

ASIA PACIFIC REGIONAL OUTLOOK



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Featured in this issue...

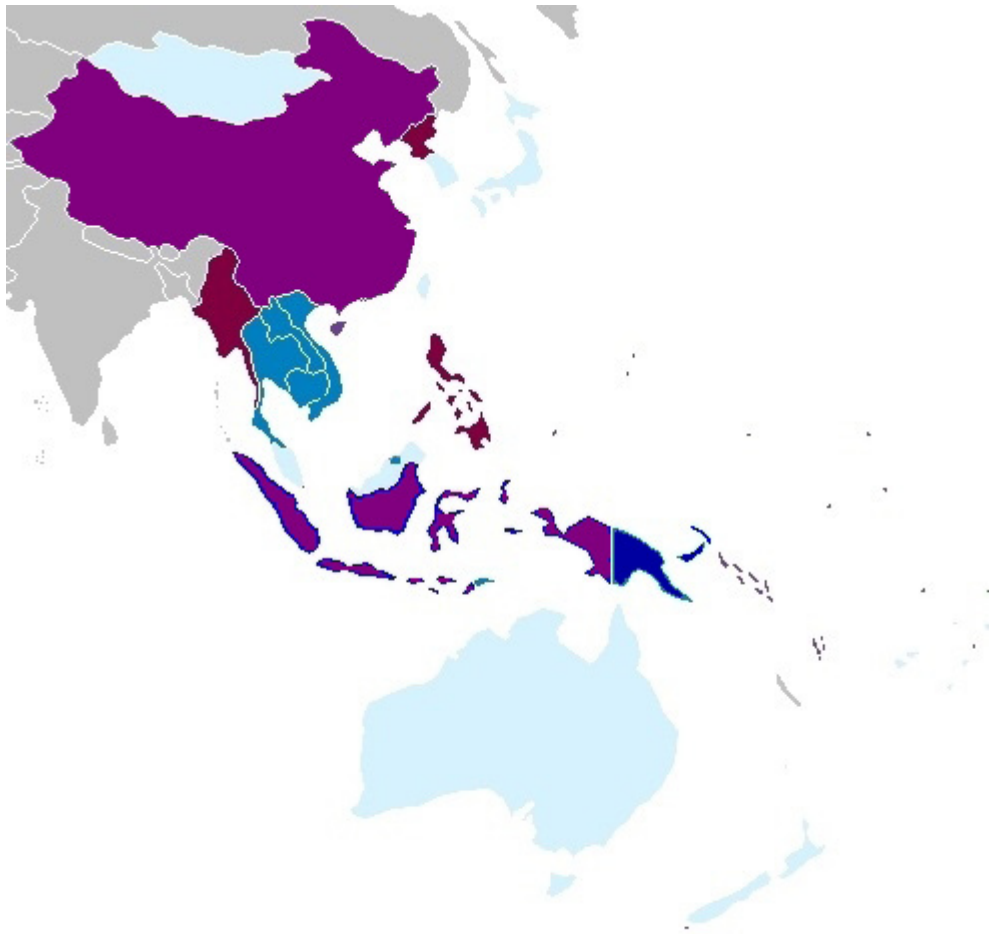
COVID crackdown in The Philippines

New threats confronting Rohingya refugees

Tensions remain high in West Papua

COVID increases gender-based risks

REGIONAL ATROCITY RISK ASSESSMENT



Very High

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

High

China, Indonesia(West Papua)

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 Risk: Very High/Ongoing

The risks of atrocities remain very high in Myanmar amidst the continuing global COVID-19 pandemic. Despite calls by the UN Secretary General for cessation of hostilities around the world, hostilities between the Tatmadaw and ethnic armed groups in northern Rakhine continue. Over 250 civilians have been killed and injured 570 others in Rakhine between December 2018 and May this year. Most deaths were due to stray bullets, artillery fire, or killed while in military custody as fierce battle between the Arakan Army and military forces escalated in 2018 and 2019. More than 250 civilian homes were burned in May alone, which injured many civilians even as the Tatmadaw conducted air strikes and used heavy weapons against insurgents.¹ Although the Myanmar military declared unilateral ceasefire vis-à-vis other ethnic armed groups, it rejected ceasefire proposals from Brotherhood Alliance of ethnic armies composed of the Arakan Army (AA), Ta'ang National Liberation Army (TNLA), and Myanmar National Democratic Alliance Army (MNDAA).² In April, outgoing UN Special Rapporteur on Human Rights in Myanmar Yang-hee Lee called for investigation of Myanmar's military for possible war crimes and crimes against humanity in Rakhine, even as she accused the Tatmadaw of disappearing, killing, and torturing AA suspects as well as blocking aid and stopping injured civilians from reaching hospitals.³

Meanwhile, with the onset of the monsoon season and the threat of pandemic, a number of Rohingya refugees took to the sea by boat and attempted to reach Indonesia and Malaysia. Since the start of May, Malaysian authorities have prevented 22 boats carrying 396 illegal immigrants that included Rohingya refugees. In April, Malaysia also prevented an attempt by a trawler carrying 200 Rohingyas from entering the country even as Bangladesh authorities rescued another 400 Rohingyas who were stranded at sea for two months after they were refused entry by Malaysia.⁴ Since the start of the pandemic, Rohingya refugees in Malaysia, which number over 180,000, have been the object of hate speech and incitement. A number of local and international humanitarian organisations working for the protection of Rohingyas in the country have petitioned the Malaysian government in April to take steps to stop the proliferation of hate speech and threats of violence against the Rohingya community, activists, and their supporters.⁵ With at least 29 confirmed COVID-19 cases among Rohingya refugees in Cox's Bazaar, Malaysia and other countries in the region are likely to continue closing their borders to these people.

