

Sexual and Gender-based violence

The UN Secretary-General's report on conflict-related sexual violence (CRSV) was released in April 2022.¹ Covering the period from January to December 2021, the report found that in general, civilians were being exposed to heightened risk of sexual violence due to militarisation, armed conflict, displacement, political instability and terrorism related activity. The report highlighted the targeting of women human rights defenders and shrinking civil space, as well as gendered hate speech online, and that the Covid-19 pandemic continued to divert resources from support services for survivors of gender-based violence.

Importantly, the SG's report discussed root causes of SGBV such as structural inequality and continuing obstacles to women's participation in political, social and economic processes, along with a broader lack of accountability for perpetrators. One of the cases included in the report is the Myanmar situation, where incidents of CRSV are rampant and systematic. These include: the targeting of women involved in political activism or civil disobedience, sexual violence against people held in detention, and atrocities such as gang rape and rape in front of family members. In addition, Rohingya refugees in Cox's Bazar remain vulnerable to exploitation, trafficking and sexual violence.

Gendered violence in Myanmar has also been investigated by Amnesty International which has released a report on torture in detention based on 15 interviews with former detainees, lawyers of prisoners and experts.² The report found some women and LGBTI detainees "were subjected to sexual violence, harassment and humiliation including invasive body searches..." with incidents occurring in detention (sometimes while blindfolded), in order to extract confessions, while showering and dressing, and also during transfers of prisoners to court or prison. These findings are consistent with previous investigations such as the February 2022 report by Women's Peace Network.³

In April, Indonesia finally passed the Sexual Violence Crimes Law that expands the definition of rape, facilitates the prosecution of sexual offences, and offers services to survivors.⁴ The bill had been delayed for years amid Indonesia's conservative society, despite increasing gender-based violence in the country (Indonesia's National Commission on Violence Against Women recorded a 50% increase in cases from 2020 to 2021).⁵

In addition, the practice of virginity testing by the Indonesian military has officially ceased.⁶ This form of gender-based violence was exposed several years ago and had been part of the recruitment process for women. However, gender discrimination continues to affect women across various provinces in Indonesia, including via restrictive mandatory dress codes. More than 60 local decrees are in force around the country, and women who do not comply have suffered abuse.⁷

The Philippines election was held in May 2022, with Ferdinand Marcos Jr winning the Presidency and ending the Duterte era. In a country where the former President had normalised a hyper masculine and male dominated political scene, the election saw only one female candidate out of 10.⁸ Whether the new government will see a shift in attitudes on gender is unclear, however the new President's State of the Nation speech on 25 July included only a cursory mention of women's issues.⁹ Ongoing issues in the Philippines include violence against women, access to abortion, abuse of women and LGBTQ people during militarised Covid lockdowns, and despite some legislative progress, an overall patriarchal culture.¹⁰

The Special Rapporteur on violence against women, its causes and consequences presented a report on violence against indigenous women and girls at the Human Rights Council's 50th session. Noting the "complex and intersectional forms of violence" that indigenous women face, the report looks at causes and manifestations across the world. In the Asia Pacific region, the report mentions the impact on Indigenous women in West Papua due to armed conflict between Indonesian security forces and pro-Papua armed independence groups, and high rates of violence against Ryukyuan/Okinawan women and girls in Japan.

A review looking at the aftermath of natural disasters has found a correlation between more extreme weather events due to climate change, and violence against women and LGBTQ people.¹¹ Domestic violence, sexual violence and gender-based violence such as forced marriage of young girls (eg, in Bangladesh), have been found to occur in the wake of natural disasters. It is likely that nations prone to more intense climate events, which already have high rates of gendered violence, such as Fiji and Papua New Guinea, may be particularly affected as climate change continues to occur. Further, UN Environment has also found that climate change can exacerbate violence against women and girls. This is partly because 80% of people displaced by climate change are women, and displacement increases the risk of SGBV.¹² Other climate effects on women include changes to agriculture, employment and accessibility of food and water, disruption to education, and vulnerability to trafficking. Women environmental human rights defenders may face threats and violence.

