

ASIA PACIFIC REGIONAL OUTLOOK



NOVEMBER 2020
ISSUE 16

Featured in this issue...

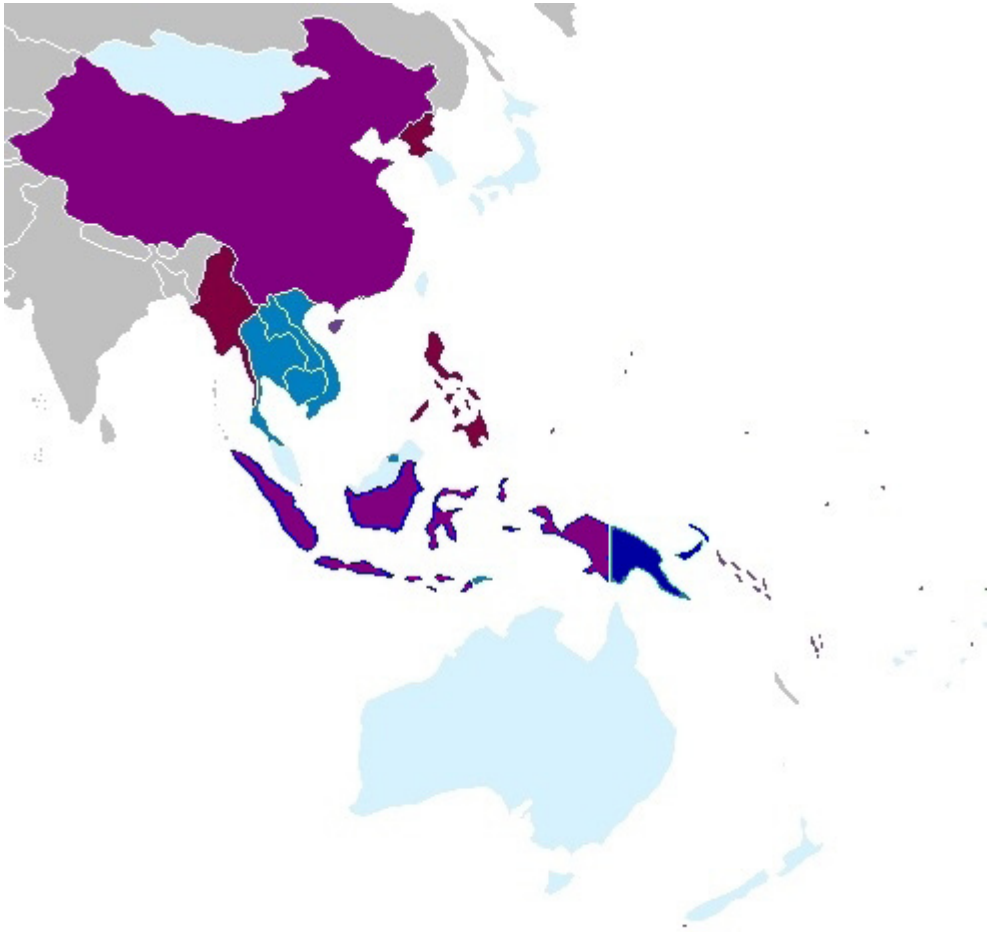
Ongoing crimes against humanity, possibly genocide in China

Myanmar elections but risks remain very high

West Papua tensions

Gender violence and hate speech

REGIONAL ATROCITY RISK ASSESSMENT



Very High

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

High

China, Indonesia(West Papua)

Moderate
(high to low)

Papua New Guinea

Low

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

Very low

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



Myanmar Risk: Very High/Ongoing

Myanmar remains at very high risk for atrocities as violence against civilians continue in Rakhine and neighbouring states amidst intensified fighting between Arakan Army (AA) troops battle Tatmadaw soldiers. Restrictions imposed by the central government due to COVID-19 and the sustained counter-insurgency operations by the military, including shutting down internet and mobile phone services, further exacerbate the humanitarian crisis affecting all communities in these areas. More than a million people will be disenfranchised (excluding some 600,000 Rohingya who remain barred from voting) in the 8 November elections as the Union Election Commission announced the cancellation of voting in 56 townships across Rakhine, Chin, Kachin, Mon, Kayin, and Shan states amidst fighting between the Tatmadaw and AA troops.¹ Apart from staging ambush attacks against Tatmadaw forces, the AA has allegedly resorted to kidnapping civilians suspected of being pro-government or supporters of the military. Recently, local NLD candidates in Rakhine² were kidnapped in October while they were campaigning, which is the third incident in the state since late last year.

In September, UN High Commissioner for Human Rights Michelle Bachelet warned that due to increased targeting of and indiscriminate attacks on civilians in Rakhine and neighboring states, the Tatmadaw and AA rebels may be committing war crimes and crimes against humanity.³ Civilian casualties in Rakhine and Chin states have risen in the first half of 2020 as fighting between Tatmadaw forces and AA troops intensified. Specifically, at least 90 children have died, which are among over 1,000 victims of reported abuses across Myanmar. The main perpetrators of abuse against children in the country were from the military (317), rebel armed groups (31), and police (4).⁴ In July, there were an estimated 190,700 IDPs in Rakhine that were displaced by fighting between AA rebel forces and the military. Since then, more than 36,000 civilians were displaced in August due to fresh clashes between the Tatmadaw and AA forces. The total number of IDPs in Rakhine reached 226,804 as of late September.⁵ Given the COVID-19 travel restrictions in the state, which has the second highest number of cases in Myanmar after Yangon, humanitarian and civil society organisations are facing difficulties in providing assistance to IDPs affected by continuing violence in the state. With more than 1,000 people in a camp, IDPs are also facing high risk of corona virus infections.⁶

Meanwhile, the repatriation of the Rohingyas from Bangladesh remains stalled given the continuing violence in Rakhine and travel restrictions imposed by the Myanmar government due to the pandemic. The suffering of the Rohingya refugees in Bangladesh is exacerbated by restrictions imposed by the Bangladesh government in Cox's Bazaar for access to internet and mobile phone services due to increased criminal activities involving some Rohingya refugees. In early October, an outbreak of violence in Cox's Bazaar between rival gangs engaged in drug trafficking resulted in the death of seven people and about a thousand refugees fleeing their temporary shelters, some of which were set ablaze. Additional police, border guards, and military forces were deployed by Dhaka in the refugee camps and raids were conducted that led to the arrest of nine armed Rohingya who were reportedly involved in the clashes. Some Arakan Rohingya Salvation Army (ARSA) members are reportedly in control and operating openly in some of the camps and allegedly have been involved in extortion, abduction, torture, killing, and other criminal activities against the refugees.⁷

In September, a group of 300 Rohingya refugees taken to Bhasan Char--an uninhabited silt island--after they were intercepted by Bangladeshi authorities in April, alleged that they were being held against their will in jail-like conditions and have been subjected to rape and sexual assault.⁸ Dhaka plans to move some 100,000 refugees to Bhasan Char, a flood-prone island where it has built some housing facilities. A recent report by the Women's Refugee Commission (WRC) cited among its key findings that sexual violence against men and boys may not be rare in Myanmar's Rakhine state as many of whom were subjected to a variety of conflict-related violence by perpetrators who belong to armed groups and other refugees.⁹

The international community should continue to give priority attention to the suffering of the Rohingya refugees in Bangladesh by providing humanitarian assistance in the midst of the global pandemic. In late October, an international donor conference was held that raised USD 600 million pledges of support for humanitarian assistance to the Rohingya refugees. The US, UK, and European Union organised the virtual conference with the UN High Commission for Refugees (UNHCR), which aimed to meet the USD 1 billion target.¹⁰

Recommendations:

The government of Myanmar should:

1. Comply with its responsibility to protect vulnerable populations in Rakhine by assisting internally displaced civilians who are caught in the crossfire between Tatmadaw and insurgent forces.
2. Hold the Tatmadaw and rebel forces accountable for continuing war crimes and crimes against humanity in Rakhine. Myanmar should also comply with the provisional measures ordered by the International Court of Justice in January in protecting the Rohingya in Myanmar.

The UN Human Rights Council should:

1. Undertake independent investigation of alleged violations of human rights being committed against Rohingya and other Myanmar refugees in Bangladesh, including alleged crimes by Rohingya gangs and ARSA members against their own community in Cox's Bazaar.

ASEAN members and other concerned governments should:

1. Step up their efforts in providing increased humanitarian assistance to affected communities in Rakhine and neighboring states, as well as refugees in Bangladesh. They should also exert more pressure on Myanmar and Bangladesh to implement their bilateral agreements on the safe, voluntary, and orderly repatriation of the refugees.



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

The DPRK continues to commit widespread and gross violations of human rights in the Democratic People's Republic of Korea, including those that may amount to crimes against humanity. In October 2020, the UN's special rapporteur on human rights in North Korea reported that the human rights situation remained "very severe" and that there were no signs of progress in any respect. Human rights violations are compounded by regime-induced malnutrition which

the UN reports now affects 40% of the population or more than 12 million people. There is pervasive discrimination in the distribution of food as a result of which many citizens, including even farmers, do not receive adequate food. There has also been little to no progress on reducing political prison camps where torture and killing are commonplace. The UN estimates that there are 200,000 people held in political prisons. There has been no discernible reduction for some time. Large numbers of people are also routinely forced to perform unpaid labour. The UN found that this can amount to enslavement, a crime against humanity.¹¹

None of this is new. In 2019, the UN General Assembly expressed "very serious concern" over continuing reports of, inter alia: torture and other cruel, inhuman or degrading treatment; political prison camps; enforced and involuntary disappearances; the forcible transfer of populations and severe limitations on the freedom of movement; the situation of refugees and asylum seekers; "all-pervasive and severe restrictions" on civil and political rights; violations of economic, social and cultural rights; and gross violations of the human rights and fundamental freedoms of women and girls.¹²

However, international pressure on the DPRK to address its pervasive culture of impunity has waned in the past few years. Although the UN General Assembly resolution condemning DPRK's systematic abuse and repression passed by consensus without a vote, for the first time since 2008, the Republic of Korea (ROK) declined to co-sponsor the resolution. For the second consecutive year, in early December the US government refused to endorse a formal UN Security Council debate on the human rights situation in DPRK, which effectively blocked the discussion. China and Russia also steadfastly oppose using the UN Security Council as a forum to discuss human rights concerns in the DPRK, arguing that it only serves to harden Pyongyang's position.