Recommendations:

1. Myanmar government should comply with its responsibility to protect vulnerable populations in Rakhine by providing assistance to internally displaced civilians who are caught in the crossfire between Tatmadaw and insurgent forces.
2. Myanmar and the international community should hold the Tatmadaw accountable for continuing war crimes and crimes against humanity in Rakhine. Myanmar should also comply with the provisional measures ordered by the International Court of Justice in January in protecting the Rohingya in Myanmar.
3. Malaysia and other ASEAN member states should rescue Rohingya refugees at sea and provide humanitarian assistance as they enter their borders. They should also take steps to prevent hate speech and incitement against the Rohingya community.



Democratic Peoples' Republic of Korea Risk: Very high/Ongoing

Six years since the 2014 UN Commission of Inquiry report on the DPRK, crimes against humanity appear to be ongoing, including murder, imprisonment, enslavement, torture, enforced disappearances, sexual violence, forced abortions, and persecution.

In February, the UN Special Rapporteur on the situation of human rights in the DPRK, Tomás Ojea Quintana, published his latest report, which concluded that there has been “no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations”.⁶ The report focused on the serious human rights situation of women in the DPRK, who experience pervasive discrimination and widespread sexual and gender-based violence. Of particular concern is the trafficking of women from the DPRK, who are sold into forced marriage or enforced prostitution. China treats many women who enter the country as illegal migrants and forcibly returns them to the DPRK, where they are sent to prisons or labour camps and face grave risk of further human rights violations including sexual violence. For this reason, the forcible repatriation of DPRK citizens, particularly women, should be considered as an act of refoulement.

After months of stalled negotiations on denuclearisation talks, the political situation has recently sharply deteriorated. Marking the two-year anniversary of the first summit between DPRK leader Kim Jong Un and US president Donald Trump, on 12 June DPRK Foreign Minister Ri Son Gwon announced that there was no reason to maintain ties and that DPRK had resolved “to build up more reliable force to cope with the long-term military threats from the US”.⁷ Tensions between North and South Korea have also flared in recent months. In late May, a United Nations Command special investigation team concluded that both North and South Korea had violated the armistice agreement that has been in place since the end of the Korean war in an exchange of gunfire on 3 May. Then in early June, in response to anti-regime leaflets being launched into North Korea by activists from South Korea, Pyongyang labelled ROK an “enemy” and announced that it would sever all military communication channels with Seoul and close the joint liaison office that was set up two years ago to improve relations between the countries.

Pyongyang has long objected to outsiders sending USBs, leaflets, small radios and other forms of communication across its borders, and dismantling the network of loudspeakers that for decades broadcast propaganda into North Korea was part of the 2018 agreement reached by leaders of North and South Korea to ease tensions. However, DPRK has been exceptionally rankled by the recent leaflet drops, characterising the operations as a “provocation graver than gun and artillery fire” and labelling defectors living in South Korea as “human scum” and “mongrel dogs”.⁸ Ojea Quintana has condemned the DPRK’s inflammatory rhetoric, noting that DPRK’s outrage only underscores its long-term problem with “the almost total limitation for its people to exercise the right to seek and receive information and ideas of all kinds”.⁹ Seoul has responded to Pyongyang by banning activists from flying leaflets or sending materials into North Korea, and announced that it will charge two activist groups engaged in recent operations. Human rights activists have in turn raised alarms that Seoul is compromising democratic principles and freedom of speech to placate Pyongyang, who is exploiting tension over the leaflets as a part of a broader strategy to gain economic concessions from Seoul and to distract domestic attention away from the dire socio-economic situation that has been exacerbated by COVID-19.

Remarkably, the DPRK has not reported any cases of COVID-19, but border closures and quarantine measures have worsened chronic and widespread food shortages and malnutrition. The border with China has been closed for nearly five months, which has cut off one of DPRK’s primary food supplies and resulted in nearly a 90% decrease in trade in March and April. The loss of income has corresponded with a rise in homelessness, and the World Food Programme estimates that more than 10 million DPRK citizens, or 40% of the population, are now in need of humanitarian aid. Humanitarian operations have been suspended in recent months due to the pandemic, leaving vaccine and medical aid stocks stranded outside the country. In early June, Ojea Quintana drew attention to the impact of COVID-19 on the already dire humanitarian situation, and urged the UN Security Council to reconsider sanctions on the DPRK to ensure food supplies and humanitarian assistance can be delivered “without restrictions”.

