



# FIRST ASEAN-AUSTRALIA BIENNIAL SUMMIT

7 SEPTEMBER 2016, VIENTIANE, LAOS



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## HUMAN RIGHTS IN SOUTHEAST ASIA

Briefing Materials for the ASEAN-Australia Summit  
Sydney, Australia | March 17-18, 2018

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# Human Rights in Southeast Asia

## Briefing Materials for the ASEAN-Australia Summit

### Sydney, Australia | March 17-18, 2018

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## Summary

I will follow you all the way to your doorstep and beat you right there.... I can use violence against you.

–Cambodian Prime Minister Hun Sen publicly threatening violence against any protesters in Australia who burn effigies of him, Phnom Penh, February 21, 2018

On March 17-18, 2018, Australian Prime Minister Malcolm Turnbull will host government leaders from the 10-member Association of Southeast Asian Nations (ASEAN) in Sydney at the ASEAN-Australia Special Summit. The summit will be preceded by a business summit and a counterterrorism meeting to “strengthen our joint contribution to regional security and prosperity, including by addressing shared security challenges and securing greater opportunities.”

For decades, the Australian government has viewed ASEAN as an important economic, security, and political partner, and has forged closer ties with ASEAN countries as they have undergone major economic and political changes. Australia’s Foreign Policy White Paper, released in November 2017, underscores the importance of Australia’s relations with its ASEAN neighbors, saying: “Australia places high priority on our bilateral relationships in Southeast Asia and on our support for ASEAN. The Government is enhancing engagement with the region to support an increasingly prosperous, outwardly-focused, stable and resilient Southeast Asia.”

As global power dynamics shift, United States influence in the region is declining while the political, economic, and military clout of a more assertive China is increasing. In this strategic context, Australia has decided to pursue closer ties with ASEAN countries.

Some ASEAN countries have enjoyed significant economic growth in recent years, but as the chapters below show, many have increasingly serious human rights problems. At a high-level summit of this kind, it would be a major setback for citizens of ASEAN countries for the Australian government to gloss over human rights issues in the hopes of winning over the region’s leaders away from China. Instead, Australia should put its values as a rights-respecting democracy at the center of its relations with ASEAN. Rather than just focusing on good relations with ASEAN leaders, it can do something very different than



China: focus on good relations with and the needs of the people of ASEAN, especially in the face of China's threat to human rights in the region.

Almost all ASEAN leaders invited to Sydney preside over governments that deny basic liberties and fundamental freedoms to their citizens. Many of these governments routinely commit serious human rights violations, crack down on civil society organizations and the media, or undermine democratic institutions by allowing corruption to flourish. A lack of accountability for grave abuses committed by state security forces is the norm throughout ASEAN. The security forces of the Philippines and Myanmar are implicated in alleged crimes against humanity, and their governments have shown no signs of respecting calls from the United Nations to end the atrocities and hold those responsible to account. The Cambodian government has banned the political opposition and jailed its leader. Thailand is run by a military junta that has curtailed basic rights to expression and association and repeatedly delayed restoring democratic civilian rule. Vietnam and Laos are one-party states that maintain a chokehold on fundamental rights and freedoms. Malaysia and Singapore severely restrict rights to free expression and peaceful assembly.

## **Embracing Abusive ASEAN Leaders**

Since August 2017, Myanmar's military has conducted a campaign of ethnic cleansing against Rohingya Muslims in northern Rakhine State. Security forces have committed massacres, gang rapes, looting, and mass burnings of homes and property, causing the flight of more than 688,000 refugees to Bangladesh. Human Rights Watch has determined that these atrocities amount to crimes against humanity. Myanmar's de facto leader, Aung San Suu Kyi, has dismissed the allegations, claiming international media have created "a huge iceberg of misinformation." Her office has accused the Rohingya of setting fire to their own homes and has called allegations of rape "fake news." Her government has denied visas to a UN-mandated Fact-Finding Mission as well as the UN special rapporteur on human rights in Myanmar, Yanghee Lee.

Since taking office in June 2016, Philippine President Rodrigo Duterte has presided over a murderous "war on drugs," a campaign targeting alleged drug dealers and users, whose victims are predominantly the urban poor, including children. Duterte has used criticism of his anti-drug campaign to threaten human rights activists, lawyers, and political opponents. The government has detained for more than a year an important critic of the

“drug war,” Senator Leila de Lima, on spurious and politically motivated charges. On March 5, 2018, Duterte announced that he would not attend the ASEAN-Australia summit, but will be represented by Foreign Minister Alan Peter Cayetano.

Cambodian Prime Minister Hun Sen has been in power for more than 30 years, making him the longest-serving head of government in Asia and one of the longest-serving government leaders in the world. In the past year, he has banned the main opposition party, forced the closure of independent media, and cracked down on human rights and other civil society groups. Hun Sen is implicated in possible crimes against humanity committed in the mid-1970s when he was a commander in the Khmer Rouge. He has threatened violence against any protesters in Australia who burn effigies of him.

Thai Prime Minister Gen. Prayut Chan-ocha led the May 2014 military coup that ousted Thailand’s democratically elected government. Prime Minister Prayut’s promises to hold an election to restore civilian democratic rule have been broken repeatedly, with proposed timelines passing without progress. The National Council for Peace and Order junta wields unchecked and abusive powers with total impunity, having prosecuted critics and dissenters, banned peaceful protests, and censored the media. More than 1,800 civilians await trial in military courts. *Lese majeste* (insulting the monarchy), sedition, and other charges are routinely used to suppress free speech and threaten dissidents. The military and government agencies have frequently retaliated against individuals who report allegations of human rights abuses by bringing criminal defamation charges and seeking prosecution for alleged crimes using the internet.

Prime Minister Nguyen Xuan Phuc of Vietnam and President Bounnhang Vorachith of Laos each preside over one-party authoritarian states that deny basic freedoms and use censorship, arbitrary detention, and torture to maintain their respective party’s hold on power. For more than 40 years the communist party in each country has been in power without progress toward pluralism or genuine elections. In the past 18 months, Vietnamese authorities renewed a crackdown against rights activists, arresting dozens and sentencing many to long prison terms.

ASEAN as an institution remains hostile to the promotion of human rights. Under pressure from an increasingly vocal public, in 2007 ASEAN member countries adopted a charter that mentioned human rights principles. But these provisions were heavily outweighed by

language emphasizing the importance of “non-interference in the internal affairs” of ASEAN members. In 2009, ASEAN inaugurated an Intergovernmental Human Rights Commission, but it has no real powers: each government appoints its representative to the commission, which works through consensus, a procedural arrangement that effectively prevents reporting on a human rights issue in any one country, since that country would object. The ASEAN Human Rights Declaration, adopted in 2012 without civil society participation, undermines, rather than affirms, international human rights law and standards. It remains a declaration of government powers disguised as a declaration of human rights.

## **Promoting Rights Advances Australia’s Interests**

Australia’s 2017 Foreign Policy White Paper notes that an international rules-based order grounded in human rights is in Australia’s interests:

Australia’s national interests are best advanced by an evolution of the international system that is anchored in international law, support for the rights and freedoms in United Nations declarations, and the principles of good governance, transparency and accountability.... Australia is pragmatic. We do not seek to impose values on others. We are however a determined advocate of liberal institutions, universal values and human rights. The Government believes that our support internationally for these values also serves to advance our national interests. Societies that observe these values will be fairer and more stable. Their economies will benefit as individual creativity is encouraged and innovation rewarded.

Despite this acknowledgment, the Australian government frequently sidelines human rights at summits and other meetings with world leaders. The government rarely raises human rights issues publicly, ostensibly because it does not want to be seen “lecturing” other countries. This may be a legitimate concern, but it is often a convenient excuse for silence and inaction while tacitly accepting ASEAN’s anachronistic insistence on “non-interference in the internal affairs” of other countries. This notion is contrary to international human rights law, whose universality of application places demands on all UN member countries to promote human rights. Australia has also undermined its global

standing by being reluctant to raise issues publicly due to shortcomings in its own human rights record, especially regarding treatment of refugees.

China's growing influence in the region is increasingly used by Australian officials as an excuse not to raise human rights matters publicly. The assumption is that human rights criticism will somehow push these governments ever deeper into China's fold. This simplistic approach overlooks the diversity of ASEAN countries—each of these countries has its own reasons for a strong or weak relationship with China that includes trade, security, territorial disputes, history, and culture, which human rights only partially impinges upon.

Robust engagement on democracy, governance, and human rights is crucial for the people of ASEAN and the development of ASEAN countries. For example, the proliferation of extrajudicial killings in the Philippines' "war on drugs" can be attributed in part to the weakness of the country's democratic institutions, which would benefit from international support. But Australia's quiet diplomacy sends a message to the people of the Philippines and other ASEAN countries that Australia's government does not consider upholding their rights a priority.

As the oldest democracy in the region, with robust public institutions, a free media, and an adherence to the rule of law, Australia has much to share with ASEAN governments. In the past, Australia has modestly but effectively led regional coalitions, including leadership on the Paris Peace Accords in Cambodia in the 1990s and on Timor-Leste in 1999. Australia should also not shy away from its own human rights problems and failures, particularly on refugee protection, an issue that is dealt with poorly across the entire ASEAN region.

ASEAN leaders presiding over human rights abuses are under no illusions about their own rights records. They understand that democratic governments will challenge them, and they are awarded an unexpected bonus when countries such as Australia give them a free pass.

## **The Way Forward**

If the ASEAN-Australia summit lacks a strong emphasis on rights, Australia will be sending the message that serious abuses by ASEAN leaders against their citizens will not have a harmful impact on their relationship with Australia.

A better approach would be for Australia to link trade, security, and diplomatic rewards more explicitly to concrete improvements on human rights, for instance, by clearly stating what the costs are for governments that do not implement reforms. In practice, this would mean informing ASEAN governments that closer security and trade engagement will come when political prisoners are released, serious human rights abuses are investigated, and abusive laws are reformed. More specifically, Australia should tell Myanmar that it will impose military sanctions if the government does not end the atrocities against the Rohingya and grant access to the UN-mandated international Fact-Finding Mission. And Australia should indefinitely suspend military exercises with Thailand and Cambodia, which are effectively political endorsements of Prayut's and Hun Sen's abusive governments.

One simple and principled step would be for Australia to invite ASEAN-based civil society organizations to participate in ASEAN-related summits. Relegating human rights and civil society to the margins, as sideline issues, is a morally hollow diplomatic exercise. Just as Australia is involving business leaders and security analysts, it should make a concerted effort to intensify engagement with civil society organizations in ASEAN countries.

Australia should demonstrate that it supports the strengthening of institutions that safeguard basic rights, such as independent courts and national human rights bodies, as well as civil society groups that promote the human rights standards and values those institutions are meant to uphold.

The best way for Prime Minister Turnbull to send that message would be to speak publicly about the very serious human rights problems throughout ASEAN, offer assistance in genuine reform efforts, and press ASEAN leaders to work directly with civil society groups and the general public to build rights-respecting democracies.

## Cambodia

The civil and political rights environment in Cambodia markedly deteriorated over the past year as the government arrested the leader of Cambodia's political opposition on dubious charges of treason; dissolved the main opposition party and banned over 100 members from political activity; intensified the misuse of the justice system to prosecute political opposition and human rights activists; and forced several independent media outlets to close.

Authorities have detained at least 35 opposition and civil society leaders since July 2015, many of whom have been prosecuted and convicted in summary trials that failed to meet international standards. At least 19 remained in detention at time of writing.

The ruling Cambodia People's Party (CPP), which controls the country's security services and courts, has led the crackdown that began in 2016 and is likely motivated by Prime Minister Hun Sen's anxiety about national elections scheduled for July 29, 2018. The arbitrary arrests and other abuses appear aimed at preventing a victory by the opposition Cambodia National Rescue Party (CNRP), which made electoral gains during the 2013 national elections and the 2017 commune elections. Because of the dissolution of the CNRP in November, there will be no major opposition party to contest the CPP in the 2018 elections.

Throughout 2017 the government continued to deny Cambodians the right to free speech and peaceful assembly by suppressing protests and issuing a series of bans on gatherings and processions. Cambodia's anti-corruption authorities, rather than conducting investigations into suspicious government concessions and the questionable wealth of senior CPP leaders and their families, instead carried out politically motivated investigations of the CNRP and other organizations critical of the government.

In February 2018, Cambodia's parliament passed amendments to the constitution and penal code designed to further consolidate the ruling party's power and stifle free speech. The changes included amendments to five articles of the constitution that tighten restrictions on voting rights and freedom of association, as well as a new *lese majeste* (insulting the monarchy) provision that carries a penalty of one to five years in prison and a fine of up to US\$2,500 for individuals, and \$12,500 for legal entities.