The failed Trump-Kim summit in Hanoi in February and the breakdown of working-level US-DPRK talks in Stockholm in October precipitated a freeze in US-DPRK diplomacy and stalled intra-Korean engagement, and corresponded with Pyongyang's increasingly hostile rhetoric and thirteen separate missile tests in the latter half of 2019.¹³ Against this backdrop, DPRK's warning that it interpreted formal discussion or condemnation of the country's human rights situation in the UN as "another serious provocation" appeared to shape US and ROK decisions to refrain from raising human rights concerns.¹⁴ The change of tactic in adopting a lower profile, less condemnatory approach to human rights is part of a broader attempt to ease tensions and resume diplomatic talks—representing a similar logic to Japan's March 2019 decision to, in the first time in 11 years, not join the European Union in sponsoring a draft Human Rights Council resolution condemning DPRK human rights abuses.

Pyongyang's extreme sensitivity to international condemnation of its human rights record and routine threats to cut diplomatic ties if human rights concerns are raised creates dilemmas with regard to the best approach to addressing ongoing crimes against humanity in the DPRK. Pyongyang has proven adept at using human rights as a bargaining tool in its relations with the US, Japan and ROK. Even actors who have previously led efforts to shed light on the regime's crimes and pursue accountability are divided on how to move forward on improving the human rights situation. Yet, caving to Pyongyang's demands that human rights remain off the diplomatic agenda if nuclear talks are to resume has thus far yielded little progress on either front. Furthermore, DPRK's persistent refusal to cede any ground on engaging with the UN Special Rapporteur or grant access to special mandate holders undercuts the rationale that adopting a more conciliatory approach in the UN can open channels for deeper engagement with UN human rights bodies. In this vein, Quintana continues to call on the ROK and US (as well as Russia and China) to stop sidelining human rights concerns from denuclearization, sanctions relief and peace talks, and to start clearly sending the message that improving the human rights situation is integral to headway on these issues.¹⁵

A longstanding recommendation in this regard is for any proposal for sanctions relief to be tied to: (1) Pyongyang allowing the UN country team free and unimpeded access to all parts of the country in order to assist in meeting the needs of vulnerable persons, and (2) DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur's request for a country visit. The latter could help open a parallel track for dialogue on human rights alongside denuclearization and peace talks, or, in the very least, stress to Pyongyang that its severe human rights abuses are not a negotiating tool that can be leveraged in nuclear talks in the absence of meaningful concessions or reforms aimed at safeguarding its population from atrocity crimes.

Recommendations

The government of the DPRK should:

1. Immediately cease the commission of crimes against humanity, and engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur and the OHCHR field office in Seoul to develop plans to faithfully implement human rights treaty obligations.

The US and Republic of Korea should:

1. Raise concerns over ongoing crimes against humanity in their diplomatic engagement with the DPRK, including integrating measures to improve the human rights situation in denuclearization, sanctions relief and peace talks.

The UN Security Council should:

1. Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities.

China and the Republic of Korea should:

1. Recognise DPRK citizens as refugees sur place and respect the principle of non-refoulement. China should adopt measures to protect the rights of DPRK citizens residing in or transiting through China, particularly women and girls who are systematically subjected to sexual violence, exploitation and abuse.

The OHCHR should:

1. Monitor patterns of abuse that may amount to crimes against humanity in the DPRK, investigate unresolved human rights issues, raise awareness and visibility of the human rights situation, and work with civil society and other governments to continue to press for accountability and an end to impunity.



China Xinjiang Risk: Very High/Ongoing

Since early 2017, reports have emerged of large-scale arbitrary detention and mass surveillance, forced political indoctrination, severe restrictions on movement and religious practice, torture and inhumane treatment, forced sterilisation, forced separation of children from parents, forced labour and killings of persons in detention in the Xinjiang Uighur Autonomous Region ('XUAR' or 'Xinjiang') of China. The alleged victims are predominantly Uighur and other Turkic Muslim minorities. After detailed study of the evidence and relevant facts, in October 2020 the Asia Pacific Centre for the Responsibility to Protect issued a report which concluded that:

1. The Chinese government is committing crimes against humanity, including: persecution, imprisonment, torture, forced sterilisation, and enslavement. The evidence may also substantiate further crimes against humanity of enforced disappearance, murder, and rape.
2. There is evidence that genocidal acts may have occurred in Xinjiang, in particular acts of imposing measures to prevent births and forcible transfers. There is also evidence that raises concerns of acts including killing, serious bodily and mental harm, and inflicting conditions that are calculated to bring about physical destruction have occurred in Xinjiang. These cannot yet be substantiated but there is clearly a case to answer.¹⁶

Since 2016, the Chinese government has subjected an estimated 13 million Uighurs and other Turkic Muslims in XUAR to an intrusive system of mass surveillance, large-scale arbitrary detention, forced political indoctrination, and severe restrictions on movement and religious practice.¹⁷ Upwards of a million Uighurs and other Turkic Muslims have been remanded in state custody in what Chinese authorities refer to as 're-education' or 'de-extremification' facilities.¹⁸ Former Uighur detainees have described conditions in re-education camps as variously involving crowded cells, indoctrination that drove some to suicide, waterboarding,¹⁹ food deprivation as punishment, beatings, being shackled to chairs for extended periods of time, sleep deprivation, forcibly being drugged, electrical shock treatment, rape and sexual humiliation, and other forms of extreme physical and mental abuse.²⁰ Family members both within China and overseas continue to report that they have limited or no access to information about persons held in state detention,²¹ and children of detained parents are being treated as de-facto orphans and placed in state-run institutions "without parental consent or access".²²

Enslavement and forced labour, practices evident in North Korea too, appear common. In March 2020, ASPI released a report "conservatively" estimating that, between 2017 and 2019, more than 80,000 Uighurs were transferred out of Xinjiang to work in factories across China.²³ In many cases, the transfer has been reported as being directly from a re-education camp.²⁴ Forced labour or otherwise reducing a person to a servile status can amount to the crime of "enslavement" under international law,²⁵ which occurs when "any or all powers attaching to the right of ownership are exercised" over a person.²⁶ International jurisprudence regards as salient indications of enslavement: "elements of control and ownership; the restriction or control of an individual's autonomy, freedom of choice or freedom of movement; and, often, the accruing of some gain to the perpetrator".²⁷ The victim's consent or free will is absent.²⁸

The government is also allegedly separating Uighur children from their parents and enrolling them in state boarding schools, which resembles a government-led "parallel campaign to systematically remove children from their roots" alongside the broader effort to "transform the identity of Xinjiang's adults" through 're-education' and religious repression.²⁹ Numerous acts of persecution have occurred against Turkic Muslim minorities, particularly Uighurs, in Xinjiang. Indeed, the alleged facts amenable to characterisation as "persecution" are too vast to cover comprehensively in this Report. Those focused on are: widespread destruction of Uighur cultural and religious heritage (including property, language, and customs); and the organised mass detention and "re-education" of Uighurs and other Turkic Muslims (including associated crimes of imprisonment, forcible transfer, torture, forced sterilisation, and enslavement considered later in the Report).³⁰

There have been numerous and credible reports of Uighur historical and holy places being destroyed and desecrated in Xinjiang. Using satellite imagery, the Australian Strategic Policy Institute (ASPI) recently found that of a sample of 533 mosques across Xinjiang, 31.9% had been destroyed, 32.8% were damaged, and 35.3% were undamaged.³¹ Extrapolating this data to mosques across Xinjiang, approximately 16,000 mosques may have been damaged or destroyed and 8,450 completely demolished since 2017.³² Besides mosques, ASPI's data and analysis suggested that 30% of other sacred sites (included shrines (*mazar*), cemeteries, and pilgrimage sites) have been demolished, mostly since 2017, and an additional 27.8% have been damaged in some way.³³ This evidence is consistent with individual reports published by NGOs and media of deliberate destruction of mosques and other culturally significant sites.³⁴ Reports also document destruction of historic Uighur neighbourhoods and old cities,³⁵ and re-ordering of Uighur households.³⁶ Reports further indicate that Muslims are prevented, including by official regulation, from: performing traditional rituals and ceremonies, using Arabic, giving their children traditional names, growing beards, wearing Islamic clothing and face coverings, and selling and buying halal food.³⁷ Each amounts to restriction of Uighur and Muslim customs.

Reports of the situation in Xinjiang have documented instances in which Uighur or other Turkic Muslims have been taken away by authorities to "re-education" camps without identifying to friends and family where they have been taken to or for how long. Such instances suggest the crime of "enforced disappearance", which is defined in the ICC Statute as the "arrest, detention or abduction of persons by, or with the authorisation, support or acquiescence of, a State or political organisation, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with

the intention of removing them from the protection of law for a prolonged period of time".³⁸ The "essence" of the crime has been articulated as "that the friends and families of the direct victims do not know whether the persons concerned are alive or dead".³⁹

Enforced disappearances are also common,⁴⁰ especially of Uighur intellectuals and prominent cultural figures.⁴¹ Relevant evidence is also contained in the "Xinjiang Papers" leaked to the *New York Times*.⁴² One paper is a directive advising local officials of how to engage with students returning to the Xinjiang "and whose family members are being punished during the 'Strike Hard' campaign".⁴³ The document advises officials as to how to handle questions about the location and fate of their relatives without any specificity. Officials are to give only a vague reference to where relatives are—"in a training school set up by the government" because "they have come under a degree of harmful influence in religious extremism and violent terrorist thoughts"—and for an indeterminate period of time—"an extended period".⁴⁴

In terms of genocide, there is significant evidence available to establish forced sterilisation as having occurred in Xinjiang. As a matter of law, the crime of "forced sterilisation" occurs when: (1) the perpetrator deprives one or more persons of biological reproductive capacity; and (2) the conduct was neither justified by the medical treatment of the person nor carried out with their genuine consent.⁴⁵ Individual reports by NGOs and news agencies documenting interviews with Uighur women,⁴⁶ as well as doctors that have treated Uighur women both in Xinjiang and abroad,⁴⁷ are strong evidence that numerous women have been sterilised by Chinese authorities and without their genuine consent. The occurrence of these sterilisations is consistent with official government statistics, which document a significant decline in birth rates in Xinjiang and a disproportionate rise in sterilisations in Xinjiang as compared to the rest of mainland China.⁴⁸ Individual reports which document sterilisations as variably having occurred against patients' wills, without genuine consent, or without informing the patient of the procedure,⁴⁹ prove that some, if not most, of these sterilisations have occurred forcibly.

