



# 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

Continuing atrocities in Myanmar are happening more than a year since the February 2021 coup as the Tatmadaw remain defiant of regional and international calls for a stop to violence against civilians. As of 7 April 2022, the Assistance Association for Political Prisoners (Burma) reported that 1,733 people have been killed, over 13,000 people arrested, and over 1,976 arrest warrants were issued by the Tatmadaw.<sup>1</sup> As of 14 March 2022, there are an estimated 889,900 internally displaced people (IDPs) across the country, which includes 519,500 newly displaced since the coup last year.<sup>2</sup> Specifically, there are over 370,000 people who remain internally displaced in Rakhine, Kachin, Chin, and Shan states even before the coup even as over 5,600 estimated civilian properties including houses, churches, monasteries, and schools have been burnt or destroyed since the coup.<sup>3</sup> The number of civilian casualties is expected to rise further in the coming months as the Tatmadaw continue to conduct airstrikes against civilian homes, houses of worships, and schools in northern parts of Myanmar where several ethnic armed organisations and armed civilian resistance forces are located.

The Myanmar junta is unlikely to heed calls to stop the violence in the country even as its chief, Min Aung Hlaing, said on Armed Forces Day celebration in March that army will “no longer negotiate...and annihilate until the end” groups fighting to overturn its rule in the country.<sup>4</sup> To date, it has not cooperated with ASEAN in implementing the Five-Point Consensus (FPC) as agreed by its army chief with ASEAN leaders in April 2021, which include dialogue with democratic forces who have opposed the coup. During the visit of Cambodian Prime Minister Hun Sen in February and ASEAN’s Special Envoy on Myanmar in late March, the junta refused their request for a meeting with Aung San Suu Kyi and other detained political prisoners, which is part of the process of building momentum towards dialogue among protagonists in the current crisis. The junta’s hardening of its position towards ASEAN resulted from the bloc’s decision to sustain its policy of not inviting the junta chief and its appointed officials in the group’s meetings, including the foreign minister of Myanmar in the recent ASEAN ministerial meeting in February. With the continuing defiance of the Tatmadaw, a breakthrough in implementing the FPC is unlikely in the months ahead even as some ASEAN members have expressed frustration over the lack of cooperation from the junta leader. Meanwhile, Malaysia’s foreign minister proposed that the group start engaging in talks with the opposition coalition forces, including the National Unity Government (NUG) of Myanmar amidst warning from the junta not to meet with “terrorist groups” opposed to the coup.<sup>5</sup> This came after the NUG and anti-coup forces criticised ASEAN for not engaging with them more than a year after the coup and for failing to put more pressure on the Tatmadaw to implement the FPC. They also criticised the newly appointed UN Special Envoy Noleen Heyzer for calling on the anti-coup groups to “share power” with the junta as part of negotiating a political solution to the ongoing crisis.<sup>6</sup> Subsequently, in her meeting with Prime Minister Hun Sen and ASEAN Special Envoy Prak Sokhonn, she urged ASEAN to “engage with all voices” in Myanmar amidst continuing human suffering in the country.<sup>7</sup>

Notwithstanding the deadlock on Myanmar, the US, Canada, and the UK imposed additional sanctions against individuals and business entities in the country associated with the Tatmadaw a few days before the commemoration of Armed Forces Day on 27 March. Some of the business entities were associated with supply of weapons to the Myanmar military. Ranking military officials Ko Ko Oo and Zaw Hein who were part of the Tatmadaw’s 66<sup>th</sup> Light Infantry Division responsible for the massacre of civilians on Christmas Eve 2021 were also included in the sanctions.<sup>8</sup> Meanwhile, the NUG and Rohingya refugee advocates in Bangladesh and elsewhere welcomed the decision of the US in March to designate the persecution of the Rohingya population as genocide.<sup>9</sup> The decision was made in an apparent effort of Washington to help build an international legal case against the Tatmadaw in connection with the atrocities it committed against the Rohingya in its operations in Rakhine in 2017. It came after more than five years after the incident following efforts by Rohingya refugees, international human rights advocates, scholars, and US lawmakers for White House to recognise the severity of the atrocities.<sup>10</sup>

## Recommendations

### The Tatmadaw should:

- Immediately cease all violations of international humanitarian law.
- Ensure that those responsible for violations are held accountable.
- Take tangible steps to return authority to the democratic government.

