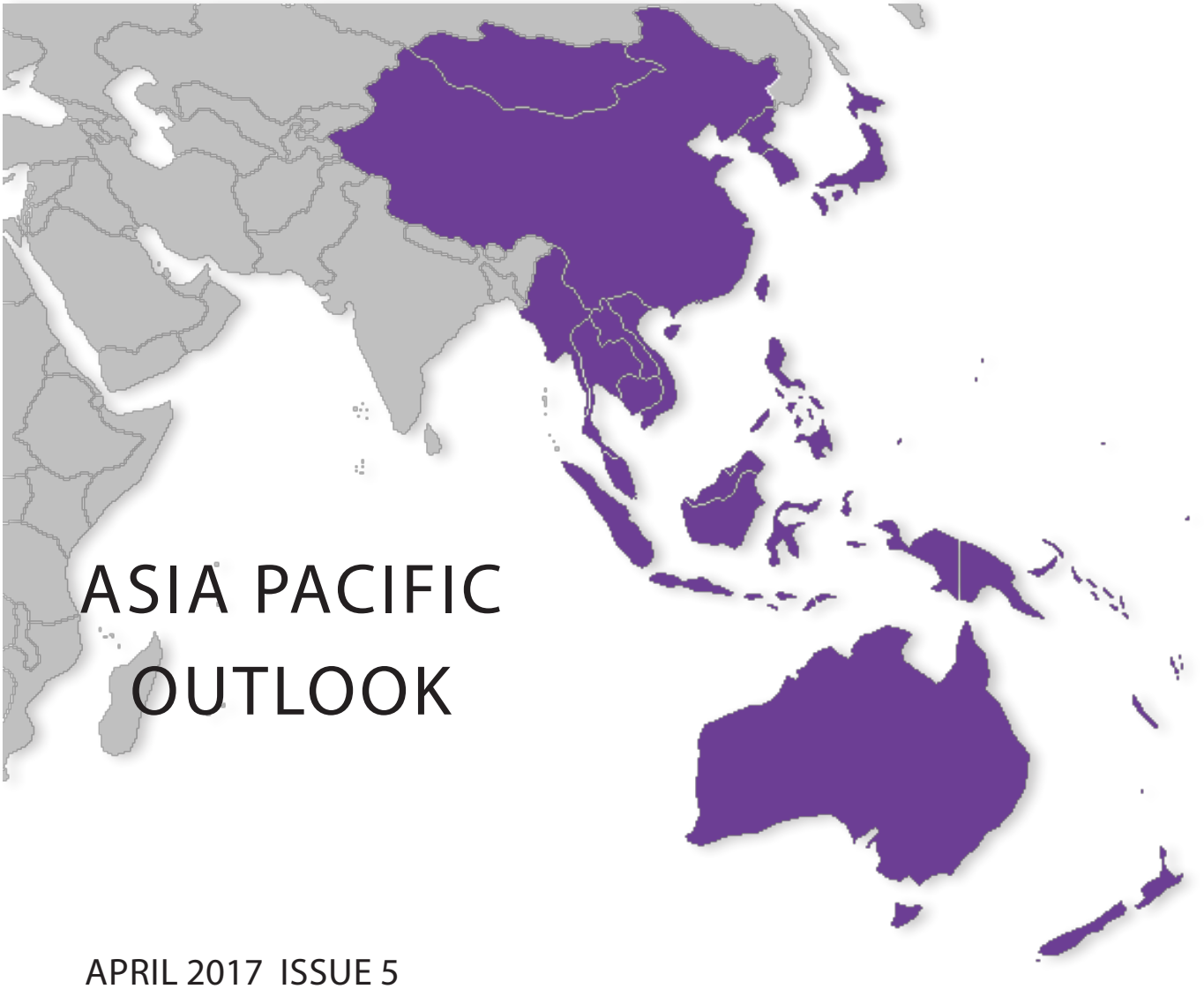


ASIA PACIFIC OUTLOOK

APRIL 2017 ISSUE 5

Featured in this issue...

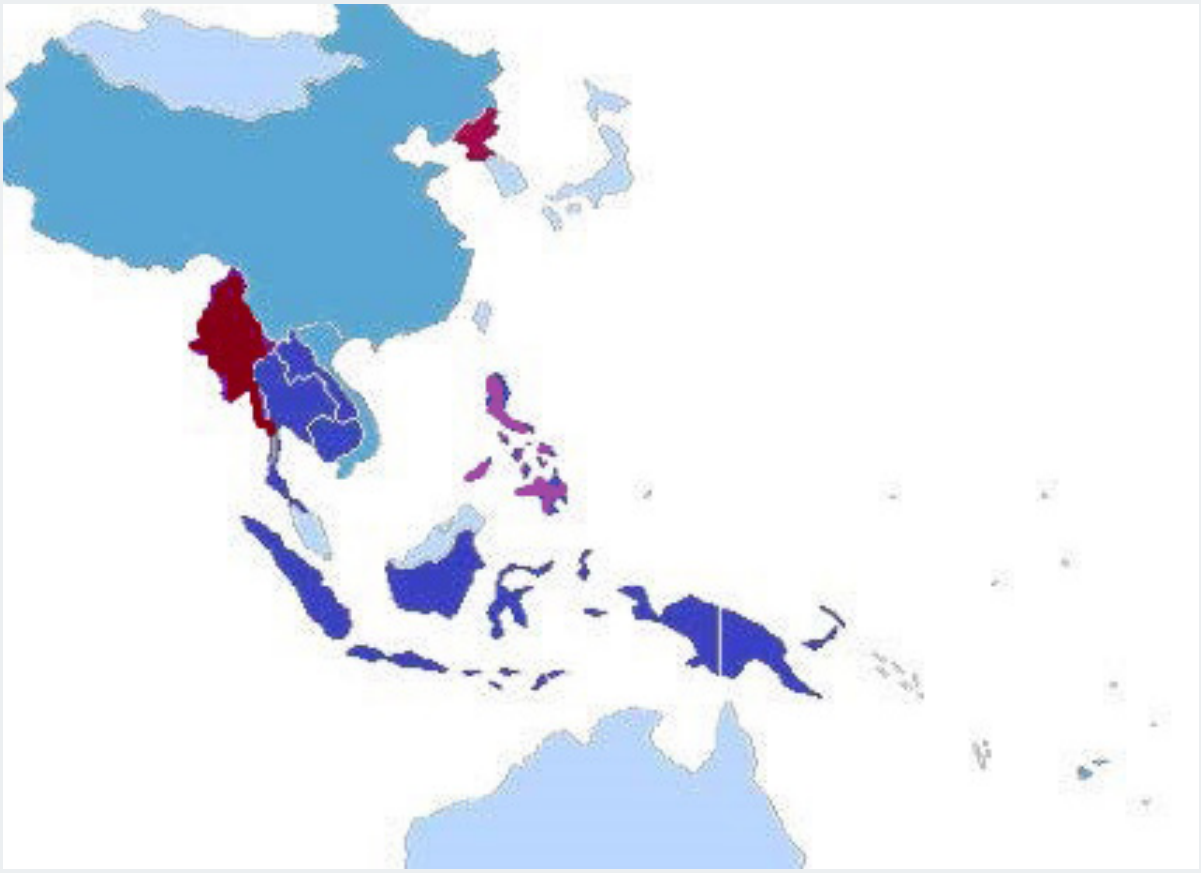
- Violence in Rakhine, Myanmar
- Election in Timor-Leste
- Special report: Cambodia in run up to elections
- Respite from Anti-Drug War Violence in The Philippines