The international response to atrocity crimes in China has been lacklustre at best. On 4 December the US House of Representatives, on a vote of 401-1, overwhelmingly passed an amended version of the Uyghur Human Rights Policy Act passed by the US Senate in September.⁵⁰ The bill requires regular monitoring of the situation, including the forcible repatriation of Uighurs to China and an investigation into the Chinese companies involved in the construction and operation of detention facilities and the intrusive surveillance program in Xinjiang.⁵¹ It also calls on President Trump to impose sanctions on senior officials responsible for serious human rights abuses of Uighurs and other Turkic Muslims in China under the Global Magnitsky Act, and specifically names Chen Quanguo, which would represent the first sanctions directly on a member of China's politburo. Before coming into effect, a reconciled version of the House and Senate bills needs to be agreed by Congress and endorsed by President Trump. In mid-January, the US Congress resumed negotiations on a reconciled bill, an effort given added impetus by the release of the annual report of the US bi-partisan Congressional-Executive Commission on China that stated that there are "strong arguments based on available evidence" of crimes against humanity linked to the mass detention program in XUAR.⁵²

Along with the US, in recent months a number of countries have publicly identified China's human rights violations as atrocity crimes and have called on China to respect the rights of its Turkic Muslim. A Canadian parliamentary committee labelled Chinese policy "genocide" whilst the British parliament has begun to consider following the US in imposing sanctions.⁵³ The issue was also raised by a joint statement on Xinjiang issued on behalf of 23 countries at a UN General Assembly Third Committee session on the Committee for the Elimination of Racial Discrimination in late October.⁵⁴

China has reacted with predictable hostility.⁵⁵ Condemnation of China's policy by the UN and Western governments and media continues to rankle Beijing. In December, China responded by ramping up its political propaganda, including through editorials in state-run media and documentary videos posted on Twitter and YouTube.⁵⁶ China also secured support for a rebuttal statement issued by Belarus on behalf of 54 countries, including Pakistan, Russia, Egypt, the Democratic Republic of Congo and Serbia. This statement defended China's policies in XUAR, noting China's "remarkable achievements in the field of human rights" through successfully returning "safety and security" to Xinjiang where "the human rights of people of all ethnic groups there are safeguarded".⁵⁷ This mirrored the strategy China adopted in the UN Human Rights Council in July. In response to a letter of concern issued by 22 (mostly Western) states, UN ambassadors from 37 countries including Russia, Saudi Arabia, North Korea, Myanmar, Algeria, the Philippines and Zimbabwe issued a letter commending China's counter-terrorism policy.⁵⁸ Arab and Muslim-majority states also continue to refuse to speak out against China's treatment of Turkic Muslims, with some even voicing support for China's policies in Xinjiang.⁵⁹

UN human rights experts have made similar arguments in recent months, but have stressed that security and human rights are mutually dependent. In a letter to China's representative to the UN in Geneva, in early November twelve senior UN human rights experts, including 10 UN Special Rapporteurs and two Working Group chairs, expressed concern that China's 2015 Counter-Terrorism Law had enabled measures that "not only violate fundamental rights but also may contribute to further radicalization of persons belonging to the targeted minorities, creating major and growing pockets of fear, resentment and alienation. The disproportionate emphasis placed by the authorities on the repression of rights of minorities risks worsening any security risk".⁶⁰

Recommendations

The government of China should:

1. Immediately halt violations in XUAR that may amount to crimes against humanity and genocide, and take active measures to prevent the recurrence or escalation of such violations.
2. Direct the government in XUAR to repeal the 2017 Regulation on De-extremification, and respond favourably to the requests of UN special procedures mandate holders to undertake an official visit to China with unhindered access to detention facilities in Xinjiang.
3. Accept OHCHR technical assistance and advice to ensure that its national security, counter-terrorism or counter-extremism laws and practices adhere to China's obligations under international law.

All concerned states should:

1. Examine what bilateral measures they could take to encourage China to immediately halt violations in XUAR and take tangible steps to apply pressure and uphold accountability.

The OHCHR and special procedures mandate holders should:

1. Continue to call for the immediate release of persons involuntarily held in detention without due process, closely monitor the situation in Xinjiang, and continue to urge China to uphold the human rights and fundamental freedoms of Turkic Muslims and to accept independent UN observers in Xinjiang.

The UN Human Rights Council should:

1. Urgently establish an investigation to gather information to assess whether patterns of abuses in Xinjiang constitute crimes against humanity that are universally prohibited under international law.

THE PHILIPPINES - VERY HIGH RISK-ONGOING



The Philippines Risk: High

The Philippines remains at very high risk for atrocities as the government's anti-drug war operations has resulted in close 8,000 deaths as of end of October 2020 and since President Duterte came to power in July 2016. Human Rights Watch reported that drug war deaths in the country rose dramatically by 50 percent during the pandemic based on government statistics.⁶¹ Meanwhile, two explosions in Jolo, Sulu in Mindanao in August that killed 15

and injured 74 persons signify a resurgence of violence perpetrated by militants affiliated with the pro-ISIS Abu Sayyaf Group (ASG) in the southern part of the Philippines, which involved local and foreign combatants. The signing of the Anti-Terrorism Law in July aimed at combatting terrorism by militants and communist insurgents have raised concerns about its potential for abuse by agents of the state against human rights advocates and legitimate opposition groups in the country. Notwithstanding all these concerns, Duterte's approval rating remains very high at 91%, which is higher than his 87% approval rating in September 2019.⁶²

Despite strict lockdown measures since March to combat the spread of the pandemic in the country, anti-drug operations by the Philippine Drug Enforcement Agency (PDEA) and the PNP continued, resulting in the arrests of over 10,000 suspects and 67 deaths between 31 March and 31 May and seizure of illegal drugs worth over USD14 million.⁶³ The Philippine National Police (PNP) reported that the death toll from its anti-drug war operations climbed to 7,987 as of end of October, with over 100 people killed in just two months. In his 60-day accomplishment report, the PNP Chief Gen. Camilo Cascolan said that in September to October alone, a total of 9,240 anti-drug operations were conducted by the police that resulted in 119 deaths.⁶⁴ The PNP also reported that some 4,581 policemen have been dismissed from the service for various serious offenses, which include involvement in illegal drug use and trade. Specifically, 549 were dismissed for drug-related cases, of which 410 tested positive for drug use and 139 for involvement in drug trade. Since 2016, a total 15,768 errant cops were penalised by the PNP for various offenses.⁶⁵ In August, the National Bureau of Investigation (NBI) filed complaints against 11 PNP officials, including its drug enforcement chief, for the, kidnapping, and planting of guns and drugs, and murder of six men in an elaborate scheme of framing innocent civilians in a fake anti-drug operation.⁶⁶

During his appearance in the UN Human Rights Council in July, Department of Justice Secretary Menardo Guevarra said that the government has formed an inter-agency body that will investigate all deaths related to the drug war. The panel, which is set to release its report in November, will only re-evaluate the cases even as the PNP will continue to conduct its own investigation.⁶⁷ However, human rights advocates in the Philippines are sceptical of this government move. For example, although an official of the Commission on Human Rights (CHR) welcomed Guevarra's announcement, she also criticised the continued non-cooperation of the PNP in investigating human rights abuses related to the drug war.⁶⁸ As well, some 700 local and international human rights and civil society organisations in September called on the UN Human Rights Council to create an independent international mechanism to investigate alleged extrajudicial killings and human rights violation in the Philippines under the Duterte administration.⁶⁹

Meanwhile, in the aftermath of the signing of the Anti-Terrorism Law (ATA) in July 2020, which is primarily meant to strengthen domestic laws against terrorist threats, local and international human rights advocates questioned the implications of the law for the protection of basic human rights, including freedom of speech and assembly. Some human rights defenders and party-list groups in Philippines raised concerns over the potential for abuse of the ATA by security sector and law enforcement agents in the government's attempt to promote its counter-insurgency agenda. This includes curtailing dissent from legitimate opposition groups and/or tagging them as supporters of the Communist Party of the Philippines/New People's Army (CPP-NPA) armed insurgency against the state. To date, there are 37 petitions against the ATA in the Supreme Court, which question its constitutionality and certain provisions that violate basic human rights, rule of law, and lack of accountability. The Department of Justice released the Implementing Rules and Regulations of the ATA in mid-October, which has also been criticised by some legislators, journalists, and human rights advocates as "fatally flawed."⁷⁰

Recommendations:

The Philippines government should:

- Uphold its primary responsibility to protect by complying with international norms on human rights protection and humanitarian law. Specifically, it should hold accountable law enforcers and other members of the security sector for violations of human rights in relation to the war on illegal drugs and campaign against terrorism.
- The government should also ensure that fundamental human rights are protected in the implementation of the new anti-terrorism law. It should not use the new law to silence legitimate dissent and critics of the government.

The UN Human Rights Council should:

- Seriously consider calls made by local and international human rights advocates for the creation of an independent investigation mechanism to probe the killings related to the government's anti-drug war, which has increased over the last two months amidst strict measures to contain the pandemic.

Indonesia Country-wide Risk: Medium West Papua Risk: High

Indonesia remains at medium risk of violence and atrocity crimes due to COVID-19.

As reported in the June 2020 regional outlook on Indonesia, COVID-19 has put particular stress on Indonesia's poorest citizens and minority groups, including the Chinese-Indonesia diaspora. Since June, this tension has also been aimed at the government due to both the government's limited response to halting the virus, and a number self-serving changes the government has made to legislation under the guise of the pandemic.

One of the fallouts of the virus has been the stalling of large government economic projects, including the relocation of the nation's capital, one of Joko Widodo's 'legacy projects',⁷¹ suggesting the pandemic is affecting companies and individuals alike due to economic downturn. To counter some of this downturn, the Indonesian government has introduced a raft of opportunities that have been criticised by student activists, government opposition and the press, as they appear to benefit the President and his associates, to the detriment of the environment and labour rights.

Similarly, and more pointedly as Melissa Crouch writes, these decisions are seen to undermine Indonesia's democracy. They include amending the rules around Indonesia's Constitutional Court and simultaneously "reduc[ing] the powers and compromis[ing] the independence of another key trusted institution—the Anti-Corruption Commission."⁷² These decisions also include the forging of the "omnibus" jobs creation bill, aimed at "relaxing Indonesia's complex web of business, labour and environmental laws" in the hope of stimulating the economy.⁷³ Protests have since broken out in major Indonesian cities, including Bandung and Jakarta, over the proposed bill, protesters suggesting the bill compromises human rights and could end up damaging the environment.⁷⁴

The pandemic has also significantly exasperated sexual and gender-based violence, leading to a doubling of domestic violence due to male partners either being out of work, or losing income due economic downturn. According to The Legal Aid Foundation of the Indonesian Women's Association for Justice, Indonesian women from all levels of social hierarchy are the targets of this sexual and gender-based violence, as rich and poor alike are finding themselves victims of male partner abuse.⁷⁵ Further, *The Jakarta Post* has reported that women with disabilities are even more prone to greater risk of SGBV violence due to the pandemic, with a survey showing that 70 per cent of women with disabilities have been sexually violated during the pandemic, and 15 per cent raped, and 10 per cent sexually exploited.⁷⁶

Recommendations**The Indonesian Government should:**

1. Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
2. Ensure restricting the spread of COVID-19 remains a priority.
3. Ensure legislative decisions do not compromise Indonesia's democracy and will not lead to human rights abuse.
4. Work to implement legislation to stop sexual and gender-based violence that has escalated due to COVID-19.

