



ASIA PACIFIC OUTLOOK

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ASEAN+ and the elimination of violence and discrimination against women

PNG: Challenges intensifying



Australian Government

Department of Foreign Affairs and Trade



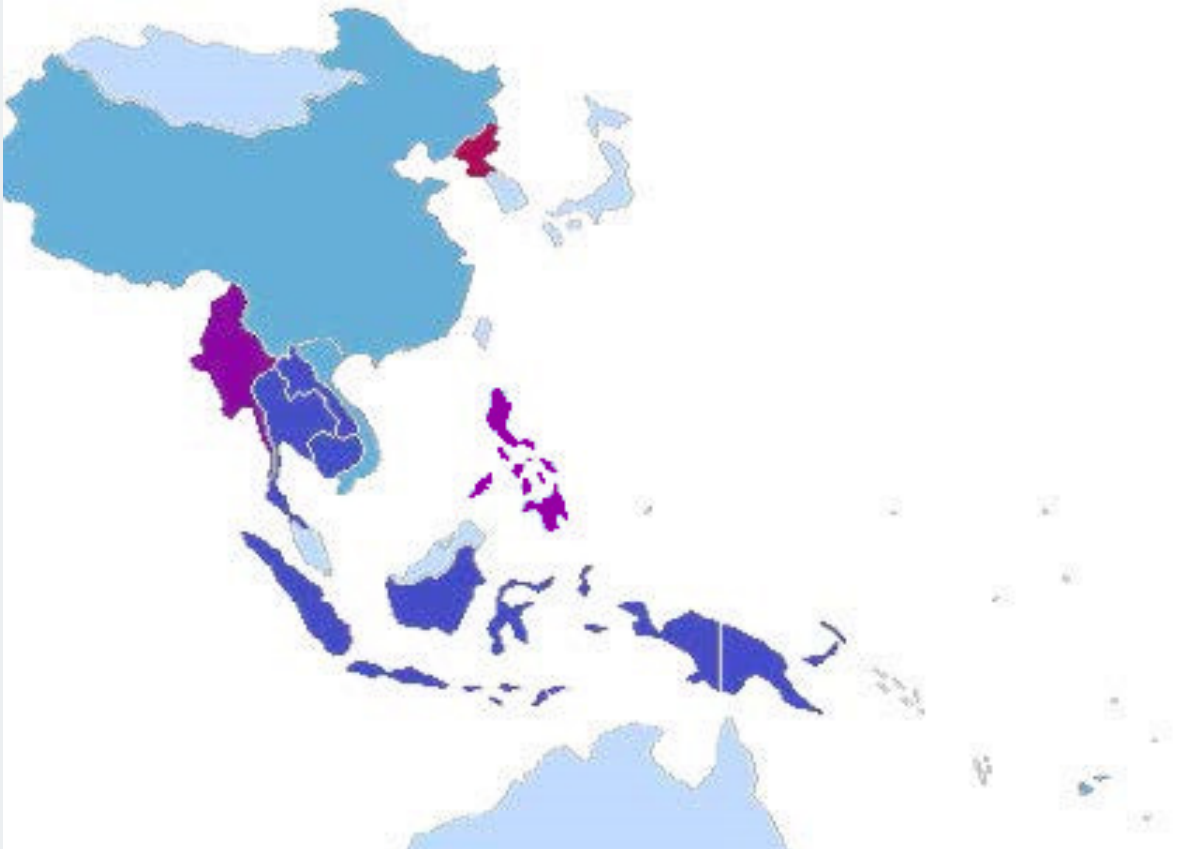
AP R2P

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)

High Myanmar
The Philippines

**Moderate
(high to low)** Indonesia
Papua New Guinea
Thailand
Timor-Leste

Low Cambodia, China, Fiji, Kiribati, Laos, Vietnam

Very low Australia, Brunei, Japan, 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

Crimes against humanity appear to continue unabated in the DPRK, specifically: summary executions; abductions and enforced disappearances; the use of political prison camps and torture; systematic discrimination and persecution, including pervasive gender-based discrimination and violence; and defectors and trafficking (see past issues for details).¹

In June, progress was made towards implementing some of the recommendations of the United Nation's Human Rights Council's 2014 Commission of Inquiry, when a UN human rights field office was established in Seoul to collect information about, and monitor, the human rights situation in North Korea. The office's mandate is to: "strengthen monitoring and documentation of the situation of human rights as steps towards establishing accountability in the DPRK; enhance engagement and capacity-building with the Governments of all States concerned, civil society and other stakeholders; and maintain visibility of the situation of human rights in the Democratic People's Republic of Korea including through sustained communications, advocacy and outreach initiatives."²

It is expected that the office will be able to play at least three pivotal roles:

First, strengthen the UN's human rights engagement with the DPRK. It will make information more easily accessible to the Special Procedures (UN Human Rights Council's expert advisers) and to relevant Treaty Bodies (committees of experts that oversee implementation of various human rights treaties); the office could help those human rights mechanisms and others to advance human rights goals in the DPRK. The Seoul office is also expected to provide additional support to the Special Rapporteur on the situation of human rights in the DPRK, raising the profile of this mandate and encouraging the DPRK to renew its cooperation with the position – which was withdrawn after publication of the Commission of Inquiry report.

Second, to prepare the ground for technical cooperation in the field such as countering discrimination, fighting official impunity, strengthening the rule of law and training bureaucrats in the preparation of reports for UN Treaty Bodies.³ Moves towards technical cooperation ought to be mindful of the barriers to effectiveness and of the DPRK's track record of exploiting international engagement for its own interests.