Seoul and Beijing have repeatedly appealed to Washington to ease some of the crippling UN sanctions on the DPRK. The US has rejected these calls without greater disarmament commitments by the DPRK. A continued concern is that Pyongyang deliberately channels resources away from its population and refuses to amend the legal code that denies their basic subsistence rights,¹⁰ then leverages their suffering to lobby for sanctions relief. Given the persistent impasse on this issue, there is a need to return to the longstanding recommendation for any proposal for sanctions relief to 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. The latter could help open dialogue on human rights alongside any future denuclearization and peace talks, or, in the very least, stress to Pyongyang that its severe human rights abuses are not a negotiating tool that can be leveraged away in the absence of meaningful concessions or reforms aimed at safeguarding its population from atrocity crimes.

Recommendations

1. The government of the DPRK should immediately cease the commission of crimes against humanity, and 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 universal periodic review recommendations, particularly with regard to protecting the rights of and ending violence against women and girls.
2. The US should agree to sanctions relief to address the humanitarian crisis in the DPRK that has worsened since the outbreak of COVID-19, and, along with the ROK, should communicate to Pyongyang that easing sanctions is linked to the DPRK's willingness to engage with UN human rights bodies to improve the situation over the long term.
3. The UN Security Council should ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities: granting free and unimpeded access to the UN country team, cooperating with the OHCHR, accepting technical assistance, and inviting special procedure mandate holders for country visits.
4. China and the ROK should recognise DPRK citizens as refugees *sur place* and respect the principle of non-refoulement. China should 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.
5. The OHCHR, including the field office in Seoul, should closely 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.

THE PHILIPPINES - VERY HIGH RISK-ONGOING



The Philippines Risk: Very High/Ongoing

The Philippines remains at very high risk for atrocities in the face of widespread human rights violations and persistent impunity. The situation has been further complicated by the government's response to the Covid-19 pandemic.

Armed conflict in the Philippines persists despite the pandemic, notwithstanding a brief ceasefire with the Communist Party of the Philippines-National Democratic Front (CPP-NDF).¹¹ The President placed a P2-million bounty for the capture/ death of "top NPA commanders" and government operations in May led to the death of 16 communist rebels according to the AFP.¹² The President has threatened to declare martial law should the "NPA's lawlessness" continue in the pandemic.¹³ Meanwhile, 12,000 citizens were displaced in Mindanao amid fears of Covid-19 due to clan wars and conflicts between former and current commanders of the Moro Islamic Liberation Front (MILF).¹⁴ ISIS-allied terror groups such as the Abu Sayyaf also continue to threaten civilians and government forces despite the pandemic.¹⁵ The latest attack involved the shelling of a house on Eid'l Fit'r, killing 2 children.¹⁶ Although crime rates drastically dropped during the lockdown, the number of killings spiked in Manila after the easing of lockdown restrictions on 1 June.¹⁷ That said, at least 8,663 people have been killed in the drug war since mid-2016, as of 4 June 2020 according to the government. However, rights groups estimate three times more.¹⁸

According to the report of the Office of the UN High Commissioner on Human Rights released on 4 June, 'heavy-handed focus on countering national security threats and illegal drugs' has led to serious human rights violations in the country. This included 'killings and arbitrary detentions, as well as vilification of dissent.' The report also noted that since the beginning of the government's campaign against illegal drugs in 2016, there have been at least 8,663 deaths according to official figures.¹⁹ Between 2015 and 2019, the UN Human Rights Office also documented at least 248 people have been killed in relation to their work (e.g., human rights defenders, lawyers, journalists, and labour union leaders). Near impunity for these killings remain as only one conviction has been made for the killing of a drug suspect in a police operation in 2016. Among others, the report pointed to: 1) failure of domestic mechanisms to ensure accountability; 2) the apparent lack of due process protections in the campaign against illegal drugs; 3) warrantless police raids of private households and the use of falsified evidence; 4) vilification of dissent and attacks against perceived critics of the government, which are 'increasingly institutionalised and normalised'; and 5) 'red-tagging' or labelling of individuals and non-government organisations who are human rights advocates as communists or terrorists. It also noted that human rights abuses were also committed by non-state actors, including the recruitment of children and extortion by the communist New People's Army (NPA), which was listed by the UN as among parties that commit grave violations affecting children in armed conflicts.²⁰

On 9 June, both houses of the Philippine Congress passed an anti-terrorism law, which many human rights advocates view as likely to lead to more human rights abuses in the country. The new law, which is an updated version of the 2007 Human Security Act, gives more powers to authorities to arrest suspects without warrants and detain them for longer period of time and conduct surveillance for 90 days. It also allows for setting up of an anti-terror council that will define what constitutes acts of terrorism. Critics of the Duterte administration view the new law as a tool to suppress civil liberties and to silence opposition groups in the country. The Commission of Human Rights (CHR), rights groups, and lawmakers have expressed concerns over the bill with many calling for its junking due to its vague definition of terrorism that makes it prone to abuse, among other concerns.²¹ The government and supporters of the law argue that there are enough safeguards to protect freedom of speech and other fundamental rights even as they contend that the country's Bill of Rights enshrined in the constitution remains in place. It is likely that the constitutionality of the new law after Duterte signs it will be questioned in the supreme court by civil liberties advocates.