### ASEAN should

- Exert more pressure on the junta to comply with the FPC agreement. ASEAN should consider more stringent measures such as suspending Myanmar’s membership in the organisation as the next step to not inviting the junta chief and

appointed officials to ASEAN meetings.

- Openly engaged with the NUG and other democratic forces in the country and seriously consider recognising it as the legitimate representative of Myanmar in ASEAN and in the UN.
- Cooperate with the UN special envoy to coordinate more fully in exploring options to break the current stalemate in Myanmar, giving priority to delivery of humanitarian assistance to affected communities in the country, including food, medical and health services, and assistance to the growing number of internally displaced peoples before and after the coup in 2021.

### All UN Member States should

- Give priority to effective delivery of humanitarian assistance given the projected collapse of Myanmar's economy that could bring close to half of the population below poverty line.
- Implement targeted international sanctions against the Tatmadaw and its business holdings in Myanmar.



### 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>11</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>12</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>13</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>14</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>15</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:

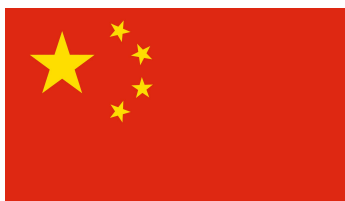
- Revive its informal dialogue on human rights in North Korea.
- Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities.

### 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:

dominantly 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 that acts including killing, serious bodily and mental harm, and inflicting conditions that are calculated to bring about physical destruction have occurred in Xinjiang.<sup>16</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>17</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, without identifying to friends and family where they have been taken to or for how long.<sup>18</sup> Former Uighur detainees have described conditions in re-education camps as variously involving crowded cells, indoctrination that drove some to suicide, waterboarding,<sup>19</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>20</sup> There are credible allegations that Chinese guards in detention facilities perpetrate widespread and systematic sexual and gender based violence, which is a crime against humanity under the ICC Statute. Survivors have spoken out about experiences of repeated gang rapes, sexual torture involving electric shocks, forced nudity, and of being forced to participate in an "organised system of mass rape" by undressing others in preparation for abuse.<sup>21</sup>

Family members both within China and overseas report that they have limited or no access to information about persons held in state detention.<sup>22</sup> This is consistent with the crime against humanity 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>23</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>24</sup>

In relation to the question of genocide, there is significant evidence available to establish forced sterilisation as having occurred in Xinjiang. With the intent to destroy a group, forced sterilisation and other forms of SGBV fall 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. 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>25</sup> are 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>26</sup> This evidence points to a deliberate government strategy to change the demographic balance in Xinjiang in favour of Han Chinese by depressing the Muslim population and increasing the Han.<sup>27</sup> As well as a potential act of genocide, this practice is consistent with the UN's definition of ethnic cleansing, which, although it is not a stand-alone crime under the Rome Statute, is among the atrocity crimes governments committed to prevent and respond to under the Responsibility to Protect framework.

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>28</sup> In many cases, the transfer has been reported as being directly from a re-education camp.<sup>29</sup> Forced labour or otherwise reducing a person to a servile status can amount to the crime against humanity of “enslavement” under international law,<sup>30</sup> which occurs when “any or all powers attaching to the right of ownership are exercised” over a person.<sup>31</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>32</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>33</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>34</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>35</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>36</sup> Such practices could constitute crimes against humanity related to religious persecution, as well as acts of genocide in relation to serious mental harm and inflicting conditions to bring about a group’s destruction.