Third, investigate aspects of the DPRK's human rights record that are still not well understood, notably the alleged genocide of Christians in the 1950s and 1960s and the human rights implications of the foreign use of North Korean labour (which has been alleged to be tantamount to slavery).⁴

Despite this progress, the commission of atrocity crimes in the DPRK continues to be overshadowed by the nuclear issue. There are signs that the North Korean government is once again looking to use the nuclear issue to attract attention and secure the leverage it needs to bargain for the additional foreign aid that it requires. On 3 August, the DPRK fired a ballistic missile into the sea off its east coast. This came after reports, two weeks earlier, that Pyongyang had intimated its willingness to resume negotiations about denuclearization. This repeats a long-standing tactic employed by the regime of provocative actions accompanied by appeals for negotiation intended to re-focus international attention on the Korean issue and secure diplomatic leverage. One of the effects of this strategy, whether intentional or not, is to divert international attention away from the question of human rights. It is important that this not be allowed to happen. Marzuki Darusman, the UN Special Rapporteur on the situation of human rights in the DPRK, has argued that the missile tests only reaffirm the need to ratchet up efforts to protect human rights in the DPRK, on the basis that 'the denial of human rights to its citizens internally has made resources available to embark on the path of aggressive military buildup; these are basically two sides of the same coin'.⁵ Determined action to address serious and systematic human rights violations is integral to any effort to stabilize the Korean peninsula.

Accountability remains an important question. On 6 July, the US Department of Treasury announced that it had designated Kim Jong Un by name on a new list of individuals sanctioned for human rights violations.

In addition to the issue of accountability, respect for the principle of non-refoulement remains a key human rights concern, though it should be noted that the DPRK has significantly downgraded the severity of punishment attached to unauthorized border crossings such that it is now generally treated as a minor misdemeanor. Both Russia and China have forcibly repatriated North Korean migrants in potential violation of the right to claim asylum.

Thanks in part to the work of the Commission of Inquiry, which specifically referred to R2P, the international community will remain engaged in the human rights situation in the DPRK. In addition to the regularly scheduled discussions on North Korean human rights in the Human Rights Council and the General Assembly, the Council will hold an official panel discussion on the subject, a first, at its 30th session from September 14 to October 2, 2015. It is hoped that the Security Council will also continue to hold Arria Formula meetings on the situation.



At the beginning of August, Tomas Ojea Quintana (previously the Special Rapporteur for Myanmar from 2008-2014) assumed the role of the Special Rapporteur on the situation of human rights in the DPRK. Ojea Quintana has indicated that one of his first initiatives in this role is to approach DPRK representatives in Geneva to propose channels for dialogue and cooperation, including a country visit to DPRK.

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 improving its human rights situation.

- Engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the new Special Rapporteur and the OHCHR field office in Seoul to develop plans for technical assistance to faithfully implement the universal periodic review recommendations that were accepted by the DPRK in 2014.
- 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. Russia should not implement recent extradition treaties with the DPRK. China should implement the recommendation of the Committee against Torture's fifth periodic report on China to allow the Office of the UN High Commissioner for Refugees access to DPRK nationals who have crossed the border to determine whether they qualify for refugee status.
- Japan, the Republic of Korea and the US, as well as all other key diplomatic actors, should ensure that human rights accountability is an integral part of their diplomatic engagement with the DPRK.
- 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 extend the mandate of the Special Rapporteur; task the Special Rapporteur or OHCHR to devise a comprehensive policy on humanitarian assistance in the DPRK; establish a group of independent experts 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; prepare to provide technical assistance; and deepen its support for the UN's engagement.
- The General Assembly should continue to maintain visibility of the human rights situation and call for accountability in the DPRK.
- 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.

FOOTNOTES

¹ Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, UN Human Rights Council, A/HRC/25/63 7 February 2014, para. 80.

² <http://seoul.ohchr.org/EN/Pages/ABOUT%20US.aspx>.

³ Christine Chung, 'Moving Forward on North Korean Human Rights', 38 North, 27 July 2015, at http://38north.org/2015/07/cchung072715/#_ftn14

⁴ These allegations were reported by the Commission of Inquiry,

⁵ 'Efforts to hold DPRK's Leadership Accountable Must Continue—UN Expert Urges in Last Report', United Nations Office of the High Commissioner for Human Rights, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17218&LangID=E>

PROTECTION PRIORITIES HIGH RISK COUNTRIES



Myanmar

Aung San Suu Kyi's democratically elected government, which formally took over in March 2016, has overall remarkably maintained internal peace and stability in Myanmar for the last six months following a delicate transition period from the military-dominated parliament under the Union Solidarity and Development Party (USDP) to a predominantly civilian one under the National League for Democracy (NLD). High in the agenda of the NLD government is the convening of the 21st Century Panglong Conference in August, which attempts to bring together all the ethnic armed organizations to the peace table in order to negotiate a lasting ceasefire and political settlement agreement with the central government.

The success of the Panglong Conference hinges on three major factors, namely:

- Support of the military to the peace process;
- Consensus among various ethnic groups on the framework of the peace negotiations with the central government;
- Whether non-signatories to the national ceasefire agreement (NCA) may be allowed to participate in the meeting.



Thus far, there are only eight ethnic armed groups that signed the NCA with the previous government and the Tatmadaw (military) has expressed opposition to including the other nine non-signatory ethnic groups in the Panglong Conference. The latter prefer to negotiate directly with the NLD even as some of them, especially those in the northern part of the country, continue to face the military's counter-insurgency assaults since November 2015 to force them to sign the NCA. The Tatmadaw insists on the 2008 Constitution as the framework for negotiating peace while the NLD wants the 1947 Panglong Agreement as the basis for ending the ethnic rebellion. Three of the non-signatory groups (Taang National Liberation Army, Arakan National Army, and the Myanmar National Democratic Alliance Army) have formed a "third bloc" with the United Wa State Army to counter the military's operations close to the border with China, and may not participate in the Panglong Conference. ⁶

Protection of civilians in armed conflict remains a major risk factor for atrocities in Myanmar. The Tatmadaw has undertaken several military assaults in Shan state since March this year, which reportedly involved killing and torture of civilians, the use of civilians as human shields against the rebel Shan army, as well as sexual violence against women. ⁷ In April, some 300 internally displaced civilians in Rakhine (Arakan) have suffered from food shortages and lack of adequate shelter following sustained military operations against the Arakan National Army since early 2015.⁸ In Shan state, on 25 June, Tatmadaw troops looking for members of the Shan national army killed seven civilians. But in a positive development, the military

admitted the killings and committed itself to prosecuting those responsible.⁹ Whether or not it does remains to be seen, but the admission of responsibility itself is a significant step forward. In addition, Myanmar is the top country in Asia (and third globally after Afghanistan and Colombia) with the highest number of landmine casualties (estimated at 40,000 since 1999, with 3,700 killed).¹⁰ Both the military and ethnic armed organizations use landmines and clearing them would be difficult without ceasefire and long-term peace agreement between the central government and ethnic groups.