Australian Government
Department of Foreign Affairs and Trade

AP R2P
Asia Pacific Centre for the Responsibility to Protect

The University Of Queensland
AUSTRALIA

Regional Atrocity Risk Assessment

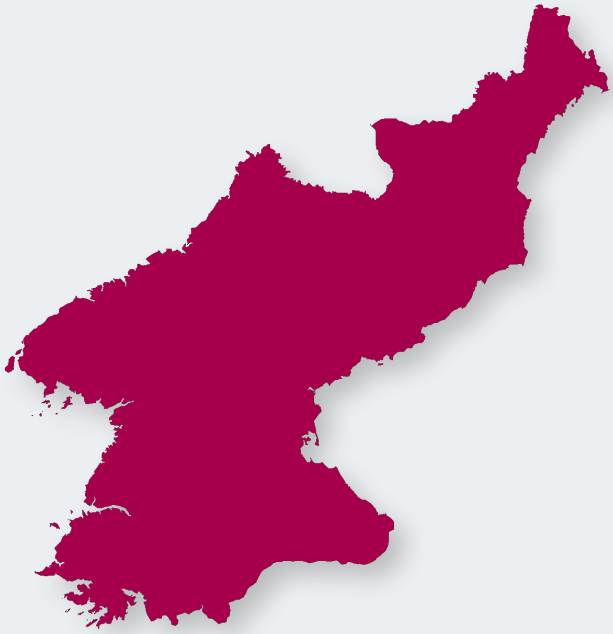


Very High	Democratic People's Republic of Korea (DPRK) Myanmar
High	The Philippines
Moderate (high to low)	Indonesia Papua New Guinea Thailand Timor-Leste
Low	Cambodia, China, Laos, Vietnam
Very low	Australia, Brunei, Fiji, Japan, Kiribati , Malaysia, Marshall Islands, Micronesia, Mongolia, Nauru, New Zealand, Palau, Republic of Korea, Samoa, Singapore, Solomon Islands,Taiwan,Tonga, Tuvalu, Vanuatu

Protection Priorities
VERY HIGH RISK COUNTRIES

Democratic People's Republic Korea

As United Nations Assistant Secretary-General for Human Rights Andrew Gilmour reported to the UN Security Council on 9 December 2016, there has 'been no improvement in the truly appalling human rights violations' in the DPRK, and crimes against humanity as documented by the 2014 Commission of Inquiry continue with impunity. In addition to serious human rights violations, the people of DPRK are experiencing a humanitarian emergency, wherein approximately 70 percent of the population is suffering food insecurity, 25 percent do not have access to adequate healthcare and 20 percent lack access to clean water and sanitation. The DPRK is failing to ensure the welfare of its population, opting instead to channel state resources to bolstering its nuclear and ballistic missile program. Amidst already heightened international concern over the DPRK's 9 September 2016 nuclear test, on February 12 Pyongyang conducted another missile test, launching a new type of ballistic missile.



After nearly three months of negotiations, on 30 November the Security Council unanimously adopted Resolution 2321 authorizing additional sanctions to respond to the DPRK's 9 September nuclear test. In addition to imposing the toughest and most comprehensive sanctions regime to date, the resolution included new and unprecedented language "condemning the DPRK for pursuing nuclear weapons and ballistic missiles instead of the welfare of its people while people in the DPRK have great unmet needs'. For the first time, the UNSC called on the DPRK to respect and ensure the 'welfare and inherent dignity' of people in its territory. The language mirrored concerns that have repeatedly been raised by the current and former UN Special Rapporteurs on the human rights situation in the DPRK that Pyongyang's militarization is linked to the grave humanitarian hardship and human rights abuses endured by the North Korean people.

Despite consensus in endorsing this text, the Security Council has remained divided on taking more direct action to ensure protection and human rights accountability in the DPRK. On 1 December, the day after the Council unanimously voiced concern over the welfare of the population of the DPRK, nine UNSC members (France, Japan, Malaysia, New Zealand, Spain, Ukraine, the UK, the US and Uruguay) sent a letter to the Council President requesting a formal meeting to receive briefings from senior UN officials on the human rights situation in the DPRK. For the third consecutive year, China registered its objection to the UNSC formally discussing human rights related concerns in the DPRK by calling a vote on the adoption of the agenda for the meeting. Because adding items to the Council's agenda is a procedural matter that requires only nine affirmative votes and is not subject to the veto of a permanent member, the meeting was approved on 9 December with the nine sponsors of the meeting voting in favour. China, along with Angola, Egypt, Russia and Venezuela voted against the meeting, while Senegal abstained. Along with Andrew Gilmour, the meeting included a briefing by Deputy Secretary-General Jan Eliasson.

The key point of contention reiterated by opponents of the meeting was that the human rights situation in the DPRK falls outside the purview of the Security Council's international peace and security mandate. In the December meeting, those in favour of the UNSC considering action on the human rights situation in the DPRK made three main arguments justifying the matter as a UNSC concern. First, stability on the Korean peninsula requires determined action to address widespread and systematic human rights violations because the resources for the DPRK's military program are sustained in part by human rights abuses. Second, serious human rights violations are often precursors or warning signs of wider instability and conflict, and have implications for regional stability. Third, as Mr. Eliasson emphasized in his remarks to the Council, the international community has endorsed a collective responsibility 'to live up to the principle and norm of the responsibility to protect', and entrusts the UNSC to take action in this regard.[1]

Alongside efforts to maintain formal Security Council deliberation on serious human rights violations in DPRK, Council members have also made use of informal mechanisms to consider how the UNSC can support human rights protection and accountability. On December 1, France convened an informal expert level meeting of UNSC members, with briefings from the OHCHR's office in Seoul, the OHCHR office in Geneva and the UN Department of Political Affairs. Russia and China were the only UNSC members not in attendance.