Other concerned governments should:

1. Encourage Indonesia to take active steps to fulfil its responsibility to protect.
2. Continue to explore avenues for cooperation with the Indonesian government and society in the areas of combatting violent extremism and terrorism, preventing sectarian conflict, and reducing incitement and hate speech.
3. Continue to provide COVID-19 assistance when requested to help the government and civil society tackle challenges that stem from the pandemic.

West Papua: High Risk

The province of West Papua in Indonesia remains at high risk of continued violence and atrocity crimes. The sentencing of a group of political prisoners from West Papua was carried out by an Indonesian court in June, after they were moved from Papua for 'security reasons', and tried for treason after participating in anti-racism riots against the Indonesian government last August. Known as the "Balikpapan Seven", one of the first three tried was given 11 months in prison, while the other two were given 10 months.⁷⁷ These sentences are a long way from the maximum 17-year sentences proposed by Indonesian prosecutors. Yet, they show an increasing reliance of the Indonesian government to utilise harsh laws to suppress peaceful dissent and freedom of expression and association, along with widespread accusations of racial abuse amongst judicial systems.⁷⁸ In the wake of the Black Lives Matter movement, human rights activists in Indonesia have adopted 'Papuan Lives Matter' when calling for the release of West Papuan political prisoners, and the accusations of intrinsic racism in Indonesian courts has prompted severe criticism from human rights advocates globally and within Indonesia.⁷⁹

Foreign journalists and media reporting, along with internet access in West Papua, continues to be restricted by the Indonesian government in the wake of violence between government security forces and West Papuan separatist organisations. While government spokespersons deem the blackout necessary to prevent trolls and ‘fake news’ from instilling unrest in the population, advocates of media freedom suggest it enables the Indonesian security forces to continue to operate unmolested in carrying out violent abuses against West Papuans, in conjunction with denials of visits by UN human rights representatives.⁸⁰ In a recent ruling, the Indonesian Supreme Court deemed the media blackout in the province unlawful. While certainly a positive first step towards allowing transparency and potential restitution for human rights abuses within the province, the Indonesian government has yet to finalise its response to the ruling⁸¹ and, as such, any perpetrators of abuses continue to not be held to account. There is also evidence of continued censorship on social media of articles about press freedom and human rights abuses in West Papua.⁸² Following the riots in 2019, there is evidence that Jihadist organisations are attempting to rally support and fighters to travel to West Papua and defend the predominantly Muslim population from Christian Papuans.⁸³ While the level of involvement of these organisations in the conflict is disputed, it does exacerbate the already high risks of atrocity crimes within the region.

The spread of COVID-19 in West Papua is also a concern for its potential to fuel further violence and facilitate the commission of atrocity crimes. The pandemic, and the Indonesian government’s response to it, has taken on a political dimension that is seeming to provide impetus for both sides of the conflict to further unrest and distrust in each other, including increased attacks on security personnel and migrant populations and the spreading of disinformation campaigns.⁸⁴ In such an environment, the pandemic is likely to provide a context for increased militarisation and chances of further unrest and conflict.⁸⁵

Recommendations

The Indonesian Government should:

1. Address entrenched racial discrimination, hate speech and incitement against West Papuans, and provide clear advice to security forces to abide by international law and refrain from the use of violence and torture.
2. As a member of the UN Human Rights Council, ensure human rights are protected in all Indonesian territories, including freedom to protest and gather and freedom of speech.
3. Ensure a fair and impartial judicial process for political prisoners.
4. Respect and abide by the Court’s decision that the media blackout is unlawful, and in turn make the province accessible to foreign and Indonesian media reporting.
5. Allow UN officials access into West Papua, such as the UN High Commissioner for Human Rights, and consider an independent UN investigation into the conflict in Nduga.
6. Consider the aspirations of West Papuans and the underlying issues fuelling the protests, and endeavour to take into account these aspirations in future dealings with the province.



Papua New Guinea Risk: Moderate

The risk of atrocities in PNG is moderate as pressure from the coronavirus pandemic and existing structural fragilities within the country heighten the potential for atrocity crimes. The government continues to grapple with the effects of the pandemic. As of early November, the country has recorded 590 total cases with seven deaths. According to official government sources and independent analysis, the rates may be much higher due to limited testing throughout the country and continued population movements.⁸⁶ The pandemic has placed greater strain on the country's already limited health system, which was a key reason for the government to declare and extend a state of emergency. In response, the government has improved its communication and awareness raising methods of COVID-19 by creating "Niupela Pasin" ("New Normal"), a series of measures to promote basic hygiene and safety during the pandemic. It has also started releasing video messages and songs by PNG musicians to counteract the spread of misinformation and stigma around the disease and the testing process.⁸⁷ However, while funding and technical aid from the WHO and other donors such as Australia⁸⁸ has provided an opportunity for the country to strengthen its health infrastructure and community education campaigns,⁸⁹ a continued lack of capacity in the country's health system sees much of the population still at risk of the disease.⁹⁰

In the wake of the spread of COVID-19 within PNG, the country's border with Indonesia continues to be a concern, despite official border crossing points remaining closed. The border regions have been traditionally porous, with an estimated eight illegal entry points⁹¹ that have facilitated the crossing of smugglers and guerrillas, as well as refugees, from West Papua.⁹² With a dramatic rise in cases in Indonesia,⁹³ an increase in coronavirus cases within these border regions, already isolated from government and health facilities, could cause widespread deaths and potential unrest.

PNG's economy is expected to contract by approximately 4 percent due to the pandemic. Initiatives to improve physical infrastructure and access to electricity, water, transportation and ICT services have stalled under the current outbreak.⁹⁴ Further economic degradation due to the pandemic could worsen the already tenuous viability of many people's livelihoods, and this has the potential to cause widespread unrest. PNG contains for the most part a rural and remote population with a significant percentage living below the poverty line. Tribal violence, a long standing aspect of PNG society, remains a problem in these remote areas. With the added strain of the pandemic on government services, prevention and response options to such violence are further constrained, contributing to the high risk of atrocity crime in the country.

The economic downturn caused by the pandemic has escalated the already high rates of sexual and gender-based violence within the country. SGBV is widespread in PNG, with an estimated two thirds of women suffering some form of violence in their lifetime. Triggers of SGBV include marital and financial disagreements,⁹⁵ and with the onset of the state of emergency and introduction of travel restrictions and public lockdowns, economic stress has become a primary factor in domestic violence incidents. Lockdown measures further decreased the access women had to SGBV support services.⁹⁶ There are ongoing efforts by the government and the international community to address SGBV and pervasive gender inequalities in PNG. In October, the UN opened two offices in the Highlands region as part of the Highlands Joint Programme aimed at improving development of this area of PNG. The Programme will tackle multiple development issues in the region, including economic and educational capacity building, and work alongside male advocates to rehabilitate perpetrators of SGBV and sorcery-related killings.⁹⁷

Planned consultations between PNG and Bougainville following the latter's independence referendum late last year have been postponed due to the pandemic. Bougainville recorded its first coronavirus case in August, and the PNG government extended a state of emergency in the region until late September in an effort to curb the spread. Despite the ongoing pandemic, Bougainville carried out its presidential elections, electing Ishmael Toroama, a former member of the Bougainville Revolutionary Army, as President.⁹⁸ PNG and Bougainville have committed to peaceful talks in good faith, however there remains a chance of conflict breaking out between the two parties. The ten-year civil war in Bougainville killed up to 20,000 people, with few opportunities for reconciliation and healing. The independence referendum is non-binding, with the PNG government having the final say over proceedings. Bougainvillean independence would have significant geopolitical consequences.⁹⁹ Negotiations over Bougainville's future have the potential to see conflict erupt, along with a corresponding increased risk of the commission of atrocity crimes.

Recommendations

The government of Papua New Guinea should:

1. Develop strategies and equip the health sector to manage the ongoing effects of the pandemic, and make efforts to increase testing rates.
2. Develop and monitor violence prevention strategies in the Highlands to mitigate tribal and sorcery-related violence.
3. Collaborate with Indonesia to control border flows to stop the potential spread of COVID-19.
4. Engage constructively and collaboratively with the new government of Bougainville on the independence referendum outcome.

SEXUAL AND GENDER BASED VIOLENCE

Sexual and gender-based violence

Rape and Crimes Against Humanity in China

Reports from independent media describe instances in Xinjiang re-education camps where women have been raped by officials, including by gang rape.¹⁰⁰ There are reports of guards taking younger or “pretty” inmates at night and returning them the next morning.¹⁰¹ These allegations are consistent with an open-source letter allegedly published by a prison guard in a camp in Dawanching:

There are two tables in the kitchen, one table is for snacks and liquors, and the other one is for “doing things”. Most of the time, the officer would rape the selected girl alone. Sometimes, if he is high, he would let subordinates gang rape the girls after him. After they are done, the girl would be returned back to the cell.¹⁰²

The use of anal rape with sticks or electric batons as an interrogation technique has also been reported.¹⁰³ The accounts are consistent with credible reports of rape in “transformation through education” centres in Tibet,¹⁰⁴ suggesting a common re-education modus operandi. The reports of rape are less widespread than other reported abuse, and have generally been by lesser known or local NGOs and news outlets. However, the limitations of the existing evidence are consistent with barriers to accurate reporting and analysis of sexual and gender-based violence more generally.¹⁰⁵

Domestic Violence

Domestic violence rates have continued to rise across the Asia Pacific region, exacerbated by the Covid-19 crisis. The recent intensity of domestic violence is attributed to economic, health and income security concerns compounded with the demands of close living quarters.¹⁰⁶ Attention to the extent of Papua New Guinea’s intimate partner violence was reignited following the torture and murder of 19 year-old mother Jenelyn Kennedy. Protests in July demanded societal change and financial funding for support services. In the month prior to the lockdown of Port Moresby in July/August, 647 cases of domestic violence were recorded in the city.¹⁰⁷ The lockdown renewed concerns about the isolation of victims in precarious situations with their abusers and their ability to seek support. Job losses resulting in greater time spent in the home can contribute to constant surveillance of victims. Women in Cambodia reported an increase in contact with abusers, limiting the ability to access SGBV services, and a rise in agitated behaviours.¹⁰⁸

