic minority groups. The IIFFM called for targeted sanctions against the Tatmadaw and its senior officials, as well as its business conglomerates. These sanctions must be accompanied by a comprehensive arms embargo against Myanmar.¹⁷ The third report accused the Tatmadaw forces of widespread and severe use of sexual violence against the Rohingya, Shan, and Kachin minorities, which accordingly demonstrates genocidal intent and warrants persecution for war crimes and crimes against humanity.¹⁸ In September, a group of UN special rapporteurs denounced the Tatmadaw's use of torture against some 50 Arakanese men and boys who were held incommunicado leading to the death of 15 men who were killed due to their alleged association with the Arakan Army.¹⁹

In a resolution adopted by the UN Human Rights Council in late September, an independent international mechanism will be set up "to collect, consolidate, preserve and analyse evidence of the most serious international crimes and violations of international law committed in Myanmar since 2011, and to prepare files in order to facilitate and expedite fair and independent criminal proceedings, in accordance with international law standards, in national, regional or international courts or tribunals that have or may in the future have jurisdiction over these crimes."²⁰ The Council also extended the term of the IIFFM on Myanmar until the international mechanism has been set up. The resolution was adopted by 35 votes in favour and 7 abstentions, with three countries—Burundi, China, and the Philippines—opposing it.²¹

Despite sustained international pressure on Myanmar, ASEAN remains ineffective in holding accountable an errant member for failing to uphold its primary responsibility to protect the Rohingya and other vulnerable groups in the country. In fact, Myanmar has succeeded in undermining attempts within ASEAN to forge an effective regional response to the crisis in Rakhine. ASEAN's role has been limited to extending humanitarian assistance to affected communities in Rakhine even as it could only issue formal statements encouraging Myanmar ensure the safe, voluntary, and dignified repatriation of Rohingyas from Bangladesh. While ASEAN officially stated over the last two years that it supports holding the perpetrators of atrocity crimes in Myanmar accountable, this is limited only to the Independent Commission of Enquiry (ICoE) created by the NLD government in August 2018 but whose final report has yet to be submitted. ASEAN has not issued any statement supporting the findings and recommendations of the IIFFM's three reports thus far. For his part, Malaysian Prime Minister Mahathir Mohamad denounced the UN's inability to act and prevent further atrocities against the Rohingya people in Myanmar even as he called out the NLD government's unwillingness to resolve the crisis.²² He also pointed out the Rohingyas were victims of genocide and that the more that refugees stay in camps in Bangladesh, the more desperate their situation becomes.²³

Recommendations:

The government of Myanmar must:

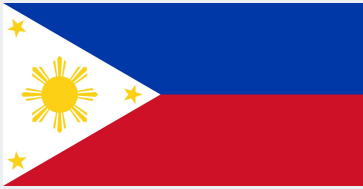
1. Take immediate steps to fulfil its legal obligations by ending the commission of atrocity crimes by security forces and preventing their recurrence.
2. Uphold its primary responsibility to protect vulnerable populations, especially the Rohingya and Arakanese civilians in Rakhine, in the aftermath of the Arakan Army attacks since the beginning of this year.
3. Take tangible steps to implement the recommendations of the Advisory Committee on Rakhine State, chaired by Kofi Annan.
4. Ensure the full and prompt investigation of allegations of atrocity crimes, including sexual and gender-based violence, and take urgent steps to ensure legal accountability.
5. Ensure that the work of the ICoE in investigating the human rights violations in Rakhine are truly independent, impartial, and transparent.

6. Provide full and unfettered access to the UN-mandated fact-finding mission to conduct an independent investigation of atrocity crimes;
7. Cooperate with ASEAN through the AHA Centre for the safe and unhindered access of humanitarian assistance to all affected communities in Rakhine, Shan, and Kachin states as required by international law especially in the aftermath of the AA attacks in Rakhine.
8. Lift restrictions on journalists and access to and reporting of information with respect to affected communities in Rakhine, Shan, and Kachin states, and immediately cease the prosecution of journalists that report on the perpetration of atrocity crimes.
9. Lift the ban on mobile and internet services in conflict-affected areas of Rakhine and Chin states to enable humanitarian aid organisations and affected communities to communicate and provide necessary information for effective delivery of relief goods and humanitarian assistance to IDPs.
10. End systematic discrimination against the Rohingya by, amongst other things, immediately repealing the Protection of Race and Religion laws and the 1982 Citizenship Law.

The international community should:

1. Encourage the government of Bangladesh to respect and protect the human rights of refugees amidst attempts by its security forces to crackdown on rising criminal activities in Cox's Bazaar involving some members of the Rohingya community. The government should also lift the ban on the use of mobile services in refugee camps.
2. Support efforts to ensure that atrocity crimes in Myanmar are properly investigated, evidence collected, and alleged perpetrators held accountable for violations of international humanitarian and human rights law.
3. Support the ICC's preliminary examination of atrocities committed against the Rohingya and ongoing UN investigation on its failure to act in preventing the escalation of conflict in Rakhine since 2012.
4. Utilize diplomatic means to demand that the Myanmar government and Tatmadaw fulfill their obligations to prevent atrocity crimes, grant humanitarian access, protect vulnerable populations, cooperate with the United Nations, and hold perpetrators accountable.
5. Employ targeted measures, including sanctions, travel bans and the withdrawal of cooperative arrangements, against institutions and individuals thought responsible for atrocity crimes, until legal accountability is achieved.
6. Suspend all military aid and training programs with the Myanmar armed forces.
7. Provide adequate and sustained humanitarian assistance to Rohingya, Arakanese, and other Myanmar refugees in Bangladesh from other conflict-affected areas who are in Thailand, as well internally displaced persons in Rakhine, Shan, and Kachin states.
8. Take steps to prepare for the resettlement of displaced Rohingya in Myanmar. This process should be overseen by the UNHCR.
9. Carefully consider with abundance of caution the plan of Bangladesh to relocate Rohingya refugees to Bhashar Char island, which may create another humanitarian crisis as the area is prone to cyclone and high tide
10. Carefully review development programming to ensure that it does not in any way reward or support the government's actions in Rakhine or support programs connected to individuals and institutions responsible for the commission of atrocity crimes.
11. Coordinate efforts in shaping an effective regional response with ASEAN.
12. ASEAN should take a more pro-active stance by using its diplomatic mechanisms to influence the Myanmar government, taking steps to ensure protection of all civilians in conflict-affected areas and humanitarian access in these areas, and strongly encourage Myanmar to commit implement the Rakhine Advisory Commission's recommendations in full.
13. ASEAN should also seriously consider suspending Myanmar's membership if the government continues to fail take concrete steps in fulfilling its primary responsibility to protect, including holding accountable the perpetrators of human rights violations in Rakhine and other conflict areas in Myanmar and ensuring the safe, dignified, and voluntary repatriation of refugees.
14. ASEAN should take seriously the findings of the UN Fact Finding Mission and call on the ICoE to ensure that its findings are impartial, transparent, and independent in holding the perpetrators of atrocity crimes in Rakhine accountable.
15. Civil Society actors should continue to raise international awareness about the commission of atrocity crimes and advocate for accountability, humanitarian protection, and atrocity prevention in Myanmar.