In addition to efforts within the UNSC, other Member States have endeavored to ensure that non-proliferation efforts do not sideline initiatives to improve human rights and secure justice for victims in the DPRK. On December 1, Australia, Japan, the Republic of Korea, the US and the EU organized a panel discussion 'Human Rights Situation in the DPRK: Current Initiatives by the International Community', which discussed headway and challenges to the two-track accountability and cooperation approach that the international community has adopted to deal with the human rights situation in the DPRK. On 9 December, Japan, the Republic of Korea, the UK and the US organized an event 'Separated, but Not Forgotten: the Heartbreaking Impact of North Korea's Repressive Policies on Families', which drew attention to the 7 December publication of the OHCHR report on the involuntary separation of Korean families since the Korean War through displacement, enforced disappearances, trafficking and abduction. The report was based on testimonies collected by the OHCHR office in Seoul, and included recommendations to allow unhindered people-to-people contact between North and South Koreans and to ensure the protection of people who leave the DPRK. Division in the UNSC presently hamper accountability measures such as an ICC referral and targeted sanctions against perpetrators of large-scale human rights abuses. However, Tomás Ojea Quintana, the UN Special Rapporteur on the human rights situation in DPRK, along with the OHCHR-appointed group of independent experts on accountability in the DPRK continue to explore alternative avenues for addressing impunity. The Special Rapporteur's next report to the Human Rights Council is scheduled for March 2017. The report will cover information pertaining to Mr. Ojea Quinatana's November visit to Japan and the ROK, and include an annex of recommendations of the experts on accountability on mechanisms for securing truth and justice for victims of crimes against humanity.

Innovative approaches are needed to engage DPRK authorities in improving human rights. Cooperation with the DPRK has been difficult, as Pyongyang continues to reject requests for country visits by OHCHR special procedure mandate holders, based on the argument that country-specific mandates are politicized, selective and represent double standards. However, there may be some room for engaging with the DPRK following Pyongyang's decision on 6 December to ratify the Convention on the Rights of Persons with Disabilities. This is the fifth human rights treaty that the DPRK has ratified, following ratification of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (both in 1981), the Convention on the Elimination of Discrimination Against Women (CEDAW) (in 2001), the Convention on the Rights of the Child (in 1990) and the Optional Protocol to the Convention on the Rights of the child on the sale of children, child prostitution and child pornography (in 2014). The DPRK submitted national reports to the CEDAW committee in April 2016, and to the Committee on the Rights of the Child in May 2016. The OHCHR office in Seoul, the UN Special Rapporteur and the EU have voiced their hope that DPRK's recent ratification and engagement with human rights mechanisms may open avenues for credible engagement and concrete cooperation on addressing at least some of the human rights challenges in the DPRK.

A final issue that has raised concern in recent months is how the new sanctions regime will impact the humanitarian situation in the DPRK. There is a need for more detailed research and analysis on this matter.

Recommendations

For the government of the DPRK

- Immediately cease the systematic commission of crimes against humanity.
- Work towards fulfillment of the Responsibility to Protect by ceasing human rights violations, abiding by UN sanctions, and reallocating the domestic budget away from disproportionate military expenditures toward protecting and ensuring the welfare of the DPRK people.
- 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 for technical assistance to faithfully implement human rights treaty obligations as well as the universal periodic review recommendations that were accepted by the DPRK in 2014, including recommendations relating to:
    - economic and social rights,
    - the rights of women and children,
    - human rights education,
    - a rights-based approach to development,
    - family reunification.
- Follow through on the September 2015 invitation from the DPRK's Minister of Foreign Affairs to the High Commissioner for Human Rights to visit the country, and respond favorably to the outstanding requests for country visits from five special procedure mandate holders, including the 2015 requests of the Working Group on Arbitrary Detention and the Working Group on Enforced and Involuntary Disappearances.
- Resume bilateral and regional human rights dialogue with China, the Republic of Korea and Japan.

For Regional Actors

- Respect the principle of non-refoulement and refrain from repatriating individuals to the DPRK where they are likely to face torture or other serious human rights violations.
- All states should reaffirm that the DPRK has a responsibility to protect its population from atrocity crimes, and that there is a collective responsibility to address widespread and systematic human rights violations in the DPRK to live up to the responsibility to protect principle and to achieve stability on the Korean peninsula.
- All state should encourage DPRK authorities to cooperate with the OHCHR, and to invite special procedure mandate holders for country visits.
- Northeast Asian states, for whom the death penalty remains a difficult issue, should consider instigating a regional dialogue on the question of the death penalty, possibly in cooperation with the European Union.

For the International Community

- The UN system should address grave human rights violations in the DPRK in a coordinated and unified manner in accordance with Secretary-General's Human Rights Up Front Initiative.
    - The Human Rights Council should continue to support the Special Rapporteur and group of independent experts on accountability to devise practical mechanisms of accountability to secure truth and justice for victims of crimes against humanity in the DPRK.
    - The OHCHR should closely monitor human rights in the DPRK; investigate unresolved human rights issues, including the practice of sending workers abroad in conditions of forced labour; prepare to provide technical assistance; and deepen its support for the UN's engagement. o The General Assembly should continue to maintain visibility of the human rights situation and call for accountability in the DPRK.
    - The Security Council should request a report from the Secretary-General on the humanitarian situation in DPRK, including an analysis of the impact of sanctions;
    - The Security Council should hold regular briefings on the issue with the participation of UN High Commissioner for Human Rights, Special Rapporteur and other relevant experts.
- Civil Society actors should continue to raise awareness and visibility of the human rights situation, and advocate for accountability, including through supporting efforts to map suspected perpetrators of serious crimes and the related chain of command structure in the DPRK.

Protection Priorities
VERY HIGH RISK COUNTRIES

Myanmar

The crisis in Rakhine state has not abated more than four months since the October 2016 attacks by suspected militants sympathetic to the Rohingya community. As well, military operations against some ethnic armed groups in the country continued over the last three months, further aggravating civilian suffering in affected areas.