Meanwhile, in places where governments initiate internet shutdowns, such as parts of Bangladesh and Myanmar, the capacity for women to reach support services and report instances of violence was hindered. In Bangladesh, domestic violence is endemic. Between January-September 2020, 235 women were murdered and 50 tortured by their husband or his family. These figures may drastically underrepresent the situation, due to underreporting. Survivors are discouraged to speak out due to fear of laws that allow for the discrediting of the victim’s character, a failure to provide adequate witness protection by the government, an inability to access legal support due to spousal imposed financial restrictions and a lack of accountability. Large protests against sexual violence erupted in Bangladesh in October. Tensions were high as a result of rape accusations about the student wing of the ruling party, Bangladesh Awami League. The online circulation of footage of the gang rape of a 37 year-old woman incited further outrage. The first nine months of 2020 witnessed 975 women raped, of which 208 cases were instances of gang rape. In response, the death penalty for rape was introduced in Bangladesh. Within two days, five men involved in a 2012 gang rape were awarded the death sentence. Capital punishment, however, does not address systemic causes of sexual violence. Further, it is possible that the death penalty could lead to more rape victims being murdered as perpetrators attempt to avoid being reported and arrested.¹⁰⁹

Violence against Children

The impact of the pandemic’s economic crisis will negatively affect advances for girls’ rights. As families struggle with job loss and food insecurity, girls are often removed from education and forced into marriages. Within the next year, 191,000 girls in South Asia and 61,000 girls in East Asia and the Pacific are predicted as being vulnerable to child marriage. Forced child marriages jeopardise girls’ rights and risk sexual exploitation, violence, and disabilities or death arising from childbirth complications. Global lockdowns have exacerbated a demand for child pornography. In the Philippines, the number of reported online child sex abuses tripled from 76,561 cases in 2019 to 279,166 cases, so far, in 2020.¹¹⁰

LGBTIQ+ Rights

Under the guise of anti-pornography laws, Indonesian police force actively harass and discriminate against LGBTIQ+ people. In August, laws against “facilitating obscene acts” were misused to arbitrarily arrest nine men at a “gay party.” These men are now subject to fifteen years in prison. Anti-LGBTIQ+ sentiment has increased across Indonesia, with vague laws and lack of police accountability permitting encroachment on LGBTIQ+ rights, discrimination, intimidation and violence.¹¹¹

SEXUAL AND GENDER BASED VIOLENCE

Recommendations:

The Government of Papua New Guinea should:

1. Ensure accessibility of timely support and treatment for victims of SGBV.
2. Provide adequate funding for SGBV support services.
3. Develop policies to promote gender equality and reduce societal acceptance of sexual and domestic violence.

The Government of Bangladesh should:

1. Remove obstacles to reporting of SGBV. This includes guaranteeing access to legal aid, ratifying the 2006 Witness Protection Act and repealing section 155(4) of the Evidence Act 1872, which permits disparaging the victim's character in court.
2. Ensure perpetrators are held accountable in a timely manner.
3. Abolish capital punishment and instead focus on prevention and addressing systemic SGBV causes.
4. Increase SGBV crisis support centres and shelters above the current 36 shelters servicing a population of 80 million women and 64 million children.
5. Enhance the systems for justice and greater reporting accuracy by including marital rape in the penal code rape definition. Amendments must also be made to include men, boys, transgender, hirja and intersex people.

The Government of Indonesia should:

1. Halt arbitrary raids on LGBTI+ spaces and investigate previous raids.
2. Clarify pornography laws to remove the potential for discrimination against LGBTIQ+ people.

All governments in the Asia Pacific region should:

1. Raise the legal age of marriage to 18 and improve action plans targeting health and education to reduce societal acceptance of child marriage.
2. Elevate SGBV support services to "essential" during Covid-19 restrictions. Ensure women's physical, mental health and safety is prioritised within Covid-19 economic and social recovery schemes

Hate Speech and Incitement

Hate speech in the Asia Pacific region has increased with the COVID pandemic, and social media has played a large role in this increase. While the initial targets of the pandemic's hate speech were Chinese citizens, or people of Chinese background, and the hate speech apparent both in the virtual world and in the real world,¹¹² in more recent months the victims have been a range of minority groups from around the Asia Pacific region. An OCHA report on the region notes that "Discriminatory rhetoric against marginalized populations such as minorities, refugees and migrants has surged in the context of COVID-19. False stories accusing these vulnerable groups of being responsible for the transmission of the virus have resulted in a rise of discrimination and in some cases violence against the targeted group."¹¹³

These minority groups include religious, ethnic, cultural minorities, and recent refugees that have fled violence. Included are Rohingya refugees who have been the targets of discrimination in Malaysia, with Malaysian locals using social media to suggest the refugees carry the COVID-19 virus.¹¹⁴ In Malaysia, the Rohingya are being told to "return home" by xenophobic posters on a variety of social media platforms, though this sentiment has been most abundantly posted on Facebook. While Facebook has removed some of the content, a report by Reuters reveals that much hate speech remains on the site, including posts that compare the Rohingya minority to dogs and parasites.¹¹⁵

A rise in hate speech has also been noted once again in Myanmar, with a report by Burma Human Rights Network revealing anti-Muslim sentiment as well as the "spreading of fake news, viscous attacks, and incitement of violence against Burmese Muslims."¹¹⁶ Hate speech has been spread by citizens and government alike, including hate speech on state-sponsored media.¹¹⁷ With upcoming general elections in Burma in early November 2020, due to COVID-19, campaigners are taking their election campaigns online, resulting in an upsurge of hate speech and fake news in the virtual world. This increase in hate speech and fake news is also due to a rise in social media users this election from last election, with three times as many Burmese using the internet and social media platforms.¹¹⁸

There still remains something of a stalemate between governments and social media companies. Governments in the region are stalling at establishing hate speech laws, including The Philippines and Myanmar, while social media companies are, in some regions, adapting policies to counter and stop hate speech and fake news, though in other regions, again in The Philippines as an example, such initiatives are yet to be apparent.

Recommendations

Governments in the Asia Pacific region should:

1. Realise the importance of direct hate speech and danger speech legislation, and implement this legislation in its civil and penal codes.
2. Work with the private sector, including social media sites and internet companies more broadly, to implement a range of policy measures across the region, rather than on a state-by-state basis.
3. Ensure public education about COVID-19 to counter hate narratives that use the virus as a reason for refugee deportation.
4. Work with CSOs and NGOs at large-scale educational programmes for all ages and all users.
5. Learn from and work with the European Union and its partners to implement measures to curb hate speech and danger speech in Southeast Asia.