Meanwhile, in managing communal tensions between the Buddhist majority and Muslim minority groups, some positive developments—though limited and incremental—have taken place following the visit to Myanmar by US Secretary of State John Kerry in May and by UN Special Rapporteur for Human Rights in Myanmar Yanghee Lee in July. Specifically, on the heels of Kerry's visit, the NLD created the Central Committee for Implementation of Peace and Development in Rakhine State, which will be headed by Suu Kyi and composed of 27 national and state government officials. It is supported by four working groups: 1) Security, Peace and Stability, and Rule of Law; 2) Immigration and Citizenship Scrutinizing; 3) Settlement and Socio-Economic Development; and 4) Cooperation with UN Agencies and International Organizations. During their meeting, Suu Kyi reportedly informed Kerry that the government was working on a solution 'that would allow the Rohingyas to live peacefully and securely outside the camps.'¹¹ Earlier, Suu Kyi also pleaded for understanding if her government refuses to label the Muslim community in Rakhine as Rohingya because the use of such "emotive terms" make it difficult "to find a peaceful and sensible resolution" to Myanmar's problems.¹² It is in this context that the NLD government issued a memo for government agencies to use the terms "Muslim community" and "Buddhist community" to refer to the people in Rakhine to avoid further exacerbating the communal tension in the area. However, both Rohingya Muslims and Arakanese Buddhists in Rakhine protested the government's use of the new term.¹³ In what appears to be an effort on the part of the military to support the NLD's peace initiative, the Tatmadaw's commander-in-chief Min Aung Hlaing during a visit to Rakhine in July exhorted the troops stationed in the state to refrain from "practicing 'extreme activities' while upholding their culture and religion."¹⁴

Other positive developments include:

- Aung Ko, the Minister of Religious Affairs and Culture, called upon the country's main Buddhist council to take action against Ma Ba Tha, an ultranationalist extremist Buddhist organization that routinely attacks Muslims, and especially the Rohingya. The Minister maintained that Ma Ba Tha could continue to exist as an organization only if it stopped using hate speech and instructed its members to do likewise. He explained that "I requested Mahana's head monks to stop or take action against monks or others who make hate speeches that can incite bad blood between people or conflicts, because it is very important that we have stability and development in the country".
- The state-backed Buddhist cleric organization Ma Ha Na announced in July that the ultranationalist group Ma Ba Tha is "not a lawful monks' association" and that it was "not formed in accordance with the country's monastic rules".¹⁵
- The chief minister of Yangon described the Ma Ba Tha as "not necessary" in Myanmar.⁶
- The new minister of religious affairs reportedly expressed support for calls by some groups for a law against hate speech.¹⁷
- The NLD considered reviving a religious harmony law that failed to pass in parliament in the previous administration.¹⁸

The call for enacting a law against hate speech came following an inter-faith meeting in Yangon in late April of more than 100 community leaders from various religious groups. These leaders also expressed the desire "to work closely with law enforcement to take action against those who use hate speech" and to empower communities through education as part of promoting peace.¹⁹ These significant developments came in the aftermath of increased attacks by Buddhist nationalists against Muslim and Christian houses of worship in central Myanmar in June;²⁰ the Ma Ba Tha setting up a school to teach children to "protect race and religion";²¹ and a protest organized by Ma Ba Tha in front of the US embassy in Yangon in April against the use of the term "Rohingya."²²

These positive developments indicate that the government of Myanmar under the NLD is paying serious

attention to managing ethnic conflicts and communal tensions in the country with a view towards attaining lasting peace and development. Specifically with regard to dealing with Buddhist nationalists, the NLD government and the military have taken significant steps in addressing the communal tensions in Rakhine, including the possibility of enacting legal measures to contain hate speech and promoting religious harmony in Myanmar. The international community should encourage the NLD government to continue with its peace talks with ethnic armed groups in the country and to adopt as soon as possible laws that will discourage hate speech and promote inter-faith harmony in Myanmar. Donor countries should also continue to provide capacity building assistance to Myanmar to help the government implement peace and development in Rakhine state, which would benefit vulnerable groups from both Muslim and Buddhist communities in the area. Whilst, in principle, a United Nations Human Rights Council Commission of Inquiry might help uncover serious violations of human rights in Rakhine state and identify the parties responsible, such a process might prove divisive, inflaming conflict in Rakhine, and could undermine the government's attempts to improve the situation by fuelling radical Buddhist nationalism. For those reasons, constituting a Commission of Inquiry would be imprudent at the present time.

Recommendations:

For the government of Myanmar

- The government should continue giving priority to pursuing a peaceful political settlement of the ethnic armed conflicts in Myanmar. In this regard, the success of the 21st Century Panglong Conference is crucial. It should be an inclusive process that must allow the participation of all armed ethnic groups, including those who have yet to sign the national ceasefire agreement (NCA).
- The government should ensure the protection of minority populations and begin dialogue aimed at repealing discriminatory legislation.
- The Tatmadaw should declare a unilateral ceasefire to allow the non-signatories to the NCA an opportunity to participate in the Panglong Conference without preconditions even as the NLD government should encourage these groups to sign the NCA.
- The government and the Tatmadaw should commit themselves to ensuring peace and development in Rakhine state through proper coordination of the four working groups' plans and recommendations for improving the relations among the Buddhist and Muslim communities thereat.
- The government should legislate to prohibit hate speech and incitement to violence. It should also revive its proposed law for the promotion of religious harmony in Myanmar. Once passed, the government should ensure that these laws are implemented fully. In the meantime, the government should work vigorously to prevent and contain hate speech and propaganda against minority groups in the country.
- The government and civil society actors should promote intercultural dialogue, peaceful reconciliation and the development of an inclusive society that respects diversity in Rakhine state.
- The government should give serious consideration to amending the 1982 Citizenship Law to provide minority groups in the country equal access to citizenship.
- The government should take steps to ensure that perpetrators of unlawful violence and human rights violations, including government agents, are held accountable for their actions.