As of early February 2017, UN agencies reported that about 1,500 houses in 30 villages in Rakhine have been razed and that close to 70,000 Rohingya Muslim refugees already fled to Bangladesh. At least 23,000 people in Rakhine have been internally displaced and over 100 people were killed in the aftermath of clearing operations conducted by Myanmar's security forces.[2] (Two unnamed UN officials, however, reportedly claimed that Myanmar's forces may have killed more than 1,000 Rohingyas during the crackdown since October. [3]) For its part, the UN Human Rights Commissioner's office released a report on 3 February that detailed "mass gang-rape, killings (including babies and small children), disappearances, and other serious human rights violations by Myanmar's forces" [4] in a sealed-off area of Maungdaw in Rakhine. The report was based on 204 interviews of victims across the border in Bangladesh conducted by a team of UN human rights investigators. More than half of the 101 women interviewed claimed to have suffered rape or other forms sexual violence.[5] Although the Myanmar government has allowed the resumption of delivery of UN and other agencies' humanitarian aid to affected communities in Rakhine, this has been restricted through local staff and humanitarian workers could not undertake needs assessments and protection activities. [6]

In response to mounting international pressure on her government, Suu Kyi called a special informal meeting of the ASEAN foreign ministers in Yangon in December following demonstrations in Kuala Lumpur (led by no less than Prime Minister Najib Razak), Bangkok, and Jakarta. The focus of the Yangon meeting was on the resumption of humanitarian assistance to affected communities (estimated by the UN at 130,000 persons) and for continuing updates from the government to ASEAN about the evolving situation in Rakhine. For their part, ASEAN members expressed their commitment in helping Myanmar in rebuilding and restoring peace and stability in Rakhine.[7] For his part, the Malaysian foreign minister proposed that ASEAN should set up an independent body of experts and other eminent persons to investigate and corroborate official accounts of the Myanmar government on the situation in Rakhine.[8] Meanwhile, during a meeting in January of the Organization of Islamic Cooperation (OIC) in Kuala Lumpur, the Malaysian prime minister called on Naypidaw to "stop the killings, burning of houses, and violation of women and girls" even as he accused the government of committing "genocide" against the Rohingya community. [9] Syed Hamid Albar, the OIC Special Envoy to Myanmar, said that the OIC should seek UN intervention to prevent "genocide" against the Rohingyas.[10] Myanmar's foreign ministry however denied the allegation and criticised the OIC for ignoring the October attacks and the government's "genuine efforts" to address the crisis in Rakhine. It also accused the Malaysian government of exploiting

the crisis "to promote a certain political agenda" to divert attention from corruption allegations against the ruling party. [11]

Amidst accusations from the international community that it has committed atrocities against the Rohingyas, the Myanmar government initially denied that security forces have committed gross violations of human rights during operations against the militants. In early January, a commission set up by the government and headed by a former military general in its interim report said that it has "so far found no evidence of genocide against Rohingya Muslims" and "not enough evidence to support widespread rape allegations." [12] However, following the release of the report by the Office of the UN Human Rights Commissioner on 3 February, it softened its position and promised to investigate the allegations of abuse even as it also sought more information from the UN. [13] Suu Kyi expressed deep concern over the allegations of widespread human rights violations in Rakhine and assured the UN High Commissioner for Human Rights that the government will take the necessary measures if "there is clear evidence of abuses or violations." [14]

Meanwhile, Myanmar's deputy defence chief pleaded to the international community to give his country "time and space" to solve the crisis involving the Rohingyas even as he also expressed concerns that "jihadists could exploit the situation" in Rakhine.[15] Thus far, there have been 20 clashes since 9 October between Myanmar forces and suspected Rohingya militants from the border with Bangladesh, with 17 security forces and 69 attackers killed as of 9 February. [16] The Bangladesh government has been coordinating with the Myanmar security troops in preventing Rohingya militants from crossing their shared border, but has allowed women, children, and the elderly to cross and seek shelter into Bangladesh. [17] On 16 February, the Myanmar government announced that the military's security clearance operations in Rakhine has ended and that the situation in the area has stabilized. Only police forces are maintained to ensure peace and order. [18]

The mounting international pressure on Myanmar over the crisis in Rakhine is also causing some tensions between the civilian NLD government and the military, which could have serious implications for the country's political stability. An unpublicized meeting between Suu Kyi and military chief General Min Aung Hlaing took place in Naypidaw on 4 February where the latter reportedly asked the former to convene the National Defence and Security Council (NDSC) as soon as possible to address a number of security issues in the country.[19] (Earlier, the opposition and pro-military Union Solidarity and Development Party (USDP) and its allies issued a statement on 26 January calling on the NDSC to "intervene in security and rule of law issues facing the country". Specifically, the statement raised concerns about accepting the Rohingyas who fled to Bangladesh after the October attacks back into country, the creation of the Arakan State Advisory Commission headed by Kofi Annan, and the appointment of a national security advisor. [20] Apparently, the appointment of a cabinet-level national security advisor did not sit well with the military as it was seen as an attempt by the NLD to circumvent the NDSC.[21]) The meeting between Suu Kyi and Hlaing came on the heels of an apparent political assassination of U Ko Ni, a Muslim lawyer and close adviser to the NLD chief following a trip to Indonesia as part of a delegation of Buddhist and Muslim religious leaders involved in dealing with the crisis in Rakhine. U Ko Ni was a strong critic of the current constitution of Myanmar and was advocating for amending the race and religion laws in the country. One of the suspects in the assassination is a former lieutenant colonel of the Myanmar army who remains at large.

In other conflict-affected areas in Myanmar, UN special rapporteur Yanghee Lee, following a visit to the country in January, highlighted the continuing human rights abuses even under the NLD government. Specifically, in Kachin and Shan states, she received reports from various civil society groups of ongoing human rights violations, increase in the number of refugees in conflict areas, and reduction, blockage, or stoppage of aid to internally displaced persons. Although she was able to visit Rakhine state, her visit to Kachin and Shan states were restricted by Myanmar authorities.[24]

Recommendations:

The government of Myanmar has the primary responsibility to ensure the protection of civilians in Rakhine and other conflict areas in the country. It should:

- Allow an impartial investigation of alleged abuses by security forces and prosecute those who may be found to have violated the rule of law.
- Grant unimpeded access to humanitarian aid for both Arakanese and Muslim communities in Rakhine
- Permit humanitarian workers to undertake needs assessment and protection activities to affected communities. The same should be ensured in other conflict-affected areas in Myanmar.
- Continue to push for a political dialogue with all ethnic armed groups and encourage other armed groups to sign the national ceasefire agreement
- The security forces should ensure the protection of civilians who are fleeing Kachin and Shan states, including access to food and temporary shelter

Mounting international pressure on the civilian government in Myanmar with regard to the Rakhine crisis has already increased tension between the NLD and the military, which could have serious implications for the political stability of the country. Therefore, the international community should:

- Pursue a careful and balanced approach in dealing with the Myanmar government by giving priority to enhancing the capacity of the state in managing internal conflicts.
- Continue to encourage the government to fulfil its international legal obligations and promote human rights protection and accountability of the security sector.
- Support the delivery of humanitarian assistance.
- Encourage Myanmar and Bangladesh to enhance cooperation on border protection dialogue and provide assistance to both states in dealing with the border security threats, including deterring terrorist or militant attacks.
- Major donor countries such as Australia, Japan, the United States, and the EU should continue to provide capacity building assistance to Myanmar's police and security sector to enable them to respond to peace and order problems with due respect to the rule of law and human rights protection.