END NOTES

- 1 Sithu Aung Myint, "In Myanmar's Rakhine state, cancellations leave little space for political compromise," Frontier Myanmar online, 2 November 2020, from <https://www.frontiermyanmar.net/en/in-rakhine-cancellations-leave-little-space-for-political-compromise/>, accessed on 5 November 2020.
- 2 Min Aung Khine, "Three Ruling Party Candidates Abducted by Armed Men in Myanmar's Rakhine State," The Irrawaddy, 14 October 2020, from <https://www.irrawaddy.com/elections/three-ruling-party-candidates-abducted-armed-men-myanmar-rakhine-state.html>, accessed on 14 October 2020.
- 3 "Myanmar casualties may amount to further war crimes, U.N. rights chief says," Reuters online, 14 September 2020, from <https://uk.reuters.com/article/uk-un-rights-myanmar-idUKKBN2651H4>, accessed on 15 September 2020.
- 4 "More children being killed and maimed in Rakhine amid 'unprecedented levels of violence' - rights group," Myanmar Now online, 15 September 2020, from <https://www.myanmar-now.org/en/news/more-children-being-killed-and-maimed-in-rakhine-amid-unprecedented-levels-of-violence-rights?fbclid=IwAR1wrlIBXpvlS8wDsBccurEWOPVc3zdh5cuCAPhtnmUgBfEOrjpLujq66PI>, accessed on 15 September 2020.
- 5 Khaing Yoe Hla, "Rakhine IDPs Exceed 36,000 since August: Myanmar NGO," The Irrawaddy online, 5 October 2020, from <https://www.irrawaddy.com/news/burma/rakhine-state-idps-exceed-36000-since-august-myanmar-ngo.html>, accessed on 15 October 2020.
- 6 Ibid.
- 7 Veronica Pedrosa, "Reign of Terror," Philstar.com, 17 October 2020, from <https://www.philstar.com/opinion/2020/10/17/2050158/reign-terror/amp>, accessed on 23 October 2020.
- 8 Hannah Ellis-Petersen and Shaikh Azizur Rahman, "Rohingya refugees allege sexual assault on Bangladeshi island," The Guardian, 22 September 2020, from <https://www.theguardian.com/world/2020/sep/22/rohingya-refugees-allege-sexual-assault-on-bangladeshi-island>, accessed on 22 September 2020.
- 9 Women's Refugee Commission, "Sexual Violence Against Men and Boys in Conflict and Displacement: Findings from a Qualitative Study in Bangladesh, Italy, and Kenya," October 2020, from <https://s33660.pcdn.co/wp-content/uploads/2020/10/Sexual-Violence-against-Men-Boys-Synthesis-Report.pdf>, accessed on 29 October 2020.
- 10 "International donors pledge nearly \$600 million to support Rohingya," Al Jazeera online, 23 October 2020, from <https://www.aljazeera.com/news/2020/10/23/international-donors-pledge-nearly-600m-to-support-rohingya>, accessed on 23 October 2020.
- 11 Situation of Human Rights in the Democratic People's Republic of North Korea, A/75/388, 14 October 2020.
- 12 See A/C.3/74/L.26, United Nations General Assembly, 31 October 2019, <https://undocs.org/A/C.3/74/L.26>
- 13 Colum Lynch, "South Korea Declines to Co-Sponsor North Korea Human Rights Resolution for the First Time Since 2008", Foreign Policy, 15 November 2019. <https://foreignpolicy.com/2019/11/15/south-korea-declines-cosponsor-north-korea-human-rights-un-resolution-first-time-since-2008/>
- 14 "North Korea warns UN on discussing country's human rights", Al Jazeera, 5 December 2019. <https://www.aljazeera.com/news/2019/12/north-korea-warns-discussing-country-human-rights-191205010116514.html>
- 15 Jacob Fromer, "North Korea may become 'more isolated' without a deal with U.S., UN envoy warns", NK News, 24 October 2019. <https://www.nknews.org/2019/10/north-korea-may-become-more-isolated-without-a-deal-with-u-s-un-envoy-warns/>
- 16 https://r2pasiapacific.org/files/5818/applying_legal_tests_xinjiang_nov2020.pdf
- 17 "China's Algorithms of Repression: Reverse Engineering a Xinjiang Police Mass Surveillance App", Human Rights Watch, 1 May 2019.
- 18 "Eradicating Ideological Viruses: China's Campaign of Repression Against Xinjiang's Muslims", Human Rights Watch, 9 September 2018.
- 19 Simon Denyer, "Former inmates of China's Muslim 'reeducation' camps tell of brainwashing, torture", Washington Post, 17 May 2018 (last accessed 28 September 2020).
- 20 See, eg, United States Congressional-Executive Commission on China, Testimony of Mihrigul Tursan (Hearing relating to the Communist Party's Crackdown on Religion in China, 28 November 2018) ([online](#)) esp 3-4; Philip Wen and Olzhas Auyezov, "Tracking China's Muslim Gulag", Reuters, 29 November 2018 (last accessed 28 September 2020); Simon Denyer, "Former inmates of China's Muslim 'reeducation' camps tell of brainwashing, torture", Washington Post, 17 May 2018 (last accessed 28 September 2020); Amie Ferris-Rotman, "Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan court ordeals", Washington Post, 5 October 2019 (last accessed 28 September 2020); "China turns Muslim 're-education' camp detainees into cheap labour force, human rights group claims", Agence France-Presse, 4 March 2019 (last accessed 28 September 2020); Ruth Ingram, "Confessions of a Xinjiang Camp Teacher", The Diplomat, 17 August 2020 (last accessed 29 September 2020).
- 21 Lily Kuo, "My Soul, Where are you?": Families of Muslims Missing in China Meet Wall of Silence", The Guardian, 13 September 2018.; Rob Schmitz, "Families of the Disappeared: A Search for Loved Ones Held in China's Xinjiang Region", NPR, 12 November 2018.; Kate Lyons, "Families of Missing Uighurs use Tiktok Video App to Publicise China Detentions", The Guardian, 20 August 2019.
- 22 "China: Xinjiang Children Separated from Families", Human Rights Watch, 15 September 2019.
- 23 Vicky Xiuzhong Xu, Danielle Cave, James Leibold, Kelsey Munro and Nathan Ruser, Uyghurs for Sale: 'Re-education', forced labour and surveillance beyond Xinjiang (ASPI, Policy Brief, Report No. 26/2020) ('ASPI Forced Labour Report'). ASPI's estimate is derived from data collected from Chinese state media and official government notices.
- 24 See, eg, [China turns Muslim 're-education' camp detainees into cheap labour force, human rights group claims](#), Agence France-Presse, 4 March 2019 (last accessed 28 September 2020). See further ASPI Forced Labour Report, 14, 18.
- 25 See Kunarac et al v Prosecutor, Case No IT-96-23 & 23/1-A, Judgment, 22 February 2001, [534]-[535], [542].
- 26 Kunarac et al v Prosecutor, Case No IT-96-23 & 23/1-A, Judgment, 12 June 2002, [117]; ICC Statute Art 7(2)(c); Bassiouni, Enslavement as an International Crime, 467.
- 27 Kunarac et al v Prosecutor, Judgment Trial Chamber) [542].
- 28 Ibid.
- 29 John Sudworth, "China Muslims: Xinjiang Schools used to Separate Children from their Families", BBC News, 4 July 2019.
- 30 The evidence considered later in the Report as to whether the genocidal acts of imposing measures to prevent births and forcible transfers are established may also meet the threshold of "persecution" as a crime against humanity: see Kuprešić [636] (noting that the key difference between persecution and genocide is the threshold of intent—"While in the case of persecution the discriminatory intent can take multifarious inhumane forms and manifest itself in a plurality of actions including murder, in the case of genocide that intent must be accompanied by the intention to destroy, in whole or in part, the group to which the victims of the genocide belong").
- 31 Nathan Ruser, [Cultural erasure: Tracing the destruction of Uyghur and Islamic spaces in Xinjiang](#) (Policy Brief, Report No. 38/2020, Australian Strategic Policy Institute) 7 ('ASPI, Report on Cultural Erasure'). The New York Times reports having independently verified "many of the details in ASPI's report": Chris Buckley and Austin Ramzy, "China Is Erasing Mosques and Precious Shrines in Xinjiang", New York Times (25 September 2020) (last accessed 28 September 2020).
- 32 ASPI, Report on Cultural Erasure, 3-4, 8.
- 33 Ibid 5.
- 34 See Lily Kuo, "Revealed: New evidence of China's mission to raze the mosques of Xinjiang", The Guardian (7 May 2019) (last accessed 26 September 2020) (identifying 31 mosques and two shrines that had suffered significant structural damage between 2016 and 2018, including 15 that had been completely destroyed); Matt Rivers, "More than 100 Uyghur graveyards demolished by Chinese authorities, satellite images show", CNN (3 January 2020) (last accessed 26 September 2020) (documenting the destruction of over 100 Uyghur cemeteries); Agence France-Presse (AFP), "'No space to mourn': The destruction of Uyghur graveyards in Xinjiang", South China Morning Post (12 October 2019) (last accessed 26 September 2020) (identifying, with assistance from satellite imagery analysts Earthrise Alliance, the destruction of at least 45 Uyghur cemeteries since 2014 including 30 of them since 2017).
- 35 See, eg, William Drexel, Kashgar Coerced: Forced Reconstruction, Exploitation, and Surveillance in the Cradle of Uyghur Culture (Uyghur Human Rights Project, Report, June 2020) https://uhrp.org/sites/default/files/UHRP-Kashgar-Coerced-Report-06_03_20%20Final.pdf (last accessed 26 September 2020).
- 36 See Timothy A. Grose, "If you don't know how, just learn: Chinese housing and the transformation of Uyghur domestic space" (2020) Ethnic and Racial Studies 1; Shohret Hoshur, "Uyghurs in Xinjiang Ordered to Replace Traditional Décor With Sinicized Furniture", Radio Free Asia (9 January 2020) <https://www.rfa.org/english/news/uyghur/furniture-01092020165529.html> (last accessed 26 September 2020).
- 37 See Network of Chinese Human Rights Defenders and Equal Rights Initiative, Joint Civil Society Report Submitted to the Committee on the Elimination of

Racial Discrimination for its Review at the 96th Session of the combined fourteenth to seventeenth periodic report of the People's Republic of China (CERD/C/CHN/14-17), 16 July 2018 ([online](#)).

38 ICC Statute, Art 7(2)(i).

39 Robert Cryer, Håkan Friman, Darryl Robinson, Elizabeth Wilmshurst, An Introduction to International Criminal Law and Procedure (3rd ed, Cambridge University Press: 2014) 260.

40

41 See, eg, "Detained and Disappeared: Intellectuals Under Assault in the Uyghur Homeland", Uyghur Human Rights Project (21 May 2019) <https://uhrp.org/press-release/update---detained-and-disappeared-intellectuals-under-assault-uyghur-homeland.html> (last accessed 27 September 2020) (identifying at least 435 intellectuals "interned, imprisoned, or forcibly disappeared"); Magnus Fiskesjö, "China's Thousandfold Guantánamos", Inside Higher Ed (8 April 2019) <https://www.insidehighered.com/views/2019/04/08/universities-should-not-ignore-chinas-persecution-scores-leading-academics-opinion> (last accessed 27 September 2020); Rachel Harris, "Cultural Genocide in Xinjiang: How China Target Uyghur Artists, Academics, and Writers", The Globe Post (17 January 2019) <https://theglobepost.com/2019/01/17/cultural-genocide-xinjiang/> (recounting the circumstances of the disappearance of Uyghur singer, Sanubar Tursan).

42 See Austin Ramzy and Chris Buckley, "The Xinjiang Papers", The New York Times (16 November 2019) <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-xinjiang-documents.html> (last accessed 27 September 2020) ('the Xinjiang Papers'). The full text of all 403 pages reportedly leaked to the Times have not been made publicly available at the time of writing.

43 "Document: What Chinese Officials Told Children Whose Families Were Put in Camps", The New York Times (16 November 2019) <https://www.nytimes.com/interactive/2019/11/16/world/asia/china-detention-directive.html> (last accessed 27 September 2020).

44 Ibid.

45 ICC Elements of Crimes, Art 7(1)(g)-5, Elements 1 and 2.

46 Gulchehra Hoja, "[Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications](#)", Radio Free Asia, 3 August 2020 (last accessed 2 September 2020);

47 Gulchehra Hoja, "[Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications](#)", Radio Free Asia, 3 August 2020 (last accessed 2 September 2020);

48 See Adrian Zenz, Sterilizations, IUDs, and Mandatory Birth Control: The CCP's Campaign to Suppress Uyghur Birthrates in Xinjiang (Jamestown Foundation, June 2020) (available [online](#)).

49 See Gulchehra Hoja, "[Uyghur Women, Rarely Informed About Forced Birth Control Procedures, Suffer Lifelong Complications](#)", Radio Free Asia, 3 August 2020 (last accessed 2 September 2020); Associated Press, "[China cuts Uighur births with IUDs, abortion, sterilization](#)", Associated Press, 29 June 2020 (last accessed 2 September 2020); Gulchehra Hoja and Shohret Hoshur, "[Xinjiang Hospitals Aborted, Killed Babies Outside Family Planning Limits: Uyghur Obstetrician](#)", Radio Free Asia, 17 August 2020 (last accessed 2 September 2020).

50 "US House approves Uighur Act calling for sanctions on China's senior officials", The Guardian, 4 December 2019.; Daniel Flatley, "U.S. House passes Xinjiang Bill, Prompting Threat from China", Bloomberg, 4 December 2019.

51 "US Senate Passes Legislation to Hold China Accountable for Rights Abuses in Xinjiang", Radio Free Asia, 12 September 2019.

52 "Congressional-Executive Commission on China Annual Report 2019", 116 Congress First Session, 18 November 2019.; See also Joshua Lipes, "China's Actions in Xinjiang may amount to 'Crimes Against Humanity', says US Rights Report, Radio Free Asia, 8 January 2020. <https://www.rfa.org/english/news/uyghur/cecc-01072020190715.html>

53 <https://www.aljazeera.com/news/2020/10/22/china-rejects-canada-report-accusing-beijing-of-uyghur-genocide>

54 "Joint statement on human rights violations and abuses in Xinjiang", Statement delivered by Ambassador Karen Pierce, UK Permanent Representative to the UN at the Third Committee session on the Committee for the elimination of racial discrimination, Foreign and Commonwealth Office, 29 October 2019

55 "China warns US that criticism over detention of Uighurs is not 'helpful' for trade talks", Reuters, 29 October 2019.