The international response to atrocity crimes in China has been uneven and inadequate, mostly led by a select few Western states and falling short of cohesive and consistent action that is most effective at curtailing abuse. The US government and elected officials from Canada and the UK have publicly identified China’s human rights violations as genocide and have called on China to respect the rights of its Turkic Muslim.<sup>37</sup> The European Union, the UK, US and Canada jointly imposed sanctions on Chinese officials<sup>38</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>39</sup> Countries, mostly from the West, have issued joint statements of concern at the UN General Assembly.<sup>40</sup> The US, UK, Canada, Australia, Denmark, the Netherlands, the Czech Republic, and Belgium cited China’s human rights record as a reason behind their decision to diplomatically boycott the Beijing Olympics in February. China has reacted with predictable hostility, and worked to silence criticism and even secure statements of support for its policy in Xinjiang, primarily from developing countries.<sup>41</sup> The most disappointing response is from Arab and Muslim-majority states who 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>42</sup> Egypt, Morocco, Qatar, Saudi Arabia, Syria and UAE have colluded with China to detain or extradite Uighurs.<sup>43</sup>

In a sign that Beijing is not immune to pressure, China has made some concessions in recent months, including finally agreeing to the terms of its 2019 invitation to the OHCHR to conduct a country visit to assess the situation, replacing controversial Xinjiang Party Secretary Chen Quanguo with Guangdong governor Ma Xingrui in December 2021, and in early April 2022 pledging to ratify the 1930 Forced Labour Convention and the 1957 Abolition of Forced Labour Convention. UN High Commissioner for Human Rights Michelle Bachelet is scheduled to undertake the visit in May 2022, which will be the first visit to China by the UN’s highest human rights official in 17 years. Human rights groups have raised concerns that this will be a highly stage managed event, and that Beijing has used the visit as leverage to stall the first report of the OHCHR on violations in Xinjiang that was finalised and scheduled for release in December 2021.<sup>44</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 outstanding requests for UN special procedures mandate holders to undertake an official visit to China with unhindered access to detention facilities in Xinjiang.
- Grant the OHCHR and UN High Commissioner for Human Rights meaningful, unfettered and independent access to all locations in XUAR.



### UN Member States should:

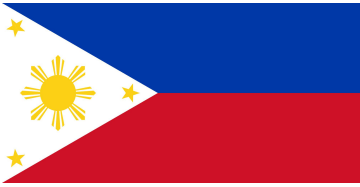
- Condemn atrocity crimes by Chinese authorities in XUAR.
- Examine what bilateral measures they could take to encourage China to immediately halt violations in XUAR and take tangible steps to apply pressure and uphold accountability.
- Cooperate to utilize all multilateral avenues, including the UN 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 or other atrocity crimes 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.
- Release the overdue report on alleged violations in Xinjiang, and ensure that the upcoming visit of the High Commissioner to China meets the standards of meaningful, unfettered and independent access.



### The Philippines Risk: High

The Philippines remains at very high risk for atrocities even as the term of President Duterte ends on 30 June 2022. Drug related killings, despite a significant decrease since last year, is continuing and election-related violence is expected to rise in the run up to the 9 May general elections. For the year 2021, a total of 545 drug related killings were monitored by a university-based research organisation,<sup>45</sup> while in the first quarter of 2022 (January to March 2022), 77 drug war killings took place.<sup>46</sup> The primary victims of killings were pushers, high profile targets, and users. The primary perpetrators in 2021 were state agents (396), non-state agents (12), and unidentified (110), and the same trend were monitored for the first quarter of 2022.