ASEAN should:

- Continue to provide capacity-building assistance to Myanmar in the areas of border security, immigration, conflict prevention, peace-building.

The UN should:

Continue to assist the Rakhine State Advisory Commission in carrying out its mandate, including the prevention of another outbreak in the area.

Yanghee Lee, special rapporteur on the situation of human rights in Myanmar, at the UN Human Rights Council in Geneva on March 13, 2017.

Protection Priorities
HIGH RISK COUNTRIES

The Philippines

There is a high risk of atrocities in the Philippines amidst President Duterte's continuing war on drugs, with more than 7,000 killed as of end of January 2017.[25] Despite the temporary suspension of police anti-drug operations since February, unresolved cases of alleged extra-judicial killings are likely to increase especially if the government carries out its plan to involve the military in the campaign[26] without adequate mechanism for ensuring protection of human rights. Meanwhile, the sudden termination of the unilateral ceasefire declared by both the communist insurgents and the government has undermined the ongoing peace talks between the two sides, which increases further the risk of atrocities in the country.

As of 31 January 2017, the Philippine National Police (PNP) reported that there were 7,080 killed in the war on drugs since 1 July last year, of which 2,555 were killed during police operations. As of 9 January 2017, there were 4,146 killed outside police operations (considered EJKs or vigilante killings), with 3,271 cases still under investigation. Meanwhile, 875 cases of EJKs or vigilante killings were investigated of which 543 cases had suspects arrested.[27] Since the suspension of the police anti-drug operations, there has not been as much front page news on incidents of drug-related killings by the local media (one media outlet however indicated 33 fatalities for the month of February 2017 for a period of 14 days only[28]), but an international news report alleged that vigilante killings continue.[29] In December last year, a local opinion poll indicated that 85 percent of the public are satisfied with the government's anti-illegal drug campaign. However, 69 percent consider extra-judicial killings as serious problem, 78 percent worry about becoming victims of EJKs, while 98 percent said that drug suspects must be captured alive. [30]

A temporary suspension of police anti-drug operations and dismantling of the anti-illegal drug unit in the PNP was announced by President Duterte in late January following the murder of an expatriate Korean businessman in the Philippines by a group of police and law enforcement agents who used an anti-drug operation as pretext. For now, the Philippine Drug Enforcement Agency (PDEA) has taken the lead in the anti-drug war although Duterte said that he will also bring in the military in the campaign and consider reviving the Philippine Constabulary, which is the predecessor to the current national police force.[31] (The head of the Armed Forces of the Philippines (AFP) announced on 20 February that some 500 soldiers will soon join the PDEA in the anti-drug operations but assured the public that, unlike the previous police operations, troops will not be operating in the streets or run after drug pushers.[32]) Duterte also sought for the overhaul of the PNP to get rid of corrupt policemen[33] and announced that the war on drugs will continue until the end of his term in 2022.[34] The Philippine Senate, which is currently investigating the killing of the Korean businessman, has also conducted hearings on other cases of extrajudicial killings and human rights violations by policemen in relation to the government's drug war. Some senators have also asked Amnesty International to substantiate its claim in its recent report that some policemen are being paid to kill suspected drug users or drug traders.[35]

Meanwhile, the Philippine Supreme Court has issued two separate writs of amparo or temporary protection orders against anti-narcotics police officials to protect surviving family members of suspected drug dealers or users who were killed in police operations. The protection orders bar policemen from entering the residence and work places of petitioners within a one-kilometre radius. [36] The second temporary protection order issued by the highest court on 21 February included the secretary of local government, the chief of the PNP, as well as other police officials. Although President Duterte was included in the second petition, the Supreme Court excluded him in the order. [37] The grant of temporary protection applies only to certain local communities where petitioners live or work and does not cover the entire national police anti-drug

operations. It is likely that the Supreme Court will grant similar petitions for protection against policemen. This significant development augurs well in mitigating the risk of atrocities related to the government's anti-drug war, especially in the context of protecting vulnerable populations in poor areas where most of the EJKs or vigilante killings have taken place. Human rights defenders, such as the Centre for International Law, provided legal assistance to petitioners from poor communities for protection. [38]

Peace talks between the government and the Communist Party of the Philippines/New People's Army (CPP/NPA) have been suspended after President Duterte ordered on 1 February the termination of the unilateral ceasefire declaration following a series of attacks against government troops by rebel forces in different parts of the country. [39] The communist insurgents also attacked a private resort in Luzon[40] and a banana plantation in Mindanao.[41] With the suspension of peace talks, the NPA on 10 February declared a full offensive against government forces. [42] Notwithstanding the order of President Duterte for the Armed Forces of the Philippines (AFP) to resume counter-insurgency operations, the military command in Caraga region in Mindanao appealed to the communist rebels not to resume the war to enable government forces to carry out rescue and retrieval operations in areas that were affected by a strong earthquake that struck on 12 February.[43] A number of peace advocates in Mindanao have appealed to President Duterte to stop the all-out war and resume peace talks with the communist insurgents to prevent atrocities being committed against lumads (indigenous peoples) in conflict areas. They also expressed willingness to facilitate the release of government troops and police officers who are being held by the NPA in various areas in Mindanao. [44] As for the Muslim rebellion in Mindanao, the government and the Moro Islamic Liberation Front (MILF) are on track in moving the peace process towards the drafting of Bangsamoro basic law with the launching of the new transition commission on 24 February. The expanded 21-member panel includes representatives from indigenous peoples and a faction of the Moro National Liberation Front (MNLF). [45] The draft basic law is expected to be finished for submission to the Philippine legislature in July this year.