THE PHILIPPINES VERY HIGH RISK



The Philippines remains at a very high risk for atrocities as the government's bloody anti-drug war (which still enjoys majority support from the public) continue unabated. The counter-insurgency campaign against communist insurgents as well as the threat posed by extremist group in Mindanao also contribute to continuing high risk of atrocities in the country.

As of 31 July, the Philippine National Police (PNP) reported that at least 6,847 suspected drug offenders were killed in alleged shootouts with law enforcers. Over 256,000 drug offenders were also arrested in over 163,700 police anti-drug operations throughout the country. It also claimed that over 1.2 million drug pushers and users surrendered under the government's Operation Tokhang campaign.²⁴ The PNP's deaths count, however, is higher than the 5,526 killings reported by the Philippine Drug Enforcement Agency (PDEA) covering the same period. President Duterte said that he stands by the figures provided by the PNP despite higher estimates on drug-war killings since he started his term in 2016 by human rights advocates and investigative journalists. For example, the Stabile Center for Investigative Journalism in August said that based on the data it collected, "large numbers of killings of drug suspects by both police and unidentified shooters, have been excluded from official counts."²⁵ In particular, the investigative report claimed that the total number of documented drug-linked homicides is "almost 2.5 times more than the official count."²⁶ In a related report, a press release in July by the Armed Conflict Location and Events Data (ACLED) said that violence against civilians continued unabated in the Philippines in the first half of the year, with alleged drug suspects accounting for 75% of civilian deaths.²⁷ It also claimed that since 2018, majority of violent attacks targeting civilian drug suspects were by state enforcers, with the PNP responsible for many of the executions.²⁸

In September, a group of lawyers issued a statement calling for protection of lawyers in the country as they noted the increased attacks and EJKs against legal practitioners. Specifically, the group pointed out that since Duterte took over 30 June 2016, 41 lawyers and prosecutors have been killed between 1 July 2016 to 5 September 2019. Moreover, 46 judges and retired judges have fallen victim to EJKs for the same period, with 8 jurists surviving the attacks. Most of these killings allegedly happened in the context of the government's war on drugs, which were carried out throughout the country.²⁹

Thus far, the Duterte government has failed to seriously pursue accountability for PNP law enforcers involved in drug war killings. In fact, majority of the police officers who took part in fatal operations have not been charged. Since 2016, only 103 police officers have been criminally charged and 150 others have undergone inquest in relation to drug-related killings. This was less than 50% of the 594 policemen slapped with administrative charges in connection with the drug war operations.³⁰ Corruption within the PNP is also a problem as no less than the head of the organisation was forced to resign recently after he was accused of protecting policemen under his command in the recycling of drugs supposedly confiscated during an anti-drug operations way back in 2013. During a senate blue ribbon hearing in September, a number of retired police generals disclosed that then PNP chief General Oscar Albayalde protected a number of "ninja cops" or police officers involved in recycling drugs under his command while he was a provincial head of the police. Following this expose, the head of the PNP's Internal Affairs Service (IAS) proposed amending existing laws to make it an independent body outside of the administrative control of the police organisation. This would enable the IAS to conduct inspection and audit of police personnel, handle criminal complaints, and provide protection for witnesses against corrupt police officers. He also lamented that under Albayalde, on 30% of resolutions against a number of policemen were implemented.³¹ Although some Philippine senators vowed to pursue criminal charges against Albayalde and his "ninja cops", President Duterte has so far not instructed the PNP to do the same.

Amidst continuing international pressure and criticisms about his government's bloody anti-drug war, President Duterte remains adamant that his government will not heed calls for independent investigations that will be conducted by the UN. It may be recalled that a resolution in the UN Human Rights Council sponsored by Iceland in July called for an independent investigation into the anti-drug war killings. While the government was not successful in blocking the resolution, the Duterte administration threatened to arrest any UN investigators coming into the country, including those from the International Criminal Court (ICC).³² Some of Duterte's cabinet officials criticised the UNHRC resolution as "maliciously partisan" and "designed to embarrass"³³ the Philippine government, even as his foreign secretary even threatened that the country will withdraw from the Council just like what the US did under Trump.³⁴ Subsequently, the Duterte administration issued a memo to all government agencies to suspend any aid negotiations with 18 countries that supported the Iceland resolution in the Council, which took effect on 27 August. Foreign Secretary Teodoro Locsin Jr. claimed that stopping aid talks with these countries was a "good idea" even as he asserted that the Philippines has "more than enough" and would only accept aid from countries like Japan "whose aid is unconditional."³⁵