## Attacks on Political Opposition

CNRP leader Sam Rainsy has remained in exile since 2015 to avoid a two-year prison sentence stemming from a politically motivated criminal defamation charge from 2008. In December 2017, he was found guilty *in absentia* in another defamation case and ordered to pay Hun Sen US\$1 million. In February 2018, a court ordered the seizure of Rainsy's property, including CNRP headquarters, pending his payment of the defamation damages.

On September 3, 2017, the government arrested CNRP's leader Kem Sokha on charges of treason. Sokha, who had assumed leadership of the party after Sam Rainsy's exile and resignation, had already faced de facto house arrest in 2016 in a separate politically motivated case. In March 2018, Sokha's pretrial detention was extended for another six months, guaranteeing his detention through the July elections.

Several other elected opposition leaders, including parliamentarian Um Sam An, Senator Hong Sok Hour, Senator Thak Lany, and Commune Councilor Seang Chet, remained in detention after politically motivated prosecutions.

Commune elections on June 4 featured threats and harassment of the opposition and civil society groups. Prior to the election, Interior Ministry Gen. Khieu Sopheak acknowledged pre-election harassment of nongovernmental organizations (NGOs) and said the Interior Ministry had started an investigation "because we wanted to threaten those organizations to be scared."

Although voting day was peaceful, the overarching dynamic of the elections were unfair, with unequal media access for opposition parties, bias toward the CPP in electoral institutions, and lack of independent and impartial dispute resolution mechanisms.

The government used increasingly threatening political rhetoric throughout the year, including repeated threats of violence, to intimidate dissidents and civil society groups, especially in the lead-up to the commune elections. Hun Sen and other leaders repeated claims that any election victory by the opposition would lead to "civil war," and threatened to use violence against those who "protest" or seek a "color revolution," a term authorities use to portray peaceful dissent as an attempted overthrow of the state.

In May 2017, Hun Sen stated he would be “willing to eliminate 100 to 200 people” to protect “national security,” and suggested opposition members “prepare their coffins.” On August 2, Minister of Social Affairs Vong Sauth said that protesters who dispute the 2018 election results will be “hit with the bottom end of bamboo poles”—a reference to a torture technique used during the Khmer Rouge regime. After Kem Sokha’s arrest, CPP officials insisted he had conspired with the United States to overthrow the government, citing US capacity-building support for political parties—support that was also given to the CPP.

The national assembly passed two rounds of repressive amendments to Cambodia’s Law on Political Parties. The amendments empower authorities to dissolve political parties and ban party leaders from political activity without holding hearings or an appeal process. The amendments also contain numerous restrictions that appear to have been tailored to use against the CNRP, most notably provisions that compel political parties to distance themselves from members who have been convicted of a criminal charge.

In October, Hun Sen used these provisions in a case brought in the Supreme Court to dissolve the CNRP. On November 16, the Supreme Court, chaired by a judge who is also a central committee member of the ruling CPP, dissolved the CNRP and banned 118 CNRP members of parliament and party officials from political activity for five years.

## Freedom of Media

Cambodia’s General Department of Taxation, on the pretext of an unpaid tax bill, forced the independent *Cambodia Daily* newspaper to close on September 4, and brought tax-related criminal charges against its owners. At time of writing, two of its reporters were also being investigated for baseless charges of “incitement.”

The government also cracked down heavily on independent radio in September, revoking the license of Mohanokor Radio and its affiliates, which broadcast Voice of America (VOA) and Radio Free Asia (RFA), and closing the independent radio station Voice of Democracy (VOD).

Authorities also forced the closure of RFA’s bureau, and a court charged two former RFA journalists with espionage in November. The journalists, who face up to 15 years in prison if convicted, remain in pretrial detention at time of writing. Other radio stations broadcasting



VOA or RFA have come under pressure from the government and stopped broadcasting in August. Almost all domestic broadcast media is now under government control.

## Attacks on Civil Society

For most of 2017, the government detained four senior staff members of the Cambodian Human Rights and Development Association (ADHOC) and a former ADHOC staff member serving as deputy secretary-general of the National Election Committee (NEC). The group, commonly referred to as the “ADHOC Five,” were arrested in 2016 on politically motivated charges and held in pretrial detention for 427 days until their release in June. Each faces 5 to 10 years in prison if convicted.

Authorities continued to detain the land rights activist and women’s rights defender Tep Vanny, who was arrested on August 15, 2016, during a “Black Monday” protest calling for the release of the ADHOC Five. After her arrest, authorities reactivated an old case against her stemming from a 2013 protest, and in February sentenced her to 30 months in prison. Authorities also continued to prosecute several other spurious legal cases against her.

In July, authorities announced an investigation into two groups that were monitoring the commune election. The government alleged that the groups violated the vague and undefined concept of “political neutrality” in Cambodia’s Law on Associations and Non-Government Organizations (LANGO), which allows for the dissolution or denial of registration of NGOs, and had failed to register under LANGO.

On August 23, the Ministry of Foreign Affairs ordered the closure of the US-funded NGO National Democratic Institute (NDI), and expulsion of its non-Cambodian staff, citing LANGO and the 1997 Tax Law.

Throughout the year, authorities harassed Mother Nature, an environmental group, arrested members on spurious charges of incitement and making unauthorized recordings, and forced the group to deregister as an NGO in September. In October, the government suspended the registration for another NGO critical of the government, Equitable Cambodia, along with the Federation of Cambodian Intellectuals and Students.

In June, authorities charged an Australian filmmaker, James Ricketson, with espionage over allegations he collected information prejudicial to the country's national security. Ricketson had been making a documentary relating to the political opposition. He remains in prison awaiting trial.

## **Impunity**

A suspect was convicted in March 2017 in the July 10, 2016 murder of prominent political commentator Kem Ley, in proceedings that were highly flawed and did little to dispel concerns of government involvement in the killing. Kem Ley was killed five days after a Cambodian general publicly called on Cambodian armed forces to “eliminate and dispose of” anyone “fomenting social turmoil.” Kem Ley had been a frequent critic of Hun Sen and, in the months before his killing, had given several media interviews in which he referenced the vast wealth of Hun Sen's family.

The convicted suspect, Oeuth Ang, was tried and sentenced to life imprisonment after proceedings that ignored improbabilities and inconsistencies in his confession and shortcomings in the investigation.

In June, Hun Sen brought a civil charge of defamation against another political commentator, Kim Sok, for suggesting that CPP authorities were behind the killing and authorities filed a criminal charge of incitement against him. In August, Kim Sok was sentenced to a year-and-a-half in prison and ordered to pay Hun Sen US\$200,000. Opposition Senator Thak Lany was also convicted in absentia for similar offenses after commenting on the Kem Ley case.

## **Labor Rights**

Authorities carried out questionable legal investigations into trade unions under Cambodia's Trade Union Law, which has prevented some unions from legally registering and excluded them from collective bargaining and formally advocating for rights and improved working conditions.

## Key International Actors

China, Vietnam, and South Korea were key investors in 2017. China, Japan, and the European Union were Cambodia's leading providers of development-related assistance. The United States, once a key donor, is now regularly criticized by the Cambodian government as a hostile foreign power.

In response to the political crackdown, the US government issued a visa ban on responsible officials, cut aid to government and military programs, and introduced senate legislation to impose sanctions. In February 2018, the EU Foreign Affairs Council adopted conclusions on Cambodia condemning the CPP's worsening repression and threatening targeted measures, such as suspension of Cambodia's preferential trade status. Both the EU and US withdrew funding for the July elections, while Japan pledged an additional US\$7.5 million.

While the Australian government has expressed concern and urged the Cambodian government "to allow all its citizens to exercise their democratic rights," it has not threatened sanctions or visa bans against Cambodia. Instead, in October 2017, Australia announced new regular senior level talks with the Cambodian government, despite the EU and US moving in the opposite direction. Hun Sen was among the ASEAN leaders scheduled to attend the ASEAN-Australia special summit in March 2018. In February, Hun Sen publicly threatened violence against potential protesters in Australia who burn effigies of him, saying, "I will follow you all the way to your doorstep and beat you right there.... I can use violence against you." At time of writing, the Australian government had not responded publicly to these threats. Australia is paying the Cambodian government A\$55 million (US\$43 million) in development assistance to resettle refugees from Nauru, but only three refugees remain in Cambodia.

The United Nations Human Rights Council passed a resolution in September 2017 renewing the mandate of the UN special rapporteur on the situation of human rights in Cambodia for two years and requesting that the UN secretary-general report to the Human Rights Council in March 2018, ahead of Cambodia's national elections.

# Indonesia

Indonesian President Joko “Jokowi” Widodo’s government took small steps in 2017 to protect the rights of some of Indonesia’s most vulnerable people. In September, the Attorney General’s Office announced that it had rescinded a job notice that not only barred lesbian, gay, bisexual, and transgender (LGBT) applicants, but suggested homosexuality was a “mental illness.” The government also quietly reduced its population of Papuan political prisoners from 37 in August 2016 to between one and five in August 2017.

But the Jokowi government has consistently failed to translate the president’s rhetorical support for human rights into meaningful policy initiatives. Religious minorities continue to face harassment, intimidation from government authorities, and threats of violence from militant Islamists. Authorities continue to arrest, prosecute, and imprison people under Indonesia’s abusive blasphemy law. Papuan and Moluccan political prisoners remain behind bars for nonviolent expression. And Indonesian security forces continue to pay little price for committing abuses, including unlawful killings of Papuans.

The government’s acquiescence in 2017 to generals and powerful thugs who seek to stifle discussion of the army-led 1965-66 massacres made Jokowi’s promised reconciliation mechanism for those atrocities appear increasingly unlikely. Jokowi and senior police generals also advocated adopting Philippine President Rodrigo Duterte’s approach to suspected drug users and dealers: shoot-to-kill orders that have been accompanied in the Philippines by more than 12,000 summary executions of suspects.

Following a 2016 deluge of government-driven anti-LGBT rhetoric, authorities in 2017 continued to target private gatherings and LGBT individuals—a serious threat to privacy and public health initiatives in the country.

## Freedom of Religion

The Setara Institute, a Jakarta-based organization that monitors religious freedom, reported a decrease in acts of religious intolerance from 270 in 2016 to 201 in 2017. More than half the incidents of religious intolerance—126—implicate Islamic organizations such as the semi-official Indonesian Ulama Council and the Islamic Defenders Front.

Government entities, including local government administrations and police, were involved in 75 cases.

In March 2017, a Jakarta court handed down five-year prison terms for blasphemy to two leaders of the Gerakan Fajar Nusantara (Gafatar) religious community, founder Ahmad Moshaddeq and president Mahful Muis Tumanurung; the group's vice-president, Andry Cahya, received a three-year sentence.

On May 9, a Jakarta court sentenced former Jakarta governor Basuki “Ahok” Purnama, a Christian, to a two-year prison sentence for blasphemy against Islam. That conviction followed the success of Islamist militant groups in making his blasphemy prosecution a centerpiece of efforts to defeat him in Jakarta's gubernatorial election in April 2017.

On August 21, Siti Aisyah, the owner of an Islamic school in Mataram, Lombok Island, was sentenced to 30 months in prison on blasphemy for “strange teachings.” In August, municipal governments in Java took steps to effectively shut down two mosques that espoused the ultra-conservative Wahabhi strain of Islam—Al Arqom mosque in Pekalongan and the Ahmad bin Hanbal mosque in Bogor—due to concerns that they could fuel “social turmoil.”

In a landmark ruling in November, the Constitutional Court struck down a law prohibiting adherents of native faiths from listing their religion on official identification cards. The ruling will help protect adherents of more than 240 such religions from prosecution under Indonesia's dangerously ambiguous blasphemy law.

In early 2017, the Ministry of Religious Affairs drafted a religious rights bill that would further entrench the blasphemy law as well as government decrees making it difficult for religious minorities to obtain permits to construct houses of worship. The draft law, still pending at time of writing, would also impose excessively narrow criteria for a religion to receive state recognition.

## **Freedom of Expression and Association**

On April 5, the Constitutional Court ruled that the central government could no longer repeal local Sharia (Islamic law) ordinances adopted by local governments in Indonesia. It deprived

the Home Ministry of the power to abolish ordinances that threaten universal rights to freedom of expression and association and violate the rights of women and LGBT people.

On July 12, President Jokowi issued a decree amending the law that regulates nongovernmental organizations, enabling the government to fast-track the banning of groups it considers “against Pancasila or promoting communism or advocating separatism.” Pancasila, or “five principles,” is Indonesia’s official state philosophy. Days later the government used the decree to ban Hizbut ut-Tahrir, a conservative Islamist group that supports the creation of a Sharia-based Islamic caliphate.

