HUMAN RIGHTS IN ASIA-PACIFIC REVIEW OF 2019

AMNESTY INTERNATIONAL

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Pro-democracy protesters react as police fire water cannons outside the government headquarters in Hong Kong on September 15, 2019.
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REGIONAL OVERVIEW

It was a year of repression, but also of resistance. The Chinese government clamped down with renewed force on the freedoms promised to the people of Hong Kong under the terms of the handover of the territory in 1997. In the streets, those freedoms were doughtily defended against the steepest odds. Month after month, in the face of the police's abusive methods – including countless volleys of tear gas, arbitrary arrests, physical assaults, abuse in detention – millions showed their resolve, demanding accountability and insisting on their human rights to free expression and peaceful assembly.

The bright flames of peaceful protests were also sparked across India, where millions came out on to the streets against a new law that discriminates against Muslims when deciding who can or cannot become an Indian citizen. Asia's two largest and most powerful states are trying to impose their own bleak, domineering vision on the continent, perceiving minorities as a threat to "national security". We saw this in the nominally autonomous Chinese province of Xinjiang, where the crackdown on Turkic Muslims intensified as the true horrors of the "re-education camps" became apparent. We also saw this in Kashmir, hitherto India's only Muslim-majority state, which saw its special autonomous status revoked and in its place a siege imposed that continues to this day.

The politics of demonization also fell on the island nation of Sri Lanka, where anti-Muslim violence erupted in the wake of the Easter Sunday bombings – which claimed the lives of more than 250 people, mainly Christians, in three churches and three hotels. In November, Gotabaya Rajapaksa was elected president, taking his place on an already crowded stage of strongmen leaders

Women takes to the streets in Lahore during Aurat March on March 8, 2019. © Ema Anis for Amnesty International

and dimming hopes that the wounds of the decades-long internal conflict will be healed. In the Philippines, Rodrigo Duterte's murderous "war on drugs" proceeded with only modest ripples of protest internationally.

Across Southeast Asia, repressive governments entrenched themselves further, silenced their opponents, muzzled the media, and shrank civic space to the point where, in many countries, even participation in a peaceful protest can trigger arrest. In South Asia, governments appeared anxious to keep up, innovating new ways to perpetuate old patterns of repression – especially through the introduction of draconian laws that punish dissent online.

To try and legitimize their repression, government across Asia ritually demonize their critics as pawns of "foreign forces", who are at best "naïve" and at worst "treasonous" – toxic smears that are amplified through sophisticated social media operations. They resist accountability for corporations, claiming this will impede the rapid economic growth rates they covet. They often remain tranquil in the face of the ravages of climate change.

But as hard as it has become to resist, young people across the continent continue to take great risks and defy the established order. In Pakistan, the non-violent Pashtun Tahaffuz Movement still rallies tens of thousands against enforced disappearances and extrajudicial executions, even after its supporters have been charged and detained, and its protests banned. Climate strikes saw thousands take to the streets in several countries, including Afghanistan, where peace marchers also braved grave threats to call for an end to a conflict that has been going on since before they were born. In Viet Nam, people protested against China's policies. In Laos, they protested against the shoddy construction of a dam.

The protests and other efforts of civil society were successful too. In Sri Lanka, lawyers and civil society activists successfully staved off the resumption of executions. In Taiwan, they fought for equality for LGBTI people, with same-sex marriage becoming legal in March. The Pakistani government announced new measures to tackle climate change and air pollution. The people of Hong Kong forced the authorities to withdraw its extradition bill. The Maldivian Supreme Court appointed two women as Supreme Court judges for the first time, defying pressure from religious hardliners.

The wheels of justice slowly began to turn for the Rohingya, as the International Criminal Court (ICC) authorized an investigation into crimes committed by the Myanmar military in 2017. This followed a decision by Gambia to take Myanmar to the International Court of Justice for the crime of genocide. There are also hopes that the ICC will revisit its decision to not authorize an investigation into war crimes and crimes against humanity committed by all sides in Afghanistan, after capitulating to pressure from the US administration.