The Philippines has and continues to be severely affected by the pandemic with 21,895 confirmed positive cases and a death toll of 1,003 according to the Department of Health (DOH) as of 7 June 2020.²² Meanwhile, thousands of cases of violence against women and children were recorded by the police since the start of the lockdowns as stated in a 8 June report.²³ In June 2020, the UN High Commissioner for Human Rights accused the Philippine government of using the Covid-19 pandemic to censor citizens, to which the government denied.²⁴ The PNP claimed that the arrest of several netizens criticizing the President on social media was lawful and charged many with inciting sedition.²⁵ These include the warrantless arrest of a salesman who called the President "crazy" on social media.²⁶ The Philippine government also asked Taiwan to deport a Filipino worker accused of cyber-libel for criticizing the President (a request the Taiwanese government refused).²⁷

The Philippine Human Rights Commission in May reported that it received 495 complaints of human rights violations since the start of the enhanced community quarantine imposed by the government in the national capital region and nearby provinces in the main island of Luzon. The complaints include alleged torture as well as inhumane and degrading punishments meted out by law enforcers or local government officials on civilians who broke curfew and other quarantine measures. A retired military soldier was shot dead by a policeman and another civilian was beaten by government officials for violating quarantine rules.²⁸ Following an increase in cases in March 2020, President Duterte began lockdown measures in the island of Luzon (the largest island in the Philippines) later expanding to other parts of the country.²⁹ Shortly after, the Philippine National Police (PNP) and Armed Forces of the Philippines (AFP) were deployed to enforce new quarantine rules and border checkpoints.³⁰ On 1 April, a

group of protesters demanding food aid were violently dispersed and arrested for violating quarantine protocol and by 2 April (less than three weeks after the lockdown was implemented), 20,389 quarantine violators were arrested according to the PNP.³¹ Hours after the food aid incident, the President ordered police and military to “shoot them [troublemakers] dead”.³² The PNP then defended this remark by citing a leftist group as the cause of the incident while assuring the public that the police would not follow the order literally.³³ On 21 April, the President threatened a "martial law-like" crackdown after he noted wide-spread public defiance of the Luzon-wide lockdown.³⁴ He also ordered the PNP to arrest violators without warning.³⁵ In response, PNP Chief Archie Gamboa ordered his regional directors to intensify crackdown of quarantine violators.³⁶ By 29 April, more than 100,000 people had been arrested as rights groups called for the investigation of cases of abuse of quarantine violators and the arrest of activists handling relief goods.³⁷

Recommendations

1. The Philippine government should uphold its primary responsibility to protect by complying with international norms on human rights protection and humanitarian law. Specifically, it should hold accountable law enforcers and other members of the security sector for violations of human rights in relation to the war on illegal drugs and campaign against terrorism.
2. The government should also ensure that fundamental human rights , including rights to due process and freedom of expression, are protected in the implementation of the new anti-terrorism law. It should not use the new law to silence legitimate dissent and critics of the government.
3. The government should Investigate and address impunity and the continuing human rights violations by police, military, and other armed groups in relation to the government’s Covid-19 response, drug war, and counter-insurgency campaign by filing appropriate charges against violators.



Xinjiang Risk: High

The treatment of Uighurs and other Turkic Muslim minorities in the Xinjiang Uighur Autonomous Region (XUAR) of China presents an ongoing risk of crimes against humanity.

Under a sweeping policy purportedly aimed at combatting terrorism and religious extremism, since 2016 the Chinese government has subjected an estimated 13 million 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. The Chinese state has detained approximately one million Uighurs and other Turkic Muslims in 're-education' or 'de-extremification' facilities without formal charges or due process. Family members have been denied access to information about detainees, which resembles a largescale policy of enforced disappearances. Nearly half a million Uighur children have been separated from their families and placed in state-run boarding schools or orphanages. In what appears to be an effort to wipe out Uighur cultural heritage, authorities have partially or completely destroyed historic mosques, shrines and cemeteries in XUAR.

In December 2019, XUAR governor Shohrat Zakir claimed that the majority of the people detained in 're-education' facilities had been released and "found stable employment with the help of the government".³⁸ There is no independent information to verify the release of detainees or the number of people who remain in arbitrary detention in Xinjiang. However, recent reports raise concerns that, rather than rolling back repressive policies against the Uighurs, the Chinese state may be transitioning detainees into a similarly abusive program of forced labour. On 1 March, the Australian Strategic Policy Institute published a report which found that between 2017-19, under a labour transfer program the central government labelled 'Xinjiang Aid', the government sent an estimated 80,000 Uighurs to work in factories across China in conditions that "strongly suggest forced labour". Some Uighur workers were transferred directly from 're-education' facilities to work in factories, where they underwent ideological education, were subject to constant surveillance, and were prohibited from observing religious practices. The report identified 83 well-known global brands with supply chains linked to factories that are part of the Uighur labour transfer program, including Nike, Adidas, Amazon, Apple, Google, Samsung, and Siemens.³⁹