## Women’s and Girls’ Rights

Indonesia's official Commission on Violence against Women reports that there are hundreds of discriminatory national and local regulations targeting women. They include local laws compelling women and girls to don the jilbab, or headscarf, in schools, government offices, and public spaces.

Indonesian female domestic workers in the Middle East continue to face abuse by employers, including long working hours, non-payment of salaries, and physical and sexual abuse. Indonesia’s ban on women migrating for domestic work in the Middle East, imposed in 2015, has led to an increase in irregular migration of women seeking such work, increasing the risk of abuse and exploitation.

## Papua and West Papua

In March 2017, the Indonesian government loosened its tight controls on visits by foreign observers to Papua, allowing Dainius Pūras, the United Nations special rapporteur on the right to health, to make a rare two-day visit. But foreign journalists seeking to report from Papua continue to face harassment, intimidation, and deportation despite Jokowi’s May 2015 commitment to lift the restrictions.

In March, Indonesian authorities deported French journalists Jean Frank Pierre and Basille Marie Longchamp from Timika. On May 11, six Japanese journalists were arrested and deported while filming in Wamena without reporting visas.

In September, a police ethics panel inquiry ruled that four police officers were guilty of “improper conduct” when they deliberately opened fire on Papuan protesters in the Deiyai region on August 1, killing a young man. The panel ruled that their punishment should be limited to demotions and public apologies rather than criminal prosecution.

## **Sexual Orientation and Gender Identity**

On April 30, police raided a private gathering of gay men in Surabaya, arrested and detained 14 men, and subjected them to HIV tests without their consent.

On May 21, police raided the Atlantis club in Jakarta, arrested 141 men, and charged 10 for holding an alleged gay sex party. Officers allegedly paraded the suspects naked in front of media and interrogated them still unclothed, a claim the police deny.

On May 23, Aceh, Indonesia’s only province that implements Sharia, flogged two gay men each 83 times. The two, ages 20 and 23, were found in bed together by vigilantes who entered their private accommodation in March. This was the first caning of gay men in Indonesia.

On June 8, government officials in Medan apprehended five “suspected lesbians” and ordered their parents to supervise them—then shared a video of the raid and the names of the five women with reporters.

On September 2, police and local government officials unlawfully raided the homes of 12 women in Bogor, West Java, alleging they were “suspected lesbians.” Police recorded the women’s personal details and ordered them to relocate from the area within three days.

The Indonesian parliament is considering a new criminal code with articles that would criminalize extramarital sex as well as same-sex relations.

## **Military Reform and Impunity**

In August, Indonesian police and military personnel forced the cancellation of a public workshop on financial compensation for victims of the state-sanctioned massacres of 1965-66, in which the military and military-backed militias and vigilantes killed an

estimated 500,000 to 1 million people. Victims included suspected members of the Communist Party of Indonesia (PKI), ethnic Chinese, trade unionists, teachers, activists, and artists. Security forces “interrogated and intimidated” organizers, claiming they lacked a permit.

On September 16, authorities prevented the Jakarta Legal Aid Institute from hosting a seminar about the massacres. Police and military officers surrounded the compound, preventing participants from entering the building on the pretext that the organizers lacked a permit for the gathering.

## **Children’s Rights**

Thousands of children continue to perform hazardous work on tobacco farms. They are exposed to nicotine, toxic pesticides, and other dangers, which can have lasting impacts on health and development.

The government pledged to eradicate child labor by 2022. In meetings with Human Rights Watch in late 2016 and 2017, government officials said they had begun activities to raise awareness about the health risks to children of tobacco farming. However, authorities have not changed laws or regulations to protect children from hazardous work on tobacco farms.

## **Disability Rights**

Despite a 1977 government ban on the practice, families and traditional healers continue to shackle people with psychosocial disabilities, sometimes for years at a time. Enforcement of the ban has been long delayed, but in 2017 the government announced steps to improve access to mental health services, a key component of its campaign to eliminate shackling.

Health ministry officials claim that in 2017 the government accredited about 2,000 community health centers, certifying their capacity to respond to 155 conditions including psychosocial disabilities, and oversaw the training of some 25,000 trainers, people who are to in turn train primary health staff on improved responses to and community outreach around a range of health issues, including mental health.



In April, UN Special Rapporteur on Health Dainius Pūras urged the government to scale-up its campaign against shackling and ensure it is not replaced by other forms of restraint that violate human rights.

## Extrajudicial Killings

On July 20, National Police Chief Gen. Tito Karnavian called for combating drugs in Indonesia by shooting drug dealers. The next day, President Jokowi issued an order instructing police who encounter foreign drug dealers who resist arrest to “Gun them down. Give no mercy.”

According to a University of Melbourne analysis, Indonesian police killed an estimated 49 suspected drug dealers in the first six months of 2017, a sharp rise from the 14 such killings in all of 2016 and 10 in all of 2015.

## Key International Actors

In September 2017, Indonesia rejected 58 human rights recommendations made by United Nations member states as part of Indonesia’s Universal Periodic Review before the UN Human Rights Council. The recommendations targeted issues including threats to the rights of LGBT people, the abusive blasphemy law, and the death penalty. An Indonesian Ministry of Foreign Affairs official responded weakly, describing the recommendations as “hard to accept” given “Indonesian conditions.”

On July 14, Indonesia announced that it was renaming a part of the South China Sea the “North Natuna Sea.” The newly named body of water encompasses a region of the sea north of Indonesia’s Natuna Island that partly falls within the infamous “nine dash line,” marking the area of the South China Sea that China claims as its own. The Chinese government has condemned the renaming as “not conducive to the effort of the international standardization of the name of places.”

In September, Indonesia took the initiative to provide humanitarian aid to ethnic Rohingya refugees along the Myanmar-Bangladesh border. Jokowi deplored the violence against the Rohingya and dispatched his foreign minister, Retno Marsudi, to meet with Myanmar’s de facto leader Aung San Suu Kyi to express Indonesia’s concern about the Rohingya’s plight.

In October, the National Security Archive, a US nongovernmental public transparency organization, released 39 declassified documents from the US Embassy in Jakarta that show US diplomatic personnel were fully aware of army-orchestrated mass killings as they were unfolding in late 1965 and early 1966 in Indonesia. The documents underscore the need for the US and Indonesian governments to fully disclose all related classified materials to provide an accurate historical record of the killings and to provide justice for the crimes.

# Malaysia

Malaysia's government continued its crackdown on critical voices and human rights defenders in 2017. With corruption allegations casting a shadow over Prime Minister Najib Razak, the government strengthened abusive laws and facilitated a societal shift toward a more conservative and less tolerant approach to Islam.

## Freedom of Expression

Although Prime Minister Najib claimed, at a speech in April 2017, that freedom of speech was “thriving” in Malaysia, the reality is far different. The Communications and Multimedia Act (CMA) has been used repeatedly to investigate and arrest those who criticize government officials on social media. Section 233(1) of the CMA provides criminal penalties of up to one year in prison for a communication that “is obscene, indecent, false, menacing or offensive in character with intent to annoy, abuse, threaten or harass another person.”

On February 18, 2018, the chief operating officer of the Communications and Multimedia Commission recommended that the penalty for violation of the provision be increased from one year to 10 years in prison. On February 20, graphic artist Fahmi Reza was sentenced to a month in prison and a fine of RM30,000 (US\$7,675) for posting an online caricature of Najib wearing clown makeup.

In May 2017, the government launched its CMA prosecution of the CEO and the editor-in-chief of online news portal *Malaysiakini* over a video the news portal carried criticizing Attorney General Mohamed Apandi Ali for clearing the prime minister of corruption allegations.

In April, the government threatened to withdraw the publishing license of Chinese language newspaper *Nanyang* because it published a satirical cartoon about the debate in parliament on Sharia, or Islamic law. The threat was withdrawn only after the newspaper withdrew the cartoon and apologized.

In August, authorities used Malaysia's restrictive Film Censorship Act to require the deletion of scenes from a film by a Malaysian investigative journalist implicating Malaysian immigration officials in the trafficking of Rohingya girls. Authorities also banned

in its entirety *Kakuma Can Dance*, a film by a Swedish filmmaker about refugees and hip-hop dance in Kenya. Both films were scheduled to be shown during the annual Refugee Festival in Kuala Lumpur.

In February 2018, a court sentenced opposition MP Rafizi Ramli to 30 months in prison for disclosing bank information that he said showed the abuse of taxpayer funds. Another opposition MP, Tian Chua, was convicted of “insulting the modesty of a police officer” for allegedly swearing when his mobile phone was seized during an arrest for sedition and fined RM3,000 (\$767)—sufficient to disqualify him from parliament under Malaysian law.

## Criminal Justice System

Malaysia continues to detain individuals without trial under restrictive laws. Both the 1959 Prevention of Crime Act and the 2015 Prevention of Terrorism Act give government-appointed boards the authority to impose detention without trial for up to two years, renewable indefinitely, to order electronic monitoring, and to impose other significant restrictions on freedom of movement and freedom of association, with no possibility of judicial review.

In August, the government passed amendments to the Prevention of Crime Act that effectively eliminated the right of a detainee to be heard. The amendments abolished the detainee’s right to appear before or make representations to either the inquiry officer responsible for presenting the case for detention or to the government-appointed Prevention of Crime Board (POCB) that makes the detention decision.

The similarly restrictive Security Offences (Special Measures) Act, which allows for preventive detention of up to 28 days with no judicial review for a range of “security offenses,” was renewed for an additional five years in April.

Malaysia retains the death penalty for various crimes, and makes the sentence mandatory for 12 offenses, including drug trafficking. In December 2017, amendments to the Dangerous Drugs Act passed, allowing judges discretion to impose life imprisonment instead of death in limited cases in which the public prosecutor certifies that the defendant has helped to disrupt drug trafficking. However, the government has yet to take the steps necessary to bring that amendment into force. In the interim, several drug

defendants have reportedly been sentenced to death. Nearly 1,000 people are estimated to be on death row. The government is not transparent about when and how decisions are made to carry out executions, and executed two men for murder on short notice in March 2017 despite a pending clemency petition.

## **Attacks on Human Rights Defenders**

Human rights defenders continue to face legal attacks and arbitrary restrictions on their rights. In March, authorities investigated three members of the Citizen Action Group on Enforced Disappearances (CAGED) under section 505(b) of the Penal Code for making statements with “intent to cause fear and alarm in to the public” after they used the phrase “enforced disappearances” to refer to the unsolved abduction of Pastor Raymond Koh and the disappearance of several other individuals connected to the Christian church.

In the same month, a court sentenced Lena Hendry to pay a fine of RM\$10,000 (US\$2,062) or face one year in prison for her role in arranging a showing of the documentary film *No Fire Zone*. In June, lawyer Siti Kassim was charged with “obstructing a public servant” for her actions in challenging the authority of officials conducting a raid on a transgender beauty pageant in April 2016.

The government also regularly takes action to block foreign human rights activists from attending events in Malaysia. In June, immigration authorities detained Singaporean activist Han Hui Hui when she attempted to enter the country to attend a human rights event and sent her back to Singapore. In July, government officials detained Adilur Rahman Khan, head of the prominent Bangladesh human rights nongovernmental organization (NGO) Odhikar, when he arrived to attend a conference on the death penalty. Authorities held him for more than 15 hours at the airport before putting him on a plane back to Dhaka.

## **Police Abuse and Impunity**

Police torture of suspects in custody, in some cases resulting in deaths, continues to be a serious problem, as does a lack of accountability for such offenses. In February, detainee Chandran Muniandy was hospitalized with multiple injuries to his head and body and most of his toenails missing; police claimed his injuries resulted from a fall in the toilet.

The Enforcement Agency Integrity Commission (EAIC) announced that it would investigate the death of S. Balamurugan, who died in custody in February, only after a post-mortem found evidence of blunt force injuries. In October, one police inspector was charged with “voluntarily causing hurt” to Balamurugan to extort a confession. In January 2018, the EAIC announced it had found “serious violations” of standard operating procedures in the case of Balamurugan and another man who died in police custody, and recommended that action be taken against the officers involved. At time of writing, no additional officers had been charged or disciplined. During the year, at least two other individuals died in custody as a result of untreated medical conditions.

## **Refugees, Asylum Seekers, and Trafficking Victims**

Malaysia is not a party to the 1951 Refugee Convention, and refugees and asylum seekers have no legal rights or status in the country. Over 150,000 refugees and asylum seekers, most of whom come from Myanmar, are registered with the UN Refugee Agency, UNHCR, in Malaysia but are unable to work, travel, or enroll in government schools. Asylum seekers arrested by authorities are treated as “illegal migrants” and locked up in overcrowded and unhealthy immigration detention centers.