Various meetings during the July Pacific Islands Forum looked at the pressing issue of gender-based violence in the Pacific. Countries across the region, from Fiji to Papua New Guinea, have extremely high rates of gendered violence against women and LGBTQ people. In addition to SGBV, civil society groups highlighted reproductive rights and women's leadership and empowerment.¹³ The month prior to the PIF, Fiji hosted the inaugural meeting of the Pacific Islands Forum Women Leaders Meeting, which was recognised in the PIF Communique as a milestone for the region.¹⁴

Recommendations

The Tatmadaw should:

- Immediately cease the practice of using sexual and gender based violence as a form of torture against detainees.
- Hold perpetrators of SGBV accountable.

The UN and regional bodies particularly ASEAN should:

- Take urgent and serious action on the situation in Myanmar to ensure it complies with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and with international human rights and humanitarian law.

The Philippines Government should:

- Take positive steps to build a culture where misogyny is gender discrimination are not tolerated, and continue to provide training for the security sector on gender-sensitive responses.

The Indonesian Government should:

- Prevent sexual and gender based violence in the context of armed conflict in West Papua and hold perpetrators accountable.
- Hold discussions with local governments on decrees that restrict women's rights relating to women's dress code.

¹ Conflict-related sexual violence: Report of the Secretary-General (S/2022/272) [EN/AR/RU/ZH], 6 April 2022, <https://reliefweb.int/report/world/conflict-related-sexual-violence-report-secretary-general-s202272-enarruzh>

² Myanmar: 15 days felt like 15 years: Torture in detention since the Myanmar coup, Amnesty International, 2 August 2022, <https://www.amnesty.org/en/documents/asa16/5884/2022/en/>

³ Women's Peace Network, One year after the coup attempt: Violence against women and girls by the Myanmar Military Junta, 1 February 2022, https://mcusercontent.com/6819ae24e30bd9a9db0322d69/files/a6d9b5b3-1718-fd85-4948-e8547c85fe47/_2_1_Special_briefer.pdf

⁴ Chad De Guzman, After a Teacher Was Convicted of Raping 13 Girls, Indonesia Finally Passed Sexual Violence Reform, Time Magazine, 14 April 2022, <https://time.com/6166853/indonesia-sexual-violence-law/>

⁵ Launching of Catahu Komnas Women 2022, National Commission on Violence Against Women, April 2022, <https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>

⁶ Andreas Harsono, Human Rights Watch, Indonesia Military Finally Ends Abusive 'Virginity Test', 19 April 2022, <https://www.hrw.org/news/2022/04/20/indonesia-military-finally-ends-abusive-virginity-test>

⁷ Indonesian Women Speak Out on Dress Codes, Human Rights Watch, 21 July 2022, <https://www.hrw.org/news/2022/07/21/indonesian-women-speak-out-dress-codes>

⁸ Dr Derlie Mateo-Babiano, Philippine elections: Gendered leadership and minding the infrastructure gap, University of Melbourne, 26 April 2022, <https://electionwatch.unimelb.edu.au/articles/the-philippine-elections-gendered-leadership-and-minding-the-infrastructure-gap>

⁹ Michelle Abad, Groups call for more priority on gender issues after Marcos' first SONA, Rappler, 26 July 2022, <https://www.rappler.com/nation/groups-call-more-priority-gender-issues-after-marcos-jr-sona-2022/>

¹⁰ Michelle Abad, Jean Franco, Sharmila Parmanand, Rey Valmores-Salinas, Rappler Talk: Women, gender, and the 2022 elections, <https://www.rappler.com/nation/elections/interview-women-gender-2022-polls/>

¹¹ Meghie Rodrigues, How climate change could drive an increase in gender-based violence, Nature, 13 July 2022, <https://www.nature.com/articles/d41586-022-01903-9>

¹² Climate change exacerbates violence against women and girls, 12 July 2022, <https://www.ohchr.org/en/stories/2022/07/climate-change-exacerbates-violence-against-women-and-girls>

¹³ Progress on women's rights tackled at Pacific forum, RNZ, 15 July 2022, <https://www.rnz.co.nz/international/pacific-news/471018/progress-on-women-s-rights-tackled-at-pacific-forum>; Ben McKay, Fijian women fight for reproductive rights, The Courier, 20 July 2022, <https://www.thecourier.com.au/story/7827566/fijian-women-fight-for-reproductive-rights/>

¹⁴ Communique of the 51st Pacific Islands Forum Leaders Meeting, 11-14 July 2022, <https://www.forumsec.org/2022/07/17/report-communique-of-the-51st-pacific-islands-forum-leaders-meeting/>