

COVID - 19 and Atrocity Crime Prevention in the Asia Pacific

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The risk of atrocity crimes increases when underlying causes or accelerating conditions such as a history of conflict or human rights violations, weak or unaccountable government institutions, socio-economic factors such as poverty, inequality, lack of access to essential services, unemployment, ethnic or religious tensions and hate speech, meet a significant social or political crisis.

A major crisis, such as a pandemic, has the potential to increase the risk of atrocity crime in some part of the world. In these difficult times, it is important to look carefully at the potential implications of COVID-19 for atrocity crimes. In the Asia Pacific, COVID-19 has potential to increase the challenges associated with atrocity prevention in four principal ways:

- Creating further harm to vulnerable populations already threatened by atrocity crimes;
- Contributing to crises that could trigger atrocity crimes;
- Heightening the underlying risk of atrocity crimes;
- Weakening regional and international capacity and resolve.

This briefing memo is intended as an aide memoire for governments, civil society organisations, and others engaged in the prevention of atrocity crimes in the Asia Pacific region. It identifies some of the principal implications of the COVID-19 pandemic for atrocity prevention in the region and steps that could be taken to address them.

Further Harm to At Risk Populations

Displaced Populations

The COVID-19 pandemic poses direct risks to already vulnerable displaced populations such as Rohingya refugees and other Myanmar nationals who fled to Bangladesh from the ongoing violence in Rakhine State. Crowded camps in Cox's Bazar place over 1 million refugees at very high risk of infection, and a lack of medical support, especially ICU places, means the death rate could be significantly higher than that experienced elsewhere. These problems are heightened by internet and mobile phone services shutdowns imposed by the Bangladesh government in September 2019, which limits access for many refugees and displaced persons to timely information about COVID-19. The situation is further complicated by the crisis that Bangladesh itself is facing. A country with very weak health infrastructure, some 700,000 overseas Bangladeshis have returned to the country since January, including tens of thousands who came from Italy and entered the country unscreened for COVID-19.¹

Inside Myanmar, internally displaced persons in Rakhine (including Rohingyas in IDP camps), Chin, Shan, and Kachin states also risk further harm without access to COVID-19 testing and health care as the Tatmadaw refuses to halt its counter-insurgency operations against ethnic

armed groups despite appeals from the UN Secretary General to observe a ceasefire in conflict areas across the globe amidst the pandemic.²

More broadly, refugee communities, especially those who are undocumented, may fear being tested or seeking treatment for COVID-19 based on historical fear of authority and of being forcibly repatriated or detained. Further, a lack of transparency and clear information from governments may have disproportionate effects on already vulnerable groups. Some countries, notably the Democratic Peoples' Republic of Korea (North Korea), continue to deny that they have any cases of COVID-19 despite close proximity to affected countries. This not only misleads the population but also means that crucial interventions such as widespread testing, will not be forthcoming.

Communities made vulnerable by armed conflict

There are currently over 30 million people in need of humanitarian assistance in the region, many as a result of armed conflict. National responses to the pandemic, including border restrictions, may make it more difficult for civilian populations to flee from immediate danger, increasing their exposure to atrocity crimes. The restrictions may also have the effect of limiting access to populations in conflict affected areas and may also reduce the availability of humanitarian aid to vulnerable communities. Many humanitarian agencies have significantly scaled back operations in conflict affected areas, including Myanmar and Mindanao in the Philippines. Whilst a necessary precaution, these moves increase the vulnerability of populations who rely on aid for their material wellbeing and on the presence of external organisations for their protection.

Conflict affected countries and regions in the Asia Pacific typically have weak healthcare systems which are unprepared for a severe outbreak of COVID-19, and on top of that many have experienced damage to health infrastructure as a result of conflict and violence. Shortages of medical equipment and protective clothing, and a lack of healthcare professionals, could severely affect those living in conflict zones.

Crises that Could Trigger Atrocity Crimes

Impact on minority groups made vulnerable by human rights abuse

The scapegoating of minority groups that suffer discrimination is closely associated with hate speech and incitement to violence and atrocity crimes. Worryingly, rhetoric is being used by some countries to inflame intergroup tensions and promote xenophobia. Already this has resulted in hate speech and even violent attacks against those accused of being responsible for the virus. In India, there are reports of people of East Asian appearance being called "coronavirus"³ while Muslims, already in a vulnerable position, are being scapegoated for the spread of the virus. Hate speech online has increased, such as the hashtag #CoronaJihad, while recent violence against Muslims in Delhi could be repeated in India and elsewhere in Asia, if the new coronavirus fears merge with religious tensions.⁴

Several countries have begun tracing citizens' movements to track the spread of coronavirus. Whilst this may be a necessary exception to privacy rights there is a danger that such

measures could be used to further target vulnerable communities already subjected to, or experiencing heightened risk of, atrocity crimes. In China, the increased use of facial recognition is of concern in the context of existing concerns about the persecution of the Uighur population, which may already amount to crimes against humanity. Perhaps as many as 1 million Uighurs remain in camps in Xinjiang where they have been arbitrarily detained and are especially vulnerable to the spread of disease and to increased political repression. Reports are emerging of food shortages in the region, of quarantines without forewarning, and of Uighurs being forced to return to work in factories that had been contaminated.⁵

Human rights advocates have raised concerns about militarised responses of states like the Philippines (where there is already a tendency to scapegoat particular groups for social and economic issues), which has seen troops deployed to enforce lockdowns via control points and ID checks, and violence against those breaking lockdown rules.