For the international community

- The international community should take every measure to support the 21st Century Panglong and the implementation of any agreement reached, in coordination with the government of Myanmar.
- ASEAN and its dialogue partners such as Australia, Japan, the EU and the US should continue to provide capacity building assistance for Myanmar as part of their Pillar 2 commitments to promoting R2P in the region.
- The international community should encourage the government of Myanmar to address the root causes of the Rohingya problem in Rakhine and to fulfill its primary responsibility to protect populations within its territory and provide support to facilitate programs aimed at achieving that goal.
- The UN, ASEAN and other bilateral partners should provide assistance to help the central and state governments address the root causes of conflict among the communities in Rakhine state and to protect vulnerable populations now living in camps secure adequate food, shelter, and health

provisions.

- ASEAN and member states directly affected by the Rohingya refugee crisis should continue to engage in regional victims of human trafficking.
- ASEAN member states should be encouraged to develop domestic laws and mechanisms that would ensure the protection of refugees.
- International partners should provide capacity building assistance to Myanmar's institutions and law enforcement agencies through education and training on human rights protection, inter-faith dialogue and community building, as well as countering hate speech.

FOOTNOTES

⁶ Saw Yan Naing and Lawi Weng, "Gov't Peace Delegation Asks Ethnic Groups To Disarm," The Irrawaddy Online, 21 June 2016, from <http://www.irrawaddy.com/burma/govt-peace-delegation-asks-ethnic-groups-to-disarm.html>, accessed on 4 August 2016.

⁷ Nyein Nyein, "Burma Army Accused of Torturing Civilians in Shan State," The Irrawaddy Online, 1 June 2016, from <http://www.irrawaddy.com/burma/burma-army-accused-of-torturing-killing-civilians-in-shan-state.html>, accessed on 4 August 2016.

⁸ Sumyat Mon, "Military Accused of Forced Portering as IDPs rise in Arakan Conflict," The Irrawaddy Online, 22 April 2016, from <http://www.irrawaddy.com/burma/military-accused-forced-portering-idps-rise-arakan-conflict.html>, accessed 4 August 2016.

⁹ <http://www.rfa.org/english/news/myanmar/rights-group-calls-on-myanmar-government-to-try-soldiers-in-civilian-courts-07212016162641.html>

¹⁰ David Doyle, "Landmines: Myanmar's hidden menace," Myanmar Times Online, 26 April 2016, from <http://www.mmmtimes.com/index.php/national-news/19965-landmines-myanmar-s-hidden-menace.html>, accessed on 4 August 2016.

¹¹ "New Rakhine Committee Begins Tour of Western Myanmar's Troubled State," Radio Free Asia Online, 1 June 2016, from <http://www.rfa.org/english/news/myanmar/new-rakhine-committee-begins-tour-of-western-myanmars-troubled-state-06012016152629.html>, accessed on 4 August 2016.

¹² David Senger, "Kerry and Aung San Suu Kyi: A Milestone Meeting in Myanmar, Tempered by Questions," The New York Times online, 22 May 2016, from http://www.nytimes.com/2016/05/23/world/asia/john-kerry-myanmar-aung-san-suu-kyi.html?_r=0, accessed on 4 August 2016.

¹³ Moe Myint, "Arakanese and Rohingya Criticize New Government Term for Muslims," The Irrawaddy online, 21 June 2016, from <http://www.irrawaddy.com/burma/arakanese-and-rohingya-criticize-new-govt-term-for-muslims.html>, accessed 4 August 2016.

¹⁴ "Min Aung Hlaing Asks Soldiers in Arakan Not to Be 'Extreme'," The Irrawaddy online, 13 July 2016, from <http://m.irrawaddy.com/burma/min-aung-hlaing-asks-soldiers-in-arakan-not-to-be-extreme.html>, accessed on 4 August 2016.

¹⁵ Kyaw Phyoo Tha and San Yamin Aung, "State-Backed Monks' Council Decries Ma Ba Tha as 'Unlawful'," The Irrawaddy online, 13 July 2016, from <http://m.irrawaddy.com/burma/state-backed-monks-council-decries-ma-ba-tha-as-unlawful.html>, accessed 4 August 2016.

¹⁶ Ibid.

¹⁷ "Support for Legislation in Myanmar Against 'Hate Speech' Gathers Steam," Coconuts Yangon online, 16 May 2016, from <http://yangon.coconuts.co/2016/05/16/support-legislation-myanmar-criminalizing-hate-speech-gathers-steam>, accessed 4 August 2016.

¹⁸ Ei Ei To Lwin, "NLD considers religious harmony law," Myanmar Times online, 20 May 2016, from <http://www.mmmtimes.com/index.php/national-news/yangon/20397-nld-considers-religious-harmony-law.html>, accessed 5 August 2016.

¹⁹ Lawi Weng, "Interfaith Leaders Call for 'Legal Action' Against Hate Speech," The Irrawaddy online, 29 April 2016, from <http://m.irrawaddy.com/burma/interfaith-leaders-call-for-legal-action-against-hate-speech.html>, accessed on 5 August 2016.

²⁰ "Mob destroys mosques as religious, ethnic tension rises in Myanmar," Reuters, 24 June 2016, from <http://news.trust.org/item/20160624072858-bdhrn>, accessed 5 August 2016.

²¹ Htet Khaung Linn, "New Ma Ba Tha School to Teach Children to 'Protect Race and Religion'," The Irrawaddy online, 3 June 2016, from <http://www.irrawaddy.com/burma/new-ma-ba-tha-school-teaches-children-to-protect-race-and-religion.html>, accessed 5 August 2016.