Notwithstanding the continuing rise in drug-related killings, public support for the government's drug war remain very high (or "excellent") with 54% very satisfied and 28% somewhat satisfied, or over 70% net satisfaction rating (minus 12% dissatisfied) as of the second quarter of 2019.³⁶ Based on latest public opinion polls conducted in September, President Duterte still enjoys over 70% satisfaction and trust ratings, although this was slightly lower than his over 80% ratings in the previous quarter.³⁷

Beyond the drug war, EJKs continue in the country in connection with the government's counter-insurgency operations against communist insurgents. In particular, the central island of Negros became the epicentre of human rights violations and killings following suspected attacks by the communist New People's Army (NPA) against policemen in July. At least 21 people have been killed, including a lawyer and some local government officials.³⁸ In April, 14 farmers believed to be communist

sympathisers were killed in joint police and military counter-insurgency operations in Negros Oriental, followed by the killings of four policemen and three public officials in July. President Duterte ordered increased deployment of military and police forces in the island following the spate of killings in July. Since 2017, human rights watchdog Defend Negros Network claimed that 87 people have been killed in Negros island.³⁹ The risk of atrocities against civilians in Negros island and other areas of the country remains high as the government has for now remained unwilling to reopen peace talks with the Communist Party of the Philippines/New People's Army (CPP/NPA).

In Mindanao, the rehabilitation of Marawi two years after the siege by ISIS-inspired Maute group is expected to start by end of October after delays in implementing the project. The task force in charge of implementing the rehabilitation said that it expects to clear ground zero of unexploded bombs by 31 October and debris by 30 November. The full rehabilitation of Marawi is expected to be completed by 2022. Amidst the ongoing rehabilitation efforts, the mayor of the city urged the residents to remain vigilant against the extremist Maute group, which is said to be regrouping.⁴⁰ In August, the Philippine military claimed that some 7 foreign terrorists were seen in Mindanao providing training for the Abu Sayyaf group in bomb-making and suicide bombing.⁴¹ The first incident of a local Filipino being involved in a suicide bombing was confirmed by the Philippine military, which happened in July in Indanan, Sulu. Suicide attacks in the Philippines is rare and has not involved any locals until the incident in July. This year, two bombing attacks took place in Basilan in a Catholic Cathedral and a military checkpoint in January and July, respectively.⁴² The risk of atrocities in Mindanao remains very high amidst continuing threats from extremist groups who remain outside the recently ratified Bangsamoro Organic Law and are likely to be waiting in the wings to exploit frustrations by civilian residents in Marawi and nearby areas in the much-delayed rehabilitation of the city. The whole of Mindanao remains under martial law, which may be extended further if the threat of violence by extremist groups remain high.

Recommendations:

1. Take positive steps to ensure that the security forces conduct themselves in a manner consistent with their legal obligations under international human rights law.
2. Continue to ensure that the Philippines Drug Enforcement Agency leads anti-drug policy, and that there is adequate oversight of police.
3. Ensure that allegations of extra-judicial killings committed by police and security forces against drug suspects, journalists, indigenous peoples, and environmental protection activities are properly investigated and the perpetrators held accountable before the law.
4. Create an independent commission to investigate the involvement of customs, police, military, and other law enforcement agents in drug-related deaths and drug smuggling.
5. Seriously consider amending the Philippine National Police charter to make the Internal Affairs Services an independent body with robust mandate to prosecute corrupt police officials who are involved in drug-related killings and drug trafficking, including recycling.
6. Immediately cease the public incitement of violence against drug users, drug dealers and other targeted communities, including human rights defenders, lawyers, and jurists.
7. Comply with the Supreme Court's ruling by providing full documentation of police operations taken as part of the anti-drug war as part of ensuring accountability.
8. Fulfil its international legal obligations by cooperating with the Prosecutor of the International Criminal Court despite the effective withdrawal of the Philippines as of 17 March 2019.
9. Reconsider its decision to withdraw from the International Criminal Court.
10. Reconsider its opposition to the call made by 11 international experts on 8 June for the UN Human Rights Council to conduct an independent investigation on the deterioration of human rights in the Philippines due to continuing unlawful killings in relation to the drug war.
11. Reconsider its decision to stop negotiations with 18 countries that supported the resolution in UN Human Rights Council, as this would have serious implications for the much needed bilateral assistance in areas related to human rights protection, humanitarian assistance in the rehabilitation of conflict-affected areas of Mindanao, as well as external security issues.
12. Ensure the efficient, effective, and responsive implementation of the Marawi rehabilitation project, which has been delayed for two years since the siege in 2017. As well, the government should ensure the protection of human rights of vulnerable populations in Mindanao amidst the continuing declaration of martial law in the whole of the island.



In August 2019, the UN released the latest UN Secretary-General's report on the human rights situation in DPRK, covering the period from September 2018 to July 2019. The report noted that during that period the UN Office of the High Commissioner for Human Rights (OHCHR) had received accounts of "gross violations of the rights to life, liberty and security of the person perpetrated by officers of the security apparatus".⁴³ In particular, "arbitrary arrests, beatings, forced labour, executions and other forms of mistreatment and abuse perpetrated by officers in the detention centres and prisons of the two ministries [Ministry of State Security and Ministry of People's Security] appear to be carried out in a widespread and systematic manner".⁴⁴ Large-scale political prison camps likewise remain a grave concern, despite Pyongyang's persistent denial that such camps exist.⁴⁵ The Secretary-General also reaffirmed that the OHCHR's analysis of information gathered since the establishment of its field office in Seoul had "confirmed the findings of the [2014] commission of inquiry that there were reasonable grounds to believe that crimes against humanity had been committed and continued to be committed in the Democratic People's Republic of Korea pursuant to policies formulated at the highest levels and implemented by local political and administrative authorities".⁴⁶

DPRK citizens who cross the land border to China, the majority of whom are women, continue to face a significant risk of grave human rights violations. According to the OHCHR, DPRK women who are trafficked into China, "are sold to men or sold into sexual slavery and exploitative labour".⁴⁷ The testimonies the OHCHR has heard are consistent with the findings the UK-based Korea Future Initiative, which has documented patterns of sexual and gender based violence (SGBV) against DPRK women and girls in China, including "systematic rape, sex trafficking, sexual slavery, sexual abuse, prostitution, cybersex trafficking, forced marriage and forced pregnancy".⁴⁸ DPRK citizens in China also continue to be under threat of forcible repatriation, whereupon they are subjected to abuse in detention, including torture and sexual violence.⁴⁹ There remains an urgent need for China to recognise DPRK citizens as refugees *sur place* and grant access and support to them, in accordance with the principle of non-refoulement.

