

# ASIA PACIFIC

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## Featured in this issue...

Atrocity situations  
unchanged in China and  
The Philippines

Situations in Fiji and  
Solomon Islands ease

Myanmar regime training  
child soldiers

Special sections on hate  
speech and incitement  
and sexual and gender  
based violence

# REGIONAL ATROCITY RISK ASSESSMENT



Very High

China  
Myanmar  
Democratic People's Republic of Korea (DPRK)

High

The Philippines, West Papua (Indonesia)

Moderate  
(high to low)

Papua New Guinea, Solomon Islands

Low

Fiji, Cambodia, Indonesia (except West Papua) Laos, Thailand, Timor-Leste and Vietnam

Very low

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



## Myanmar

**Risk: Very High/Ongoing**

Atrocities in Myanmar are continuing as violence perpetrated by junta forces against civilians increased further. As of 2 December, over 1,300 people have been killed, more than 10,500 detained, and close to 2,000 arrest warrants have been issued by the State Administration Council (SAC).<sup>1</sup> Anti-coup resistance forces have also increased their attacks on security and police forces, including suspected civilian sympathisers of junta. The ousted NLD government claimed that over 570 of its members have been arrested by the SAC so far, of whom 12 have died while under custody of the military.<sup>2</sup> More than 50 elected top officials of the NLD are also facing long jail terms as they were criminally charged for various trump up charges by the military.<sup>3</sup>

The Tatmadaw forces have been conducting airstrikes using helicopters and jet fighters against the People's Defence Forces (PDF) in Kayah and Chin states and Magwe and Sagaing regions. Some 30,000 residents of 15 villages Sagaing Region have reportedly fled their homes in November following airstrikes by junta forces against civilians.<sup>4</sup> More civilians will be displaced in various states and regions of Myanmar as the Tatmadaw continues to conduct clearing operations against the PDF and ethnic armed organisations supporting the anti-coup resistance. As of 15 November, it is estimated that there are 235,000 total internal displacement in Myanmar since the February coup and an estimated 605,000 internally displaced persons in the country. Some 22,000 refugee movements to neighbouring countries have also taken place since the coup.<sup>5</sup>

Landmine explosions in Myanmar have notably increased for the first nine months of this year compared to last year. 192 casualties were reported between January to September, which is already 76 percent of the caseload of 252 for 2020. Shan State carried 35 percent of total casualties, followed by Rakhine (24%) and Kachin (16%). Children represent 29% of casualties from landmine explosions throughout Myanmar, with Rakhine accounting for 45% of child casualties.<sup>6</sup> More civilian casualties from landmine explosions in the country are expected as the military, EAOs, and anti-coup resistance forces continue to use this banned weapon the escalating exchange of attacks.

The tremendous twin impact of the coup and the pandemic is expected to increase well into the next year in Myanmar. Specifically, the UN Development Programme estimates that urban poverty in the country is likely to triple next year and push close to half of the total 54 million population to fall below the poverty line. In the worst-case scenario, it is projected that the poverty line could double to 46.3% from 24.8% while urban poverty is expected to triple in 2022 at 37.2% as against 11.3% in 2019.<sup>7</sup> The collapse of the economy will further exacerbate the humanitarian crisis in the country as the population continue to flee conflict zones and urban centres due to ongoing violence, without access to food, health, and other basic services. As of 3 December, Myanmar has over 520,000 cases of COVID-19 and over 19,000 deaths. Thus far, more than 25 million doses of vaccines have been administered in the country, which may indicate at least 23% of the population have been fully vaccinated if this figure is assumed to have been administered in two doses.<sup>8</sup>

Meanwhile, the international community is failing to respond effectively to ongoing atrocities in Myanmar even as the junta remains defiant of international calls for a halt to violence against anti-coup protesters. Specifically, it has not been cooperating with ASEAN in implementing the 5-point consensus reached in the April Summit of ASEAN leaders. Consequently, the regional organisation decided not to invite Min Aung Hlaing to the October ASEAN Summit and was also not invited to the ASEAN-China Summit in November. As expected, the junta denounced ASEAN's decision as a violation of the organisation's traditional principle of non-interference. Cambodia, as the incoming ASEAN Chair for 2022, is reported to be considering appointing a new ASEAN Special Envoy even as Prime Minister Hun Sen is said to be planning a visit to Myanmar. He already invited the junta-appointed foreign minister to visit Phnom Penh.<sup>9</sup> It is unlikely the Min Aung Hlaing's position will soften under the new ASEAN Chair given the unprecedented decision of the organisation not invite him in the last summit of leaders. In the UN, the credentials committee agreed to defer decision on Myanmar's representation in the world body and allowed the current representative appointed by the ousted NLD government to continue occupying the country's seat.