The COVID-19 pandemic could trigger atrocity crimes against minority groups caused by accompanying economic crisis in some countries. For example, in Indonesia, the minority Chinese community may become a scapegoat for an economic recession, as occurred during the 1997 Asian financial crisis that led to the downfall of Suharto. Online misinformation campaigns (or “hoax” news) targeting the Chinese community have been reported in Indonesia and Malaysia, reinforced by mainstream media outlets spreading anti-Chinese sentiments.⁶ Mainstream media outlets have already been found to be spreading anti-Chinese sentiments in the country as they reinforce fake or hoax news from social media.⁷

Rising anti-Chinese sentiments were also reported in the Philippines following the outbreak of the pandemic even as the Duterte government appealed to the public not to discriminate against the ethnic Chinese community in the country.⁸ Migrant workers from China may increasingly be the object of hate speech and discrimination if the government fails to address growing public concern over Chinese-operated illegal online gambling operations and increasing number of illegal Chinese workers in the country, which had been building up even prior to the COVID-19 pandemic. Economic recession in the Philippines as a result of the pandemic may potentially contribute to increasing anti-Chinese sentiments in the country as many of the major retail establishments, banking, and transportation (e.g., airlines) industries are owned by ethnic Chinese community members that employ many contractual Filipino workers. This could be further exacerbated by the strong anti-China sentiment in the country given Chinese policy relating to the South China Sea.

Impact on existing conflicts

Increased violence last year between Indigenous West Papuans and Indonesian security forces exposed simmering racism and longstanding human rights violations including internet blackouts, a ban on foreign journalists and UN officials, and limitations on political freedoms. In light of Indonesia’s relatively slow response to COVID-19 and the incapacity of its health care system to cope with what appears to be a surge in cases, there are concerns about the state’s capacity to protect West Papuans from the virus, doubts reinforced by the government’s refusal to suspend travel to West Papua. Within this combustible atmosphere, there is a heightened risk of violence.

In the Philippines, the government has given priority to addressing the economic and health challenges related to COVID-19. This has serious implications for the rehabilitation and reconstruction of conflict affected areas in Mindanao following the siege of Marawi in 2017. Internally displaced persons in Marawi have been frustrated with the slow implementation of rehabilitation plans of the government for the last two years. A number of migrant workers from the Philippines are also from these conflict areas in Mindanao. Unless these issues are addressed, there is increased risk of unemployed returning migrants—especially young men—to join radical groups in Mindanao if the national and local governments fail to extend social-economic assistance to their families.

Impact on migrant workers – human trafficking

In Thailand, migrant workers from Cambodia, Laos, and Myanmar could face economic hardship as they are forced to go home following the Thai government’s lockdown on 24 March affecting a number of business establishments. The bulk of more than 4 million migrant workers in Thailand are from these neighbouring countries that are unlikely to provide jobs for returning citizens even as they are also unable to cope with the pandemic challenges at home.⁹ As a result, these returning migrant workers are at heightened vulnerability to human trafficking.

Heightening Underlying Risk

Abuse of human rights

Human rights violations – especially those involving violence – are a source of atrocity crime risk. Over recent weeks, we have begun to see ever more authoritarian measures implemented by governments across the region. These include not only measures in the public health interest such as social distancing rules, but also episodes of police brutality, an emphasis on militarised rather than healthcare responses, and erosion of basic rights to privacy.¹⁰ This is of particular concern if the pandemic is exploited to encroach on fundamental human rights in the longer term, which could foreshadow a trend towards greater violence. In conflict affected or fragile states, such as Mindanao in the Philippines, West Papua, Southern Thailand and Myanmar, the potential for violence against vulnerable groups is heightened.¹¹

Gender implications

Gender inequality is closely intertwined with conflict and atrocity crimes. The greater the gender inequality, the higher the risk of atrocity crimes, including gender-based atrocity crimes. The coronavirus pandemic may reduce previously won gains in gender equality and see gendered violence increase. Lockdown restrictions are adding to women’s responsibilities. In parts of Asia, where women already carry much of the domestic burden, housework and caring responsibilities are likely to increase with the whole family being at home, and with elderly relatives to care for.¹² Many migrant workers are women, such as Burmese workers in Thailand. With the loss of their jobs they become more vulnerable to not just health and economic risks, but also to other risks associated with poverty and precarity, including trafficking and sexual abuse and exploitation.