Meanwhile, the Philippine Drug Enforcement Agency (PDEA) reported that, as of 28 February 2022, the total number of people killed in relation to the government's drug war has reached 6,235 since President Duterte assumed office on 1 July 2016.<sup>47</sup> It also reported that the total number of suspects arrested in relation to the drug has reached over 331,000 since 2016 out of more than 220,000 operations by the government. Of this figure, more than 14,000 high value targets involving more than 300 foreign nationals, close to 400 government officials, and 126 uniformed personnel.<sup>48</sup>

For its part, the International Coalition for Human Rights in the Philippines (ICHRP) launched on 31 March a global campaign that seeks to impose sanctions under the Magnitsky Act 12 government officials for violations of human rights in the country. The coalition wants Australia, Canada, the US, the UK, and the European Union for Magnitsky sanctions against these officials, which includes President Duterte and Senator and former Philippine National Police (PNP) Chief Ronald Dela Rosa, among others, for allegedly being architects of the war on drugs and campaign of state terror.<sup>49</sup>

In the run-up to the May general elections, the PNP identified over 500 areas throughout the country as hotspots and have been placed under close monitoring since the start of the year. Even prior to the filing of certificates of candidacy in the previous year, several potential aspirants have been killed stemming from widespread use of unlicensed firearms especially by private armies of some politicians. Many of these hotspots are in the Bangsamoro Autonomous Region of Muslim Mindanao (BARM). Some members of the PNP have also been used by incumbent officials and civilian force multipliers as their private armies.<sup>50</sup> For its part, the Commission on Elections (COMELEC) is validating a list of hotspot or code red areas in the country, which stands at 105 municipalities and 15 cities. These will be designated as areas of high concern and will require additional security personnel from the PNP.<sup>51</sup>

Apart from candidates in the general elections, some journalists have also been targets of assassinations. For example, two journalists were killed in Mindanao following the start of filing of candidacies in October last year.<sup>52</sup> There were also reports of harassment of journalists covering the campaign sorties of candidates, as well as attacks against media organisations through cyberattacks such as distributed denial-of-service (DDoS), online threats, and red-tagging them as communist sympathizers.<sup>53</sup> No less than President Duterte was criticized for red-tagging some opposition candidates from the Makabayan bloc in the House of Representatives as "legal fronts" of the Communist Party of the Philippines. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), a government agency in charge of implementing the counter-insurgency strategy of the Duterte administration, has also tagged Vice President Robredo—who is also one of the presidential candidates this year—as a communist sympathiser.<sup>54</sup>

Hate speech, incitement, and fake news have increased since the start of the campaign period in the Philippines in February. In this regard, Facebook has adopted certain policies to contain the spread of misinformation during the election period, such as deterring people from following certain pages through a notification feature that warns them of violations of community standards committed by these pages.<sup>55</sup>

### Recommendations

1. The Philippine government should uphold its primary responsibility to protect by complying with international norms on human rights protection. 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.
2. The government should also follow through with its commitment to investigate the killings committed by law enforcement and security agent by filing appropriate charges against them.
3. The government should also ensure a peaceful, transparent, and fair elections by enforcing election laws against

vote buying, private armies, and use of illegal firearms. The COMELEC and the PNP should also monitor the use of fake news, hate speech, and incitement during the elections to ensure protection of candidates and their supporters, as well as journalists who are covering the elections.

4. The Office of the Prosecutor of the International Criminal Court (ICC) should revisit its decision to suspend the formal investigation of drug related killings in the Philippines after the elections in May once a new administration takes over. Specifically, it should examine if the Duterte administration's request for a suspension of the investigation has adequately complied with international norms on holding perpetrators of crimes against humanity accountable for these offenses.

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

Indonesia is generally at low risk of atrocity crimes but there are specific risks in West Papua. Indonesia's COVID-19 numbers have, in the past two months, rapidly decreased, with cases that were close to 50,000 new infections in February 2022, reducing to approximately 6,000 in the first week of April 2022. This has meant that restrictions on international travel have been lifted, though reports are that tourism has been slow to recover and this economic sector also slow to recover as a result.<sup>56</sup> Yet atrocity and human right violation risks that were prominent in the early stages of the pandemic have also greatly reduced.