### **Recommendations:**

The military regime should:

- Immediately halt violence against civilians. Specifically, it should cease the use of air strikes against civilians and allow the delivery of humanitarian assistance to affected populations.
- Cooperate with ASEAN in immediately implementing the 5-point consensus.

## MYANMAR - VERY HIGH RISK- ONGOING

- Accept the UN Special Envoy's proposal for a ceasefire until end of the year to ensure the delivery of humanitarian assistance to affected communities in the country.
- Grant access to the Special Envoy to meet with detained NLD leaders, including Aung San Suu Kyi and release all political prisoners immediately.

The ASEAN and UN Special Envoys should:

- Coordinate their efforts in engaging with the junta and other stakeholders in Myanmar to end the violence, facilitate dialogue, and secure the delivery of humanitarian assistance to affected communities.

ASEAN and its' dialogue partners should:

- Give priority to effective delivery of humanitarian assistance to affected communities.

UN Member States should:

- Impose sanctions against the Tatmadaw and its business holdings in Myanmar, especially foreign investors from ASEAN, Japan, Korea, and China.



**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, which the UN's High Commissioner for Human Rights has reported as recently as February 2021 could constitute crimes against humanity.<sup>10</sup> 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, including children, are also routinely forced to perform unpaid labour. The UN found that this can amount to enslavement, a crime against humanity.<sup>11</sup>

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.<sup>12</sup> The COVID pandemic has introduced new threats as the government has reportedly adopted a policy of using lethal force against people trying to cross its border with China.<sup>13</sup>

However, international pressure on the DPRK to address its pervasive culture of impunity has waned in the past few years. The UN's OHCHR reported that other political priorities, principally nuclear issues, had led to 'decreased emphasis' on human rights. 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. There are signs, however, that this may be changing as the new Biden administration in the US has announced its intention to appoint an envoy for human rights in the DPRK.<sup>14</sup> Secretary of State, Antony Blinken has been strident in his criticism of human rights in the DPRK. These are welcome developments that the US administration should follow through on and others should follow in order to build some momentum for positive international action to address the DPRK's violations.

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 for concerned states and international organizations. 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. 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.

It is imperative that in the world's engagement with the DPRK renewed emphasis is given to human rights. Regional security and the improvement of human rights in the DPRK are indivisible. With the Biden administration indicating new resolve on the issue, it is important that allies such as Japan, South Korea, and Australia also take a lead in pressing for renewed action through the UN Security Council, Human Rights Council, and General Assembly as well as other available multilateral and bilateral channels.

**Recommendations**

The government of the DPRK should:

- Immediately cease the commission of crimes against humanity.

- 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.

UN Member States should:

- Appoint a Special Envoy on Human Rights in North Korea.
- Collaborate to utilize the UN Security Council, Human Rights Council, and General Assembly to promote and protect human rights in the DPRK.
- Explore the use of multilateral, informal, and bilateral channels to encourage the DPRK to fulfil its responsibility to protect.

The UN Security Council should:

- Revive its informal dialogue on human rights in North Korea.
- Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities.

The UN Human Rights Council should:

- Review what meaningful steps might be taken to achieve compliance with its previous recommendations.
- Ask the OHCHR to 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 and the Republic of Korea should:

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



## China

### Xinjiang Risk: Very High/Ongoing

Since at least 2016, China has engaged in 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 concluded that this policy:

1. Constituted 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. May constitute genocide since 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.<sup>15</sup>

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.<sup>16</sup> 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.<sup>17</sup> Former Uighur detainees have described conditions in re-education camps as variously involving crowded cells, indoctrination that drove some to suicide, waterboarding,<sup>18</sup> 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.<sup>19</sup> 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,<sup>20</sup> and children of detained parents are being treated as de-facto orphans and placed in state-run institutions "without parental consent or access".<sup>21</sup>