No Malaysians have been held responsible for their role in the deaths of over 100 ethnic Rohingya trafficking victims whose bodies were found in 2015 in remote jungle detention camps on the Thai-Malaysian border. The 12 policemen initially charged in the case were all exonerated and released in March 2017.

The Malaysian government has failed to effectively implement amendments passed in 2014 to Malaysia’s 2007 anti-trafficking law, in particular by taking the necessary administrative steps to provide assistance and work authorization to all trafficking victims who desire it, while ensuring their freedom of movement. Despite these clear failures, the US State Department upgraded Malaysia to Tier 2 in its annual Trafficking in Persons (TIP) Report.

## **Freedom of Assembly and Association**

Malaysian authorities regularly prosecute individuals who hold peaceful assemblies without giving notice or participate in “street protests.” The Societies Act restricts freedom

of association by requiring that organizations with seven or more members register with the registrar of societies. The law gives the minister of home affairs “absolute discretion” to declare an organization illegal, and grants the Registrar of Societies authority over political parties.

In July, the Registrar of Societies (ROS) compelled the opposition Democratic Action Party to hold new elections for its central executive committee, finding that a previous election was invalid. In November, it threatened to deregister opposition party Bersatu, claiming the name of its youth wing was illegal. In February 2018, the leaders of Pakatan Harapan, a new opposition coalition, sued the ROS for its failure to respond to their application to be registered as a formal coalition ahead of the upcoming general election.

## Freedom of Religion

Malaysia has continued its shift towards a more conservative approach to Islam, the majority religion. A bill to increase the punishments that can be imposed by state Sharia courts remains pending in parliament, and in July 2017 the state of Kelantan passed legislation to permit public canings imposed by Sharia courts.

In August, a government minister called for “atheists” to be tracked down, and statues of winged women were removed from a local park after complaints that they were “offensive” to Muslims. In September, Turkish academic Mustafa Akyol, author of a book arguing for liberal Islam, was detained and interrogated by the Federal Territories Islamic Religious Department (JAWI) for giving a talk on Islam without official credentials from religious authorities. Dr. Ahmad Farouk Musa, who organized the talk, was charged with abetting Akyol in the offense and faces up to three years in prison if convicted. The home minister subsequently banned Akyol’s book, along with a collection of scholarly articles by the G25 organization calling for a more moderate approach to Islam.

The abduction of Christian Pastor Raymond Koh by 15 masked men in February, followed by the unexplained disappearance of three other people linked to Christian churches, raised serious fears among the Christian community. At time of writing, all four persons remained missing.

## **Sexual Orientation and Gender Identity**

Discrimination against lesbian, gay, bisexual, and transgender (LGBT) people is pervasive in Malaysia. Numerous laws and regulations attributed to Sharia prohibiting a “man posing as a woman,” sexual relations between women, and sexual relations between men effectively criminalize LGBT people.

Violence against LGBT people remains a serious concern, highlighted by the murder of a transgender woman Sameera Krishnan in February, and the rape and murder of 18-year-old T. Nhaveen, a young man whose assailants taunted him with anti-LGBT slurs, in June. In a positive development, the Health Ministry, in response to strident criticism from activists and the general public, reframed the terms of a youth video competition, removing language and criteria that stigmatized LGBT identities in favor of language that appears to affirm them. In February 2018, authorities banned a lesbian singer from Hong Kong, Denise Ho, from performing in Malaysia because of her outspokenness on LGBT rights.

## **Domestic and Sexual Violence**

Malaysia took a step forward in the protection of women’s rights in 2017 by amending its domestic violence law to provide better protection for victims of domestic violence. It also passed a law expanding criminal sanctions for sex offenses against children. Efforts to pass a law to end child marriage were defeated, however, and Malaysia is one of the few countries that does not collect data on the number of children marrying. Marital rape is not a crime in Malaysia.

## **Key International Actors**

Malaysia positions itself in the UN and the international community as a moderate Muslim state prepared to stand up to Islamist extremism, earning support from the US and its allies. Malaysia also has continued its engagement with China, its largest trading partner.



# Myanmar

Myanmar's stalled democratic transition gave way to a massive human rights and humanitarian crisis starting in August 2017, when the military launched a large-scale ethnic cleansing campaign against the Rohingya Muslim population in Rakhine State. By March 2018, over 688,000 Rohingya had fled to neighboring Bangladesh to escape mass killings, sexual violence, arson, and other abuses amounting to crimes against humanity by the security forces.

2017 marked the country's first full year under the democratically elected civilian government led by the National League for Democracy (NLD) and de facto civilian leader Aung San Suu Kyi. The NLD-led government took some positive steps, including ratifying the International Covenant on Economic, Social and Cultural Rights, engaging in some efforts to resolve past land confiscation cases, and enacting minor reforms to laws regulating speech and assembly. However, the government increasingly used repressive laws to prosecute journalists, activists, and critics for peaceful expression deemed critical of the government or military.

Despite the appearance of civilian rule, the military remained the primary power-holder in the country. It continued to block efforts to amend the 2008 constitution, which allows the armed forces to retain authority over national security and public administration through control of the defense, home affairs, and border affairs ministries. The constitutional provision allowing the military to appoint 25 percent of parliamentary seats affords it an effective veto over constitutional amendments.

The peace process with ethnic armed groups made no meaningful progress. Though two more armed groups signed the National Ceasefire Agreement in February 2018, fighting intensified in Kachin and northern Shan States, resulting in an increase in forced displacement and other abuses against civilians, primarily by government forces.

## Crimes Against Humanity and Ethnic Cleansing of Rohingya

On August 25, in response to coordinated attacks on security force outposts northern Rakhine State by militants from the Arakan Rohingya Salvation Army (ARSA), security forces launched a large-scale military operation against the Rohingya Muslim population.

Military units, assisted by ethnic Rakhine militias, attacked Rohingya villages and committed massacres, widespread rape, arbitrary detention, and mass arson. Some Rohingya who fled were killed or maimed by landmines laid by soldiers on paths near the Bangladesh-Myanmar border. Satellite imagery showed that more than 362 primarily Rohingya villages were either substantially or completely destroyed. Since late 2017, the Myanmar government has cleared at least 55 villages of all structures and vegetation using heavy machinery, many of which were scenes of atrocities against the Rohingya.

Prior to August 25, the total Rohingya population in Myanmar was estimated to be more than 1 million, though precise figures do not exist as the Rohingya were excluded from the 2014 census. An estimated 128,000 Rohingya remain internally displaced in central Rakhine State from waves of violence in 2012. The military and government have denied that the Rohingya are a distinct ethnic group, effectively denying them citizenship, and calling them “Bengali” instead of “Rohingya” to label them as foreigners.

The military and government appointed multiple investigative commissions on the 2016-2017 violence, but each engaged in whitewashing, denying any unlawful killings. Contradicting earlier military findings and following the discovery of a mass grave in the village of Inn Din in late December, the military admitted that security force personnel and Rakhine villagers had unlawfully killed 10 men and violated the “rules of engagement.” The government arrested 13 security force members and 3 others in connection with the massacre, and says it will “take action according to the law.” The Myanmar government repeatedly stated it would not grant access to members of a United Nations Fact-Finding Mission, created by the UN Human Rights Council in March 2017 following attacks on the Rohingya in late 2016.

In December 2017, the UN General Assembly passed a resolution urging Myanmar to give the mission full, unrestricted, and unmonitored access. The government denied access to affected areas in Rakhine State to independent journalists and human rights monitors. It

also continued to heavily restrict access to humanitarian agencies, compounding the already-dire humanitarian conditions that internally displaced people (IDP) and other residents face. Shortly after the resolution was passed, the government denied access to the special rapporteur on human rights in Myanmar, Yanghee Lee.

## **Ethnic Conflicts and Forced Displacement**

As the peace process stalled, fighting between the military and ethnic armed groups continued over the year in Kachin and northern Shan States, with civilians endangered by indiscriminate attacks, forced displacement, and blockage of aid by the government. Approximately 100,000 civilians remain displaced in camps in the region, many near areas of active conflict, heightening their vulnerability.

In March, fighting broke out in the Kokang region of Shan State when the Myanmar National Democratic Alliance Army (MNDAA) attacked military posts and casinos in Laukkai. Over 20,000 temporarily fled across the border into China, and about 10,000 were displaced to central Myanmar. In June, fighting escalated in Tanai township in Kachin State, displacing thousands. Sporadic fighting in Chin State with the Arakan Army, comprised of ethnic Rakhine Buddhists, endangered civilians, forcing hundreds from their homes.

Reports rose of injuries and deaths caused by landmines, used by both government and ethnic armed forces. Landmine casualties in Myanmar over the past decade are the third highest in the world. Both government and ethnic armed groups unlawfully recruited children for their forces. The government did not adequately or effectively investigate alleged abuses by military personnel in conflict areas.

## **Attacks on Free Expression and Media**

The government increased its use of overly broad and vaguely worded laws to detain, arrest, and imprison individuals for peaceful expression. Activists and journalists reported an increase in surveillance, threats, and intimidation by security personnel or their agents. The rise in prosecutions of journalists has had a chilling effect on the country's media.

Prosecutions for critiques of government or military officials have surged since the NLD took office. Over 90 cases have been filed under section 66(d) of the 2013 Telecommunications Act, a vaguely worded law that criminalizes broad categories of online speech, with over 20 journalists among those charged.

In December, police detained Wa Lone, 31, and Kyaw Soe Oo, 27, who were reporting for Reuters on security force abuses against the Rohingya. The journalists were held for nearly two weeks incommunicado. After the government approved charges against the journalists under the outdated and overly broad 1923 Official Secrets Act, the two journalists were brought to court but were denied bail. They are currently facing charges for allegedly possessing leaked documents relating to security force operations in Rakhine State.

In September, after parliament rejected a proposal to remove the law's criminal penalty, President Htin Kyaw signed into law amendments to the act that reduced the maximum prison sentence from three to two years and allowed for bail, but the majority of problematic provisions were retained.

In January 2017, the army filed defamation charges under section 500 of the penal code against nine students who performed a satirical play about armed conflict at a peace assembly in Irrawaddy Region. A local human rights defender was charged under section 66(d) in June for streaming a video of the play on Facebook. The chief editor of *Myanmar Now*, Swe Win, was arrested in July under section 66(d) for a Facebook post criticizing extremist Buddhist monk Wirathu. He was released on bail but has faced extensive pretrial delays.

Khaing Myo Htun, an environmental rights activist, was sentenced to 18 months in prison in October for violating sections 505(b) and (c) of the penal code, which criminalizes speech that is likely to cause fear or harm and incites classes or groups to commit offenses against each other. He had been detained since July 2016 for helping prepare a statement released by the Arakan Liberation Party, of which he was the deputy spokesperson, accusing the military of rights violations.

*The Voice* newspaper's chief editor Kyaw Min Swe and columnist Kyaw Zwa Naing were arrested in June under section 25(b) of the 2014 Media Law and section 66(d) of the Telecommunications Act for an article satirizing a military propaganda film, despite having

printed an apology in May. Later that month, three journalists—Aye Nai and Pyae Phone Naing from the *Democratic Voice of Burma (DVB)*, and Lawi Weng from *The Irrawaddy*—were detained under section 17(1) of the 1908 Unlawful Associations Act while reporting on an event organized by the Ta’ang National Liberation Army (TNLA), an ethnic armed group, in northern Shan State. After a domestic and international outcry, the charges were dropped.

The government has long used the Unlawful Associations Act to restrict freedom of association and detain peaceful activists. In October, authorities sentenced two Kachin Baptist community leaders, Dumdaw Nawng Lat and Langjaw Gam Seng, to four years and two years in prison, respectively, under section 17(1). The two men were charged with allegedly supporting the Kachin Independence Army (KIA) after they assisted journalists documenting military damage to civilian areas in northern Shan State.

Despite changes to the Peaceful Assembly and Peaceful Procession Act, the right to protest is still limited. In October, the law was amended to remove the requirement of government consent to hold an assembly or processions, yet it retains several provisions that fail to meet international standards. Additional amendments to the law were proposed in February 2018 that would require the funding sources of protests to be revealed and contains overly broad and vaguely worded language that could be used to harass, arrest, and prosecute individuals for their peaceful expression. The police announced in November a total ban on all public assemblies in 11 major townships in Yangon.

A new privacy law enacted in March 2017 includes vague provisions on surveillance and data protection.

## Religious Freedom

Religious minorities, including Hindus, Christians, and Muslims, continue to face threats and persecution in a country that is approximately 88 percent Buddhist. Religious activities are often tightly regulated and authorities threaten to fine or imprison those who conduct organized prayers in their homes.