56 Chris Buckley and Austin Ramsay, "Facing Criticism over Muslim Camps, China Says: What's the Problem?", The New York Times, 9 December 2019.; Jo Kim, "Why China's Xinjiang Propaganda Fails", The Diplomat, 16 December 2019.

57 Ibid.

58 "Nearly 40 countries defend China over Xinjiang internment camps in U.N. letter", The Japan Times, 13 July 2019.

59 "China's global power damps criticism of Uighur crackdown", Financial Times, 23 December 2019. <https://www.ft.com/content/51a1bf9a-2015-11ea-92da-f0c92e957a96>

60 OL CHN 18/2019, Letter from the Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the right to education; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on the right to privacy; the Special Rapporteur on freedom of religion or belief; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment", Palais Des Nations, Geneva, 1 November 2019.

61 Carlos H. Conde, "Killings in the Philippines Up 50 Percent During Pandemic," Human Rights Watch, 8 September 2020, from <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic?fbclid=IwAR1cuj-i5spLVOrKJs1YF9hNEgwCqgy39gA8QAFRxdBVSTk-bpx4WsUg>, accessed on 24 September 2020.

62 Llanesca T. Panti, "Duterte gets 91% approval amid COVID-19 pandemic—Pulse Asia," GMA News Online, 5 October 2020, from <https://www.gmanetwork.com/news/news/nation/758474/duterte-gets-91-approval-amid-covid-19-pandemic-pulse-asia/story/>, accessed on 5 October 2020.

63 Rambo Talabong, "Coronavirus doesn't stop Duterte's anti-drug campaign," Rappler.com, 18 July 2020, from https://www.rappler.com/newsbreak/in-depth/coronavirus-does-not-stop-duterte-anti-drug-campaign?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1597303964, accessed on 18 July 2020.

64 Christian Deiparine, "Philippine police figures show grim number of drug war deaths nearing 8,000," Philstar.com, 4 November 2020, from <https://www.philstar.com/headlines/2020/11/04/2054558/philippine-police-figures-show-grim-number-drug-war-deaths-nearing-8000>, accessed on 5 November 2020.

65 Aaron Recuenco, "4,591 cops dismissed since 2016, says PNP" Manila Bulletin, 12 October 2020, from <https://mb.com.ph/2020/10/12/4591-cops-dismissed-since-2016-says-pnp1/>, accessed on 13 October 2020.

66 Lian Buan, "In Bulacan, police 'kidnap' passerby then kill them in fake 'nanlaban' case – NBI," Rappler.com, 13 August 2020, from https://www.rappler.com/nation/san-jose-del-monte-bulacan-fake-nanlaban-cases?utm_campaign=Echobox&utm_medium=Social&utm_source=Facebook#Echobox=1597299061, accessed on 13 August 2020.

67 CNN Philippines Staff, "Palace to UN human rights council: New panel to assure fair probe of drug war-linked deaths," CNN Philippines online, 1 July 2020, from <https://www.cnnphilippines.com/news/2020/7/1/Palace-UN-Human-Rights-council-inter-agency-panel-probe.html>, accessed on 1 July 2020.

68 Llanesca T. Panti, "CHR exec blasts PNP over 'non-cooperation' on drug war probe," GMA News Online, 1 July 2020, from <https://www.gmanetwork.com/news/news/nation/744993/exec-blasts-pnp-over-non-cooperation-on-drug-war-probe/story/>, accessed on 1 July 2020.

69 Raymund Antonio, "UNHRC urged to probe EJK, rights violations in PH," Manila Bulletin, 14 September 2020, from <https://mb.com.ph/2020/09/14/unhrc-urged-to-probe-ejk-rights-violations-in-ph/>, accessed on 15 October 2020.

70 Mike Navallo, "SC petitioners hit 'fatally flawed' IRR of anti-terror law in pushing for TRO," ABS-CBN News online, 29 October 2020, from <https://news.abs-cbn.com/news/10/29/20/sc-petitioners-hit-fatally-flawed-irr-of-anti-terror-law-in-pushing-for-tro>, accessed on 5 November 2020.

71 Donald Greenlees, "Flying Blind: Indonesia Grapples to Respond to COVID-19," Asialink, 11 June. Available at <https://asialink.unimelb.edu.au/insights/flying-blind-indonesia-grapples-to-respond-to-covid-19>

72 Melissa Crouch, 2020, "Under cover of COVID, Indonesia's most respected public institution is under attack," Sydney Morning Herald, 14 September. Available at <https://www.smh.com.au/world/asia/under-cover-of-covid-indonesia-s-most-respected-public-institution-is-under-attack-20200913-p55v32.html>

73 Callistasia Wijaya, 2020, "Indonesia: Thousands protest against 'omnibus law' on jobs," BBC, 8 October. Available at <https://www.bbc.com/news/>

world-asia-54460090

74 Ibid.

75 Ayesha Nadya Muna, Diva Tasya Belinda Rauf, Ika Krismantari, 2020, 'Indonesia's Rise in Domestic Violence During the COVID-19

Pandemic: Why it Happens and How to Seek Help,' *The Conversation*, 6 August. Available at: <https://theconversation.com/indonesias-rise-in-domestic-violence-during-the-covid-19-pandemic-why-it-happens-and-how-to-seek-help-142032>

76 Gemma Holliani Cahya, 2020, 'Women with disabilities at great risk of violence during COVID-19 crisis: survey' *Jakarta Post*, 21 October. Available at <https://www.thejakartapost.com/news/2020/10/21/women-with-disabilities-at-greater-risk-of-violence-during-covid-19-crisis-survey.html>

77 Al Jazeera, 2020. 'Indonesian court issues guilty verdicts in West Papua trial'. *Al Jazeera*, 17 June. Available at: <https://www.aljazeera.com/news/2020/6/17/indonesian-court-issues-guilty-verdicts-in-west-papua-trial>.

78 Suara Papua, 2020. Int'l Groups Demand Release of West Papua Political Prisoners, Address Racist Indonesian Laws, <https://suarapapua.com/2020/06/16/intl-groups-demand-release-of-west-papua-political-prisoners-address-racist-indonesian-laws/>.

79 Ibid., Human Rights Watch, 2020. Indonesia: Drop Case Against Papuan Protest Organizers, <https://www.hrw.org/news/2020/06/10/indonesia-drop-case-against-papuan-protest-organizers>. See also: Veronica Koman and Ronny Kareni, 2020. 'How Black Lives Matter reached to Indonesia and inspired solidarity with Papuans'. *The Sydney Morning Herald*, 18 June. Available at: <https://www.smh.com.au/world/asia/how-black-lives-matter-reached-to-indonesia-and-inspired-solidarity-with-papuans-20200618-p553r4.html>.

80 Camellia Webb-Gannon et al., 2020. Fight for Freedom: new research to map violence in the forgotten conflict in West Papua, <https://theconversation.com/fight-for-freedom-new-research-to-map-violence-in-the-forgotten-conflict-in-west-papua-128058>. See also: Joshua McDonald, 2020. Pacific Islands Forum Presses for Human Rights Mission to West Papua, <https://thediplomat.com/2020/10/pacific-islands-forum-presses-for-human-rights-mission-to-west-papua/>.

81 Moch. Fiqih Prawira Adjie, 2020. 'Internet ban during Papua antiracist unrest ruled unlawful'. *The Jakarta Post*, 3 June. Available at: <https://www.thejakartapost.com/news/2020/06/03/internet-ban-during-antiracism-unrest-in-papua-deemed-illegal.html>; International Federation of Journalists, 2020. *Indonesia: Court finds internet ban in Papua and West Papua violates the law*, <https://www.ifi.org/media-centre/news/detail/category/asia-pacific/article/indonesia-court-finds-internet-ban-in-papua-and-west-papua-violates-the-law.html>.

82 RSF, 2020. *Melanesia: Facebook algorithms censor article about press freedom in West Papua*, <https://rsf.org/en/news/melanesia-facebook-algorithms-censor-article-about-press-freedom-west-papua>.

83 Johnny Blades, 2019. 'Call for Jihadis to go to West Papua following unrest'. *Radio NZ*, 7 October. Available at: <https://www.rnz.co.nz/international/pacific-news/400470/call-for-jihadis-to-go-to-west-papua-following-unrest>. See also: Telly Nathalia, 2019. 'Islamic State-Affiliated Group Calls for Jihad in Papua: Defense Minister'. *Jakarta Globe*, 6 September. Available at: <https://jakartaglobe.id/news/islamic-state-affiliated-group-calls-for-jihad-in-papua-defense-minister/>.

84 Institute for Policy Analysis of Conflict, 2020. *IPAC Short Briefing No. 2: COVID-19 and Conflict in Papua*, http://file.understandingconflict.org/file/2020/04/Covid_in_Papua_2.pdf.

85 Morning Star, 2020. *Coronavirus: Indonesia Militarises WP*, <https://unpo.org/article/21889>; Umair Jamal, 2020. 'Will dynamics of conflict in West Papua, Indonesia change with COVID-19?' *ASEAN Today*, 19 June. Available at: <https://www.aseantoday.com/2020/06/will-dynamics-of-conflict-in-west-papua-indonesia-change-with-covid-19/>; Queenie Pearl Tomaro, 2020. *Virus or Bullets: A glimpse of COVID-19 in Rakhine, West Papua and Bangsamoro*, <https://aasyp.org/2020/09/04/virus-or-bullets-a-glimpse-of-covid-19-in-rakhine-west-papua-and-bangsamoro/>.

86 Max Roser et al. 2020. *Papua New Guinea: Coronavirus Pandemic Country Profile*, <https://ourworldindata.org/coronavirus/country/papua-new-guinea?country=~PNG>; PNG National Department of Health and World Health Organization, 2020. *Papua New Guinea Coronavirus Disease 2019 (COVID-19) Health Situation Report #44*, https://covid19.info.gov.pg/files/Situation%20Report/PNG%20COVID-19%20Health%20Situation%20Report%2044%20%282020-10-25%29_FINAL.pdf, p. 2.

87 PNG National Department of Health and World Health Organization, 2020. *Papua New Guinea Coronavirus Disease 2019 (COVID-19) Health Situation Report #30*, https://www.who.int/docs/default-source/wpro---documents/countries/papua-new-guinea/covid-19/png-covid-19-health-situation-report-30.pdf?sfvrsn=91c4846d_2, p. 7, 9.