The coming year is likely to be as trying as the one that has just passed. But as young activists across Asia have repeatedly shown, where there is no hope, it must be created.

Afghan protesters march for peace and ceasefire as they shout slogans and hold banners in the Kandahar province on January 17, 2019. Several hundred protesters marched in three cities in southern and eastern Afghanistan on January 17 to call for peace and a ceasefire in the 17-year war, the latest action in a movement launched in May 2018. In Kandahar, the southern cradle of the Taliban, and in the eastern cities of Khost and Jalalabad, they marched holding placards saying: "No War", "We want ceasefire" and "We want Peace". © JAVED TANVEER /AFP via Getty Images

AFGHANISTAN

Islamic Republic of Afghanistan
Head of state: **Muhammad Ashraf Ghani**

The civilian population suffered crimes under international law, human rights violations and abuses because of the continuing conflict. Conflict-related violence led to thousands of deaths and injuries and the displacement of hundreds of thousands. The International Criminal Court (ICC) decided not to investigate crimes against humanity and war crimes committed, but the decision is currently subject to appeal. Human rights defenders were intimidated, threatened, detained and killed. European and neighbouring countries continued to forcibly return Afghan asylum-seekers and refugees. Gender-based violence against women and girls persisted due to weak rule of law and existence of harmful traditional and cultural practices. It became increasingly difficult for journalists to work and they faced reprisals from armed groups, state officials, and security forces. At least five journalists were killed by the Taliban and other armed groups.

ARMED CONFLICT

In the first nine months of 2019, 2,563 civilians were killed and 5,676 injured, according to the United Nations' Assistance Mission in Afghanistan (UNAMA). July was the single deadliest month in the past decade of the conflict. A high number of civilian casualties in 2019 were caused by attacks involving improvised explosive devices deployed by "anti-government elements." There was an increase in casualties caused by aerial and search operations conducted by "pro-government" forces.

CRIMES UNDER INTERNATIONAL LAW AND ABUSES BY ARMED GROUPS

The Taliban unlawfully killed and injured civilians including in indiscriminate attacks; Islamic State Khorasan Province (IS-K) deliberately targeted civilians in attacks against Shi'a communities and the Hazara ethnic group – who mostly follow the Shia sect of Islam. In

August, an IS-K suicide bomb attack at a wedding in Kabul killed at least 63 civilians and injured more than 200. At least 14 people, mainly civilians were killed and 145 injured in a suicide bomb outside a police station in a predominantly Shi'a neighbourhood in western Kabul, claimed by the Taliban.

CRIMES UNDER INTERNATIONAL LAW AND ABUSES BY PRO-GOVERNMENT FORCES

Pro-government were responsible for 1,149 civilians killed and 1,199 injured, according to UNAMA figures for the first nine months of the year. Allegations of intentional unlawful killings, including possible extrajudicial executions, by special forces, who operated under the National Directorate of Security and CIA- trained Afghan militia remained uninvestigated. Aerial attacks were the single highest cause of civilian deaths.

HUMAN RIGHTS DEFENDERS

Human rights defenders came under attack from both state and non-state actors. They faced intimidation, harassment, detention and even death. Measures to protect human rights defenders were inadequate and abuses against them were rarely investigated.[1] In September, the Taliban abducted and shot dead Abdul Samad Amiri of the Afghanistan Independent Human Rights Commission. No one had been held accountable for the killing which amounted to a war crime by the end of the year.[2] In November, two prominent human rights defenders were arbitrarily detained by the National Directorate of Security (NDS) for exposing existence of a paedophile ring in Logar province and uncovering more than 100 videos of the alleged abuse.[3] Women human rights defenders continued to be at particular risk of threats and intimidation from both state and non-state actors across Afghanistan.

In July, the government renewed the Afghanistan Independent Human Rights Commission's mandate and appointed nine new commissioners, including a new chair.