²² Zue Zue, "Anti-Rohingya Demonstrators to Be Charged With Unlawful Protest," The Irrawaddy online, 29 April 2016, from <http://m.irrawaddy.com/burma/anti-rohingya-demonstrators-to-be-charged-with-unlawful-protest.html>, accessed 5 August 2016.

PROTECTION PRIORITIES HIGH RISK COUNTRIES



The Philippines

The Philippines is confronting heightened risk of atrocity crimes stemming from a wave of extra-judicial killings of alleged drug dealers and users, perpetrated by security forces and informal vigilante groups and actively encouraged by the country's new President. At the same time, the situation in Mindanao has improved.

President Rodrigo R. Duterte was sworn into office on 30 June 2016 as the 16th chief executive of the Philippines following a landslide victory in the May elections. His campaign focused on addressing the high crime rate (especially the rampant drug problem) in the country; ending the Muslim conflict in Mindanao and communist insurgency against the government; protection of indigenous peoples; and pushing for a federal form of government aimed mainly at redistributing power and providing for better economic opportunities particularly in the peripheral areas of the Philippines.

Since the start of his administration, Duterte pursued an unrelenting war against drug syndicates including publicly naming five police generals who are alleged as protectors of drug lords. He also promised to publicly name a number of national and local government officials who are either protectors of or part of the illegal drug syndicates in the country. More than a month since his inauguration, Duterte's anti-drug war has resulted in more than 1,800 people killed in police operations, over 5,400 suspects arrested, and more than half a million drug suspects (users/pushers) voluntarily surrendering.²³ Duterte publicly encouraged others to kill drug dealers and vigilante groups have also begun attacking alleged drug dealers and users. While the anti-drug campaign boosted Duterte's public approval rating to over 91 percent, human rights advocates (including the national human rights commission chief), legislators, religious groups, academic institutions, and some media publishers have criticized the new government's excessive use of force and alleged extra-judicial killings of suspected drug pushers. Notwithstanding these criticisms, Duterte remained unmoved and insisted that he was following the law in his anti-drug war. He even criticized some local media outlets for glorifying drug suspects when he delivered his first state of the nation address at the opening session of the Philippine legislature.

The anti-drug campaign has also intensified public debate on extra-judicial killings and accountability of police forces, with the local media playing an important role in promoting public awareness about citizens' rights and lawful arrests. For example, the Philippine Center for Investigative Journalism (PCIJ) has been monitoring and reporting on the number of civilians killed in connection with the anti-drug war police operations and promoting public awareness of about the rights of citizens against unlawful arrests. Its website was hacked, which clearly indicates an attempt on the part of some supporters of the administration to harass some media outlets.

Widespread and systematic extra-judicial killings may constitute a crime against humanity, especially when national authorities create a context of impunity and deny legal accountability. The Philippines has a responsibility to protect all its population from atrocity crimes. This means ending the practice of extra-judicial killing and ensuring that perpetrators are held accountable for their actions. The Philippines also has a responsibility to prevent the incitement of atrocity crimes. President Duterte's explicit call for the killing of drug dealers clearly constitutes incitement to commit extra-judicial killing and may constitute incitement to commit atrocities if the violence is not reigned in.

The sustained anti-drug campaign of the new administration has also overwhelmed some local government officials throughout the country given the inadequate jail facilities and lack of rehabilitation centres to accommodate drug suspects who voluntarily surrendered. President Duterte reportedly plans to send some of them to military camps for rehabilitation. However, this could pose problems with regard to protecting civilians from potential abuse while in the custody of the military.



Duterte Names Mayors, Judges, Police Officials Allegedly Involved in Drug Trade Photo from King Rodriguez /Presidential Photographers Division

Elsewhere, signs are more positive. President Duterte has also given priority to ending the decades-long conflict in Mindanao. Specifically, his administration expressed its commitment to upholding the Comprehensive Agreement on the Bangsamoro (CAB) signed between the MILF and the previous administration in 2014. His push for charter change (from the current unitary government to a federal form) aims to address the grievances of Muslim communities and their clamour for more autonomy. He expressed his commitment to push for a revised Bangsamoro Basic Law (BBL) minus its unconstitutional provisions. (It may be recalled that the previous Aquino administration failed to pass the BBL before the end of his term as legislators found a number of provisions to be unconstitutional.) At the same time, he is encouraging the leadership of both the MILF and the Moro National Liberation Front (MNLF) to resolve their differences on the expanded Autonomous Regional of Muslim Mindanao (ARMM) that will be covered by the BBL.²⁴ Under its peace roadmap, the Duterte administration wants an all Moro-body to draft a new and inclusive BBL that will consolidate all peace agreements that the government entered into with the MILF (2014 CAB) and the MNLF (1996 peace agreement), including all the relevant provisions of the ARMM law and the Indigenous People's Rights Act. Work on the revised BBL will be pursued simultaneously with efforts to change to a federal set up of government.²⁵

Meanwhile, the new administration also embarked on restarting the peace talks with the communist insurgents, which was stalled for the last four years. Prior to his inauguration, Duterte dispatched his peace adviser to Norway to meet with the leaders of the National Democratic Front/Communist Party of the Philippines (NDF/CPP). He also declared a unilateral ceasefire with the communist insurgents a day before he delivered his State of the Nation address at the opening of the joint session of the legislature. Two days later, however, Duterte was forced to lift the unilateral ceasefire following a reported attack by the communist New People's Army (NPA) against government militias in Davao del Norte. Even so, he said that he was still interested to pursue peace talks with the communist rebels.²⁶ Formal peace negotiations with the NDF/CPP will begin on 20 August in Oslo, Norway where both parties would work for an exchange of formal ceasefire declaration and how to make it effective.²⁷

The protection of indigenous peoples especially in conflict areas of Mindanao is also part of the priority agenda of President Duterte. Apart from underscoring the importance of an inclusive peace process with the Muslim rebel groups that respects the rights of the lumads (indigenous peoples) in these areas, he also appointed an anti-illegal mining advocate as secretary of environment and natural resources to ensure that the ancestral domains of the lumads are protected from illegal operations of big mining companies. The lumads are also caught in the crossfire between the military and communist insurgents in the Mindanao.