88 Liam Fox and Erin Handley, 2020. 'Australia's aid program increased to help Pacific neighbours fight COVID-19'. *ABC News*, 7 October 2020. Available at: <https://www.abc.net.au/news/2020-10-07/foreign-aid-budget-unofficial-increase-pacific-asia-covid-19/12737096>.

89 World Health Organization, 2020. *Papua New Guinea tackles the threat of COVID-19 with an all-of-government approach*, <https://www.who.int/news-room/feature-stories/detail/papua-new-guinea-tackles-the-threat-of-covid-19-with-an-all-of-government-approach>.

90 Michael Kabuni, 2020. *COVID-19 (Coronavirus) in Papua New Guinea: The State of Emergency Cannot Fix Years of Negligence*, http://dpa.bellschool.anu.edu.au/sites/default/files/publications/attachments/2020-05/dpa_in_brief_202015_kabuni.pdf.

91 Elias Nanau, 2020. *Illegal Border Entry Points Identified*, <https://postcourier.com.pg/illegal-border-entry-points-identified/>.

92 Henry Ivarature, 2020. *Papua New Guinea must control its borders*, <https://www.policyforum.net/papua-new-guinea-must-control-its-borders/>.

93 Ibid.

94 World Bank Group, 2020. *In the Time of COVID-19: From Relief to Recovery – Papua New Guinea Economic Update July 2020*, <https://openknowledge.worldbank.org/bitstream/handle/10986/34079/Papua-New-Guinea-Economic-Update-In-the-Time-of-COVID-19-From-Relief-to-Recovery.pdf?sequence=4&isAllowed=y>, p. ix – xi.

95 International Women's Development Agency, 2020. *Submission to the United Nations Special Rapporteur on Violence Against Women: COVID-19 Domestic Violence Against Women in Papua New Guinea*, https://iwda.org.au/assets/files/COVID-19-and-Gender-Based-Violence-in-PNG-FINAL-Submission_v3.pdf, p. 2.

96 UN Women, 2020. *Gender Alert On COVID-19 in Papua New Guinea*, <https://reliefweb.int/sites/reliefweb.int/files/resources/Gender%20alert%20on%20COVID19%20IN%20PNG%20I%20Issue%201.pdf>.

97 UNICEF, 2020. *UN Strengthens Presence in Highlands with Offices Opened in Mendi and Tari*, <https://www.unicef.org/png/press-releases/un-strengthens-presence-highlands-offices-opened-mendi-and-tari>.

98 Bougainville News, 2020. *Bougainville Election News: Ishmael Toroama, a former secessionist military commander turned peacemaker has been elected president*, <https://bougainvillenews.com/2020/09/24/bougainville-election-news-ishmael-toroama-a-former-secessionist-military-commander-turned-peacemaker-has-been-elected-the-president/>.

99 Grant Wyeth, 2020. *Bougainville Prepares for Presidential Election*, <https://thediplomat.com/2020/07/bougainville-prepares-for-presidential-election/>.

100 David Stavrou, "A Million People Are Jailed at China's Gulags. I Managed to Escape. Here's What Really Goes on Inside", *Haaretz*, 17 October 2019 (last accessed 29 September 2020); Elizabeth M. Lynch, "China's attacks on Uighur women are crimes against humanity", *Washington Post*, 21 October 2019 (last accessed 29 September 2020); Amie Ferris-Rotman, "Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals", *Washington Post*, 5 October 2019.

101 Elizabeth M. Lynch, "China's attacks on Uighur women are crimes against humanity", *Washington Post*, 21 October 2019 (last accessed 29 September 2020); Amie Ferris-Rotman, "Abortions, IUDs and sexual humiliation: Muslim women who fled China for Kazakhstan recount ordeals", *Washington Post*, 5 October 2019.

102 Erkin Azat, "A Letter from A Prison Guard in the Newly Built Concentration Camp in Dawanching", *Medium*, 17 May 2019 (last accessed 29 September 2020).

103 Ruth Ingram, "Confessions of a Xinjiang Camp Teacher", *The Diplomat*, 17 August 2020 (last accessed 29 September 2020).

104 "Tibetan monk's account reveals rampant use of torture and sexual abuse in China's 'political re-education' centres", *Tibetan Centre for Human Rights and Democracy*, 28 May 2018 (last accessed 29 September 2020).

105 See, eg, Sara E. Davies and Jacqui True, "Reframing Conflict-Related Sexual and Gender-Based Violence: Bringing Gender Analysis Back In" (2015) 46(6) *Security Dialogue* 495, 497; Victorian Law Reform Commission, *Sexual Offences: Interim Report* (2003) 71-75.

106 Plan International and Save the Children, "Because we Matter: Addressing COVID-19 and Violence Against Girls in Asia-Pacific", Plan International and Save the Children, 22 July 2020, from https://reliefweb.int/sites/reliefweb.int/files/resources/PI_STC_BecauseWeMatterPolicyBrief_FINAL.pdf, accessed 3 November 2020.

107 Fiona Hukula, "Domestic Violence and Coronavirus", *PNG Post Courier*, 18 September 2020, from <https://postcourier.com.pg/domestic-violence-and-coronavirus/>, accessed 1 November 2020.

108 Human Rights Watch, "Submission to the UN special rapporteur on violence against women, its causes and consequences regarding COVID-19 and the

increase of domestic violence against women”, 3 July 2020, from <https://www.hrw.org/news/2020/07/03/submission-un-special-rapporteur-violence-against-women-its-causes-and-consequences>, accessed 30 October 2020.

109 Ain O Salish Kendra, “Violence Against Women – Domestic Violence (Jan-Sep 2020)”, ASK Bangladesh, 6 October 2020, from <http://www.askbd.org/ask/2020/10/06/violence-against-women-domestic-violence-jan-sep-2020/>, accessed 30 October 2020. Human Rights Watch, “Bangladesh: Protests Erupt Over Rape Case”, Human Rights Watch, 9 October 2020, from <https://www.hrw.org/news/2020/10/09/bangladesh-protests-erupt-over-rape-case>, accessed 30 October 2020. Rajini Vaidyanathan, “Bangladesh to introduce death penalty for rape”, BBC News, 12 October 2020, from <https://www.bbc.com/news/world-asia-54480233>, accessed 29 October 2020. Ain O Salish Kendra, “Violence Against Women -Rape (Jan-Sep 2020)”, ASK Bangladesh, 6 October 2020, from <http://www.askbd.org/ask/2020/10/06/violence-against-women-rape-jan-sep-2020/>, accessed 30 October 2020. Md. Kamruzzaman, “Bangladesh: 5 sentenced to death under new rape law”, Anadolu Agency, 15 October 2020, from <https://www.aa.com.tr/en/asia-pacific/bangladesh-5-sentenced-to-death-under-new-rape-law/2007888>, accessed 29 October 2020. Meenakshi Ganguly, “Death Penalty Not the Answer to Bangladesh’s Rape Problem”, Human Rights Watch, 13 October 2020, from <https://www.hrw.org/news/2020/10/13/death-penalty-not-answer-bangladeshs-rape-problem>, accessed 30 October 2020.

110 Susanné Bergsten, “Child Marriage, Pregnancies Soar During Pandemic”, 12 October 2020, from <https://www.hrw.org/news/2020/10/12/child-marriage-pregnancies-soar-during-pandemic>, accessed 1 November 2020. Jess Edwards and Gabrielle Szabo Szabo, “The Global Girlhood Report 2020: How Covid-19 is putting progress in peril”, 30 September 2020, from https://resourcecentre.savethechildren.net/node/18201/pdf/global_girlhood_report_2020_africa_version_2.pdf, accessed 1 November 2020. Susanné Bergsten, “Child Marriage, Pregnancies Soar During Pandemic”, 12 October 2020, from <https://www.hrw.org/news/2020/10/12/child-marriage-pregnancies-soar-during-pandemic>, accessed 1 November 2020. Erin Handley, “COVID-19 pandemic leads to rise in violence against women and girls in Asia Pacific, new report shows”, 22 July 2020, from <https://www.abc.net.au/news/2020-07-22/violence-against-women-and-girls-asia-pacific-covid-19-report/12476030>, accessed 1 November 2020.

111 Amnesty International, “Indonesia: Men Accused of Holding ‘Gay Party’ Face 15 Years in Jail”, 4 September 2020, from <https://www.amnesty.org.au/indonesia-men-accused-of-holding-gay-party-face-15-years-in-jail/>, accessed 2 November 2020. Human Rights Watch, “Indonesia: Investigate Police Raid on ‘Gay Party’”, 7 September 2020, from <https://www.hrw.org/news/2020/09/07/indonesia-investigate-police-raid-gay-party>, accessed 2 November 2020. Human Rights Watch, “Bangladesh: Pivotal Moment to Stop Violence Against Women”, 29 October 2020, from <https://www.hrw.org/news/2020/10/29/bangladesh-pivotal-moment-stop-violence-against-women>, accessed 2 November 2020.

112 Online Hate Institute, 2020, ‘Coronavirus’, 12 April. Available at <https://ohpi.org.au/coronavirus/>

113 OCHA, 2020, ‘Asia Pacific Humanitarian Update’, 22 June. Available at <https://reports.unocha.org/en/country/asia-pacific/card/6JuDRGYI5Q/>

114 Max Walden, 2020, ‘Coronavirus crisis sees Rohingya face growing hostility in Malaysia’, *ABC News*, 27 April. Available at <https://www.abc.net.au/news/2020-04-27/coronavirus-sees-rohingya-face-growing-hostility-in-malaysia/12185296>

115 Reuters, 2020, ‘Anti-Rohingya sentiment rears ugly head on Facebook as Covid-19 fear grips Malaysia’, *Malaysia Mail*, 14 October. Available at <https://www.malaymail.com/news/malaysia/2020/10/14/anti-rohingya-sentiment-rears-ugly-head-on-facebook-as-covid-19-fear-grips/1912531>

116 Md. Kamruzzaman, 2020, ‘Hate speech rife in Myanmar ahead of elections: Study’, *Anadolu Agency*, 4 November. Available at <https://www.aa.com.tr/en/asia-pacific/hate-speech-rife-in-myanmar-ahead-of-elections-study/2031897>

117 Ibid.

118 Leong Wai Kit, ‘Fake news, hate speech hurting Myanmar’s political parties amid online campaigning’, *CNA*, 6 November. Available at <https://www.channelnewsasia.com/news/asia/fake-news-hate-speech-hurting-myanmar-s-political-parties-amid-13473032>