There has also been long awaited legislative reform around gender and sexual violence, with a bill to tackle the country's sexual violence about to become an Act. This means that prosecuting sexual violence will be easier, as in the past there was no dedicated legislation. As an example, and as reported in Reuters, 6,000 cases reporting SGBV had been filed in courts since 2018, and only 300 of these have been settled in court. The new legislation aims to lessen Indonesia's ever-increasing numbers of sexual violence.<sup>57</sup> According to multiple news sources, the reporting of sexual violence against women rose by over 50 per cent over the past twelve months, and the proposed legislation is, in part, a response to this increase.<sup>58</sup>

In recent weeks there was a move towards cultural and historical healing as the Dutch government issued an apology to the Indonesian people for having committed egregious human rights abuses during the 1945-1949 war of independence. In February 2022, Dutch Prime Minister, Mark Rutte, made the apology for the Dutch having used "extreme violence" against the Indonesians, including torture, executions, and arson.<sup>59</sup> While there have been apologies made in the past by Dutch representatives, including the Dutch King in 2020, this is the first apology that acknowledges widespread criminality, stating that these crimes were "condoned at every level: political, military and legal."<sup>60</sup> This apology has been seen as a restorative act hoping to mend past grievance between the colonised and the coloniser.

While much progress has therefore been made to alleviate the risks of abuses and violations that could lead to atrocity, there were still instances of decision making at government and private sector levels that risk the escalation of violence, including the proposal to open a large gold mine in the Papua province. Human Rights Watch believes this mine is a risk that could fuel further violence in the region as it violates land rights, forcing Papuans from their land and villages.<sup>61</sup>

**Recommendations**The Indonesian Government should:

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

The Australian government 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 sexual violence and encourage the signing of the anti-sexual violence bill.
- 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 region of West Papua is at high risk of atrocity crimes. Tensions between the Indonesia government and West Papuans remains very high with reports of extrajudicial killings and armed conflict in the region. These human rights abuses have been made prominent in a recent United Nations report released in February 2022 in which the authors mention reports of “extrajudicial killings, including of young children, enforced disappearances, torture, and the enforced displacement of at least 5,000 Papuans.”<sup>62</sup> Killings in the region are an ongoing source of tension between Indigenous Papuans and Indonesian military forces, with two West Papuans shot dead in late March 2022 by security services.<sup>63</sup>

Killings are not restricted to West Papuans. On 3 March there were reports that a West Papuan independence group had killed 8 telecommunications technicians who had been working on a cell phone tower in a remote sector of West Papua. One technician escaped, and it is believed the killers were members of the West Papua National Liberation Army, though this identification is speculative.<sup>64</sup> As reported in *The Diplomat*, “the attack is the latest incident in a spiral of reaction and counter-reaction between the OPM and the Indonesian state”, something that has been playing out in the region since the 1960s when the struggle for independence began.<sup>65</sup>

There have also been concerns raised over the lack of access to humanitarian aid by those who have fled the conflict. As outlined in a speech during a World Council of Churches, WCC Director of International Affairs, Peter Prove, revealed witnessing a group of minors who had fled conflict and taken shelter in a church compound, yet had no access to agencies such as the Red Cross or Amnesty International as these were not approved by the Indonesian forces. This is one example of restrictions placed on the tens of thousands of refugees who have fled villages due to violence by Indonesian forces.<sup>66</sup> The UN report also noted that only “ad hoc” deliveries of aid were making it to those who had been displaced, the report stating that “We are particularly disturbed by reports that humanitarian aid to displaced Papuans is being obstructed by the authorities”, this deprivation leading to malnutrition in children, and a general lack of access to food and health services for those displaced.<sup>67</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.
- Allow humanitarian aid to IDPs, including access to the Red Cross and Amnesty International.