There are credible allegations of widespread and systematic sexual and gender based violence perpetrated by Chinese guards in so-called "re-education" camps.<sup>22</sup> which collated survivor and eyewitness testimonies. Survivors have spoken out about experiences of repeated gang rapes, sexual torture involving electric shocks, forced nudity, and of being forced to participate in a "system of organised rape" by undressing others in preparation for abuse. The widespread or systematic use of sexual and gender-based violence is a crime against humanity. When used with intent to destroy a group, SGBV falls within the definition of genocide under the Genocide Convention, by causing serious bodily or mental harm, inflicting conditions to bring about the group's destruction; and imposing measures to prevent births within the group.

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.<sup>23</sup> In many cases, the transfer has been reported as being directly from a re-education camp.<sup>24</sup> Forced labour or otherwise reducing a person to a servile status can amount to the crime of "enslavement" under international law,<sup>25</sup> which occurs when "any or all powers attaching to the right of ownership are exercised" over a person.<sup>26</sup> 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".<sup>27</sup> The government has allegedly separated 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.<sup>28</sup>

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.<sup>29</sup> Extrapolating this data to mosques across Xinjiang, approximately 16,000 mosques may have been damaged or destroyed and 8,450 completely demolished since 2017.<sup>30</sup> 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.<sup>31</sup>



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”.<sup>32</sup> 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”.<sup>33</sup>

Enforced disappearances are common, especially of Uighur intellectuals and prominent cultural figures.<sup>34</sup> Relevant evidence is also contained in the “Xinjiang Papers” leaked to the *New York Times*.<sup>35</sup> 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”.<sup>36</sup> 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”.

In relation to the question 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. Individual reports by NGOs and news agencies documenting interviews with Uighur women, as well as doctors that have treated Uighur women both in Xinjiang and abroad,<sup>37</sup> 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.<sup>38</sup> Evidence is mounting that the government is pursuing a deliberate strategy to change the demographic balance in Xinjiang in favour of Han Chinese by depressing the Muslim population and increasing the Han.<sup>39</sup>

The international response to atrocity crimes in China has been lacklustre at best, creating a climate of impunity. Besides 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.<sup>40</sup> UK members of parliament voted in April to declare China’s treatment of Uighurs genocide,<sup>41</sup> while the US government has also said that China has committed genocide against the Uighur population,<sup>42</sup> a position confirmed in the US State Department’s 2020 Human Rights Report.<sup>43</sup> Meanwhile the UN’s Working Group on Business and Human Rights has raised concerns about detention and forced labour, and called for access to Xinjiang to conduct fact-finding missions.<sup>44</sup> The European Union, the UK, US and Canada jointly imposed sanctions on Chinese officials<sup>45</sup> and several major brands identified as having links with forced labour in Xinjiang have ceased their presence in the region, including H&M and Nike.<sup>46</sup> 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.<sup>47</sup> China has reacted with predictable hostility.<sup>48</sup> Condemnation of China’s policy by the UN and Western governments and media continues to rankle Beijing which has countered with a propaganda storm and aggressive ‘wolf diplomacy’, an approach which has succeeded in winning for China the support of at least 54 states.<sup>49</sup> Most Arab and Muslim-majority states continue to refuse to speak out against China’s treatment of Turkic Muslims, with some even voicing support for China’s policies in Xinjiang.<sup>50</sup>

## **Recommendations**

The government of China should:

- 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.
- 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.
- Grant the OHCHR unfettered access to all locations in XUAR.



UN Member States should:

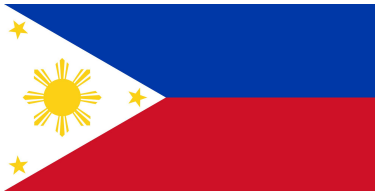
- Condemn crimes against humanity by Chinese authorities in XUAR.
- Examine what bilateral measures they could take to encourage China to immediately halt violations in XUAR and take tangible steps to apply pressure and uphold accountability.
- Cooperate to utilize all multilateral avenues, including the UN Security Council, General Assembly, Human Rights Council, and other bodies as appropriate, to express disapproval of Chinese policies encourage the authorities to change course.