In February 2020, global media outlets published a leaked government document that contained details on why 311 residents from Karakax county in Hotan prefecture in southwestern Xinjiang were interned, and included personal information authorities collected on over 3000 Uighurs. The document, known as the 'Karakax List', provides additional evidence that XUAR authorities detained Turkic Muslims for arbitrary acts such as contact with relatives overseas or applying for a passport, and for ordinary religious observance such as praying, attending or donating to a mosque, wearing veils or growing a beard. According to Adrian Zenz, a leading expert on repression in Xinjiang, the Karakax List provides new insights into the ideology and administrative processes leading to severe religious restrictions and the mass internment program in Xinjiang, and "presents the strongest evidence to date that Beijing is actively persecuting and punishing normal practices of traditional religious beliefs, in direct violation of its own constitution".⁴⁰

The Karakax List was the third leak of government documents since the November 2019 release of the Xinjiang Papers by the New York Times (containing high-level internal speeches sanctioning extraordinary surveillance and control measures in XUAR) and the China Cables by the International Consortium of Investigative Journalists (containing information on sophisticated tools for population control and mass surveillance of Turkic Muslims as well as regulations on how to run detention facilities). Together, the documents support the assessment that government authorities have systematically targeted Uighurs and other Turkic Muslims on ethnic and religious grounds, thus adding credence to the assessment that their treatment may constitute the crime against humanity of persecution under the Rome Statute of the International Criminal Court.

In recent months Uighur activists have expressed concerns that Uighurs are at particular risk of the spread of COVID-19 in overcrowded and unsanitary detention facilities in Xinjiang, and that efforts to contain the novel coronavirus will divert global attention from the Uighur cause. The US government, however, has maintained some momentum in taking concrete action against the persecution of the Uighurs. On 27 May, the US Congress passed the Uyghur Human Rights Policy Act, which President Trump signed on 17 June.⁴¹ The bill is the first legislative initiative by a government to address religious persecution in XUAR, and requires regular monitoring of the situation, including efforts by the Chinese government to forcibly repatriate Uighurs or to intimidate or harass Uighurs in the United States. It also calls on President Trump to impose sanctions on senior officials responsible for serious human rights abuses of the Uighurs under the Global Magnitsky Act, and specifically names Communist Party Secretary of Xinjiang Chen Quanguo, which would represent the first sanctions directly on a member of China's politburo.

The US has also recently increased scrutiny of US business ties to Chinese companies or entities that are complicit in abuses in Xinjiang. In March, members of the US Senate introduced legislation which would require companies to obtain certification that products imported into the US are not made with Uighur forced labour.⁴² In May, the US Department of Commerce's Bureau of Industry and Security expanded the list of Chinese entities who are restricted from accessing US technology due to their involvement in human rights violations and excessive surveillance in XUAR. In addition to the 28 parties designated in October 2019, the expanded list named nine new entities, including China's Ministry of Public Security's Institute of Forensic Science.

On February 27, the UN High Commissioner for Human Rights, Michele Bachelet, reiterated her call for an advance UN

team to have unfettered access to assess the human rights situation in Xinjiang, which is standard practice in preparation for a High Commissioner to undertake a country visit. China has repeatedly indicated that it welcomes a visit by Bachelet to Xinjiang, including most recently in a speech in February by China's permanent representative to the UN in Geneva, Chen Xu. However, a continued sticking point is that China has made no offer of independent access and has conditioned the visit on the UN not interfering in China's internal affairs.

China has responded to criticism of its policy in Xinjiang through labelling allegations of systematic abuse of the Uighurs as fake news and fabrication; launching propaganda campaigns that extol the effectiveness of its counter-terrorism efforts or portray a "happy life" for Uighurs in Xinjiang;⁴³ orchestrating carefully managed visits for foreign diplomats to Xinjiang; and lobbying like-minded states or leveraging its economic ties to secure support for its position in various UN bodies.⁴⁴ By and large, these efforts have proven effective in easing pressure on Beijing. The Human Rights Council has not taken any formal action to address human rights abuses in Xinjiang, such as calling for an objective, independent and expert inquiry into the situation. In sharp contrast to the Organization of Islamic Cooperation's activism on behalf of the Rohingya Muslims in Myanmar, Arab and Muslim-majority states continue to refuse to speak out against China's treatment of Turkic Muslims, with some even voicing support for China's policies in Xinjiang.⁴⁵ The relative silence from developing and Muslim-majority countries feeds into China's narrative that criticism of its treatment of Uighurs is a politically motivated ploy by Western countries, particularly the US, to contain China. In this respect, Beijing would likely find it more difficult to justify its policy if a greater number of non-Western countries and activists called for the protection of the Uighurs, and more Western governments and companies outside of the US took similar concrete action.

Recommendations

1. The government of China should immediately halt violations in XUAR that may amount to crimes against humanity, and take active measures to prevent the recurrence or escalation of such violations in accordance with international law, the Chinese constitution, and China's primary responsibility to protect all its population.
2. China's top leadership should direct the government in XUAR to repeal the 2017 Regulation on De-extremification, respond favourably to the requests of UN human rights officials to undertake an official visit to China with unhindered access to Xinjiang, and accept OHCHR technical assistance and advice to ensure that its 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.
3. The UN Human Rights Council should authorise an independent investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.
4. Western states should develop a more sophisticated and strategic response to the situation, including prohibiting technology transfers that could be used in human rights abuses and banning imports connected with forced labour in Xinjiang, and broadening the coalition of states openly advocating for China to respect the rights of its Turkic Muslim population, particularly Muslim majority countries and neighbouring states whose nationals are detained in Xinjiang.
5. Global companies should practice due diligence and ensure that their supply chains are not linked to Uighur force labour.