Recommendations:
President Duterte's decision to suspend police anti-drug operations following the involvement of corrupt police and law enforcement in the killing of a Korean businessman is a welcome respite from seven months of drug-related bloodshed in the country since the start of his administration. The Philippine government should:

- Uphold its primary responsibility to protect all populations including those who are at risk of atrocities in relation to its anti-drug war and in counter-insurgency operations against communist rebels.
- Establish mechanisms to ensure adequate checks and accountability measures against potential abuse by government soldiers as they support the PDEA's anti-drug operations.
- Seriously consider the reopening of peace negotiations with the CPP/NPA as soon as possible. The government should also consider negotiating with local rebel leaders in the area in implementing local ceasefires and support initiatives by peace advocates in mitigating atrocities in conflict areas affected by the military's counter-insurgency operations.
- Provide adequate protection to civilians and indigenous peoples in conflict areas in Mindanao who are caught in the crossfire.

Civil society groups should

- Continue providing legal assistance to vulnerable populations to petition courts for protection against policemen and other law enforcement agents who were involved in the anti-drug operations over the last seven months.

The international community should

- Continue to demand that the Philippine government take action against impunity by police and other law enforcement agents in relation to the anti-drug war.
- Assist the government in addressing the health dimension of the illegal drug problem in the country.
- Continue providing expert assistance to the government in managing the large number of drug users who surrendered and need rehabilitation
- Support the building of rehabilitation centres in the country.
- Support the training of police and law enforcement agents in developing a community-level approach to rehabilitation of drug users.
- Encourage the government to resume peace talks with the communist rebels and support its efforts in mitigating the risk of atrocities faced by indigenous peoples in conflict areas in Mindanao.

Protection Priorities
MODERATE RISK COUNTRIES

Indonesia

Indonesia continues its transition into a stable democracy and continues to adopt measures that contribute to the implementation of R2P. In particular, it has resolved violent disputes over Timor-Leste and Aceh, and the Widodo government has made important strides towards easing tensions in West Papua, though significant sources of risk remain in that province. The Indonesian government has frequently voiced its support for R2P and its commitment to implementing the principle. Indonesia has relatively strong National Human Rights Institutions and has developed a National Plan of Action for the Promotion and Protection of Human Rights. A number of potential risks remain, however:

1. Sectarian conflict and incitement in Aceh, Sumatra, Kalimantan and Jakarta.
The most significant risk confronting Indonesia stem from the potential for communal violence between the country's significant ethnic and religious minorities and majority Muslim population. Inter-communal violence – some of which has amounted to atrocity crimes – is still not uncommon despite the government's best efforts to prevent and stop it. As such, signs of sectarian conflict must be treated seriously. Over the past two decades, the government has performed relatively well in preventing the escalation of violence but sectarian conflict remains a problem in the provinces of Aceh (Muslim-Christian/Buddhist), Sumatra (Muslim-Buddhist) and, most recently, Kalimantan. Granted significant autonomy by its peace agreement with Jakarta, the conservative regional government in Aceh has allowed the passage of Sha'ria law and tightened religious restrictions. Physical punishments for even minor offences are now relatively common. In late 2015, there was also an increase in religious violence against minorities. In November 2015, for example, a bomb was discovered outside a Buddhist temple in Aceh. Tensions eased somewhat during 2016, and the province was hit by an earthquake in December. The government has vowed to support the rebuilding effort. On Sumatra, violence erupted in July 2016 in the town of Tanjung Balai, close to Medan. A mob attacked property belonging to the Chinese Buddhist minority, destroying at least three Buddhist temples. Order was restored by the security forces and an uneasy peace has prevailed since. More recently, sectarian violence has emerged in East Kalimantan. In November 2016, a church in Samarinda was firebombed, allegedly by Muhammed Juhanda, a known extremist and former prisoner.

In the past twelve months, sectarian conflict and incitement to violence has also emerged in Jakarta. On 5 November, 150,000 protestors spearheaded by the militant Islamic Defenders Front took to the street to demand the arrest of Jakarta's Chinese Christian governor for allegedly 'defaming' the Qu'ran. Similar protests were held elsewhere. Although security forces maintained security effective, some protestors were violent and slogans included the incitement of violence against non-Muslims. These protests led by Islamists were repeated in February 2017. The first round of elections for the position of governor held in the same month failed to deliver a majority to either the incumbent, Basuki Purnama or his opponent, former education minister Anies Basweden. A run-off between the two will be held in April and there is the possibility of election related violence.

Although the government has stepped in each time to quell sectarian tensions and apprehend suspects, ongoing low-level sectarian violence reflects deep-seated animosities between groups and is fuelled by hate speech and occasionally incitement. Indonesia has many sectarian faultlines and there are evidently extremist groups who seek to escalate tension and incite violence against other groups. If not properly handled, small scale violence could rapidly escalate into large scale atrocity crimes.

2. Islamist terrorism (country-wide)
A number of Islamist terrorist groups, some of them with alleged ties to the Islamic State (IS) or Al Qaeda operate inside Indonesia, and there is a persistent threat of terrorism. On 27 February 2017, police shot dead an extremist with ties to Islamic State after a small explosion in Badung. In October 2016, an individual in West Java, inspired by IS, attacked police with a knife. In August, the authorities arrested six people suspected of planning to launch terrorist attacks in Singapore. In July 2016, a suicide bomber attacked a police station in central Java. In January 2016, terrorists associated with the Islamic State (IS) launched a series of attacks across Jakarta, resulting in eight deaths (including four terrorists). The risk of terrorism is exacerbated by the fact that 'thousands' of Indonesians have travelled to Syria and Iraq to fight with IS and may look to return to Indonesia in order to commit atrocity crimes. To combat this threat, Indonesia has stepped up security and intelligence cooperation with neighboring states and has also adopted large scale education and de-radicalisation programs. Though they have not eliminated the threat altogether, these initiatives have helped limit the growth of radical extremism and terrorism.