The UN Human Rights Council should:

- 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 OHCHR and special procedures mandate holders should:

- 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 Philippines Risk: High

The risk of atrocities in the Philippines remains very high despite declining daily rate of killings related to the government's drug war. The month of November saw only a total of 18 people killed, the lowest monthly rate so far for 2021 while October saw 26 people dead, with the highest number of foreigners killed in a month since 2016 involving 4 Chinese and 1 Malaysian.<sup>51</sup> Meanwhile, election-related violence is expected to increase in the months leading to the May 2022 elections.

As of 31 October, the Philippine Drug Enforcement Agency (PDEA) reported that there were 6,125 people killed since 2016 in relation to the ongoing drug war of the Duterte administration. The government conducted a total of 218,665 anti-illegal drug operations and arrested over 315,000 persons. The PDEA also claimed that it rescued children who were involved in illegal drug activities.

Elsewhere in the country, extra-judicial killings of human rights defenders and environmental activists continue under the Duterte administration. The UK-based Global Witness in its report released on 13 September claimed that there were 227 land and environmental activists killed in 2020, of which 29 were from the Philippines. The country came in third after Colombia and Mexico, with 65 and 30 activists killed, respectively.<sup>52</sup> Meanwhile, the Integrated Bar of the Philippines (IBP) condemned the "disturbing and increasing frequency of lawyer killings" in the country following death of Juan Macababdad, a human rights defender from South Cotabato on 15 September.<sup>53</sup> He was the vice chairman of the Union of People's Lawyers in Mindanao (UPLM) and represented indigenous peoples and small farmers opposed to aerial crop spraying, large plantations, and coal mining in South Cotabato.<sup>54</sup> Thus far, there have been 58 lawyers killed, 34 judges slain with only two cases resulting in convictions, and several prosecutors waylaid.<sup>55</sup>

### Recommendations

The Philippines government should:

- Uphold its primary responsibility to protect by complying with international norms on human rights protection and humanitarian law.
- 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.
- Ensure that fundamental human rights are protected in the implementation of the new anti-terrorism law.
- Cooperate with the ICC Prosecutor's Office following its decision to request the pre-trial chambers to formally conduct a criminal investigation of probable crimes against humanity that were committed by law enforcers in relation to the government's drug war.
- Refrain from making false statements regarding the jurisdiction of the ICC over the Philippines and against the prosecutor's report based on its preliminary examination.
- The Department of Justice should exert more efforts in conducting a full and transparent investigation of drug-war related killings by the police and other law enforcement agents, as well as deaths by activists, human rights defenders, and media persons.
- Revive peace talks with the CPP/NPA to avert further atrocities against unarmed civilians who are caught in the cross-fire between soldiers and rebels.

**Indonesia****General: Low / West Papua: High**

Indonesia is at low risk of violence and atrocity crimes.

Indonesia's recent COVID-19 surge has dissipated for now, and where infections reached over 50,000 new cases a day in July 2021, recent infections rates are being recorded only in the hundreds. For example, on November 29, 2021, only 176 new cases were recorded. The result is that tensions brought about by the virus, including verbal and physical abuse aimed at minority groups in Indonesia such as the Indonesian Chinese population, has deescalated. What has arisen are anti-establishment groups and protests that stem from, and disseminate, widespread disinformation regarding the pandemic. Recently, as an example, Indonesian protestors took part in the "Million Mask March" movement in Jakarta on the 5<sup>th</sup> November, 2021. Throughout 2021, social media companies such as Facebook have been removing thousands of hoax pieces of disinformation, yet even before the removal of the material, this disinformation has been shared or 'liked' by hundreds of thousands.<sup>56</sup>

A demographic that has seen a number of anti-vaccinators and disinformation-spreaders within its cohort are expatriates who have fled their home countries and instead reside in places such as Bali. According to the *Jakarta Post*, these expatriates from countries such as Russia and France, have moved to the beach and sunshine to holiday, and while doing so disregard Indonesian government protocols on health and safety related to COVID-19. This has seen an escalation in tension between these tourists and the local populations who do not wish to be infected, nor become more susceptible to the virus.<sup>57</sup>