In May, authorities sent a letter to a Christian man in Yangon, warning him not to continue to pray in his home with others without first receiving approval from authorities.

In Sagaing Region, a Buddhist mob attacked Christian worshippers, destroying homes and personal property.

The government took increasing action against Buddhist monks and organizations that used extremist and ultranationalist rhetoric. In May, the government banned the use of the name and logos of the Buddhist-monk-led Ma Ba Tha, or Association for the Protection of Race and Religion. Some but not all branches of the organization complied. A well-known extremist monk, Wirathu, was banned from public speaking for one year, but has on occasion violated the order without consequences.

In April, a mob of about 50 to 100 Buddhist ultranationalists put pressure on local officials and police in Yangon's Thaketa township to close two Islamic schools. The authorities carried out the mob's demand and have not reopened the schools, denying several hundred students access to education. Following the closures, local officials charged seven Muslims who participated in a public prayer session on May 31. They faced up to six months in jail for holding public prayers under the Ward or Village Tract Administration Law.

## **Attacks on Human Rights Defenders**

Accountability for attacks on human rights defenders remains impeded by the country's weak rule of law, corrupt judiciary, and unwillingness to prosecute members of the security forces.

On January 29, 2017, Ko Ni, a prominent Muslim lawyer and senior NLD advisor, was shot and killed outside the Yangon airport. Ko Ni, a longtime advocate for interfaith dialogue and democratic reform, had been a proponent of controversial legislation including a hate speech bill and constitutional amendments. Authorities arrested four suspects, but have not apprehended the individual alleged to have engineered the attack. Aung San Suu Kyi was widely criticized for her silence after the killing.

Three recent murders of environmental defenders—rights activist Naw Chit Pandaing and investigative journalist Soe Moe Tun in late 2016, and community leader Lung Jarm Phe in February 2017—remain unsolved.

On November 1, a land rights defender in northern Shan State, Htay Aung, was killed by a mob while on his way to discuss a dispute over confiscated land.

## **Land Rights and Government Land Seizures**

The government took several steps toward reforming land laws that provide weak land tenure security for farmers and toward resolving decades-old claims of land confiscation that occurred under military rule.

However, progress was limited as attempts to reform laws and land governance structures failed to provide additional protections for landholders and did not incorporate provisions of the 2016 National Land Use Policy. Farmers faced threats and arrests for protesting about unresolved land confiscation claims. Poor redress mechanisms left many without a livelihood or compensation and facing increased barriers to health care and education.

## **Human Trafficking**

Human trafficking remained a serious problem in several areas, particularly in the north where armed conflict and widespread displacement exacerbated financial instability. Women and girls in Kachin and Shan States who went to China in search of work faced abuses. Many women and girls were sold to Chinese families as “brides” and often faced horrific abuses including being locked up, subjected to sexual slavery, forced to bear children of their “husbands” by rape, and forcibly separated from their children. The government put few measures in place to protect women and girls from these abuses or assist women and girls who escaped or sought to do so.

## **Key International Actors**

China continued to strengthen its ties with Myanmar, shielding the Myanmar government from concerted international action and scrutiny over the Rohingya crisis. Large-scale infrastructure projects ramped up under China’s “One Belt, One Road” initiative, including an eastern seaport development that offers strategic access to the Indian Ocean.

China attempted to play a larger role in Myanmar’s peace process through ties to ethnic armed groups on the border. In November, China served as a mediator for talks between

Myanmar and Bangladesh on the return of Rohingya refugees, but the resulting agreement failed to meet international standards for the protection and respect of rights of refugees.

Myanmar's civilian government continued to receive strong backing from Western donors, who remained hopeful about the reform process yet concerned about weak governance and the increased role and stature of the military.

In response to the Rohingya crisis, in September the UN Security Council held its first open discussion of the situation in Myanmar in eight years. A draft Security Council resolution was blocked by a veto threat from China. Instead, in November it adopted a Presidential Statement expressing grave concern over reports of human rights violations in Rakhine State by Myanmar's security forces and calling on Myanmar to cooperate with UN investigative bodies.

In December, the UN General Assembly adopted a resolution drafted by the Organisation of Islamic Cooperation (OIC) and co-sponsored by a broad cross-regional coalition that called for an end to military operations, unhindered access for humanitarian assistance and actors, the voluntary and sustainable return of refugees to their original places, accountability for violations and abuses, and full respect for the "human rights and fundamental freedoms" of the Rohingya population, including full citizenship. The resolution also requested the appointment of a special envoy to Myanmar.

In December, the UNHRC held a special session condemning the violations, urging the government to grant access to the council-created Fact-Finding Mission, and calling on the government to address root causes, such as statelessness and the denial of citizenship to Rohingya. The council said that returns should be safe, voluntary, dignified, and in accordance with international law, and requested additional reporting by the UN High Commissioner for Human Rights.

While Myanmar faced widespread international condemnation for the military's ethnic cleansing of the Rohingya, concrete action was less forthcoming. In September, the United Kingdom announced it was halting all engagement programs with the Myanmar military. In October, the European Union suspended invitations to senior military officers and undertook a review of defense cooperation. The United States ceased consideration of travel waivers for current and former senior military officials and rescinded invitations for



senior military officials to attend US-sponsored events. In October, citing the crisis in Rakhine State, the World Bank announced it would delay a loan for US\$200 million, its first direct financial assistance to the government's budget since the institution suspended its lending to the country in the late 1980s. Both the US and Canadian governments have imposed targeted sanctions on Maj. Gen. Maung Maung Soe, the former western commander whose forces conducted widespread abuses against the Rohingya during the post-August 25 military operations.

While the Australian government retains an arms embargo on Myanmar, it has rejected calls to impose targeted sanctions or cut military ties with Myanmar, claiming that maintaining engagement enables officials "to directly raise concerns on Rakhine with their Myanmar counterparts." However, in February 2018 the *Guardian* newspaper revealed that talking points prepared for Australia's Defense Minister Marise Payne's meeting with her Myanmar counterpart Lt. Gen. Sein Win in October 2017 advised her to acknowledge the Myanmar government's narrative that "the current violence was sparked by attacks on government forces." The *Guardian* stated that the talking points advised the minister that Australia "strongly condemns" the attacks on security outposts by Rohingya militants, in which 11 police officers were killed, but did not condemn the government's widespread abuses against the Rohingya people.

The US government removed Myanmar from its annual list of governments using child soldiers, despite documentation of ongoing recruitment. Myanmar remains on the UN's annual "list of shame" for the military's use and recruitment of child soldiers. The US also upgraded Myanmar's designation in its global Trafficking in Persons (TIP) Report, despite continued violations and weak efforts by the government to end trafficking and punish those responsible.

## Philippines

President Rodrigo Duterte has plunged the Philippines into its worst human rights crisis since the dictatorship of Ferdinand Marcos in the 1970s and 1980s. His “war on drugs,” launched after he took office in June 2016, has claimed an estimated 12,000 lives of primarily poor urban dwellers, including children.

Duterte has vowed to continue the abusive anti-drug campaign until his term ends in 2022. Throughout 2017 and the latter part of 2016, he engaged in harassment and intimidation of individuals and agencies tasked with accountability—including United Nations officials.

Duterte’s most prominent critic, Senator Leila de Lima, remained in detention on politically motivated drug charges. Pro-Duterte lawmakers in 2017 sought to eliminate budgetary funding for the official Commission on Human Rights as apparent retaliation for its efforts to probe the anti-drug campaign. In the face of mounting international criticism, the Duterte government has adopted a tactic of denying as “alternative facts” well-substantiated reports by human rights and media organizations of high death tolls linked to the “drug war.”

Violation of children’s rights, attacks on journalists and media, and government policy failures contributing to the country’s worsening HIV epidemic persisted in 2017.

### Extrajudicial Killings

The Duterte administration’s “war on drugs” has resulted in the deaths of thousands of mostly poor Filipinos. Philippine Drug Enforcement Agency (PDEA) data indicates that police operations resulted in the deaths of 3,968 suspected drug users and dealers from July 1, 2016, to December 27, 2017. But unidentified gunmen have killed thousands more, bringing the total death toll to more than 12,000, according to credible media reports.

The government has frustrated efforts by media and other independent observers to maintain a verifiable and transparent tally of such deaths by issuing contradictory data. In August, the official Commission on Human Rights stated that the “actual number [of drug war killings] is certainly higher than what is suggested” by police.

A Human Rights Watch investigation found that the Philippine National Police and its agents have repeatedly carried out extrajudicial killings of drug suspects, and then falsely claimed self-defense. Police have planted guns, spent ammunition, and drug packets on victims' bodies to implicate them in drug activities. Masked gunmen taking part in killings appeared to be working closely with police, casting doubt on government claims that most killings have been committed by vigilantes or rival drug gangs.

No one has been meaningfully investigated, let alone prosecuted, for any of the “drug war” killings. Instead, Duterte has pledged to pardon policemen implicated in killings. In October, responding to a public outcry against killings notably committed against children, Duterte removed police from anti-drug operations, assigning the PDEA as the main agency to carry out the drug war.

However, journalists who closely cover the anti-drug campaign say that although the killings by uniformed police personnel have declined since that time, summary killings by “vigilantes” have continued uninterrupted. On November 22, Duterte warned of an imminent lifting of the suspension of police anti-drug operations, raising the likelihood of more extrajudicial executions by police and their agents.

## **Attacks on Human Rights Defenders**

The Duterte administration has widened its “war on drugs” to include critics and political foes. Since February 2017, Senator Leila de Lima has been behind bars on politically motivated drug charges filed against her in apparent retaliation for leading a Senate inquiry into the drug war killings.

In August, Duterte encouraged police attacks against human rights groups and advocates, instructing police, “If they are obstructing justice, you shoot them.”

Duterte has publicly condemned the Commission on Human Rights and threatened to abolish it. He also repeatedly subjected United Nations Special Rapporteur on Extrajudicial Killings Agnes Callamard to profanity-laced ridicule for her repeated efforts to secure an official visit to the Philippines. In August, he responded to Callamard’s criticism of police extrajudicial killings of children by calling her a “son of a bitch” and a “fool.”

## Children's Rights

In July, a Philippine children's rights group published data indicating that police have killed 56 children since the start of the "drug war." Most were killed while in the company of adults who were the apparent target of the shooting. Both Duterte and Justice Secretary Vitaliano Aguirre II have dismissed those child killings as "collateral damage."

In February 2017, public opposition prompted Congress to reject a bill that would have lowered the age of criminal responsibility to nine from the current 15 years.

In August, the government approved mandatory drug testing for high school and college students and applicants. This will effectively allow the police to extend their abusive anti-drug operations to high schools and university campuses.

Child labor in small-scale gold mines remains a serious problem.

## Attacks on Journalists

In March, unidentified gunmen killed newspaper columnist Joaquin Briones in the Masbate province town of Milagros. In August, an unidentified gunman killed radio journalists Rudy Alicaway and Leo Diaz in separate incidents on the southern island of Mindanao. The National Union of Journalists estimates that 177 Filipino reporters and media workers have been killed since 1986.

Duterte has publicly vilified media outlets whose reporters have exposed police culpability in extrajudicial killings. In April, he threatened to block the renewal of the broadcasting franchise of ABS-CBN network. In July, Duterte publicly threatened the *Philippine Daily Inquirer* with tax evasion charges and falsely accused the media platform *Rappler* of being US-owned in an apparent effort to undermine its credibility. In January 2018, the Securities and Exchange Commission canceled *Rappler's* license to operate, alleging that foreign investors in the company exercised control over it, violating the constitution. *Rappler* denied the charges and is appealing the decision. In February 2018, Duterte prevented *Rappler's* journalists from entering the presidential palace to cover his activities.

Journalists who report critically on the Duterte administration are also subjected to harassment and threats online. In December 2016, the Foreign Correspondents Association of the Philippines issued a statement denouncing such attacks.

## **HIV Epidemic**

The Philippines is facing the fastest-growing epidemic of HIV in the Asia-Pacific region. According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the number of new HIV cases jumped from 4,300 to 10,000 between 2010 and 2016. Most new infections—up to 83 percent—are among men and transgender women who have sex with men. In August, the government declared the situation a “national emergency.”

Despite recognition of the problem, the government is responsible for a legal and policy environment hostile to evidence-based policies and interventions have proven to help prevent HIV transmission, including the use of condoms and comprehensive sexuality education targeting the young.

Human Rights Watch research shows that many sexually active young Filipinos have little or no knowledge about the role of condoms in preventing sexually transmitted diseases because the government fails to provide adequate school programs on safe-sex practices. A bill amending the country’s main law on HIV/AIDS to boost the government’s response to the crisis remained pending in Congress at the time of writing.