Country-wide Risk: Medium West Papua Risk: High

COVID-19 has put particular stress on minority groups in Indonesia, most notably the Chinese-Indonesian diaspora. Since the outbreak of the pandemic there has been a rise in anti-Chinese rhetoric posted to social media and, in some cases, violent outbursts have occurred on the streets of Indonesian cities. Tensions have heightened due to Muslim clerics who blame the Chinese both for the pandemic, and for closing mosques due to social distancing rules.⁴⁶ Further, Islamic State (IS) affiliates have been using the pandemic to propagate the idea that attacks on civilians is imminent, ISIS suggesting the Indonesian government weakened by the pandemic and therefore unable to respond to a terrorist attack.⁴⁷ A report by The Institute for Policy Analysis (IPAC) also suggests ISIS may use the virus as a weapon, infecting themselves and spreading the virus among “enemy” populations such as the Chinese minority, non-Muslim communities, or non-radical Muslim communities.⁴⁸

Again, social media has played a significant role in inciting violence, and The Jakarta Post—reprinting a piece from The Conversation—has called on the Indonesian government to “implement strategic risk communication to curb fear mongering and racist sentiment on social media.”⁴⁹ The government, realising the risks associated with xenophobic and fake news via social media, temporarily restricted internet and social media access in Jakarta in May as news spread that anti-Chinese protestors had been shot at and killed by Chinese police.⁵⁰ This example of fake news was intended to incite further anti-Chinese sentiment.

Early estimates of the death toll in Indonesia due to COVID-19 were high, the University of Melbourne predicting 2 million infections and citing a figure of 250,000 deaths.⁵¹ This has not eventuated and governance remains stable, yet there remain fears of further virus outbreaks due to holidays ending, which traditionally means masses of Indonesians travel the country. If the virus escalates, and with it economic hardships result, some suggest government and civic instability. As reported in the Financial Times, the Indonesian government realises the widespread threat from Indonesians who are “plunged into poverty” due to economic restrictions due to the virus.⁵² Working to halt the spread of the virus is seen as limiting the risk of civil unrest due to the economic hardship it places on segments of Indonesian society.

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 restricting the spread of COVID-19 remains a priority.
3. Censor the spread of racist, radical, and fake news on social media that causes civil unrest and incites violence against minorities.
4. Work to implement legislation to stop the spread of hate and danger speech across various mediums and outlets.

West Papua

The Indonesian Government is calling for harsh punishments for West Papuans involved in protests in 2019. Seven political prisoners have been moved from Papua for “security reasons” and are on trial for treason-related charges, which could see them sentenced for up to 17 years.⁵³ Human rights groups have accused the government of trying to make an example of the activists to deter further uprising.

While foreign journalists remain banned from West Papua, in May 2020, ABC’s Foreign Correspondent reported on continued violence between independence activists and the Indonesian government, since the murder of 16 Indonesian road workers by activists in December 2018. The program interviewed West Papuans living in PNG who claim that 45,000 people have been displaced from Nduga, and accuse the government of murder, mass arrests, and burning of homes and villages.⁵⁴ The ongoing fighting stems from a dispute over the construction of the Trans-Papuan Highway that will connect Indonesian provinces of Papua and West Papua, and which locals worry will allow further access by the military and the resource-extraction industry. In addition, West Papua is seeing an influx of Islamist jihadi groups aiming to take revenge against West Papuan independence activists.⁵⁵ Meanwhile, pro-independence groups are reportedly recruiting child soldiers to the struggle.

A new research project aims to map the violence that has occurred in West Papua under Indonesian occupation, and has so far found that the majority of massacres have taken place in the West Papuan highlands, that many killings occurred during peaceful protests, and that perpetrators in the security forces are rarely held accountable.⁵⁶

COVID-19 is also adding to tensions, IPAC suggesting that the virus is exposing the shortcomings of the Indonesian government in the region. The report surmises that “the Covid-19 crisis has reinforced a sense of victimisation among Papuans that will only fuel more distrust.”⁵⁷ Rebel West Papuans have reacted to the virus by committing to much needed measures to stop the pandemic—such as spreading accurate information about the virus—so long as the Indonesian government releases West Papuan political prisoners. Therefore, the virus is being used by both sides to leverage political gain at the expense of

the civilian populations.⁵⁸

The Indonesian Government should:

1. Address entrenched racial discrimination, hate speech 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.
2. As a member of the UN Human Rights Council, ensure human rights are protected in all Indonesian territories, including freedom to protest and gather, freedom of speech, and abolishing media bans or internet blackouts.
3. Ensure a fair and impartial judicial process for political prisoners.
4. Allow UN officials access to West Papua, such as the UN High Commissioner for Human Rights, and consider an independent UN investigation into the conflict in Nduga.
5. Consider the aspirations of West Papuans and the underlying issues fuelling the protests.

All actors should:

Refrain from using COVID-19 for political gains at the expense of civilian welfare.