Other risks remain, including ongoing apathy on behalf of the Indonesian government to help curb the country's sexual and gender-based violence. As reported in both national and international press, the Indonesian government has recently, once again, amended the proposed 2016 Elimination of Sexual Violence Bill, including a reworking of the bill's name to the Sexual Violence Criminal Act Bill (2021).<sup>58</sup> The redrafting also reduces the number of forms of sexual violence defined by the proposed law. The reshaping of the law has commentators worried that the government is doing little to curb or eliminate sexual and gendered violence, instead focusing on intervention only after the crime has taken place. The government has also reduced the list of acts that constitute criminality, including the removal of 'forced marriage, forced abortion, forced prostitution, sexual slavery, and sexual torture'.<sup>59</sup>

At the same time, and as reported in the Indonesia press, sexual and gender-based violence remains a prominent and widespread human rights violation within the country.<sup>60</sup>

**Recommendations:**

The Indonesian Government should:

- Appoint a senior official as National R2P Focal Point to coordinate national and international efforts to implement R2P.
- Ensure restricting the spread of COVID-19 remains a priority.
- Ensure legislative decisions do not compromise Indonesia's democracy and will not lead to human rights abuse across all regions.
- Work to implement legislation to stop hate speech and discrimination, and to effectively eliminate sexual and gender-based violence.

UN Member States should:

- Encourage Indonesia to take active steps to fulfil its responsibility to protect.
- Continue to explore avenues for cooperation with the Indonesian government and society in the areas of combatting disinformation and misinformation related to the pandemic.
- Continue to provide COVID-19 assistance when requested to help the government and civil society tackle challenges that stem from the pandemic.
- Explore the risk of violence due to disagreements between locals and the tourist sector.

**West Papua – High Risk**

The region of West Papua is at high risk of violence and atrocity crimes.

Tensions between the Indonesia government and West Papuan independence activists remains high, with a growing number of armed groups forming, and the prospects of any resolution looking less likely.<sup>61</sup> As reported in *The Diplomat*, the

Indonesian government has undertaken a “zero tolerance” position towards rebel groups and has dubbed them terrorists, leaving the groups open to all manner of seemingly justified government reaction via Indonesia’s counter terrorism law.<sup>62</sup> While President Joko Widodo first promised an improvement to social conditions in the province, his terms in office have only seen an escalation in tensions, and currently the situation remains the gravest since coming to power.<sup>63</sup>

Recently, as reported by the ABC, Papua New Guinea soldiers have been deployed to the border region as a number of West Papuans have fled across the border due to “a shoot-out between Indonesian military and rebel groups”, which saw one child killed. According to Amnesty International, over 1000 West Papuans fled their homes in the first week of November 2021 due to escalating violence and the risk of civilian death due to Indonesian military incursions.<sup>64</sup>

### **Recommendations**

The Indonesian Government should:

- 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.
- 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.
- Refrain from using racist and inciteful language.
- 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**

In November 2021, Papua New Guinea appeared before the UN Human Rights Council for the Universal Periodic Review. While acknowledging the special parliamentary inquiry into gender-based violence and an anti-corruption commission, the Council raised ongoing concerns about the high rates of GBV in the country, as well as about the death penalty and laws that discriminate against LGBTQ+ people.<sup>65</sup>

The government is working with UNFPA and Zonta International on a new program called 'Her Health and Dignity, Our Priority', which aims to improve services and support for survivors of GBV, with a survivor-centred approach.<sup>66</sup> While Family Support Centres offer some support, a challenge has been the lack of coordination between services leading to survivors being re-traumatised or giving up. The issue of sorcery accusation-related violence continues, with at least 6,000 incidents over the past two decades, and often involving public torture, sexual violence and burning alive.<sup>67</sup> Recent cases may have been linked to the Covid-19 outbreak, with women accused of causing illness and death. Survivors suggest a lack of action from the government on this issue.

The coronavirus outbreak remains out of control in PNG, with less than 4% of the population vaccinated as of December 2021, partly due to the spread of misinformation sparking fear among local communities.<sup>68</sup> Maternal mortality rates have increased substantially during the Covid outbreak, and many people choose not to present to hospital when ill. Poor data collection on Covid cases means actual cases and deaths may be underreported. Experts have called on vaccine information to be delivered within the social and religious context and translated into local languages and dialects like Tok Pisin.<sup>69</sup>

Against the backdrop of Covid-19 and gender-based violence, the incidence and risk of atrocity remains moderate. Adding its voice to the fight against both problems is the central bank of Port Moresby, the Bank of Papua New Guinea, which is developing policies on gender equality and safety.<sup>70</sup> Meanwhile consultations have resumed in December on the Bougainville independence vote.<sup>71</sup>

### **Recommendations**

The government of Papua New Guinea should:

- Continue to respond to and implement recommendations made by human rights organisations and UN agencies to address the endemic levels of gender-based violence.
- Develop specific education campaigns and other programs to address sorcery accusation-related violence.
- Ensure pandemic messaging is clear and adapted to local contexts, including translated in local language and vernacular, and addresses misinformation; and ramp up efforts to roll out vaccinations across PNG.
- Continue dialogue and progress on the Bougainville Independence process.