### Solomon Islands – Moderate Risk

The Solomon Islands is close to finalising a security agreement with China, which among other cooperation, could be a first step towards a Chinese military base being established on the islands.<sup>68</sup> The strengthening of the relationship follows the nation's diplomatic allegiance switching from Taiwan to China in 2019, and a serious outbreak of violence in November 2021.<sup>69</sup>

Amid regional and international concerns about the agreement,<sup>70</sup> there are escalating fears and anger within the Solomons, especially in Malaita Province. This could potentially lead to further eruptions of violence, attacks on members of the Chinese community or property, protests and subsequent heavy-handed crackdowns by authorities. A Malaita Province political advisor has warned that it is Solomon Islands' communities who will suffer in the geopolitical conflict between China and the US. He cited damage wrought by China's logging industry in the region, as well as widespread corruption.<sup>71</sup> On the first sitting day of Parliament, riot police guarded the building, warning of a zero-tolerance policy.<sup>72</sup>

Australian police and defence personnel, who were deployed as peacekeepers to the Solomons in November, will stay in the country, and the security agreement between the Solomons and Australia remains in place.<sup>73</sup> However Malaitan leaders have warned that "peacekeepers were propping up Sogovare's unpopular and corrupt government, and in doing so, were carrying out China's work."<sup>74</sup> Security cooperation between the Solomons and China drew recent attention when the Royal Solomon Islands Police Force (RSIPF) received a cache of weapons from China, which it says are replica guns being used for a police training program.<sup>75</sup> A lack of transparency and longstanding public mistrust of authorities among segments of the Solomons community should be considered an underlying factor in the risk of further violence, while more broadly, China's growing influence in the Pacific, including PNG and Fiji, may lead to tensions both domestically and regionally.

### Recommendations

#### The Solomon Islands Government should:

- Establish dialogue and peacebuilding processes with regional and local authorities including the Malaitan government and civil society across the country to work through grievances, rebuild trust and take local community views into account.
- Properly investigate the November riots and/or convenes a parliamentary inquiry into the November riot in order to understand and properly address the underlying tensions that exists.



### Papua New Guinea Risk: Moderate

Papua New Guinea's election, due to be held in June 2022, will see five million voters head to the polls. PNG has previously seen election-related conflict, including violence, especially in times where the country has been suffering economic and political instability. While 40% of Papua New Guineans have incomes below the poverty line,<sup>76</sup> the Covid-19 pandemic and associated job losses and lockdowns have compounded the hardship. There have also been protests against vaccine mandates and increasing inflation, all factors which could culminate in election instability or even violence. Covid-19 continues to spread in PNG, along with misinformation about vaccination safety. As of February 2022, only around 3% of the population was fully vaccinated.<sup>77</sup> There are concerns that Covid could surge as the election campaign ramps up between April and July, with mobility and travel, and large political events or rallies accompanied by crowds and celebrations. The impact on PNG's weak healthcare system could be disastrous. There is also a likelihood of voting irregularities and election fraud, which have occurred in previous elections.<sup>78</sup>

Gender inequality continues to pose a major issue for PNG. Only seven women have ever been elected to PNG's parliament,<sup>79</sup> and there are currently no women MPs. Despite proposals for quotas to ensure more equal representation, the government is not supporting a bill to reserve five seats for women.<sup>80</sup> Sexual and gender based violence remains rife. 72% of young people in PNG witness violence in their homes every day, according to deputy chair of the Special Parliamentary Committee on Gender-Based Violence, Allan Bird, during the committee's second public hearing.<sup>81</sup> Only a tiny proportion of offenders of GBV are convicted. Cultural beliefs and practices contribute to this, with polygamy persisting despite a 2014 ban,<sup>82</sup> and sometimes leading to violence among the husband and wives. Murder, kidnapping and human trafficking are potential consequences, with young women and teenagers coerced into polygamous marriage due to economic hardship.<sup>83</sup> Sorcery accusation related violence affects women in particular but can also lead to ramifications for communities. For instance, a school in a remote PNG village has been unable to operate due to tribal violence and sorcery accusations which have led to teachers being too afraid to come to work.<sup>84</sup> This combination of violence, tensions and a cycle of disadvantage for young students unable to attend school may have serious impacts on social cohesion in the future. Perpetrators are rarely prosecuted, though in one recent case, a suspect of sorcery accusation related violence has been arrested for the attack against five women, three of whom did not survive.<sup>85</sup> Accountability for such crimes is critical in preventing their recurrence.