Overall, the Duterte administration is off to a good start in addressing the conflict issues that have beset the Philippines for a long time, especially in Mindanao. However, the anti-drug war poses a serious risk of escalating into one of systematic human rights violations if proper checks against excessive use of force or impunity by police forces are not immediately instituted. The government must also ensure that due process and rule of law are upheld by effectively responding to calls from various stakeholders for the government to arrest the growing perception that some of those killed in the anti-drug police operations are victims of extra-judicial killings.

Recommendations:

For the government of The Philippines

- The government must uphold its responsibility to protect all its populations from widespread or systematic extra-judicial killings, which may constitute crimes against humanity.
- The government should establish an independent commission mandated to investigate excessive use of force and human rights violations committed by the police force. Witness-protection programs should also be guaranteed for potential witnesses who are willing to testify against erring law enforcers. Those within the security forces who are responsible for violations must be held to account.
- The government should ensure that vigilantes responsible for the killing of alleged drug dealers and users are held legally accountable and are prosecuted for their actions.
- The President must immediately cease incitement of violence and must ensure that the government fulfills its responsibility to protect the population from incitement to commit widespread or systematic extra-judicial killings.
- The Supreme Court of the Philippines should create special courts specifically to hear cases filed against the growing number of drug suspects who voluntarily surrendered to police authorities. This will ensure that access to justice and rule of law are upheld in the anti-drug campaign of the government.
- The government should ensure that drug suspects are given free and fair trials as well as access to drug rehabilitation, as well as opportunities for gainful employment.
- The government should continue to contribute constructively to the peace process in Mindanao.

For the international community

- The international community should encourage the government to fulfill its responsibility to protect by taking steps to prevent widespread or systematic extra-judicial killing.
- The international community should encourage the Philippine government to comply with international norms in its anti-drug campaign and provide assistance to its security sector to ensure adherence to human rights protection principles in its anti-drug enforcement campaigns.
- The international community, through bilateral programs and relevant UN agencies, should also provide assistance to the Philippine government in responding to the overwhelming need for setting up more rehabilitation centres to ensure that drug suspects are provided adequate medical assistance in civilian facilities.
- The international community should continue to support the peace process in Mindanao.

FOOTNOTES

²³“PNP drug-related killings in PH doubles to 1,800,” Reuters, 22 August 2016, from <http://news.abs-cbn.com/focus/08/22/16/pnp-drug-related-killings-in-ph-double-to-1800>, accessed on 22 August 2016.

²⁴Joyce Ilas, “Duterte to hold simultaneous talks with MILF, MNLF,” CNN Philippines online, 9 July 2016, from <http://cnnphilippines.com/news/2016/07/08/Duterte-simultaneous-talks-MILF-MNLF.html>, accessed on 3 August 2016.

²⁵“President Duterte OKs peace roadmap,” OPAPP (Office of the Presidential Adviser on the Peace Process), 19 July 2016, from <http://www.opapp.gov.ph/news/president-duterte-oks-peace-roadmap>, accessed 3 August 2016.

²⁶Trisha Macas, “Duterte to CPP-NPA-NDF: ‘Best way is to talk again,’” GMA News online, 1 August 2016, from <http://www.gmanetwork.com/news/story/575888/news/nation/duterte-to-cpp-npa-ndf-best-way-is-to-talk-again>, accessed on 3 August 2016.

²⁷“Duterte declares unilateral ceasefire with communist rebels,” OPAPP, 25 July 2016, from <http://www.opapp.gov.ph/cpp-npa-ndf/news/duterte-declares-unilateral-ceasefire-communist-rebels>, accessed on 3 August 2016.

PROTECTION PRIORITIES

MODERATE RISK COUNTRIES



Indonesia

Indonesia continues to solidify its transition into a stable democracy and 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. The Indonesian government has frequently voiced its support for R2P and its commitment to implementing the principle. Indonesia has 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. 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 terrorist attacks against civilians. 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 security forces responded with a wave of arrests and the government has proposed further tightening of anti-terrorism legislation to make it easier for the police to arrest and detain terror suspects. The heightened threat of terrorism remains. In February, Australia warned of a threat of imminent attacks across the country, including in Bali. In July, a suicide bomber attacked a police station in central Java, killing only himself. In August, the authorities arrested six people suspected of planning to launch terrorist attacks in Singapore. The problem is exacerbated by the fact that an estimated 500 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 such as Malaysia and Singapore.

2. Incitement against the Lesbian, Gay, Bisexual and Transgender community (LGBT).

Historically, the LGBT community in Jakarta has enjoyed relatively little harassment – though the same is not true in other parts of the country. In the first quarter of 2016, however, there was a dramatic and inexplicable increase in hate speech against LGBT people, including direct incitement to commit atrocity crimes from a former government minister. Former Communications Minister Titaful Sembiring explicitly exhorted others to “kill” gay people. The country’s Defence Minister, Ryamizard Ryacudu, described the country’s gay rights movement as a form of ‘warfare’ against Indonesian sovereignty and Vice-President Jusuf Kalla called for the de-funding of UN programs targeting discrimination and violence against LGBT people. This comes in a climate of growing intolerance, small scale anti-LGBT demonstrations and increasing reports of harassment and violence towards the LGBT community. Though the outburst of rhetoric earlier in the year has abated somewhat, neither the President nor other senior government officials have spoken out against it. As a result, the risk – and fear – remain unabated.