## Solomon Islands

**Risk: Moderate**

The capital of the Solomon Islands, Honiara, descended into violent chaos in late November 2021, as large groups of protestors assembled to call for the resignation of the Prime Minister, Manasseh Sogovare.<sup>72</sup> Police used tear gas and rubber bullets to disperse crowds, while protestors burnt and destroyed property over the coming days.

Tensions had been building since the diplomatic allegiance of the government switched from Taiwan to China. Other factors leading to this eruption of violence may have included grievances about a lack of government development in Malaitan province,<sup>73</sup> a lack of government services and accountability, corruption and a perception of jobs in Chinese businesses going to foreigners.<sup>74</sup> Malaita remains a strong supporter of Taiwan. Various shops owned by people of Chinese descent in Chinatown were attacked and looted. After several days of protests, the bodies of three victims were found and are being investigated.<sup>75</sup>

A report by the Interpreter<sup>76</sup> highlighted the link between the conflict between 1998 and 2003 that led to police and military intervention by Pacific States at the request of the then Prime Minister, under the Biketawa Declaration. The RAMSI (Regional Assistance Mission to the Solomon Islands), from 2003 to 2017, assisted the government in the maintenance and restoration of the rule of law and strengthening of key institutions to support efforts towards national stability. However, simmering political unrest continues in the Solomon Islands. A combination of previous conflict, low levels of trust in the government, and an ethnic or national element, could increase the risk of atrocities. As one analysis noted, "The Solomons is a tinderbox of complex ethnic tensions, corruption, and competing local interests, meaning interference from Beijing or Taipei can have disastrous consequences."<sup>77</sup> A short supply of food, cash and fuel further exacerbated the situation.<sup>78</sup>

In the wake of the riots, Prime Minister Sogovare blamed foreign interests for provoking the violence,<sup>79</sup> refused to stand down, and requested assistance from Australia and Papua New Guinea to help restore order.<sup>80</sup> He also requested the Australian Prime Minister to assist his country with the deteriorating situation of law and order.<sup>81</sup> Australia deployed members of the Australian Federal Police immediately, in what is a strong example of the Responsibility to Protect in action.

On 6 December, the Solomons Prime Minister survived a vote of no confidence motion, and despite Australian peacekeepers on high alert for protests, there has been no violent backlash so far. However, it has been revealed that those MPs who voted to retain Mr Sogavare had been promised large payments from the National Development Fund, backed by China. This is likely to cause further disenchantment with the government and fuel tensions.<sup>82</sup>

## Recommendations

That the Solomon Islands Government:

- Continues to work cooperatively with other nations to restore the rule of law, and affords the population the right to peaceful protest and other democratic principles;
- Establishes dialogue and peacebuilding processes with regional and local authorities and civil society across the country to work through grievances, rebuild trust and take local community views into account;
- Addresses exacerbating factors such as food shortages, unemployment and poverty;
- Ensures the protection of ethnic, religious or national minorities who may be at risk of attack.

# SEXUAL AND GENDER BASED VIOLENCE

## Sexual and gender-based violence

The Myanmar military, the Tatmadaw, continues to commit sexual and gender-based violence (SGBV) against civilians, and as violence ramps up across the country so too has the brutality of attacks against women and members of marginalised groups. In Chin State, the mother of a one-month old was repeatedly raped by soldiers in front of her husband.<sup>83</sup> This was far from an isolated incident. Rape in front of family members is known as a 'life-force atrocity' designed to humiliate and degrade. The military systematically uses rape, the threat of rape as a psychological weapon,<sup>84</sup> and rape in front of relatives against civilian populations, echoing the rampant sexual violence committed against Rohingyas during the 2017 genocidal campaign. Women also make up 54 percent of internally displaced persons in Myanmar, placing them in a situation of even greater vulnerability to SGBV.<sup>85</sup>