3. Secessionist conflict in West Papua.
In March 2017, a group of seven Pacific Island countries called for a UN human rights investigation into allegations of severe violations of international human rights law in West Papua. The situation there, afflicted by secessionist conflict, continues to contain atrocity risks, with both government forces and secessionists accused of targeting civilians over the past few years. After a brief upsurge of violence in September 2015, the situation in West Papua has been relatively stable in 2016. President Widodo continues to support initiatives aimed at reducing tensions. These include an end to the transmigration of Javans to Papua, the lifting of the travel ban imposed on foreign journalists and the release of several Papuan political leaders. Some of these measures are controversial, however, and as a result have not been implemented fully. The government has also launched initiatives to improve economic development, including an initiative to construct new power stations to supply electricity to West Papua. At the same time, the government has continued to arrest independence activists and to detain and disrupt peaceful demonstrations against Indonesian rule. It also continues to restrict humanitarian access to the province, and limits access by foreign journalists, prompting calls for an easing on restrictions so that more assistance can be delivered to the province and greater transparency can be added to human rights reporting there. Protests and confrontations between West Papuan activists and the security forces or Indonesian nationalist groups are quite common, the most recent one occurring in Malan, East Java, in March 2017. Though typically peaceful, such confrontations carry the risk of violence.

Recommendations

For the government of Indonesia:
- Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
- Develop and implement a comprehensive strategy for tackling violent extremism that strengthens the security forces whilst protecting core human rights.
- Adopt stronger measures to prevent Indonesians travelling overseas to commit atrocity crimes for IS and others.
- Take steps to ensure the maintenance of the rule of law and order in areas afflicted by sectarian violence.
- Conduct a thorough assessment of risks of sectarian violence and develop an action plan to address it.
- Promote inter-faith dialogue and local capacities for conflict resolution in regions affected by communal strife.
- Accelerate efforts to reform the governance of West Papua, to make it more inclusive, accountable and responsive to the people's needs, and stimulate economic development.
- Consider improving humanitarian and media access to West Papua.

For the international community:
- Encourage Indonesia to take active steps to fulfil its responsibility to protect.
- 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
- Provide assistance when requested to help the government and civil society tackle their remaining challenges.

Protection Priorities
MODERATE RISK COUNTRIES

Papua New Guinea

Papua New Guinea (PNG) continues to confront a number of challenges which could give rise to atrocity crimes. High rates of violence are endemic across PNG. The town of Lae, for example, has one of the world's highest murder rates. In particular, PNG experiences extremely high levels of gender and sexual based violence. This, combined with pervasive and deep-seated gender inequality, elevates the risk of atrocity crimes. A report in March 2016 by Medecins sans Frontieres found that two-thirds of women in PNG had been beaten by their partner (compared to a global average of one third) whilst a UNDP report notes that the first sexual experience for one in ten girls/women in PNG is rape. It also found that 23% of male perpetrators were children when they first committed a sexual assault and that 80% of male respondents reported that they believed that they were entitled to sex from women. Sexual violence is therefore endemic and the country is judged by many to have the highest rate of sexual and 'domestic' violence of any country in the world outside a context of armed conflict. Restricted physical integrity is a vital indicator of risk of sexual and gender based violence and the situation in PNG indicates widespread and systematic tolerance of high levels of violence against women (especially) and widespread impunity. These are strong indicators of heightened risk of sexual and gender related atrocity crimes.

High rates of violence partly result from the government's relaxed attitude. Violence against women, including gang rape and domestic violence, is a widespread problem. Intra-family violence was criminalized only in 2013, and reports suggest that significant sections of the community still do not understand that it is illegal. There is no law that addresses all aspects of gender-based violence. Moreover, the laws that do exist have not been rigorously enforced and impunity remains the norm. Endemic sexual violence has many deep societal sources: grinding poverty, low levels of development and education, deeply entrenched discrimination against women and girls, limited legislative protections and limited enforcement of the law when it comes to the rights of women and girls, chronically high levels of unemployment, alcoholism and drug abuse.

In early 2017, clear signs have emerged of the government's diminished capacity to address these challenges. PNG has failed to pay its modest dues to the United Nations, causing it to lose its vote in the General Assembly. What is more, an Australian Federal Police capacity building and support mission in PNG has become embroiled in allegations that it has turned a blind eye to extrajudicial killings and that its officers are often drunk and ineffective. [46] There are recurrent allegations that the PNG police have opened fire on student protestors (2016) and unarmed suspects.

Recommendations:
The government of PNG and its partners should:

- Thoroughly investigate all allegations of the use of excessive force by the security forces and ensure full legal accountability.
- Publicize, educate and enforce the human rights of girls and women.
- Ensure improved access to justice for the victims of gender and sexual based violence.
- Tackle impunity by strengthening the training and accountability of security forces, including police.
- Increase support for the victims of sexual and gender based violence.
- Develop and implement a strategy for reinforcing anti-violence norms amongst men.
- Empower women through increasing educational and economic opportunities.

Protection Priorities
MODERATE RISK COUNTRIES

Thailand

Thailand remains in a transitional state. In an attempt to maintain order, the military-led government has curbed political and civil rights, especially rights of association and rights to protect, but has pledged that these rights will be restored once democratic and civilian government resumes following as yet to be scheduled elections in 2017. The government has also rigorously stepped up enforcement of laws prohibiting criticism of the Royal family and has prosecuted several individuals, including foreign journalists. These measures are widely seen as efforts to prevent criticism of the military-led government. The state of uncertainty in Thailand was exacerbated by the death of King Bhumipol in October was greeted with a wave of mourning which has eased political tensions across the country. The transition of authority to the Crown Prince will take place after one year, though considerable doubt remains about the possible effects of the transition and the potential for instability. Constitutional reforms have been adopted that will pave the way to new parliamentary elections in 2017, with the military retaining a quarter of the seats in parliament.

There are signs that the Islamic insurgency in the country's south could potentially escalate. The first few months of 2016 has seen a reduction in violence by Pattani rebels, which was loudly trumpeted by the government in Bangkok. Whilst violence in the region is around 50% lower than it was the previous year, the emergence of more radical terrorist organizations, such as 'Black Swan' could pose heightened risk in the future. In August, a wave of eleven bombings, many of them targeting sites visited by Western tourists such as Phuket, resulted in four deaths and dozens of injuries. Islamist insurgents are thought to be responsible. In October, a night market in Pattani was bombed, killing a Thai Buddhist and wounded more than a dozen others. Government forces have launched a crackdown in response, but have been accused by Amnesty International of using torture and other human rights violations. If true, this would not only contravene Thailand's international legal obligations, but also constitute a counter-productive use of violence likely only to inflame tensions further.

Recommendations:

- Progress should be made on the transition to civilian and democratic government continues in full consultation with all the relevant parties.
- The government of Thailand should fulfil its responsibility to protect by protecting civilians from terrorism and insurgent attacks.
- The security forces should ensure that their actions are consistent with domestic law and Thailand's international legal obligations, especially human rights obligations. Those responsible for violations of human rights should be held accountable.
- The government should explore options for negotiations with the Pattani insurgents.
- Non-state armed groups must refrain from targeting civilians and should be prepared to enter negotiations in good faith.
- All those responsible for violent crimes against civilians must be held accountable.