A meeting held in March 2022 between the Australian Federal Police (AFP) and the Royal Papua New Guinea Constabulary (RPNGC) recognised the need for gender equity within the police force in PNG especially in dealing with the high rates of gender-based violence in the country. In January 2022, PNG repealed the death penalty, with the Prime Minister citing Christian values and the ineffectiveness of the death penalty as a deterrent to serious crime. The last execution occurred in 1954 however this legislative change brings PNG in line with international human rights. Offences that fell under the death penalty such as murder, aggravated rape, treason, and sorcery related violence, will now be punishable by life imprisonment.<sup>86</sup>

In February 2022, PNG and China signed a joint statement on issues of shared interests which, while recognising international law, opposed "interference in other countries' internal affairs under the pretext of 'democracy' and 'human rights'".<sup>87</sup> The statement also says that "Papua New Guinea invites large Chinese companies to invest in downstream processing..." and indeed the Chinese owned Porgera gold mine is due to open in mid-2022. The relationship between the two countries should also be considered in the context of the developing military alliance between China and the Solomon Islands and a potential shift towards militarisation in the Pacific.<sup>88</sup> Ethnic tensions and violence within PNG are a possibility, alongside broader regional concerns.

### Recommendations

#### The government of Papua New Guinea should:

1. Continue to respond to and implement recommendations made by human rights organisations and UN agencies to address the endemic levels of gender based violence in the country;
2. Develop education campaigns and other programs to address sorcery accusation related violence and to hold perpetrators accountable;
3. Ensure pandemic messaging is clear and adapted to local contexts, including translated in local language and vernacular, and addresses misinformation;
4. Ensure Covid-19 safety protocols during the election period to avoid a surge in infections;
5. Take measures to address voting irregularities, ensure proper observation at polling stations, and to reduce the risk of election related violence.

# SEXUAL AND GENDER BASED VIOLENCE

## Sexual and gender-based violence

The UN Security Council will hold its annual event on conflict-related sexual violence in April, with the theme “Accountability as Prevention: Ending Cycles of Sexual Violence in Conflict.”<sup>89</sup> Though the WPS agenda and the issue of justice for survivors are gaining attention, SGBV continues to be committed during conflict situations with virtual impunity.

A report released in February 2022 by the Women’s Peace Network, titled “One year after the coup attempt: Violence against women and girls by the Myanmar Military Junta” found that the Tatmadaw is “wielding this form of violence against women and girls across Myanmar without restraint.”<sup>90</sup> SGBV was used systematically during the 2017 genocide against the Rohingya minority, and has historically been a common tactic by the Myanmar military. Since the coup, the military has deliberately targeted women of ethnic minority communities, those protesting the coup or defending human rights, and attacked children and pregnant women.<sup>91</sup> These systematic acts being committed by the Myanmar military may amount to war crimes and crimes against humanity.

In addition, women and girls are experiencing high rates of poverty in the wake of the coup and coupled with the Covid-19 pandemic. Job losses and disruption to the education system have had gendered impacts, while those who have been internally displaced, such as tens of thousands in Karen State, are at further risk of SGBV in IDP camps. Indeed, an international report released in April 2022 has identified a link between displacement of communities and the risk of SGBV. Up to 70% of women and children fleeing as refugees experience SGBV, often at the hands of different perpetrators.<sup>92</sup>

Indonesia has seen some progress in the WPS and violence against women space. The second National Action Plan for the Protection and Empowerment of Women and Children in Social Conflict (2020-2025) has been launched, and a ‘Peace Festival’ was held in February to reaffirm the government’s commitment to WPS.<sup>93</sup> Debate continues about the Sexual Violence Bill which was originally proposed several years ago, and whose current form would cover sexual harassment, forced contraception, forced sexual intercourse, and sexual exploitation.<sup>94</sup> Given reports of sexual violence to the National Commission on Violence Against Women doubled from 2020 to 2021, introducing this legislation would provide a framework for holding perpetrators of SGBV to justice and offer some protection to Indonesian women.