Papua New Guinea Risk: High

In March 2020, a massacre occurred in the highlands of Papua New Guinea (PNG), resulting in the deaths of ten people including three children. Reportedly, a criminal gang was responsible for the attack, which took place at a village near Porgera in the country's Enga province.⁵⁹

It is possible the attack was linked to a massacre in Hela province in 2019, and similarly, the remoteness of the attack posed a challenge to law enforcement. According to the Seventh Day Adventist Church, a team of missionaries was ambushed and killed in the same province in March.⁶⁰ Protection of civilians in the highlands is a critical priority and without preventative measures the risk of further atrocities is high.

The PNG Government declared a state of emergency in late March and this continues to be extended due to the ongoing threat of the coronavirus. To date, only eight cases have been found, however testing has been limited and the rates are potentially higher.⁶¹ Existing inadequacies in PNG's health system, and underlying health conditions among the population mean that a Covid-19 outbreak could be life-threatening for much of the community. High rates of maternal mortality, tuberculosis, malaria and polio already plague the country, combined with low vaccination rates. Meanwhile the spread of myths and misinformation about the coronavirus could prevent people from seeking treatment or following preventative measures.⁶² In addition, the spread of Covid-19 in West Papua and Papua provinces of Indonesia is of concern to PNG, as illegal border crossings continue.⁶³ PNG is set to receive development funds as part of Australia's Pacific COVID-19 response which may alleviate the situation to some degree.

Domestic violence rates have increased worldwide during coronavirus lockdowns and PNG, which already experiences extremely high levels of gender based violence, is no exception. A high profile case involving an athlete has brought attention to domestic violence but laws are rarely enforced to hold perpetrators accountable.⁶⁴ The case also highlights broader gender inequalities and stereotypes in PNG. The participation of women in peacebuilding was raised recently by UN Deputy Secretary-General Amina Mohammed, following her joint mission to PNG. Noting the high rates of gendered violence, she welcomed the new Highlands Joint Programme to support women and young people in peacebuilding, community resilience, supporting the rule of law and delivering inclusive services.⁶⁵ Policies to address violence against women and to increase women's participation appear to be gaining some traction in PNG.

Prior to the pandemic, PNG already suffered high rates of poverty and unemployment, with over 37% of the population living below the poverty line.⁶⁶ The economic effects of the virus on small businesses, and potential impacts on PNG's resource extraction industry, could worsen the economic situation and pose a risk factor for social unrest. Political tensions may also escalate in relation to the arrest of former PNG Prime Minister, Peter O'Neill, who has been charged with misappropriation, official corruption and abuse of office.⁶⁷

Finally, the Bougainville Referendum Commission has presented its final report to the government. 98 percent voted in support of independence. Beginning in September 2020, the governments of PNG and Bougainville will begin consultations regarding the implementation of the vote results. It will be necessary to remain mindful of the history of violent conflict around Bougainville's independence as a potential risk factor for outbreaks of conflict, should negotiations stall. The tendency towards social unrest may be exacerbated by the effects of the pandemic including economic difficulties and the mental health impact of lockdowns.

Recommendations:

The government of Papua New Guinea should:

1. Develop strategies to prevent violence in PNG Highlands and to protect civilians from atrocity crimes. This could include increasing police presence in conflict-affected areas, reviewing regulations governing the supply and use of firearms, and holding perpetrators accountable.
2. Work collaboratively with the Bougainville Government to progress consultations from September.
3. Commit to improvements in health care and hospitals for the people of PNG.

SEXUAL AND GENDER BASED VIOLENCE

Domestic violence and health

Rates of domestic violence have soared worldwide over the first half of 2020.⁶⁸ Quarantines have forced families to live in close proximity constantly, sometimes in small and overcrowded spaces, under economic stress and at risk of catching the virus. Strict lockdowns mean that women experiencing violence in the home are unable to escape or seek refuge. Domestic violence reports in China's Hubei province in February increased from 47 in 2019 to 162 this year,⁶⁹ and the Philippines has seen over 3,600 cases of violence against women and children since the quarantine began.⁷⁰ Indonesia also recorded an increase, while noting that domestic violence remains underreported.⁷¹ In June 2020, a high profile domestic violence case in Papua New Guinea involving well-known athlete, Debbie Kaore, has brought attention to the high rates of domestic violence, with more than two-thirds of women having experienced violence in the home in the Pacific nation.⁷²

In Bangladesh, more than 4000 women and children were subjected to domestic violence in April, with some experiencing it for the first time. In a shocking case in April, a man livestreamed the murder of his wife on Facebook.⁷³ In Bangladesh as well as other countries in the region, the pandemic and associated financial stress is leading to an increase in child marriage, as families marry off their underage daughters to ease the financial burden.⁷⁴

As resources are diverted to controlling the pandemic, regular and routine health care becomes less accessible, including maternal and reproductive health care, and women who have been harmed in the home may be less able to access physical or mental health services. Access to services is compounded by Covid-related labour shortages and overcrowded hospitals.⁷⁵ In addition, with the loss of work opportunities and financial hardship, women who are more economically dependent on males in the household have reduced options for leaving violent situations. For women belonging to vulnerable groups, such as foreign workers, or ethnic or religious minorities, and those living in conflict-affected areas, the risk of sexual and gender based violence is particularly high. Armed conflict has continued in some regions of Myanmar throughout the pandemic period, with civilians unable to flee due to lockdowns. Sexual violence has been a significant tool of attack against ethnic minorities in Myanmar in the past and a culture of impunity continues to flourish.