REFUGEES AND INTERNALLY DISPLACED PEOPLE

Half a million Afghans were forcibly returned from neighbouring countries in 2019, more than 476,000 of them from Iran alone, according to the International Organization for Migration (IOM). Thousands of Afghan asylum-seekers were also forcibly returned from Europe, either under the European Union's Joint Way Forward Agreement or bilateral agreements with the Afghan government. The Turkish government also forcibly returned 19,000 people to Afghanistan by September, amid reports of Afghan asylum-seekers being held in poor conditions in detention centres there.

Upon their return, many Afghans were exposed to renewed threats and violence from armed groups and local militias they had sought to escape.

In May, Iran's deputy foreign minister threatened to forcibly return all Afghan refugees from the country is the United States of America continued to impose economic sanctions on Iran.

VIOLENCE AGAINST WOMEN AND GIRLS

Afghan women and girls continued to face gender-based violence throughout the country, especially in areas under Taliban control. Incidents of violence against women are believed to be significantly underreported. Where they have been reported, there has often been a failure to investigate these attacks, or pressure has been applied on the victims to withdraw their complaints, or mediation has been used to resolve complaints outside of the legal framework and without human rights protections. The perpetrators of the attacks, which included beatings and killings, torture or other ill-treatment, corporal punishments against women for having sex outside marriage, continued to enjoy impunity.

In areas under its control, the Taliban continued implementing medieval punishment of women and girls that included stoning to death and shot dead women and girls. On the other hand, the government is failing to establish Elimination of Violence Against Women courts and prosecution units in all 34 provinces.

Women constitute 27 per cent of the lower house of parliament. Women are also part of the cabinet and provincial councils. Women, however, are substantially excluded from the political arena at the sub-national level. There were no women candidates among the 18 people who ran for the presidency in the September elections.

FREEDOMS OF EXPRESSION AND ASSOCIATION

The rights to freedom of expression and association were severely restricted. It became increasingly difficult for journalists to operate freely and without reprisals. Dozens of journalists were attacked by security forces and members of armed groups. Ten journalists were shot dead during the year by unknown gunmen and some were abducted by armed groups. In January, journalist Javid Noori was attacked and killed by members of the Taliban and in February, two others were shot dead in a radio station in Takhar province by unknown gunmen. Others were beaten, threatened, intimidated and harassed by state officials security forces and members of armed groups. Threats and attacks against journalists were rarely investigated by the authorities. In April, two suspects were sentenced to death for the 2018 killing of Kabul News journalist Abdul Manan Arghand.

In June, the Taliban declared that journalists and media workers were a legitimate military target so long as they disobeyed the group's orders to stop broadcasting anti-Taliban statements. In August, they issued a statement on the "Voice of Jihad" website warning people to stay away from election campaign rallies during the presidential elections and issued threats of violence to anyone who disobeyed.[4]

CHILDREN'S RIGHTS

Despite the revised Penal Code was enforced in 2018 which prohibits and criminalizes the recruitment and use of children by armed forces and criminalize "bacha bazi", a harmful practice of which involves the sexual abuse of boys, there was evidence that security forces continued to recruit child soldiers and that the government fails to protect victims of "bacha bazi". There were no steps taken to eradicate child marriage. Poverty, lack of family or child labor to provide livelihood to entire family have forced children to work on the streets in Kabul and other cities. There is inadequate protection and support by the government.

SERVICE DELIVERY, POVERTY, AND TRADITIONAL JUSTICE

An estimated 55 percent of the population is living below the poverty line, and people's access to basic and necessary health service, education, and clean water is limited. Despite public`s limited access to basic and necessary healthcare, the Taliban flagrantly announced a "ban" on International Committee of Red Cross (ICRC) and the World Health Organizations (WHO) activities in its controlled areas in April. However, the group revoked the ban in September. Traditional and informal forms of justice continued to be implemented in the country, contrary to the principle of rule of law, human rights standards, and Afghan laws.

1. Afghanistan - Defenseless Defenders: Afghanistan's Human Rights Community under Attack (ASA 11/0844/2019, 28 August).
2. Afghanistan: Killing of human rights defender is a war crime (news story, 5 September).
3. Afghanistan: Intelligence agency must release human rights defenders who exposed paedophile ring (news story, 25 November).
4. Afghanistan: Taliban Threatens political rallies (news story, 6 August).