Domestic violence continues to soar in parts of the Asia Pacific. 64% of women in Fiji have experienced violence in an intimate relationship, a situation the pandemic has exacerbated. According to Fiji Women’s Crisis Centre, unemployment and poverty has increased among women, some of whom have been forced into prostitution, and rates of domestic violence have risen.<sup>95</sup> In the Philippines, there have been significant reported increases in domestic violence, rape and sexual assault, and online sexual exploitation during the pandemic.<sup>96</sup> The Asia Foundation has reported difficulty for victims in accessing assistance or support, with long lists of phone numbers, some of which were not answered and others treating callers with a lack of sensitivity. Efforts to expand the emergency number to provide help for gender based violence victims are underway.<sup>97</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 other economic restrictions on the leadership, and imposing a global arms embargo.
- Highlight the situation facing Myanmar women and girls at the upcoming UN event on CRSV.

### The international community and regional organisations should:

- Ensure access for humanitarian aid to reach those who have been displaced or attacked.
- Support civil society and human rights groups in Myanmar and provide assistance to survivors of SGBV.



## Disinformation, Hate speech and Incitement

Over the past two years, due to the COVID-19 pandemic, there has been a rise in hate speech and disinformation. As the pandemic has either receded, or been normalised into day-to-day routine, instances of hate speech and disinformation have also reduced, and reports of hateful rhetoric aimed at minority groups in the region have lessened.

Yet there remain problematic regions, and problematic sources of hate speech, including hate speech on Facebook in Myanmar. A report published by Global Witness in early 2022 found that Facebook was still unable to detect inciteful and hateful rhetoric in Burmese, even while the company and its platform has already been cited as an actor in the genocide of the Rohingya in 2017 to 2019. While the report signals several important measures Facebook has implemented to solve problems of the past, the platform still needs to better advance its algorithms and its languages to suit region-specific contexts.<sup>98</sup>

Disinformation is also a risk to inciting violence in Southeast Asia. In a speech given at the “Legislation and the Fight Against Disinformation in Southeast Asia” conference on the 28 January 2022, Singapore’s Senior Minister for Communication and Information, Dr Janil Puthuchery, stated that tackling disinformation required a three-pronged approach. First, necessary legislation in the region. Second, an informed public. Third, fact-checking institutions, experts, and processes. All three were examples of Singapore’s approach to disinformation.<sup>99</sup>

To help counter disinformation in the region, in January 2022 ASEAN launched a “Training-for-Trainers Program to Address Disinformation and Promote Media Literacy”. The package aims to “help strengthen education on media literacy, counter disinformation in the region, and serve as a valuable resource for educators to enhance critical thinking among students about the impacts of information technology and social media in society, including the threats posed by disinformation.”<sup>100</sup> These measures speak to the widespread approaches the region has taken in hoping to tackle the problems of hate speech and disinformation. As outlined in a report published by The South Asia Collective and launched in January 2022, hate speech and disinformation require action from the international sector, government, and civil society, not as separate entities but as a collective.<sup>101</sup> Many regional approaches to this problem are apparent, from multiple reports and webinars on the topic, to regional government reactions such as ASEAN’s training program. However, much is still needed as hate speech and disinformation in places such as The Philippines, with their upcoming elections, continues to undermine democratic practices. As The Centre for Strategic and International Studies states of the upcoming Philippines elections, given the widespread use of social media in the country: “The right balance of outrage, virality, misinformation, and trolling might be enough to tip the scales in any candidate’s favour as only a bare plurality is required to win the presidency.”<sup>102</sup>

## Recommendations

### Southeast Asian governments should:

- Realise the importance of 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.
- Encourage governments to take up ASEAN’s training program as a core hate speech and disinformation prevention mechanism.

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