The UN has also raised concerns that DPRK citizens continue to face severe restrictions on the right to shelter, food, health and work. The Secretary-General notes that the situation "appears to be linked to the continuing mismanagement and misspending of State funds, including a continuing disproportionate amount of the country's financial and human resources being directed towards the military at the expense of the general welfare of the people".⁵⁰ There remains a pressing need for Pyongyang to establish a legitimate private sector and address endemic corruption and bribery, and to undertake major reforms of the criminal code to end prosecutions of people involved in informal market activities and to uphold the right to freedom of movement within the country and across its borders. Such reforms may also increase international confidence in the system and help to stem the steady decline in humanitarian funding that has rendered humanitarian operations in the DPRK among the lowest funded UN humanitarian appeals in the world.⁵¹

In May, the DPRK underwent its third cycle of the Universal Periodic Review process. Pyongyang received 262 recommendations, and in its August 2019 position paper on the review process resolutely rejected 63 recommendations on the basis that they are "based on false information fabricated by hostile forces".⁵² The recommendations Pyongyang rejected outright relate to discrimination based on its *songbun* social class system, forced labour, political prison camps and torture and ill-treatment.⁵³ Pyongyang also categorically rejected all cooperation with the UN Special Rapporteur on the situation of human rights in the DPRK, and despite repeated requests, Pyongyang continues to deny Tomás Ojea Quintana access to the country.

Although the UN OHCHR office in Seoul continues to pursue accountability for crimes against humanity, there have been no apparent high-level, concrete efforts to raise human rights concerns with DPRK authorities in recent months. The recent breakdown of negotiations with the US likewise suggests there is limited progress in denuclearisation.⁵⁴ The breakdown of nuclear talks coupled with the DPRK's continued unwillingness to engage with the UN Special Rapporteur or grant access to special mandate holders undercuts the rationale for more conciliatory approaches in the UN. For this reason, the US and other states should again press the UN Security Council to add a discussion on the DPRK human rights situation to its agenda this year, as it did following the release of the report of the Commission of Inquiry in 2014 until abandoning the initiative in 2018.

Efforts to sustain UN Security Council attention on the peace and security challenges posed by probable crimes against humanity in the DPRK are likely to be resisted by Russia and China. China in particular has repeatedly resisted discussing the issue in the UN Security Council on the basis that it politicises the situation, and forecloses cooperative avenues for meaningfully improving human rights through dialogue and consultation. However, there is need to reinforce to China that is not enough simply to assert this position, and China should be expected to demonstrate the merits of the "non-confrontational" approach it advocates. One such measure could include Beijing following through on the UN Special Rapporteur's recommendation for China to propose a high-level bilateral dialogue with the DPRK on protecting the rights of DPRK citizens transiting through or living in China, which should also focus on adopting a victim-centred approach to tackling human trafficking.⁵⁵

Recommendations

The government of the DPRK should:

1. Immediately cease the commission of crimes against humanity.
2. Revise the criminal code to recognise legitimate market activities, respect the freedom of movement, and uphold due process and fair trial rights.
3. 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 as well as the universal periodic review recommendations.
4. Engage in bilateral and regional human rights dialogue.

Regional actors should:

1. Reaffirm that the DPRK has a Responsibility to Protect its population from atrocity crimes, and actively affirm that addressing widespread and systematic human rights violations in the DPRK is central to achieving stability on the Korean peninsula.
2. As a condition for sanctions relief, the US, ROK, China and Russia should encourage DPRK authorities to: grant free and unimpeded access to the UN country team, cooperate with the OHCHR, to invite special procedure mandate holders for country visits, and to engage in parallel human rights dialogue alongside peace and denuclearisation talks.
3. Welcome discussion of human rights accountability in the DPRK in regional dialogue platforms and support continued consultation and information gathering.
4. China should recognise DPRK citizens in China as refugee sur place, respect the principle of non-refoulement, and adopt measures to protect the rights of DPRK citizens residing in or transiting through China, particularly women and girls who are systematically subjected to sexual violence, exploitation and abuse.

The international community should:

1. Follow through on DPRK's recent third cycle of the universal periodic review by urging the DPRK to accept and implement recommendations.
2. Address grave human rights violations in the DPRK in a coordinated and unified manner. Specifically:
 - The Human Rights Council should continue to support the Special Rapporteur and implement the recommendations of the group of independent experts on accountability to secure truth and justice for victims of crimes against humanity in the DPRK.
 - The OHCHR, including the field office in Seoul, should closely monitor human rights in the DPRK and investigate unresolved human rights issues.
 - The General Assembly should continue to maintain visibility of the human rights situation and call for accountability in the DPRK.
 - The Security Council should add the situation to its 2019 agenda, and hold regular briefings on the situation with the participation of the UN High Commissioner for Human Rights, Special Rapporteur and other relevant experts.
 - Donor states should increase humanitarian funding for the DPRK as requested by the UN Emergency Relief Coordinator.
3. Civil Society actors should continue to raise awareness and visibility of the human rights situation, including supporting (1) reform of the criminal code, and (2) efforts to map suspected perpetrators of serious crimes and the related chain of command structure in the DPRK.



It has been over a year since the UN Committee on the Elimination of Racial Discrimination characterised the Xinjiang Uighur Autonomous Region (XUAR) of China to a “no rights zone”, where Muslim minority groups are “being treated as enemies of the State based on nothing more than their ethno-religious identity”.⁵⁶ China’s persistent defense of its policy as a successful effort to ‘prevent terrorism and extremism’ has undermined any meaningful improvement in the situation, which presents an ongoing risk of crimes against humanity.