Demonstrators gather at a protest rally to demand humane treatment of asylum seekers and refugees in Sydney on 20 July 2019. © Peter Parks / AFP (via Getty Images)

AUSTRALIA

Commonwealth of Australia
Head of state: **Elizabeth II, represented by David Hurley**
Head of government: **Scott Morrison**

Australia maintained hardline policies with regard to refugees, particularly those held in offshore processing centres. The government continued to detain refugees and asylum seekers who arrived by boat at Manus Island in Papua New Guinea (PNG) and on Nauru, marking the seventh year since the reintroduction of its offshore processing and settlement policy. In August, refugees were transferred to Port Moresby and the detention facility on Manus Island was effectively closed. Australia continued to turn back boats of people seeking safety and to *refoule* (return) people to the country from which they were fleeing. Indigenous people, including children as young as 10, continued to face high rates of incarceration. Four Indigenous people died in prison or at the hands of police, with the most recent case, in November, resulting in a murder charge against a police officer.

The Queensland Parliament became the third Australian jurisdiction to pass a human rights act, after Victoria and the Australian Capital Territory. Yet Australia remained the only western country without a specific human rights act or bill of rights.

ASYLUM SEEKERS AND REFUGEES

Since 13 August 2012, 4,177 people have been sent to Nauru or PNG as part of Australia's policy of offshore processing of refugees. As of 30 September, 612 refugees and asylum seekers remained in PNG and Nauru, 47 of them detained in very poor conditions in the Australian-funded Bomana Immigration Centre outside Port Moresby, PNG's capital. Humanitarian organizations warned that many of them suffered from diminishing mental health and needed access to mental health care due to, or exacerbated by, years of detention, lack of family contact, and the indefinite nature of their time in custody. Self-harm and suicide attempts remained frequent.

Twelve refugees and asylum seekers have died on Manus Island and Nauru since 2013, including Reza Berati, who was murdered. Dr Sayed Mirwais Rohani committed suicide in October. He had been detained on Manus Island since 2013, and was transferred to Australia to access mental health care in 2018.

More than 150 other refugees and asylum seekers were transferred to Australia for medical care only after their lawyers threatened urgent court proceedings.

These cases included children as young as 10 who suffered from acute mental health conditions, some of whom attempted suicide. Since the Medevac Bill, designed to provide refugees held offshore with appropriate health care in Australia, was passed on 21 October, 135 people were transferred under its provisions. Another 39 were approved for transfer and were awaiting transfer as of that time. However, 10 of them were detained by PNG. In total, 1,117 people had been transferred to Australia for medical or other reasons as of 30 September. But in a grievous setback, the Australian government repealed the Medevac bill on December 4, forcing refugees held offshore who needed to access health care to again seek leave from the High Court to gain medical assistance unavailable in PNG or Nauru.

In February, a coronial inquest commenced into the death of asylum seeker Omid Massoumali, who died from self-inflicted burns following his delayed transfer to Australia for treatment.

Progress under an agreement to resettle some refugees in the United States was slow, with only 632 sent there since the arrangement was agreed to in 2016.

The UN High Commissioner for Human Rights urged Australia to meet its international obligations, particularly in relation to refugees and people seeking safety.

INDIGENOUS RIGHTS/CRIMINAL JUSTICE

Indigenous people remained significantly overrepresented in the criminal justice system, often for minor offenses such as unpaid fines. Despite comprising just 2% of the country's population, Aboriginal and Torres Strait Islander people comprised 28% of the adult prison population. Indigenous women made up 34% of the women's prison population and Indigenous children made up more than 50% of the children's prison population.

Australia detained children as young as 10. On an average night, nearly three in five (59%) children aged 10 to 17 in detention were Indigenous, despite Indigenous children making up only 5% of the population aged 10 to 17. Indigenous children aged 10 to 17 were 26 times as likely as non-Indigenous children to be in detention on an average night.