A Human Rights Watch report has detailed the workplace discrimination faced by workers and employees with HIV, including refusal to hire, unlawful firing, and forced resignation of people with HIV. Some employers disregard or actively facilitate workplace harassment of employees who are HIV positive. Most employees do not file formal complaints due to fear of being further exposed as HIV positive, which could prevent future employment.

## **Sexual Orientation and Gender Identity**

Students across the Philippines experience bullying and discrimination in school because of their sexual orientation and gender identity. In late 2016, Human Rights Watch documented a range of abuses against lesbian, gay, bisexual, and transgender (LGBT) students in secondary school. They include bullying, harassment, discriminatory policies

and practices, and an absence of supportive resources that undermine the right to education under international law and put LGBT youth at risk. These students often face ridicule and even violence, including by teachers and administrators.

In September, the House of Representatives passed House Bill 4982, a proposed law against discrimination based on sexual orientation and gender identity and expression (SOGIE).

## **Terrorism and Counterterrorism**

On May 23, after Islamist rebels took over the predominantly Muslim city of Marawi, Mindanao, the Philippine government launched a counterattack. The fighting destroyed the city and left at least 1,112 people dead, mostly alleged rebels but also civilians and government soldiers, the government said. The government's figures could not be independently verified.

The fighting has displaced more than 400,000 residents of the city and nearby towns, many of whom were living in overcrowded evacuation camps. Duterte declared martial law across the entire Mindanao region in response to the fighting. The rebels, known as the Maute group, are residents of Marawi and nearby provinces who linked with elements of the Abu Sayyaf armed group, which had earlier pledged support for the extremist group Islamic State (ISIS).

## **Key International Actors**

The escalation in unlawful killings associated with the “war on drugs,” and President Duterte’s open defiance of international human rights standards and confrontational stance towards critics, have roiled the Philippines’ relationships with its closest Western allies.

Duterte has repeatedly threatened to seek stronger ties with countries such as China and Russia, which have not been critical of his drug-campaign abuses. Historically, the Philippines has had close relationships with the United States and European Union countries.

In March, European Trade Commissioner Cecilia Malmström warned that unless the Philippine government addressed EU concerns about human rights abuses, the Philippines

risks losing tariff-free export of up to 6,000 products under the EU's human rights benchmarks linked to the Generalized Scheme of Preferences Plus (GSP+) trade scheme. However, the EU's January 2018 report on the status of the Philippines' compliance with GSP+, while enumerating the many human rights problems in the country, made no such recommendation.

In April, US President Donald Trump signaled a break with the Obama administration's criticism of Duterte's drug war killing campaign by praising it as a "great job" and inviting Duterte to the White House. In May, US senators introduced a bill, the Philippines Human Rights Accountability and Counternarcotics Act of 2017, which aims to restrict arms exports to the Philippines, support human rights groups, and assist the Philippines in dealing with the drug problem. The bill had been referred to the US Senate Foreign Relations Committee at time of writing.

The US remains a key source of military financial assistance, with the Trump administration allotting US\$180 million for 2017.

Australia, whose officials have criticized the "drug war" killings, has nevertheless extended military aid to the Philippines, mainly for counterterrorism. In October, Defense Minister Marise Payne announced assistance to the Philippine armed forces, including urban warfare counterterrorism training; assistance in intelligence-gathering; surveillance and reconnaissance; strengthening information sharing arrangements; and enhanced maritime security engagement and bilateral maritime patrols.

Australia has not publicly raised concerns during bilateral visits to Manila, which has allowed Duterte to portray these visits as expressions of support for his anti-drug campaign. Twice Duterte has publicly downplayed Australia's privately raised concerns about human rights in meetings with Foreign Minister Julie Bishop. After their March 2017 meeting, he said, "We never discussed human rights. They are so courteous." After an August meeting, he said Australia had "considerably toned down" its criticism of human rights concerns in the anti-drug campaign. In both cases, Bishop has disputed Duterte's version of events, but only once she had left the Philippines.

In August, Australia's spy chief Nick Warner made headlines by posing for a photo "fist-bumping" Duterte. The photograph adopting Duterte's signature "iron fist" pose appeared

to many as an endorsement of Duterte’s murderous drug policies, yet Warner never issued a statement to correct this view. Bishop said that Warner was simply responding to a request from the president.

In January 2017, Japan pledged to the Philippines a five-year, \$800 million Japanese government Overseas Development Assistance package to “promote economic and infrastructure development.” Tokyo also promised financial support for drug rehabilitation projects in the Philippines. China has pledged assistance to the Philippines of as much as US\$24 billion-worth of projects under Beijing’s “One Belt, One Road” program.

In August, the education secretary expressed her commitment to see the Philippines join the Safe Schools Declaration, an intergovernmental political commitment to protect students, teachers, and schools from attack during armed conflict, but did not give a timeframe for doing so.

In May, the Philippines underwent its Universal Periodic Review, which focuses attention on the human rights record of each UN member state every four years. In its September response, the Philippines rejected nearly every recommendation to bring an end to extrajudicial killings and to ensure an independent investigation into the deaths. The High Commissioner for Human Rights expressed grave concern at Duterte’s open support for a “shoot-to-kill” policy and the “apparent absence of credible investigations.”

Iceland led a joint statement on behalf of 32 states at the June session of the Human Rights Council, and another on behalf of 39 states at the council’s September session, condemning the extrajudicial killings and calling for credible independent investigations into these deaths.



# Singapore

Singapore’s draconian restrictions on public assemblies tightened during 2017, with new limitations on the ability of foreigners in the country to organize, participate in, or even financially support, public gatherings. Event organizers and sometimes participants are subjected to investigations, home searches, and seizure of electronic devices. Critics of the judiciary continue to be targeted for “scandalizing the judiciary.” The government lashed out at online media during the year, and threatened to pass new laws to deal with “misinformation” and “fake news.”

## Freedoms of Peaceful Assembly and Expression

The government maintains strict restrictions on the right to freedom of peaceful assembly through the Public Order Act, which requires a police permit for any “cause-related” assembly if it is held in a public place, or if members of the general public are invited. Permits are routinely denied for events addressing political topics. The law was amended in 2017 to tighten the restrictions, and now provides the police commissioner with specific authorization to reject any permit application for an assembly or procession “directed towards a political end” if any foreigner is involved.

The definition of what is treated as an assembly is extremely broad, and includes one person acting alone. In August, a man who held repeated solo protests in Singapore’s central financial district calling for the resignation of the prime minister was sentenced to three weeks in prison and a fine of S\$20,000 (US\$14,850).

In early September, the police summoned for questioning the participants in a July 2017 vigil outside Changi prison to support the family of a man scheduled to hang, and banned them from leaving the country. In November, the police filed criminal charges against one of the participants in this event, Jolovan Wham, and indicated that the others involved remained under investigation. Wham was also charged with two other counts of violating the Public Order Act—one relating to an indoor forum at which Joshua Wong spoke from Hong Kong via Skype, and the other a silent protest to commemorate the 1987 arrests of activists under the Internal Security Act (ISA).

An area of Hong Lim Park known as “Speakers’ Corner” is the only place in Singapore where an assembly can be held without a police permit, but only citizens are allowed to speak there, and only citizens or permanent residents may participate in assemblies there.

Under tightened restrictions put in place in October 2016, the government now considers the mere presence of a foreigner during an assembly to be unlawful participation that can result in criminal penalties for both the foreigner and the event organizer. To comply with the new rules, organizers of the annual Pink Dot festival in support of lesbian, gay, bisexual, and transgender (LGBT) rights had to put barricades around the park and check identity cards, quadrupling the cost of holding the event.

The government passed new legislation codifying the law of contempt in August 2016. The government continued to use common law contempt proceedings against those who criticized the judiciary until the legislation went into effect on October 1.

Persons facing contempt proceedings in 2017 included a lawyer who posted a critical poem on his Facebook page after the execution of a client, an activist who asserted that her conviction for unlawful assembly and public nuisance was “political,” and a relative of Prime Minister Lee Hsien Loong who referred in a private Facebook post to the judiciary as “pliant.”

The Board of Film Censors must pre-approve all films and videos shown in Singapore. Theater productions must submit their scripts for government approval to obtain a mandatory license under the Public Entertainments and Meetings Act.

In September 2017, 18-year-old activist and blogger Amos Yee was granted political asylum in the United States on the grounds that Singapore had persecuted him for exercising his right to peaceful expression.

## **Criminal Justice System**

In January 2017, the Ministry of Home Affairs (MHA) announced that, starting in April 2017, all suspects below the age of 16 must be accompanied by an independent volunteer during police interviews. The government made the change in response to the case of Benjamin Lim, a 14 year old who committed suicide in January 2016 after being released from the Ang

Mo Kio police division headquarters after three hours of police questioning alone under suspicion of committing a crime.

Singapore uses the ISA and Criminal Law (Temporary Provisions) Act (CLTPA) to arrest and administratively detain persons for virtually unlimited periods without charge or judicial review. There is little publicly available information about the number of persons detained, their identities, or the basis for their detentions. In February 2018, parliament extended the CLTPA, enacted as a “temporary” measure in 1955, for another five years.

Singapore retains the death penalty, which is mandated for many drug offenses and certain other crimes. However, under provisions introduced in 2012, judges have some discretion to bypass the mandatory penalty and sentence low-level offenders to life in prison and caning. There is little transparency on the timing of executions, which often take place with short notice. Singapore executed Malaysian national S. Prabakaran in July for drug offenses despite a pending application to refer the case to the International Court of Justice.

Use of corporal punishment is common in Singapore. For medically fit males ages 16 to 50, caning is mandatory as an additional punishment for a range of crimes, including drug trafficking, violent crimes (such as armed robbery), and even some immigration offenses. Sentencing officials may also order caning for some 30 additional violent and non-violent crimes.

## **Sexual Orientation and Gender Identity**

The rights of Singapore’s LGBT community are severely restricted. Sexual relations between two male persons remains a criminal offense, and there are no legal protections against discrimination on the basis of sexual orientation or gender identity.

The Media Development Authority effectively prohibits all positive depictions of LGBT lives on television or radio. In June 2017, the Advertising Standards Agency asked a shopping center to remove the phrase “Supporting the Freedom to Love” from a promotional ad for this year’s annual Pink Dot festival on the grounds it “may affect public sensitivities.”

The 8th annual Pink Dot festival took place at Hong Lim Park in June 2017. Under new rules passed in October 2016, any entity not incorporated in Singapore that does not have a majority of Singapore citizens on its board must apply for a permit to sponsor an event in Hong Lim Park. The 10 multinational corporations that applied for a permit to sponsor this year's Pink Dot festival were denied. However, over 100 Singaporean companies stepped forward to fill the funding gap, and Pink Dot exceeded its annual fundraising target.

T Project, which supports the transgender community in Singapore, has been denied the ability to register as a not-for-profit entity on grounds that doing so would be “against national security or interest.” The group's appeal against the Registrar of Companies' rejection of their application was rejected in November 2017.

## **Migrant Workers and Labor Exploitation**

Foreign migrant workers are subject to labor abuse and exploitation through debts owed to recruitment agents, non-payment of wages, restrictions on movement, confiscation of passports, and sometimes physical and sexual abuse. Foreign women employed as domestic workers are particularly vulnerable to abuse.

The work permits of migrant workers in Singapore are tied to a particular employer, leaving workers vulnerable to exploitation. Foreign domestic workers are still excluded from the Employment Act and many key labor protections, such as limits on daily work hours. Labor laws also discriminate against foreign workers by barring them from organizing and registering a union or serving as union leaders without explicit government permission.

## **Key International Actors**

Singapore is a regional hub for international business, and maintains good political and economic relations with both the US, which considers it a key security ally, and China. Prime Minister Lee Hsien Loong visited the White House in October. Neither the US nor any other government publicly criticized Singapore's poor human rights record.

# Thailand

Thailand's National Council for Peace and Order (NCPO) junta failed in 2017 to keep its repeated promises made at the United Nations and elsewhere to respect human rights and restore democratic rule. The government announced the national human rights agenda in November, but did not end repression of civil and political liberties, imprisonment of dissidents, and impunity for torture and other abuses.

## Sweeping, Unchecked, and Unaccountable Military Powers

Section 44 of the 2014 interim constitution allows Prime Minister Gen. Prayut Chan-ocha, in his concurrent position as NCPO chairman, to wield absolute power without oversight or accountability. The 2017 constitution, promulgated in March, endorses the continuance of this power, thereby guaranteeing that both the NCPO and officials operating under its orders cannot be held accountable for their rights violations. An unelected Senate and other elements of the new constitution lay the foundations for prolonged military control even if the junta fulfills its promise to hold elections in November 2018.