3. Sectarian conflict in Aceh and Sumatra.

Indonesia has substantial ethnic and religious minorities, and communal violence between them – some of which has amounted to atrocity crimes – is not uncommon. 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 on the Islands of Aceh (Muslim-Christian) and Sumatra (Muslim-Buddhist). 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. In late 2015, there was also an increase in religious violence against minorities. A number of churches were burned to the ground by conservative Christian communities

established tent churches. The government ordered that these should be dismantled in January, causing further tensions and the risk of sectarian violence. In late July, violence erupted in the town of Tanjung Balai, close to Medan on the island of Sumatra, when a mob attacked property belonging to the Chinese Buddhist minority, destroying at least three Buddhist temples. The authorities denied that the violence was sectarian but nevertheless swiftly apprehended those accused of involvement and established a stronger presence on the ground to deter further attacks.

4. Secessionist conflict in West Papua.

Secessionist conflict in West Papua also contains 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. At the same time, the government has continued to arrest independence activists and to detain and disrupt peaceful demonstrations against Indonesian rule.

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.
- Immediately end all forms of hate speech and incitement to commit violence, especially that targeting the LGBT community and ensure that the government denounces incitement and hate speech.
- 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.

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.



Papua New Guinea

Papua New Guinea (PNG) continues to confront a number of challenges which could give rise to atrocity crimes. Shortly after independence it experienced armed conflict as a result of the civil war on the island of Bougainville and, whilst the peace there holds, the situation remains relatively fragile. With high levels of poverty, economic inequality and corruption in both the private and public sectors, social unrest is not uncommon. In early June, police reportedly opened fire on students planning to protest against the government, injuring approximately 23. Student leaders claim that some were killed, a claim that the government denies. Opening fire on unarmed protestors could, in some circumstances, constitute an atrocity crime.²⁸ It is imperative that the authorities investigate the incident and hold the officers

involved accountable for their actions. Steps should also be taken to ensure that there is no repeat and the government should give serious consideration to the concerns raised by the students.

The Supreme Court of PNG ordered the closure of the Australian asylum seeker detention centre on Manus Island on the grounds that the indefinite detention of asylum seekers there was unlawful. In August, PNG and Australia reached an agreement on the closure of the detention centre.

Worryingly, 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.²⁹ 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. As a result, sexual violence is 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 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.

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.

FOOTNOTES

²⁸ <https://www.hrw.org/news/2016/06/09/papua-new-guinea-police-shoot-student-protesterS>

²⁹ Detailing the relationship between gender inequality and atrocity crime risk see Sara E. Davies, Sarah Teitt and Zim Nwokora, 'Bridging the Gap: Early Warning, Gender and the Responsibility to Protect', *Cooperation and Conflict*, 50 (2) 2015, pp. 228-249 and Sara E. Davies and Jacqui True, 'Connecting the Dots: Pre-Existing Patterns of Gender Inequality and the Likelihood of Widespread and Systematic Sexual Violence', *Global Responsibility to Protect*, 2017 forthcoming.

Thailand



On 7 August, 61% of voters supported proposed constitutional reforms that will pave the way to new parliamentary elections in 2017, with the military retaining a quarter of the seats in parliament. Whilst some complained that the referendum was not free and fair, because campaigning was prohibited, others suggest that the military's plan was approved because it set a pathway towards reform and promised to replace the chaos of the past few years with more stable 'guided democracy'.

However, 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. Authorities initially believed that the perpetrators were individuals disgruntled by the new constitution but more recently have suggested that forensic evidence points to a link between the bombings and the Islamist insurgents. If this is proven, this would signal a dangerous new turn in the insurgency giving rise to heightened threat of terrorist atrocities.

Recommendations:

- Progress should be made on the transition to civilian and democratic government continues in full consultation with all the relevant parties.
- All parties should abide by their legal obligations to not use force against civilians.
- The government of Thailand should fulfil its responsibility to protect by protecting civilians from terrorism and insurgent attacks.
- The government should explore options for negotiations with the 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.

Timor Leste



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 by Xanana Gusmão to spend its way out of 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. National elections in 2012 were peaceful, judged "free and fair" and returned the government to power with a more sweeping majority. However, 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 certainly succeeded in stabilizing the country, and the situation there has significantly improved over the past decade resulting in a reduced risk of atrocity crimes. The government's approach also means that whilst groups have been 'appeased' by the financial incentives, many of the underlying problems remain unaddressed. This in a context where some reports suggest that as many as 50% of the country's rural children are severely malnourished.³⁰ The falling price for oil might reduce the government's income stream and inhibit its capacity to continue using financial leverage for peace. Thus far, the government has drawn on reserves in order to maintain its spending and analysts suggest that it could continue to do this for some time. But unless prices increase, the government's position will become unsustainable and tensions may increase once again.

In a promising development, the government of Timor Leste 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. At the meeting, H.E. Hernani Coelho da Silva, Minister of Foreign Affairs and Cooperation, announced that the government of Timor Leste has appointed a National Focal point on R2P, who is currently Mr. Lucinio M. Branco. Timor Leste has expressed willingness to host a national dialogue on implementing R2P in Timor Leste.

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 so as to avoid overlap and tension in the future. The 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.



Dr Simon Adams, Executive Director, Global Centre for the Responsibility to Protect alongside Foreign Minister da Silva of Timor-Leste and Deputy Minister of Multilateral and Global Affairs of the Republic of Korea, Mr. Choi Jong-moon.

FOOTNOTE

³⁰ <http://www.abc.net.au/news/topic/east-timor?page=2>

SEXUAL & GENDER BASED VIOLENCE

Protection Responsibilities of ASEAN+ states in relation to sex and gender discrimination

The UN Secretary-General's 2015 report on the Responsibility to Protect referred to the protection responsibilities of the state (Pillar 1) as entailing:

'Effective, legitimate and accountable State structures advance atrocity crime prevention, especially by resolving sources of tension at the earliest stage. Of particular importance are constitutional and other legal measures that institutionalize respect for diversity, effective and responsive judicial systems, public policies that address persistent patterns of inequality, and the capacity to counter incitement to hostility and violence. The overwhelming majority of victims of atrocity crimes have endured deprivation and discrimination, whether based on race or ethnicity, religion or belief, political or other opinion, gender, sexual orientation, caste or class.'