Very few of the recommendations from the 2017 Royal Commission into the Protection and Detention of Children in the Northern Territory were implemented. The commission recommended that the Don Dale detention centre be closed, but it remained open. It had been the centre of an abuse scandal, where the commission found children in spit hoods constituting cruel, inhuman and degrading punishment, held in isolation, and suffering other abuses. During May every child in detention in the Northern Territory was Indigenous.

Four Indigenous people died in prisons or at the hands of police over the course of the year. On 13 March, Alf Deon Eades was attacked by other prisoners and died from his injuries. On 12 June JB committed suicide in Western Australia's Acacia prison, just days after his mother had told the authorities that he was suicidal. On 17 September Joyce Clarke was killed by police outside her home in the Western Australian town of Geraldton. On 8 November Kamanjayi Walker was killed by police in Yuendemu, in the Northern Territory. A police officer was charged with his murder.

FREEDOM OF EXPRESSION

Media freedom came under attack when the Australian Federal Police raided a journalist's home and a media organization's headquarters, following reporting on Australian defence force abuses in Afghanistan and government plans to expand surveillance powers.

Following growing climate change protests across Australia, the prime minister threatened to invoke powers to stifle campaigning and protests. Anti-protest laws were enacted in Queensland, criminalising peaceful protest tactics and infringing Queenslanders' rights to freedom of expression, association, and peaceful assembly. Offenses were punishable by up to two years in jail.

OTHER HUMAN RIGHTS ISSUES

The government established a Royal Commission into Aged Care to examine the treatment of older people, following widespread accusations of abuse. The counsel assisting the commission found the authorities to be "missing in action" in the face of reports of neglect, and said there was a systematic absence of accountability and lack of transparency by governing, regulatory and provider organisations. In late October, the commission issued an interim report that found substandard and unsafe care. One of the priority issues it targeted was the need to restrict the use of chemical restraints.

A Royal Commission was also established into Violence, Abuse, Neglect and Exploitation of People with Disabilities and was due to report in the middle of 2020.

In the pouring rain, Rohingya refugees queue for hours, waiting for an aid distribution, Bangladesh, 28 September 2017. More than 520,000 Rohingya have fled the Myanmar military's campaign of violence in the span of seven weeks, which has led to an unfolding humanitarian crisis in Bangladesh. Many arrive without having eaten for days or weeks while trying to flee the military's violence in Myanmar. © Andrew Stanbridge / Amnesty International

BANGLADESH

People's Republic of Bangladesh
Head of state: **Abdul Hamid**
Head of government: **Sheikh Hasina**

A smear campaign, mostly provoked by mainstream media stories, against Rohingya refugees fuelled tension between host and refugee communities. Hundreds of people were victims of apparent extrajudicial executions in the so-called "war on drugs" campaign. The Digital Security Act severely restricted the work of journalists, activists, human rights defenders, and others who faced arrests for exercising their right to freedom of expression. There was a sharp increase in incidents of violence against women and girls. Meanwhile, Bangladesh reported the fastest economic growth rate in the Asia-Pacific region, accelerating the country's socio-economic development efforts, while widening inequalities.

FREEDOM OF EXPRESSION

The government continued to use repressive legislation to unduly restrict the right to freedom of expression, and target and harass journalists, activists and human rights defenders. Nearly 400 indictments were filed under the DSA since October 2018, and 200 were dismissed due to lack of evidence. Journalists of mainstream newspapers told Amnesty that they refrained from publishing stories for fear of reprisals or intimidation from members of intelligence agencies. In February, five journalists of Jugantor newspaper were sued and one was arrested under the DSA for reporting on police corruption.

In January, in two separate cases, an opposition activist was arrested for her online action of allegedly "spreading anti-state propaganda" on Facebook. A young man was arrested by the Rapid Action Battalion for posting a "distorted image" of the Prime Minister on Facebook. In May, a famous national poet Henry Sawpon, a university teacher and another youth were arrested under DSA provisions for social media posts deemed to "hurt religious sentiment". A Supreme Court lawyer and human rights defender Imtiaz Mahmud was arrested in May for a Facebook post he made in 2017 regarding violence against indigenous community in the Chittagong Hill Tracts.