Since 2016, the Chinese government has subjected an estimated 13 million Uighurs and other Turkic Muslims in XUAR to an intrusive system of mass surveillance, large-scale arbitrary detention, forced political indoctrination, and severe restrictions on movement and religious practice.⁵⁷ Upwards of a million Uighurs and other Turkic Muslims have been remanded in state custody in what Chinese authorities refer to as ‘re-education’ or ‘de-extremification’ facilities.⁵⁸ Family members both within China and overseas continue to report that they have limited or no access to information about persons held in state detention,⁵⁹ and children of detained parents are being treated as de-facto orphans and placed in state-run institutions “without parental consent or access”.⁶⁰ The government is also allegedly separating Uighur children from their parents and enrolling 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 ‘re-education’ and religious repression.⁶¹

The Rome Statute of the International Criminal Court identifies widespread or systematic persecution on religious or cultural grounds as a crime against humanity, and defines persecution as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of a group or collectivity”.⁶² In addition to the crime of persecution, China’s attacks on Turkic Muslims in Xinjiang may also amount to at least another three of the eleven acts of crimes against humanity defined under the Rome Statute, namely - “imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law”; torture; and enforced disappearance of persons. The mental anguish, deprivation and patterns of abuses Turkic Muslims suffer under the crippling mass surveillance system in Xinjiang⁶³ may also constitute the crime against humanity related to “other inhumane acts...causing great suffering, or serious injury to body or to mental or physical health.”⁶⁴ Recent reports also allege that Uighur and other Turkic Muslim women are subjected to forced abortions and sterilization, and that rape and other forms of sexual violence and humiliation against Uighur women in detention is “common” practice.⁶⁵ If part of widespread or systematic attacks, sexual and gender-based violence against Uighur and other Turkic Muslim women could also amount to crimes against humanity.⁶⁶

Arguably the first tangible policy response to the situation in Xinjiang occurred on 7 October, when the US government placed sanctions on 28 Chinese entities, including Xinjiang’s Public Security Bureau and eight Chinese companies that are leaders in surveillance and artificial intelligence technology.⁶⁷ A day later on 8 October the US announced visa restrictions on government officials implicated in repression in Xinjiang.⁶⁸ This followed the US Senate unanimously passing the Uyghur Human Rights Policy Act, which, if ratified by the US House of Representatives, would require regular monitoring of the situation, including the forcible repatriation of Uighurs to China and an investigation into the Chinese companies involved in the construction and operation of detention facilities and the intrusive surveillance program in Xinjiang.⁶⁹ Scrutiny of business links to Xinjiang has also expanded beyond the technology and construction sectors, and in mid-October Australian brands Cotton On and Target Australia decided to stop sourcing cotton from factories near mass internment facilities in Xinjiang.⁷⁰

Some, mainly Western, states have also sought to maintain pressure on China at the UN, which has been met by staunch resistance and counter-tactics from the Chinese government. In early July, 22 countries issued a joint statement at the UN Human Rights Council urging China to end mass arbitrary detention and to allow the UN High Commissioner for Human Rights access to detention facilities in Xinjiang.⁷¹ Within days, UN ambassadors from 37 countries including Russia, Saudi Arabia, North Korea, Myanmar, Algeria, the Philippines and Zimbabwe released a statement defending China’s treatments of Uighurs and commending “China’s remarkable achievements in the field of human rights” through returning “safety and security” to Xinjiang.⁷² The US and Germany also raised the human rights situation in Xinjiang in a closed-door meeting of the UN Security Council in early July, which reportedly led to a “heated” exchange in which China denounced “unwarranted criticisms” and asserted that “Xinjiang matters are purely an internal affair for China, and have nothing to do with the Security Council’s agenda”.⁷³

China later changed tactics to proactively defend its policy in the UN Security Council. At the UN Security Council open debate on cooperation between the UN and regional organizations in countering terrorism threats on 25 September, China’s ambassador issued a statement asserting that China’s “deradicalization measures in Xinjiang” demonstrate China’s “important contribution to the global fight against terrorism”. The US delivered the most direct rejoinder to this claim, countering that “China, like all nations, has every right to respond to actual terrorist threats, but counterterrorism cannot be used as an excuse to repress the peaceful religious practices of Chinese Muslims and an entire minority group”.⁷⁴ That same day, on 25 September, the US also co-sponsored an event with Canada, Germany, the Netherlands and the UK on the sidelines of the UN General Assembly, at which more than 30 countries and the EU condemned China’s “horrific campaign of repression” in Xinjiang.⁷⁵

Recommendations

The government of China should:

1. Immediately halt widespread violations of basic human rights and fundamental freedoms in XUAR, including arbitrarily depriving Turkic Muslims of their liberties or subjecting them to torture or mistreatment, and take active measures to prevent the recurrence or escalation of such violations in accordance with international law and China's primary responsibility to protect all its population.
2. Repeal the Regulation on De-extremification, as called for by the UN Working Group on Arbitrary Detention, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on minority issues, the Special Rapporteur on freedom of religion or belief, and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
3. Respond favourably to the requests of the above special procedures mandate holders to undertake an official visit to China, and accept technical assistance and advice to ensure that China's national security, counter-terrorism or counter-extremism laws and practices adhere to China's obligations under international law, including the defendant's right to due process, legal counsel of choice, timely notification of families, and fair and public trials by an independent court.
4. Ensure an impartial and credible investigation of allegations of abuse, torture, and ill-treatment of persons held in detention Xinjiang, including reports of sexual and gender-based violence, and take appropriate measures to ensure justice and compensation for victims.