Of particular concern is the increase in domestic violence, already evidenced in several countries.¹³ This trend is likely to increase further as lockdowns continue and become stricter. Where SGBV rates are already high, such as in PNG and Solomon Islands, there is a risk that sexual violence, both in the domestic sphere and in conflict settings, could increase. Rape as a tool by security forces to enforce rules may also be seen, as has been the case in Rwanda.¹⁴

Discrimination against minorities

Discrimination against Chinese and Asian communities has risen following the outbreak of COVID-19 since the start of the year. Cases of discrimination have been reported against Chinese tourists and visitors in Hong Kong, Indonesia, India, Japan, Malaysia, Singapore, South Korea, Thailand, and Vietnam. Specifically, some restaurants, hotels, and tourist areas in the region banned tourists from mainland China. Some Islamic religious leaders in India and Singapore, using audio and social media platforms, claimed that the coronavirus was a “punishment from Allah” for China’s mistreatment of the Uighur Muslim community. Online petitions were made in Malaysia and Singapore for a travel ban of tourists from mainland China, which were signed by 250,000 and 125,000 petitioners respectively.¹⁵

Youth implications

Young people all over the world have had their schooling affected by the COVID-19 outbreak. Schools have been closed, and while some offer online learning, many families do not have the financial or other resources available to support it. Refugees and families experiencing socio-economic disadvantage,¹⁶ or those without access to reliable internet access or home computers, will not be able to support online education. Further, in families where parents have lost jobs due to the crisis, young people may be forced to drop out of school altogether to support the family income or to assist with household duties. In Asian and Pacific nations, where expectations fall on young people to take care of the elderly, more pressure will be placed on youth to protect older relatives.

Overcrowding and poor sanitation, especially in disadvantaged areas, and increased family violence, may also affect young people. In severe cases of poverty, it is possible some young people may resort to crime such as looting and stealing. In countries where the government is taking a militarised approach to the crisis, young people may be disproportionately targeted by security forces due to stereotypes of youth as violent and rebellious. As repressive measures are expanded, young people could get caught up in the justice system or be drawn into social unrest, protests and clashes with authorities.

Weakened International Capacity and Resolve

As governments look inwards to address domestic problems, both their willingness and capacity to support the prevention of atrocity crimes in other countries is inhibited. Partly as a result, ASEAN has not formally expressed concern about continuing violence in Myanmar’s Rakhine state as the Tatmadaw sustained its anti-insurgency operations against the Arakan Army. Indeed, the global preoccupation with the pandemic risks attention being diverted from human rights abuses and atrocity crimes. It is possible that efforts to hold perpetrators

of atrocity crimes accountable, such as current legal action against the Myanmar government, will fall in priority. The ASEAN Summit of Leaders scheduled to be held in April has been postponed to the middle of 2020 as members are preoccupied with containing the pandemic. More broadly, institutions such as the G7, G20, and UN Security Council have thus far failed to find common ground. There are worrying signs that this is impacting negatively on the international community's capacity to respond to protection crises. For instance, the rotation of troops into UN peacekeeping missions has been called into question.

Humanitarian aid and development assistance to Pacific nations may suffer as resources are diverted to deal with the effects of the pandemic. As nations prioritise economic support for their own citizens, budgets for foreign aid may reduce, which could have huge implications for Pacific nations reliant on Australian and New Zealand funding. Taking a regional approach to addressing the pandemic, in consultation with Pacific nations, will help to plan for future issues such as the economic impact on tourism, climate change, and existing social issues such as high rates of SGBV.

Recommendations

There are a range of measures that states could undertake to address these challenges. Five of the most critical are:

1. Support the call of the UN Secretary-General for a global ceasefire to reduce immediate harm to civilian populations and facilitate humanitarian access. Governments should implement unilateral ceasefires and call on non-state armed groups to do likewise.
2. Take positive measures to ensure that necessary responses to the COVID-19 pandemic do not create triggers for violence or exacerbate underlying risks. This could be achieved by applying an atrocity prevention lens to decision-making about responses.
3. Ensure that the commitment of funds and political support for measures to protect civilians from atrocity crimes is not diminished as a result of the crisis.
4. Work cooperatively to address the particular challenges faced by displaced populations, migrant workers, and others that may be subjected to heightened risk of trafficking and other crimes that may constitute atrocity crimes.
5. Ensure that fundamental human rights, especially those involving protection from all forms of violence, continue to be respected and continue to use multilateral mechanisms to hold governments accountable.

There are also important steps that civil society organisations can take, including:

1. Assess immediate humanitarian challenges and needs and launch a coordinated campaign to ensure that the most vulnerable populations receive the additional assistance they require.

2. Join the Asia Pacific Partnership for Atrocity Prevention (APPAP) to collaborate with partners in strengthening atrocity prevention.
3. APPAP should establish a working group to address the implications of COVID-19 for atrocity prevention and develop and support the implementation of an action plan.
4. Ensure that health and health systems indicators are included in atrocity risk assessments.
5. Step up the monitoring of hate speech that targets vulnerable groups and redouble efforts to ensure early response. Work with social media companies to track and prevent online hate speech.
6. Advocate for women's equal participation in decision-making and ensure a gender lens in COVID-19 responses.

Notes

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