Protection Priorities
MODERATE RISK COUNTRIES

Timor Leste

In a promising development, the government of Timor Leste appointed a National R2P Focal Point and co-hosted with the government of the Republic of Korea the 6th annual meeting of the Global Network of R2P Focal Points in Seoul in June. Timor-Leste recovered well from the 2006 crisis that saw the state come close to collapse. Oil and gas revenues helped the Aliança da Maioria Parlamentar (AMP) government headed (until 2015) by Xanana Gusmão rebuild after the conflict by providing financial incentives to former rebels, grants to encourage the return of displaced civilians, granting generous state pensions to the veterans, and granting lucrative construction contracts to other potential spoiler groups. These measures helped the government restore peace and stability. New elections are scheduled for March 2017. There are no specific signs that the elections could trigger violence, though Fretilin is expected to win and there are some indications of divisions within the party, these are not expected to trigger violence.

The government has enacted new restrictions on journalism, which make it more difficult for the independent media to report on government activity. In an effort to diminish its reliance on international experts, the government also expelled all international staff from the judicial system, significantly weakening the system's capacity and creating an immediate backlog of cases.The government's pragmatic approach to conflict resolution has succeeded in stabilizing the country, and the situation there has significantly improved over the past decade resulting in a reduced risk of atrocity crimes. However, many of the underlying problems remain unaddressed. Thus far, the government has drawn on financial reserves in order to maintain its spending and some analysts suggest that it could continue to do this for some time into the future. However, over the long term the economic outlook appears less than promising. The government's principal source of income, the Bayu Undan gas field is coming to the end of its natural life and the country's petroleum resources are likely to end in next decade. As yet the government has no economic plan beyond the sale of these natural resources. Timorese are expressing increasing concern about the economic future. In particular, there are concerns about land ownership and security. In a recent poll, half of the surveyed residents of Dili residents reported that they feared being evicted over the next five years.

Recommendations.:

- To address the primary concern of Timor-Leste's unsustainable reliance on oil and gas revenues, a renewed effort must be made to diversify the nation's economy. This can only be achieved through unified efforts to support the country's non-oil sectors, such as agriculture, tourism, fisheries and small industry.
- Reducing poverty and unemployment and improving human security should be a priority for the government of Timor-Leste and its international partners. The government should improve infrastructure and government services, strengthen education and health care , and enhance climate change readiness.
- The government of Timor-Leste should implement the recommendations of the Commission for Reception, Truth and Reconciliation (CATR) and the Commission of Truth and Friendship (CTF), including by establishing the proposed National Reparations Program and Public Memory Institute.
- The role, responsibilities and duties of each of the security forces ought to be clearly defined to avoid overlap and tension in the futureand training of each should be tailored to suit their specific roles.
- The government should reconsider its decision to dismiss international judicial personnel and advisors.
- The government should repeal recent legislation restricting the national media.
- The government of Timor-Leste should support its newly appointed National Focal Point on R2P to promote the implementation of R2P in the Asia Pacific, and to develop a national plan of action for advancing R2P in Timor-Leste.

Protection Priorities
One to Watch

Cambodia

Although Cambodia confronts many challenges, at the present time, the risk of atrocity crimes is low. The government's decision to appoint a National R2P Focal Point in 2016 is especially commendable and noteworthy. Important too is the fact that the government has expressed interest in developing a national action plan for the implementation of R2P and leading regional dialogue on the issue. Cambodia experienced atrocities under the Khmer Rouge regime (1975-79), but the peace process in the early 1990s and subsequent state consolidation have had a major positive impact in the country, together with the opening of the economy which has produced rapid economic growth and a rise in the overall standard of living. There are still many political, economic, social and humanitarian challenges relating to underlying risk factors that will have to be addressed moving forward with the issue of land seizures foremost amongst them. Besides land management, other challenges include persistent human rights violations including the freedom of speech, freedom of assembly and the freedom from torture and ill-treatment. Nevertheless, the outlook for Cambodia is generally and the likelihood of atrocity crimes is low. Over the horizon, the 2018 national elections could heighten the risk of political violence and hate speech/incitement that could give rise to atrocity crimes and this will have to be carefully monitored.

Because of the potential risks associated with the upcoming 2018 election, the situation in Cambodia should be carefully monitored. Though at this point there is no specific evidence of emerging risk, there are two potential scenarios that could give rise to atrocity crimes. In the first scenario, the government fails to conduct a free and fair election and cracks down on the opposition. In response, the opposition rejects the legitimacy of the election and its supporters take to the streets leading to violence. In the second scenario, free and fair elections produce a majority in support of the opposition but the government led by Prime Minister Hun Sen and backed by the military refuses to transfer power. In this scenario, opposition supporters might take to the street to demand a transfer of power and security forces might use violence to impose their will. Given the potential of these two scenarios to give rise to atrocity crimes it is imperative that all efforts are taken to ensure that the election is free and fair and conducted in a peaceful fashion and that all parties commit to the peaceful transition of power should the election result demand it.

The Asia Pacific Centre for the Responsibility to Protect will shortly publish a detailed risk assessment of the situation in Cambodia.

Recommendations

The government of Cambodia should:

- Take steps to ensure that the 2018 election is free and fair, free of incitement and hate speech, is conducted peacefully and does not give rise to post-election violence. Specifically, it should heed the call of the UN Secretary-General to "resume… cooperation and dialogue" with opposition parties in advance of the election and to "refrain from violence, intimidation and harassment". It is imperative that the government take steps to ensure a "non-threatening environment of democratic dialogue" which is "essential for political stability and a peaceful society".
- Ensure that those responsible for any political violence and other acts of violence are held accountable for their actions and ensure that there is no impunity.
- Develop and implement a fair, legitimate and comprehensive land planning and management policy.

Protection Priorities
One to Watch

- Take steps to ensure the more consistent application of international human rights law in domestic settings.
- Implement, in full, the measures proposed by Prime Minister Hun Sen in his 2015 speech on the Responsibility to Protect.

For civil society

- Civil society and the private sector should work together to ensure that national elections in 2018 are free, fair and peaceful.
- International actors should support the efforts of Cambodian organizations to implement R2P

For international partners

- Encourage and support the government of Cambodia to ensure that the 2018 national elections are free, fair and peaceful.
- Support national and local initiatives to promote peaceful elections in 2018.

Voter registration Campaign 2016 National Election Committee Cambodia

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