The international community should:

1. Urge Chinese authorities to take immediate action to uphold universal human rights and fundamental freedoms in Xinjiang. Specifically:
 - The OHCHR and special procedures mandate holders should continue to call for the immediate release of persons involuntarily held in detention without due process, closely monitor the situation in Xinjiang.
 - The Human Rights Council should continue to urge China to uphold human rights of Turkic Muslims and to accept independent UN observers in Xinjiang, and authorise the OHCHR to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.
 - The UN Office on Genocide Prevention and the Responsibility to Protect should closely monitor the situation and communicate the risk of atrocity crimes in Xinjiang.
2. All states should support accountability efforts for Chinese authorities and companies implicated in potential crimes against humanity in Xinjiang, including through targeted sanctions to disrupt technology supply chains.
3. Recognising the important influence they have in urging China to reconsider its policies in Xinjiang, Muslim majority countries as well as neighbouring states whose nationals are detained in Xinjiang should openly advocate for China to respect the rights of its Turkic Muslim population.
4. Civil Society actors should continue to raise awareness and visibility of the treatment of Turkic Muslims in Xinjiang and advocate for an end to any violations of their basic rights and fundamental freedoms.
5. All actors should protect the rights of organisations and actors that are assisting Turkic Muslims who have left China and are working to collect and disseminate information on human rights violations in Xinjiang.

INDONESIA HIGH RISK

Following the 17 April 2019 elections, a raft of new laws were proposed under the re-elected Joko Widodo government, including changes to Indonesia's penal code. Jakarta, as many as 5,000 students and trade unionists protested against these laws in front of Jakarta's main parliament building. This led to clashes between police and protestors, and these turned violent on a number of occasions. Similar protests spread across the nation to other cities including Bandung, Makassar and Solo.⁷⁶ Estimates suggest these protests the biggest since similar mass protests ousted then-President Suharto in 1988, and recent gatherings have included over 10,000 participants nationally.

The protests were in opposition to a number of issues spread across legal, constitutional, civil and environment concerns. These included a raft of new laws such as illegalising cohabitation and sex outside of marriage, restricting sales of contraceptives, criminalising abortion other than in the case of medical emergency or rape, outlawing homosexuality, and making it illegal to insult the president.⁷⁷ Human Rights Watch describes these laws as a disaster for women, and religious and gender minorities.⁷⁸ Similarly, a weakening of anti-corruption laws, the ongoing violence in West Papua (including recent killings), a delay to agrarian and mining laws, and a lack of response to ongoing forest fires in Kalimantan and Sumatra were also key concerns.

The violence to date has led to the deaths of three protestors, and numerous injuries inflicted on protestors and police alike.⁷⁹ Protestors issued seven demands including the banning of military and police personnel from holding civil service roles, ending "militarism" in West Papua, not prosecuting Indonesian activists, and arresting and putting on trial human right violators, including those at the highest levels.⁸⁰

In addition to escalating and ongoing riots leading up the inauguration of President Joko Widodo, an assassination attempt on the Indonesian Security Minister on the 10 October has fuelled numerous political rumours. Wiranto was stabbed by a husband and wife who had converted to radical Islam and were supposed members of the Jamaah Ansharut Daulah (JAD) network, which is linked to IS.⁸¹ Terrorism experts have warned that this attack might inspire others, and at least eight other JAD members have been arrested by Indonesian security forces since.⁸²

In May 2019 and prior to the elections, campaign protests in Indonesian capital cities saw racial and anti-Chinese sentiment once again become a key campaign ingredient. Some social media sites including those hosted on Instagram, Whatsapp, and Facebook were subsequently shut down by the Indonesian government for fear of inciting violence against Indonesia's minority Chinese population.⁸³ Hate speech and hoax speech escalated across a range of social media sites, used as a political ploy by some parties that were hoping to accentuate ethnic and religious divides.

There are particular concerns with respect to the situation in West Papua, where the risk of atrocities is considered Very high.

Violence in West Papua erupted in August 2019 and again in September, raising concerns about growing potential for atrocity crimes. Protests by West Papuans were initially triggered by social media footage of racist slurs directed at students, who were accused of disrespecting the Indonesian flag.⁸⁴ The Indonesian Government implemented an internet blackout with the justification of stopping 'fake news' and restoring order;⁸⁵ this prevented the treatment of protesters by Indonesian authorities reaching the rest of the world.

Demonstrations spread, with some protesters torching buildings and cutting off roads with burnt tyres. Indonesia sent thousands of extra forces into West Papua⁸⁶ and accounts subsequently emerged of human rights abuses and excessive force, including mass arrests and an incident where protesters were fired at and six people reportedly killed.⁸⁷ In late September, over 30 people were killed and several injured in violent clashes in Wamena and Jayapura.⁸⁸ Papua military spokespersons said civilians had been trapped in burning kiosks and others were hacked to death.⁸⁹

A number of risk factors for continued conflict and potential atrocity crimes are present.⁹⁰ For example, the widespread use of dehumanising language can sometimes be a precursor to violence against a particular group; in this case the targeting of West Papuans with language such as 'monkey' and 'pig' is cause for alarm. In addition, disproportionate use of force by Indonesian security forces could indicate a growing intolerance for the right to protest and for freedom of expression. UN High Commissioner for Human Rights Michelle Bachelet expressed concerns about the violence and internet shutdown, and noted the "aspirations" of the people of West Papua.⁹¹

Underpinning the recent outbreaks of violence is the longstanding West Papuan campaign for independence, simmering since the contested referendum of 1969 which granted West Papua to Indonesia. Unrest is likely to persist if the issue of independence is not addressed.

Recommendations

The Indonesian Government should:

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Ensure freedom of speech and freedom of protest.
3. Take steps to ensure the maintenance of the rule of law and order in areas afflicted by violence.
4. Conduct a thorough assessment of risks of racial violence and develop an action plan to address it.
5. Accelerate efforts to reform the governance of West Papua, to make it more inclusive, accountable and responsive and stimulate economic development.
6. Ensure that security operations against non-state armed groups, including those in West Papua, are conducted in a manner consistent with Indonesia's international legal obligations.