A statement was made by the government of Australia jointly with six other nations, on 26 November, indicating grave concern about escalating violence in Myanmar, which made reference to "credible reports of sexual violence" and stressed the risk of future atrocities.<sup>86</sup> This followed an earlier international statement condemning sexual violence during armed conflict more broadly, and calling for an end to impunity.<sup>87</sup> However, repeated calls by civil society, human rights and women's organisations for action by the UN Security Council continue to fall on deaf ears. The latest letter, led by Women's Peace Network and supported by several organisations, and issued on Human Rights Day (10 December), specifically draws attention to violence against women, describing twelve incidents of brutality by the Tatmadaw. The letter asks the UNSC to adopt a resolution referring Myanmar to the International Criminal Court, imposing economic sanctions and penalties on the leadership, and implementing an arms embargo. Also in Myanmar, former leader Aung San Suu Kyi has been found guilty of inciting public unrest and breaching Covid-19 restrictions, and is to be incarcerated for two years.<sup>88</sup>

Evidence of the gendered impact of the Covid-19 pandemic continues to emerge. Oxfam found that calls to domestic violence hotlines in Malaysia increased by over 111 percent during the first few months of the Covid-19 outbreak,<sup>89</sup> while in Fiji, there was a recorded 606 percent increase in calls to the national domestic violence helpline between February and April 2020.<sup>90</sup> In the Philippines, the combined threats of Covid-19, armed conflict, prolonged displacement and climate disasters have created a particularly dangerous environment for women.<sup>91</sup>

### Recommendations:

The Myanmar military should:

- Immediately cease committing crimes against humanity, including systematic sexual and gender-based violence, against its population.
- Hold perpetrators of SGBV accountable.

The UN Security Council should:

- Take urgent and serious action on the situation in Myanmar, including referral of Myanmar to the ICC, imposing targeted sanctions and other economic restrictions on the leadership, and imposing a global arms embargo.



# HATE SPEECH AND INCITEMENT IN THE SOUTHEAST ASIA

## Disinformation, Hate speech and Incitement

Hate speech and danger speech remain a potent risk in Southeast Asia, with minority groups still the target of aimed prejudice and the risk of incitement, heightened by the COVID-19 pandemic. Most of the hurtful rhetoric is being promoted on social media, even while companies such as Facebook are removing hundreds of thousands of posts a week.<sup>92</sup>

Alongside this hateful content that could lead to incitement, has been a growing rise in disinformation, mostly aimed at the pandemic, and used to sway persons towards opinions that are racist, homophobic, xenophobic, and suit a particular political agenda. In Indonesia, disinformation has been for some while, and remains, part of everyday politics, and is being employed by politicians to attack opponents and to build popularity.<sup>93</sup> This is also true of other politics in the region, including in The Philippines and in Myanmar with its current junta government.

Ironically, yet unsurprisingly, governments have also been using the tag of ‘disinformation’ to regulate news sites, the media, and social media to their own advantage. Under the guise of ‘fake news’, Governments have been removing content on news sites or on social media that appears to undermine their authority. In doing so, governments refer to current legislation, or they update legislation to promote their own agendas. Malaysia and Cambodia are just two examples of countries that are currently using misinformation laws to curb anti-government sentiment, while sometimes ignoring real and worrying widespread disinformation on topics such as the pandemic.<sup>94</sup>

Contrastingly, the pandemic has allowed some countries such as Singapore to implement a ‘fake news’ law that is being used to uphold media integrity and to stop the flow of disinformation. While there has been some backlash to this law given Singapore’s already tight hold on media and information dissemination, the law aims to ensure that fake news about the pandemic is clearly labelled as such, and that persons posting such information might be prosecuted.<sup>95</sup> The implementation of these laws has not always been the easiest of tasks for governments in the region, with a recent report into Taiwan’s response to disinformation noting that: 1) government regulation remains a threat to freedom of speech and civil liberties by overregulation; 2) more cooperation is needed between the government and CSOs, including more transparency by the government into their ways of regulation; 3) social media companies need more transparency into their procedures.<sup>96</sup>

## Recommendations

Southeast Asian governments should:

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

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