## Freedom of Expression

Media outlets face intimidation, punishment, and closure if they publicize commentaries critical of the junta and the monarchy, or raise issues the NCPO considers to be sensitive to national security—including the repression of basic rights.

Media outlets that refused to fully comply, including Voice TV, Spring News Radio, Peace TV, and TV24, were temporarily forced off the air in March, April, August, and November 2017 respectively. These stations were later allowed to resume broadcasting when they agreed to practice self-censorship, either by excluding outspoken commentators or avoiding political issues altogether.

In August 2017, government officials charged prominent academic Dr. Chayan Vaddhanaphuti and four other participants at the International Conference on Thai Studies, held in Chiang Mai province, with violating the NCPO ban on public assembly by more than five people. The real reason for the charges appears to have been academic

discussions that the junta deemed critical of military rule, and the fact that some participants took photos of themselves holding messages criticizing the military's heavy-handed monitoring of proceedings.

On November 27, Thai security forces violently dispersed a peaceful protest in Songkhla province and stopped protesters from submitting a petition to General Prayut against the construction of a coal-fired power plant. At least 16 protest leaders were arrested.

The junta continued to use sedition (article 116 of the criminal code) and the Computer-Related Crime Act (CCA) to criminalize criticism and peaceful opposition to military rule. Since the 2014 coup, at least 66 people have been charged with sedition. In August, authorities charged veteran journalist Pravit Rojanaphruk and two prominent politicians—Pichai Nariphaphan and Watana Muangsook—with sedition and violating the CCA for their Facebook commentaries about Thailand's political and economic problems. In February 2018, more than 50 pro-democracy activists faced illegal assembly charges for holding protests calling on the junta to lift restrictions on fundamental freedoms and hold an election by November 2018, as previously pledged by General Prayut. Police charged seven of the activists with sedition.

Thailand's revised CCA, which became effective in May 2017, provides the government with broad powers to restrict free speech and enforce censorship. The law uses vague and overbroad grounds for the government to prosecute any information online that it deems to be "false" or "distorted," including allegations against government officials regarding human rights abuses. Even internet content that is not found to be illegal under the act can be banned if a government computer data screening committee finds the information is "against public order" or violates the "good morals of the people."

People charged with *lese majeste* (article 112 of the penal code, insulting the monarchy) are systematically denied bail and held in prison for months or years while awaiting trial. In August, after eight months of pre-trial detention, prominent student activist Jatupat (Pai) Boonphattharaksa was sentenced to two years and six months in jail for posting on his Facebook page a critical BBC Thai profile of Thailand's new king, Maha Vajiralongkorn Bodindradebayavarangkun.

Since the coup, authorities have arrested at least 105 people on lese majeste charges, mostly for posting or sharing critical commentary online. Some have been convicted and sentenced to decades of imprisonment, including a man sent to prison in June for 35 years (a 50 percent reduction of the original sentence because he confessed to the alleged crime) based on 10 critical Facebook posts.

## **Secret Military Detention, Torture, and Military Courts**

Under NCPO Orders 3/2015 and 13/2016, military authorities can secretly detain people for a wide range of offenses, and hold them for up to seven days without charge, access to lawyers, or any safeguards against mistreatment. The government also regularly uses military detention, in which abuses during interrogation occur with impunity, in its counterinsurgency operations against suspected separatist insurgents in the southern border provinces of Pattani, Yala, and Naradhiwat.

The NCPO in 2017 rejected calls by human rights groups to disclose information about persons held in secret military detention, and summarily dismissed all allegations that soldiers tortured detainees. The junta did not move 369 cases (involving the prosecution of approximately 1,800 civilians) out of military courts and into civilian courts as required by international law.

The NCPO continued to summon members of the opposition Pheu Thai Party and the United Front for Democracy Against Dictatorship (UDD), as well as anyone accused of opposing military rule, for “attitude adjustment.” Failure to report to the junta’s summons is considered a criminal offense.

## **Enforced Disappearances**

Since 1980, the UN Working Group on Enforced or Involuntary Disappearances has recorded 82 cases of enforced disappearance in Thailand. Many of these cases implicated government officials, including the enforced disappearances of prominent Muslim lawyer Somchai Neelapaijit in March 2004 and ethnic Karen activist Por Cha Lee “Billy” Rakchongcharoen in April 2014. None had been resolved at time of writing.

In July 2017, Thai security officials were reportedly involved in the abduction of exiled anti-monarchy activist Wuthipong “Ko Tee” Kachathamakul in Laos. Police did not make any progress in investigating what happened to land rights activist Den Khamlae, another suspected victim of enforced disappearance who went missing near his home in Chaiyaphum province in April 2016.

Thailand signed the International Convention for the Protection of All Persons from Enforced Disappearance in January 2012, but has yet to ratify the treaty. The penal code still does not recognize enforced disappearance as a criminal offense. In February 2017, the junta-appointed National Legislative Assembly suddenly suspended its consideration of the Prevention and Suppression of Torture and Enforced Disappearance Bill, and the government still has not clarified whether the bill will be reintroduced.

The government-appointed Committee to Receive Complaints and Investigate Allegations of Torture and Enforced Disappearance is an administrative body with little authority or political will to seriously act in cases. It falls far short of what can be considered to be an adequate substitute for domestic legislation criminalizing torture, ill-treatment, and enforced disappearance.

## **Lack of Accountability for Politically Motivated Violence**

In spite of evidence showing that soldiers were responsible for most casualties during the 2010 political confrontations with the UDD, or “Red Shirts,” that left at least 90 dead and more than 2,000 injured, no military personnel or officials from the government of former Prime Minister Abhisit Vejjajiva have been charged for killing and wounding civilians at the time. On the other hand, numerous UDD leaders and supporters faced serious criminal charges for their street protests in 2010.

In August 2017, the Supreme Court’s Criminal Division for Political Office Holders acquitted former Prime Minister Somchai Wongsawat and other senior government officials for their roles in the violent crackdown on the People’s Alliance for Democracy (PAD) protesters in October 2008, which left two people dead and more than 400 injured.



There was no significant progress during the year in investigating and prosecuting alleged abuses and criminal offenses committed by the People's Democratic Reform Committee (PDRC) during political confrontations in Bangkok in 2013 and 2014.

## Human Rights Defenders

The killings of more than 30 human rights defenders and other civil society activists since 2001 remained unresolved.

Government pledges to develop measures to protect human rights defenders remained unfulfilled. Meanwhile, Thai authorities and private companies continued to frequently use defamation lawsuits and other criminal charges to retaliate against individuals reporting human rights violations.

In March 2017, in response to domestic and international pressure, the Internal Security Operations Command announced it would end its legal action against Somchai Homlaor, Pornpen Khongkachonkie, and Anchana Heemmina, who had accused the military of torturing suspected separatist insurgents in the southern border provinces. On October 24, prosecutors informed the police that the case had formally been dropped. In February 2018, the military filed criminal and civil complaints accusing the founder of the Patani Human Right Organization, Ismae Teh, of defamation for stating on a TV program that he was tortured in military custody in 2008.

Authorities charged Sirikan Charoensiri of the Thai Lawyers for Human Rights (TLHR) with sedition and other criminal offenses that could result in at least 10 years' imprisonment. The junta initiated these lawsuits in retaliation for her professional activities representing 14 student activists arrested in June 2015 after staging peaceful protests in Bangkok.

In August 2017, the junta-appointed National Legislative Assembly approved the revised law on the National Human Rights Commission of Thailand that will seriously weaken the agency and strip away its independence, thus transforming it into a de facto government mouthpiece.

## **Violence and Abuses in Southern Border Provinces**

Since January 2004, Barisan Revolusi Nasional (BRN) insurgents have committed numerous violations of the laws of war. More than 90 percent of the 6,800 people killed in the ongoing armed conflict in Thailand's southern border provinces have been civilians.

In April 2017, BRN issued a statement opposing a Malaysia-brokered peace dialogue between the Thai government and separatist groups in the loose network of Majlis Syura Patani. BRN insurgents pointed to abusive, heavy-handed tactics by government security forces to recruit new members to the insurgency and justify their acts of violence. In May, suspected insurgents detonated two bombs at Big C Supermarket in Pattani province, injuring at least 61 people, including children. Insurgent bombings and arson attacks targeting the ethnic Thai Buddhist population have made a resurgence in 2018.

The government has not prosecuted members of its security forces responsible for illegal killings and torture against ethnic Malay Muslims. In many cases, Thai authorities provided financial compensation to the victims or their families in exchange for their agreement not to pursue criminal prosecution of officials.

## **Refugees, Asylum Seekers, and Migrant Workers**

Thailand has not acceded to the 1951 Refugee Convention and its 1967 protocol. Thai authorities continued to treat asylum seekers, including those whom the United Nations recognizes as refugees, as illegal migrants subject to arrest and deportation.

In May 2017, the government transferred M. Furkan Sökmen—a Turkish educator allegedly connected to the Gulen movement, which Turkey blames for orchestrating the 2016 coup attempt—to the custody of Turkish authorities despite UN warnings that he would face persecution and serious rights violations if returned to Turkey.

In September, the Internal Security Operations Command (ISOC) announced a policy to push back Rohingya refugees seeking to enter Thailand by boat. The government also refused to allow the UN Refugee Agency, UNHCR, to conduct refugee status determinations for Rohingya asylum seekers, and planned to put those who landed in indefinite detention in squalid immigration lockups. Over 60 ethnic Uighurs from China have been held in indefinite detention since March 2014.

Migrant workers from Myanmar, Cambodia, Laos, and Vietnam are vulnerable to physical abuses, indefinite detention, and extortion by Thai authorities; severe labor rights abuses and exploitation by employers; and violence and human trafficking by criminals who sometimes collaborate with corrupt officials.

Migrant workers remained fearful of reporting abuses to Thai authorities due to lack of effective protection. In June 2017, 14 migrant workers from Myanmar were brought to court on criminal defamation charges after they filed a complaint with the National Human Rights Commission of Thailand alleging that their employer—Thammakaset Company Limited, a chicken farm in Lopburi province—violated their rights.

When the government in June enacted the Decree Concerning the Management of Foreign Workers' Employment, tens of thousands of registered and unregistered migrant workers from Cambodia, Myanmar, Laos, and Vietnam fled Thailand, fearing arrest and harsh punishment.

The government declared that combating human trafficking was a national priority, including by enforcing the Human Trafficking Criminal Procedure Act. In July, the Bangkok Criminal Court sentenced 62 people—including former army advisor Lt. Gen. Manas Kongpan—to prison terms of up to 94 years for trafficking and mistreatment of Rohingya migrants. However, improvements in suppressing human trafficking in the fishing sector were still limited.

The US State Department maintained Thailand on its Tier 2 (Watch List) in its annual Trafficking in Persons (TIP) Report. The European Commission raised concerns about human trafficking and forced labor on Thai fishing boats and put Thailand on formal notice for possible trade sanctions connected to illegal, unreported, and unregulated fishing.

## **Anti-Narcotics Policy**

The government failed to pursue criminal investigations of extrajudicial killings related to anti-drug operations, especially the more than 2,800 killings that accompanied then-Prime Minister Thaksin Shinawatra's "war on drugs" in 2003.

There has been no progress in the government's plan to remove methamphetamine from category 1, the most serious classification in the controlled substance list, in order to ease prison overcrowding and facilitate drug users' access to rehabilitation. The Interior Ministry and military continued to operate boot camp-style forced rehabilitation of drug users.

## **Key International Actors**

The UN and Thailand's major allies urged the junta to respect human rights and return the country to democratic civilian rule through free and fair elections. During the Human Rights Committee's review of Thailand's obligations under the ICCPR in March 2017, the Office of the UN High Commissioner for Human Rights (OHCHR), as well as many foreign governments and human rights groups, expressed concerns regarding violations of fundamental rights and freedoms since the coup.

United States President Donald Trump received General Prayut at the White House on October 2, but did not publicly raise rights concerns. The US military sought to restore its previous close engagement with Thailand's military.

In November, the European Union issued a statement urging the junta to respect the constitutional timetable for holding the election, while ensuring a gradual political re-engagement with Thailand.

Australia's foreign minister and defense minister separately visited Thailand in August; neither publicly mentioned human rights concerns.

# Vietnam

Vietnam's human rights situation seriously deteriorated in 2017. Police arrested at least 40 people for sweeping "national security" offenses that are used to punish critical speech and peaceful activism. In January and February 2018, the courts convicted at least 16 people for political offenses, sentencing them to between 2 and 14 years in prison.