Covid-19 and underlying gender inequality

In countries where underlying gender inequalities persist, such as higher illiteracy rates and lower internet access for women, the ability to receive important information about social distancing and hygiene is limited. UN Women has identified a lack of information and awareness among women in Bangladesh and Pakistan, where they are less likely to own mobile phones, and where education for girls tends to be limited.⁷⁶ Even when information is accessible, the ability to abide by health guidelines may not be. For instance, in areas where women have to travel long distances to access water, frequent handwashing may not be possible.⁷⁷

LGBT+ rights

In a number of Asian countries, LGBT+ communities have been scapegoated for the spread of the coronavirus, amplifying existing prejudice and discrimination faced by members of those communities. In South Korea, for example, a spike in cases linked to nightclubs has seen the LGBT+ community blamed by the media and attacked on social media.⁷⁸ In Indonesia, some are advocating for legislation, known as the "Family Resilience Bill", which would hold LGBT+ people in "government-sanctioned rehabilitation centres" and compel relatives to report them to authorities.⁷⁹ There have been a number of assaults and even homicides of LGBT+ people in Malaysia, while Singapore has refused to overturn its law against homosexuality. Some members of the LGBT+ community may be reluctant to seek health care if they are experiencing Covid-19 symptoms or to purchase medication for underlying conditions, for fear of discrimination. Others may experience violence in the home during lockdowns, either at the hands of partners or family members. In these cases, accessing appropriate services under quarantine will be especially challenging due to the stigma and in some countries, the requirement to provide authorities with a reason for leaving the house.⁸⁰

Recommendations that governments in the region:

1. Apply a gender lens to coronavirus responses and ensure women's participation in policy development, the formation of emergency responses and recovery efforts;
2. Protect existing women's health services and develop measures to maintain access to maternal and reproductive health care;
3. Provide support and assistance to people in domestic violence situations and run public awareness campaigns to reduce its occurrence;
4. Acknowledge the role of women as frontline workers and ensure they are offered protection and support, including PPE, fair pay and conditions, and mental health care;
5. Amend legislation that discriminates against the LGBT+ community and ensure adequate and accessible services for the community.

HATE SPEECH AND INCITEMENT IN THE SOUTHEAST ASIA

Hate and danger speech are again on the rise in Southeast Asia due to COVID-19. The virus has been used by a variety of hateful and racist groups in the region to incite violence against minority groups. In Indonesia, the primary victims have been the Chinese-Indonesian populations. In India and Sri Lanka, the minority Muslim communities are targeted. Similarly, in Myanmar the government and Tatmadaw have used the virus to exacerbate ongoing tensions against Muslims and other minorities.

For the Rohingya, while already victims of genocide at the hands of the Myanmar government, the diaspora has found itself being blamed for importing the virus into countries such as Bangladesh and Malaysia.⁸¹ In Malaysia, where the Rohingya were for some while depicted as victims across social media platforms, with the onset of COVID-19 the community are becoming increasingly the target of hate narratives, and the government has responded by rounding-up the refugees and locating them in camps where conditions mean the virus could easily spread.⁸²

All social media platforms in Southeast Asia have recorded spikes in hate and danger speech, including WhatsApp, Twitter, Facebook, YouTube and Instagram.⁸³ In response, software companies, including Facebook, have been developing A.I. to tackle wording, language and context used by those promoting racism born from COVID-19. Facebook noted that in the first 3 months of 2020 it had removed 9.6 million pieces of hate speech and misinformation, up threefold in quantity from the previous three months.⁸⁴

Asia and Asians have also borne the brunt of widespread racist stereotyping, with many nations globally reporting a rise in anti-Asian sentiment due to attackers being unable to determine the victim's background, assuming all Asians are Chinese. Xenophobic sentiments have been noted and recorded in Australia⁸⁵, the United States (exacerbated by President Trump dubbing COVID-19 the "Wuhan virus" or the "Chinese virus"), Europe, and the United Kingdom.⁸⁶ This racism continues to proliferate in countries including Australia, and has exacerbated diplomatic tensions between a number of countries and China, though according to the Lowry Institute in 2019, in Southeast Asia "hate speech and the language of violence is increasingly seen as more a global phenomenon, not something that can be framed in national borders."⁸⁷ COVID-19 appears to be interrupting and reorientating this perception given some of the economic fallout experienced between Australia and China, as an example.

Recommendations

Southeast Asian governments should:

1. Realise the importance of direct hate speech and danger speech legislation, and implement this legislation in its civil and penal codes.
2. 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.
3. Ensure public education about COVID-19 to counter hate narratives that use the virus as a reason for refugee deportation.
4. Work with CSOs and NGOs at large-scale educational programmes for all ages and all users.
5. Learn from and work with the European Union and its partners to implement measures to curb hate speech and danger speech in Southeast Asia.

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