The international community should:

1. Encourage Indonesia to take active steps to fulfil its responsibility to protect.
2. Actively explore avenues for cooperation with the Indonesian government and society in the areas of combatting violent extremism and terrorism, preventing sectarian conflict, and reducing incitement and hate speech.
3. Provide assistance when requested to help the government and civil society tackle their remaining challenges.

With respect to the situation in West Papua, the Indonesian Government should:

1. Fulfil its responsibility to protect its populations from atrocity crimes.
2. Issue orders to security forces to refrain from excessive force.
3. Address hate speech and incitement against West Papuans.
4. Consider the aspirations of West Papuans and the underlying issues fueling the protests.

West Papuan leaders should:

1. Discourage the use of violence by protesters and call for peaceful protests.



In July 2019, over 20 people were killed in an episode of retaliatory tribal violence in the Hela province of Papua New Guinea.⁹² The victims included children and pregnant women. Longstanding and underlying factors included family conflicts and land disputes, as well as competition over natural resources exacerbated by industry in the area. Although these patterns of violence have existed for some time, little was done by national authorities to prevent escalation. Illegal arms trading and availability of guns has disrupted traditional dispute resolution processes and made them far deadlier. In addition, a lack of police presence in the area has been identified as a contributing factor to the recent outbreak.⁹³ The episode has also highlighted gendered aspects of violence in PNG.

There continue to be extremely high levels of gender based violence in PNG despite its National Strategy to Prevent and Respond to Gender Based Violence 2016-2025, which is intended as a whole-of-government response including policy, legislative reforms and programs.⁹⁴ It is estimated that two out of three women experience domestic violence, while 90 per cent of women in prison for murder, killed in self-defence.⁹⁵ Further, 2.8 million children, or more than 75 per cent of the child population, experience violent discipline in the home, while children constituted over 50 per cent of the sexual violence cases referred to Médecins Sans Frontières clinics.⁹⁶ These extremely high rates of SGBV in PNG can contribute to gender-based atrocity crimes, which was seen for example in the targeting of pregnant women in the July 2019 massacre.

The planned referendum on independence in the Autonomous Region of Bougainville may prove a trigger for further violence in PNG. The 1997 peace agreement between Bougainville and the PNG government requires a referendum to be held on independence before 2020; it has been postponed and is now scheduled for 23 November. A report published by the Lowy Institute in October 2019 predicts a vote overwhelmingly in favour of independence.⁹⁷ A history of prior conflict can be a risk factor for atrocity crime. More than 10,000 lives were lost in the 10 year conflict beginning in 1988, and a resolution required significant international intervention. Further, the Lowy report notes that ethnic tension, combined with post-colonial grievances and a reluctance by the PNG government to support the referendum process, could inflame tensions further. Limited access to information for the Bougainville population on the vote, and a reliance on social media, could lead to the spread of misinformation leading up to the referendum.

The report also raises concerns about Bougainville's capacity as an independent state, noting that while it is mineral rich, its ability to reach economic self-reliance will require substantial input from the international community. Any resistance by PNG to a pro-independence outcome could lead to violent conflict.⁹⁸

Recommendations

The government of Papua New Guinea should:

1. Increase the police presence in conflict-affected areas to prevent further violence.
2. Hold perpetrators of atrocity crimes accountable.
3. Review and evaluate regulations governing the supply and use of firearms in PNG.
4. Continue to implement the National Strategy to Prevent and Respond to Gender Based Violence 2016-2025.
5. Ensure it fulfils its Responsibility to Protect all populations and prevent further escalation of violence by addressing root causes.

On Bougainville, the government should:

1. Ensure a free, fair, and peaceful referendum including adequate access to information for voters.
2. Respect the result of the referendum.
3. In the event of a vote for independence, support Bougainville to become economically self-reliant.

The international community should:

1. Offer and provide independent monitoring of the referendum
2. Urge the government to ensure a free and fair referendum and to respect the results.
3. Support Bougainville in the implementation of the referendum result.

SEXUAL AND GENDER BASED VIOLENCE

Myanmar

Further evidence has come to light in recent months of the widespread use of SGBV against ethnic communities in Myanmar, in particular, against the Rohingya community. The case has been documented in depth in the August 2019 report of the Independent International Fact Finding Mission on Myanmar (IFFM), “Sexual and gender-based violence in Myanmar and the gendered impact of its ethnic conflicts.” The report asserts that the systematic use of sexual violence by the military (Tatmadaw) amounted to crimes against humanity and genocide, stating that the “sexual violence perpetrated against Rohingya women and girls in Rakhine state on and after 25 August 2017 was an indicator of the Tatmadaw’s genocidal intent to destroy the Rohingya people in whole or in part.”⁹⁹

The pattern of SGBV included gang-rape, attacks on pregnant women and babies, rape in the presence of family members, and mutilation. Many survivors have severe and permanent physical injuries as well as psychological trauma, intensified by the strong stigma of rape in Rohingya culture. The IFFM also found that SGBV was committed against men and boys, such as sexual humiliation, rape in detention, forced nudity, and genital mutilation and torture. Attacks on transgender women have been reported, as well as against women and girls with disabilities.¹⁰⁰

SGBV has been committed by a range of actors but predominantly and systematically by the Tatmadaw. Myanmar government denial further contributes to a culture where SGBV is accepted and where accountability is limited. No high ranking officers have faced justice for sexual violence; impunity is the norm. Providing the broader context are serious gaps in Myanmar law.¹⁰¹ The definition of rape in the Penal Code does not meet international standards and provisions relating to trafficking are limited. Gender discrimination exists in every sphere of life. Among women, low literacy, child marriage, denial of the right to own land, and gendered poverty are all underlying factors in vulnerability to SGBV. The targeting of ethnic minorities has also left many households without male members, increasing the need for women to find work and sometimes requiring them to travel long distances through unsafe areas.