## Restrictions on Freedom of Expression

Vietnam frequently used vaguely worded penal code provisions during the year to crack down on dissent, including "carrying out activities that aim to overthrow the people's administration," "undermining national great unity," "conducting propaganda against the state," and "abusing the rights to democracy and freedom to infringe upon the interests of the state." Other laws, such as disrupting public order and resisting officials carrying out their public duty, are also used to repress exercise of basic civil and political liberties.

In June 2017, the National Assembly, which operates under the effective control of the ruling Communist Party, revised sections of the penal code to criminalize actions related to preparing to perform forbidden acts involving national security. Those found guilty face up to five years in prison. The revised penal code also holds lawyers criminally responsible if they fail to report their own clients to authorities for a number of crimes, including national security violations.

During 2017, authorities arrested at least 40 rights bloggers and activists, including former political prisoners Nguyen Bac Truyen, Truong Minh Duc, Nguyen Van Tuc, Nguyen Trung Ton, and Pham Van Troi, for exercising their civil and political rights in a way that the government views as threatening national security. At least 24 people were put on trial, convicted, and sentenced to between 3 and 14 years in prison.

Authorities continued to detain many people without trial, including rights campaigners Nguyen Van Dai and Le Thu Ha, detained since December 2015.

In May, an appeals court upheld the long prison sentences given to Tran Anh Kim and Le Thanh Tung. In December 2016, the People's Court of Thai Binh sentenced Tran Anh Kim

and Le Thanh Tung to 13 and 12 years in prison, respectively, for allegedly founding a pro-democracy group called the National Force to Raise the Flag of Democracy.

In June, a court in Khanh Hoa sentenced prominent blogger Nguyen Ngoc Nhu Quynh (also known as Mother Mushroom) to 10 years in prison for critical online posts and documents she published on the internet collected from public sources, including state-sanctioned media. In July, a court in Ha Nam province sentenced prominent activist Tran Thi Nga to nine years in prison for her internet posts.

Physical assaults against human rights activists occur frequently. In June 2017, Human Rights Watch published a report highlighting 36 incidents in which men in civilian clothes beat activists between January 2015 and April 2017, often resulting in serious injuries. Attacks by thugs on rights campaigners took place in many regions, sometimes in the presence of uniformed police who did nothing to stop the attacks.

A typical case occurred in February 2017, when a group of men in civilian clothes abducted former political prisoner Nguyen Trung Ton and his friend Nguyen Viet Tu off the street, dragged them into a van, and drove away. While in the van, the men stripped off Ton's and Tu's clothes, covered their heads with their jackets, threatened them, and repeatedly hit them with iron pipes before dumping them in a forest, far from where they had been seized. Nguyen Trung Ton required surgery at a local hospital for the severe injuries he incurred. Police failed to seriously investigate the case or apprehend any suspects. In July, Nguyen Trung Ton was arrested and charged with "carrying out activities that aim to overthrow the people's administration."

## **Restrictions on Freedom of Assembly, Association, and Movement**

Vietnam prohibits the establishment or operation of independent political parties, labor unions, and human rights organizations. Authorities require approval for public gatherings and refuse permission for meetings, marches, or public assemblies they deem to be politically unacceptable. In September, police used excessive force while dispersing protesters in front of the entrance of a Hong Kong-owned textile factory in Hai Duong province. Many people were injured.

Hundreds of people in central provinces including Quang Binh, Ha Tinh, and Nghe An held regular protests against Formosa, a Taiwanese steel corporation that dumped toxic waste in the ocean, causing a massive marine environment disaster in April 2016.

Land confiscation that displaces local people without providing adequate compensation is one of biggest problems in the country. In April, the people of Dong Tam commune in Hanoi took a nationally unprecedented move by holding 38 policemen and local government officials hostage for a week over a long-unresolved land dispute. The villagers released the hostages after Chairman of Hanoi People's Committee Nguyen Duc Chung promised to conduct a comprehensive inspection.

Local police use force and intimidation to prevent activists from participating in protests and human rights discussions, or attending trials of fellow activists. In May, authorities prevented prominent activists Pham Doan Trang, Nguyen Quang A, and Nguyen Dan Que from leaving their houses during the bilateral human rights dialogue between Vietnam and the United States government.

Police also stop rights activists from traveling abroad, sometimes citing vague national security reasons. In January 2017, police prohibited former political prisoner Pham Thanh Nghien from leaving the country for a personal trip to Thailand. In April, they prevented political detainee Nguyen Van Dai's wife, Vu Minh Khanh, from going to Germany to receive a human rights award from the German Association of Judges on her husband's behalf.

In May, police stopped Polish-Vietnamese activist Phan Chau Thanh from entering Vietnam, and in June, stopped former political prisoner Do Thi Minh Hanh from leaving for Austria to visit her ill mother. The same month, authorities stripped former political prisoner Pham Minh Hoang of his Vietnamese citizenship and deported him to France.

## **Freedom of Religion**

The government monitors, harasses, and sometimes violently cracks down on religious groups operating outside government-controlled institutions. Unrecognized branches of the Cao Dai church, Hoa Hao Buddhist church, independent Protestant and Catholic house churches, Khmer Krom Buddhist temples, and the Unified Buddhist Church of Vietnam face

constant surveillance. In June, An Giang province authorities set up a barrier to block people from Quang Minh Pagoda celebrations on the founding day of Hoa Hao Buddhism.

Ethnic Montagnards face surveillance, intimidation, arbitrary arrest, and mistreatment by security forces. Authorities compelled members of independent Christian Montagnard religious groups to publicly denounce their faith.

Government repression caused hundreds of Montagnards to flee to Cambodia and Thailand. Vietnam responded to the flight of Montagnards into Cambodia by pressuring Cambodian authorities to prevent border crossings and deny the asylum claims of those who arrive in Cambodia. According to the United Nations Refugee Agency, UNHCR, Vietnam pressured the UN and refugee resettlement countries to not accept Montagnards.

In April, the People's Court of Gia Lai province sentenced at least five Montagnards to 8 to 10 years in prison for the so-called crime of participating in independent religious groups not approved by the government.

## **Criminal Justice System**

Vietnamese courts remained firmly under government control. Trials of human rights activists consistently failed to meet international fair standards. Police regularly intimidated family members and friends who tried to attend trials of activists.

Police brutality, sometimes leading to deaths in police custody, was common during the year. In May 2017, Vinh Long police arrested Nguyen Huu Tan on charges of conducting propaganda against the state. Police later claimed he committed suicide with a knife left in the interrogation room by a policeman. His family protested, pointing out many discrepancies between what they saw on his body and a blurry police video recording shown to them briefly.

In August, Tran Anh Doanh told a reporter that police in Son Tay, Hanoi, beat him severely to force him to confess to a theft charge. In September, Vo Tan Minh died in police custody in Phan Rang-Thap Cham, Ninh Thuan province, and his family found bruises on his back, legs, and arms. The police initially claimed Vo Tan Minh was involved in a fight, but later suspended five police officers and opened a case of "using corporal punishment."



People dependent on drugs, including children, are frequently held in government detention centers where they are forced to perform menial work in the name of “labor therapy.” Violations of center rules and failure to meet work quotas are punished by beatings and confinement to disciplinary rooms where detainees claim they are deprived of food and water. State media reported that during the first six months of 2017, authorities sent 3,168 people to centers in Ho Chi Minh City, increasing the number of drug detainees held in the city to 11,317. In August, the government issued Decree 97 that expands the categories of people who can be sent to compulsory drug rehabilitation centers.

## Key International Actors

China remained the biggest trade partner of Vietnam, but maritime territorial disputes continued to complicate the relationship between the two countries.

Despite the US pullout from the Trans-Pacific Partnership in January 2017, the two countries pursued improved military and economic relations. During his May visit to the White House, Prime Minister Nguyen Xuan Phuc promised that Vietnam would cooperate with the US on trade, regional security, and immigration issues.

In November, US President Donald Trump and Australian Prime Minister Malcolm Turnbull traveled to Vietnam for a regional summit and meetings with officials in Hanoi, but neither publicly raised human rights or democracy concerns during the visit. Australia used the visit to upgrade diplomatic ties with Vietnam to a strategic partnership, pledging to deepen bilateral trade and direct investment, as well as closer defense and security cooperation. In August, Germany protested the abduction in Berlin of asylum seeker Trinh Xuan Thanh, a former PetroVietnam executive, and expelled two Vietnamese diplomats who allegedly were involved in the incident.

During the year, the European Union delegation to Vietnam voiced concerns over the arrest and conviction of several activists, but Brussels remained silent on human rights violations in the country. In February 2017, the European Parliament (EP) Subcommittee on Human Rights visited Vietnam.

The EP delegation recognized that Vietnam has made economic and social progress and begun a process of advancing economic and social rights, but voiced concerns over

Vietnam's record on civil and political rights, including freedom of expression, association, religion, or belief. In September, the chair of the EP Committee on International Trade said that human rights are at the center of Vietnam-EU trade talks.

# **Appendix: Human Rights Watch Letter to the Australian Prime Minister**

February 26, 2018

**Re: Human Rights and the ASEAN-Australia Leaders' Summit**

Dear Prime Minister Malcolm Turnbull,

We are writing to express our concern that human rights issues will not get consideration at the upcoming summit with leaders of the 10-country Association of Southeast Asian Nations (ASEAN) scheduled for March 17-18, 2018, in Sydney.

As you know, this is the first time Australia is hosting a summit with ASEAN in Australia. We recognize that your government has an interest in forging closer trade and security ties with ASEAN members. At the same time, a number of ASEAN leaders preside over governments that deny basic liberties and fundamental freedoms. These governments routinely commit serious human rights violations, crack down on civil society organizations and the media, and undermine democratic institutions by allowing corruption to flourish. Lack of accountability for grave abuses by state security forces is the norm throughout ASEAN.

In particular, we are concerned about the participation in the summit of such leaders as:

- Prime Minister Hun Sen, who carried out a coup in 1997, has ruled Cambodia abusively for over 30 years and in the past year severely cracked down on the political opposition, independent media, and civil society groups. On February 21, Hun Sen publicly threatened violence against potential protesters in Australia who burn effigies of him, saying, "I will follow you all the way to your doorstep and beat you right there.... I can use violence against you."
- Prime Minister Gen. Prayut Chan-ocha of Thailand, who seized power in a 2014 military coup and has since led a military junta that has denied Thais fundamental rights to free expression, peaceful assembly, and freedom of association. The junta has repeatedly put off elections for a genuinely civilian democratic government.

- President Rodrigo Duterte of the Philippines, who has carried out a “war on drugs” that has resulted in more than 12,000 extrajudicial killings by security forces and their agents since taking office in June 2016. Senior officials may be responsible for inciting and instigating crimes against humanity in the anti-drug campaign.
- Myanmar’s President Htin Kyaw and State Counsellor Aung San Suu Kyi, who have presided over a campaign of ethnic cleansing and crimes against humanity against Rohingya Muslims, forcing more than 688,000 Rohingya to flee to neighboring Bangladesh since August 2017.

We are concerned that the summit will send a message to ASEAN governments and the people of the region that human rights are a lower priority than other economic, political, or security issues. Without a strong human rights component, the summit will add to the international standing of abusive and authoritarian leaders, while providing a propaganda coup for them at home.

To ensure that human rights are a core component of the summit, Human Rights Watch offers these recommendations:

- First, we urge you as host to place human rights and democratic rule officially on the agenda to be discussed at the summit. Relevant agenda items should include: holding free and fair elections throughout ASEAN; excessive restrictions on civil society groups; freedom of expression, association, and peaceful assembly; abuses against human rights defenders and other activists; accountability for serious violations of international human rights and humanitarian law; women’s rights; and rights of lesbian, gay, bisexual, and transgender (LGBT) people.
- Second, you should take steps to ensure civil society participation in the summit by holding sessions in which governments hear directly from leaders of civil society groups, including human rights organizations from the region. Civil society groups should also be invited to attend the government forums as observers.
- Third, your government should communicate to ASEAN governments that they if they do not take steps to release political prisoners and drop charges against those facing politically motivated prosecutions, these issues will be raised during the summit and with the media.

The Australian government’s increasing diplomatic involvement in Asia can be a force for positive change if the promotion and protection of human rights and democratic rule are

consistently made a priority. In the ASEAN context, this means demonstrating a willingness to raise human rights issues even when other governments do not want those issues raised, and ensuring that Australian diplomatic partnerships go beyond traditional government-to-government relations, so that Australia is not only making common cause with ASEAN leaders but also with the 615 million people who live in the ASEAN region.

Sincerely,

Brad Adams  
Asia Director

Elaine Pearson  
Australia Director

CC: Foreign Minister Julie Bishop MP



*Southeast Asian leaders pose for a picture with Australian Prime Minister Malcolm Turnbull during the ASEAN-Australia Biennial Summit in Vientiane, Laos, September 7, 2016.*

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