Fulfillment of the responsibility to prevent crimes that target individuals because of their gender and sexual orientation requires the implementation of measures to address persistent patterns of inequality and discrimination. The CEDAW Committee makes it clear that "States parties' obligations continue to apply during conflict or states of emergency without discrimination between citizens and non-citizens within their territory or effective control, even if not situated within the territory of the State party". The Committee noted that despite the gendered impact of conflict and women's exclusion from conflict prevention and post-conflict transition, few states provide necessary information on the application of CEDAW and upholding the rights and needs of women in these situations.

In the table provided below, we have provided a quick illustration of some of the relevant measures and the performance of ASEAN+ with respect to them. Three key points are clear.

First, ASEAN+ countries have been slow to accept and adopt the Optional Protocol to CEDAW, which permits individuals and groups to submit complaints directly to the CEDAW Committee to hear complaints within the individual or group territory/jurisdiction. In a conflict and post-conflict context, that option for international oversight and arbitration may be particularly vital, in terms of preventing conflict and risk of particular groups to discrimination that may give rise to serious grievances, signing the Optional Protocol could be an important early warning tool and measure to prevent conflict and mass atrocities. It is important to point out that countries such as Cambodia, Philippines, Republic of Korea, Thailand and Timor-Leste have done this. It is important that other countries to follow suit.

Second, all countries have laws prohibiting rape and violence against women law but there are varying definitions of these violations some of which contradict the CEDAW Convention.

Third, relatively few states have adopted National Action Plans for Women, Peace and Security, though we note that a number of countries have plans in progress. It is imperative that more governments take up this challenge.

	1979 CE-DAW	CEDAW OP	Rape Law (year)	VAW Law (Year)	WPS National Action Plan (Year)	State Party CEDAW submitted report	Female contribution to PK mission
			u= updated/amended	gov= according to government		*indicates follow up reports	
Brunei	R (2006a)					I-II (2013)	Male only
Cambodia	S (1980); R (1992)	S (2001); R (2010)	Rape included in Criminal Code (2010u)	Law on the Prevention of Domestic Violence (2005)		I-III (2004); IV-V (2011, 2016*)	
China	S (1980); R (1980)		Criminal Law (1979 1997u); Rape Laws reported in Qing (1987); Criminal Code amended for same-sex rape (2015u)	Marriage Law (2001u); Law on the Protection of Women's Rights and Interests (1992, 2005u); Domestic Violence Law (2015)		I (1983), II (1989), III-IV (1997); V-VI (2004); VII-VIII (2012, 2016*)	Yes (12 Individual, 6 Police, 48 Troops)
DPR Korea	R (2001a)		Rape in Criminal Law (2002gov)	Criminal Law (2005gov)		I (2002; II-IV (2016)	
Indonesia	S (1980); R (1984)	S (2000)	Rape in Criminal Code (1981u)	Elimination of Domestic Violence Law 23 (2004); Witness Protection Act 13 (2006)	Yes (2014)	I (1986); II-III (1997); IV-V (2005); VI-VII (2010)	Yes (1 Individual, 2 Experts, 7 Troops)
Japan	S (1980); R (1985)		Rape in Penal Code (1907, 2007u)	Law for the Prevention of Spousal Violence and the Protection of Victims (2007)	Yes (2015)	I (1987); II (1992); III (1993); IV (1998); V (2002); VI (2008, 2011*, 2012*); VII-VIII (2014)	Male only
Laos	S (1980); R (1981)		Penal Code (2005u)	Law of Development and Protection of Women (2004)		I-V (2003); VI-VII (2008, 2013*)	
Malaysia	R (1995a)		Penal Code (2006u)	DV Law in Penal Code (2011u); Islamic Family Law (2004gov)		I-II (2004)	Yes (3 Experts, 16 Troops)
Myanmar	R (1997a)		'in theory' in Penal Code (1974)	Draft Anti-Domestic Violence Law (as of 2012)		I (1999); II-III (2006, 2010*, 2011*, 2013*); IV-V (2015)	Male only
Philippines	S (1980); R (1981)	S (2000); R (2003)	Anti-Rape Law (1997); Rape Victim Assistance and protection Act (1998); Anti-Sexual Harassment Act (1995)	Anti-Violence against Women and their Children Act (2004)	Yes (2010)	I (1982); II (1988); III (1993); IV (1996); V-VI (2004); VII-VII (2015)	Yes (26 Individual, 1 Expert, 25 Troops)
Republic of Korea	S (1983); R (1984)	R (2006a)	s.287 of Criminal Act (2013u); Act on the Prevention of Sexual Assault and Protection of Victims Thereof (2010)	Domestic Violence Act (2011)	Yes (2014)	I (1986); II (1989); III (1994); IV (1998); V (2003); VI (2007); VII (2010, 2013*); VIII (2015)	Yes (2 Experts, 6 Troops)
Singapore	R (1995a)		Rape in Penal Code (2008u)	The Women's Charter (2011u)		I-II (1999); II (2001); III (2004); IV (2009); V (2015)	Yes (1 Individual)
Thailand	R (1985a)	S (2000); R (2000)	Rape + Spousal Rape in Criminal Code (2007u)	Act on the Prevention and Resolution of Domestic Violence (2007)	In progress (2016)	I (1987); II-III (1999); IV-V (2003); VI-VII (2015)	Yes (5 Individual, 1 Expert, 2 Troops)
Timor-Leste	R (2003a)	R (2003a)	Law of Protection of Witnesses (2009); Rape in Penal Code (2009)	Law against Domestic Violence (2010); Criminal Code (2010); Law on Community Authorities (2004)	In progress (2016)	I (2008, 2012*); II-III (2013)	Male only
Viet Nam	S (1980); R (1982)		Rape in Penal Code (1999)	Law on Domestic Violence Prevention and Control (2007)		I (1984); II (1999); III-IV (2000); V-VI (2005); VI-VIII (2013)	Male only

CEDAW – Convention for the Elimination of Discrimination Against Women
OP – Optional Protocol
VAW – Violence against women
WPS – Women, Peace and Security