In its final report, submitted to the UN Human Rights Council in September 2019, the IFFM reiterated its findings about the Tatmadaw’s use of sexual violence.¹⁰² Minorities in Myanmar continue to be at risk of SGBV, for instance in Kachin and Shan states.¹⁰³ The UN Human Rights Council has raised concerns about incommunicado detention and torture of ethnic men and boys in northern Rakhine and Chin.¹⁰⁴

Women constitute the majority of refugees seeking safety in Bangladesh, according to the UN High Commissioner for Refugees,¹⁰⁵ and they continue to face danger in the refugee camps. Women raised a range of concerns as part of an IOM Needs and Population Monitoring project aimed to ensure gender-sensitive humanitarian aid, including shelters damaged during the rainy season, and the proximity of classrooms to home.¹⁰⁶ Further, human trafficking is a major concern, with Rohingya women and girls being recruited from camps for ‘domestic work’ and instead sold into the sex trade.¹⁰⁷

The Philippines

The UN Office for the Coordination of Humanitarian Affairs released a report in September 2019 on the situation in Mindanao,¹⁰⁸ which highlighted the vulnerability of communities displaced by monsoonal weather and armed conflict between the government and non-state forces. Prolonged displacement, accompanied by high risk of kidnapping in some areas, and poor sanitation and water supply, can disproportionately affect women and children, especially in temporary shelters where security is low.

Meanwhile, child marriage continues to perpetuate a cycle of “gendered poverty” in the Philippines, which unlike its regional neighbours Republic of Korea, Indonesia and India, has not managed to reduce the rates of women who marry between 15 and 19 years of age, according to a report by UNFPA Asia-Pacific Regional Office.¹⁰⁹ According to the report, this is particularly the case in Mindanao, where The Code of Muslim Personal Laws has set the age of marriage at 15 years for boys and 12 for girls, and where longstanding conflict and displacement means that child marriage is a common response to economic instability, fear of violence, and concepts of honour. Poor maternal and infant health outcomes are frequent consequences.

Papua New Guinea

Recent outbreaks of violence in Papua New Guinea have had gendered consequences. In July 2019, a massacre of civilians was committed in Hela province, with several men killed along with two pregnant women and children.¹¹⁰ Causes included underlying family conflicts and land disputes, and illegal arms trading which can disrupt traditional dispute resolution.

An analysis published by the Lowy Institute suggested that “gendered socio-economic and political structures make women and their dependents particularly vulnerable to violence when conflict-related insecurity is on the rise.”¹¹¹ For example, due to gendered social expectations of women, women tend to consider family responsibilities such as gathering materials prior to leaving, which can mean they flee less quickly than men. A lack of police presence in the area has also been identified as a contributing factor to the recent outbreak, however a risk of gendered violence by state forces also exists.

SEXUAL AND GENDER BASED VIOLENCE

China

Reports and footage of gender-based violence against China's Uighur population have emerged amid growing awareness of China's mass detention of Muslims in the Xinjiang region in "re-education" camps. In September 2019, footage emerged of Uighur men awaiting train transfer from one city in Xinjiang to another. The men appear to be blindfolded, hands tied behind their backs and their heads shaved.¹¹² Many members of the Uighur community say they have been separated from their relatives and children.¹¹³ Forced sterilisation of Uighur women has also been alleged, as well as forced abortion and sexual torture.¹¹⁴ Such measures, which prevent or limit the ability of the Uighur community to reproduce, are an indicator of escalating atrocity crimes and potential genocidal intent.

Recommendations

The government of Myanmar should:

1. Take immediate steps to fulfil its legal obligations by ending atrocity crimes including SGBV against ethnic populations and preventing their recurrence.
2. Ensure the full and prompt investigation and prosecution of sexual and gender-based violence, including as crimes under international law.
3. Implement the recommendations of the FFM.
4. Ensure official orders are given to Tatmadaw officers prohibiting sexual violence and mandate training for officers.
5. Provide adequate and sensitive medical and psychological treatment for survivors of SGBV.
6. Review legislation and the Penal Code to ensure that SGBV is adequately covered under Myanmar law and that victims have legal recourse.
7. Ensure Myanmar human rights law applies to citizens, ethnic minorities and other populations within Myanmar territory.
8. Develop formal agreements with neighbouring countries to prevent trafficking of women and children from Myanmar.
9. Cooperate with international investigations into the treatment of the Rohingya community.

The government of the Philippines should:

1. Prioritize the protection of women and girls in areas where ISIS-linked groups and non-state actors are active and develop policies to support particularly marginalised groups of women.
2. Ensure the adequacy of humanitarian conditions including water supply and sanitation for those displaced by conflict and severe weather in Mindanao.
3. Take action including education campaigns to reduce the rates of child marriage.

The government of Papua New Guinea should:

1. Take action to prevent further escalation of violence and address its root causes including land disputes.
2. Review and evaluate regulations governing the supply and use of firearms.
3. Ensure a consistent and adequate police presence to prevent and quickly respond to any escalation.
4. Strengthen norms against violence and security governance across the country.
5. Incorporate gender-awareness and sensitivity into government policy and practice.

The government of China should:

1. Immediately cease human rights violations against the Uighur population, including the use of SGBV, and biological crimes such as forced sterilisation and abortion.
2. Immediately cease the forced separation of families and release those Uighurs detained in camps.

SEXUAL AND GENDER BASED VIOLENCE

The international community should:

Continue to support efforts to raise awareness of SGBV and to hold perpetrators accountable.

1. Pursue an international legal process to hold Myanmar accountable for its crimes against ethnic minorities, including sexual and gender-based violence, and genocide against the Rohingya population.
2. Exert diplomatic influence on the Myanmar government to fulfil its obligations to prevent atrocity crimes, protect vulnerable populations and dismantle the culture of impunity for SGBV.
3. Support humanitarian aid for Rohingyas in refugee camps in Bangladesh, including health care and psychological support for survivors of sexual violence, and improve the safety conditions in the camps.
4. Increase the number of humanitarian visas available and ensure timely processing of refugee applications from survivors of SGBV in Myanmar.
5. Investigate and raise awareness of the persecution of Uighurs in China and urge the Chinese Government to respect the human rights of all its citizens.
6. Support Papua New Guinea to strengthen its security governance.

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