In October, members of Bangladesh Student League (BSL), the ruling party Awami League's student wing, mercilessly beat to death a student of Bangladesh University of Engineering and Technology (BUET) at his dormitory for merely expressing his views on Facebook on an India-Bangladesh agreement.

FREEDOM OF ASSEMBLY

The right to freedom of peaceful assembly continued to be severely restricted. Political opponents were frequently denied the right to organize campaign meetings and political rallies.

In August, the authorities restricted Rohingya refugees' freedom of movement and assembly after they organized a rally to mark what they called the 'Genocide' day, the second anniversary of their forced displacement, and urging Myanmar's government to ensure their safe and dignified return.

Police blocked the opposition Bangladesh Nationalist Party (BNP) from holding rallies in Narayanganj in February and in Dhaka in August. In September, the police prevented the BNP from holding an anniversary rally in at least 14 districts. In June, the ruling party Awami League's student wing attacked people gathering for the funeral of an opposition leader of the Jamaat Islami, injuring six of them. The student wing also dispersed an anti-drug demonstration, along with the police, attacking protesters in the eastern Sunamganj district. On 30th December, Dhaka Metropolitan Police (DMP) attacked a left-alliance rally organized to protest alleged vote rigging in the 11th National Parliament Elections held in 30th December 2018, leaving at least 31 people injured. On the same day, the police also denied the opposition BNP holding a rally in Dhaka protesting the similar event.

In December, members of BSL and an associate outfit Muktijuddha Manch (so-called Liberation Fighters' Platform) attacked the Vice President of Dhaka University Student Union Nurul Haq and other students from different public and private universities for organizing a rally in solidarity with Indian students protesting Citizenship Amendment Act (CAA) and National Register of Citizens, which left at least 25 students critically injured—some of them faced life-threatening injuries.

EXTRAJUDICIAL EXECUTIONS AND ENFORCED DISAPPEARANCE

More than 388 people were killed by the security forces in alleged extrajudicial executions (EJEs)—279 people were killed before arrest, 97 people killed after arrest, and others were killed after torture or other means. At least 49 Rohingya refugees were extrajudicially executed during this period. EJEs by security forces continued unabated, many under the cover of the "war on drugs" campaign. In some of the cases, victims were disappeared for months before they were killed in what the authorities claimed were "gunfights". At least 13 people were forcibly disappeared—four of them were released, one was shown arrest and the remaining eight people are still missing.

MOB VIOLENCE

At least 65 individuals were killed in mob violence. At least eight of them were killed by mob lynching on fabricated allegations about child abduction. The authorities did little to investigate cases or hold perpetrators to account for their crimes.

VIOLENCE AGAINST WOMEN AND GIRLS

There was a sharp increase in violence against women and girls during the year. At least 17,900 reported cases of violence against women, including 5,400 reported rape cases. At least 988 women and girls (including 103 minors aged between 7-12 years) were murdered after rapes, attempted rapes, sexual and physical tortures, acid violence, and dowry-related violence. The reported incidents of rape increased dramatically in recent months. September 2019 observed 232 reported rape cases—the highest in a single month since 2010. The alarming rise of violence against women and girls is partly due to the prevailing culture of impunity and lack of government commitment.

REFUGEES AND ASYLUM-SEEKERS

About a million of Myanmar's mainly Muslim Rohingya remained in the district of Cox's Bazar. Bangladesh continued to refuse to formally recognize Rohingya as refugees while the community faced discrimination at multiple levels, including access to education, livelihood and freedom of movement.

The government's strict policy not to allow Rohnigya refugees access to education continues. Though the government allows informal education in learning centres—in total 280,000 children aged 4 to 14 have access to these learning centres, more than half a million children aged 18 years or below (including 4-14 age group) had no access to any accredited primary and secondary education in the refugee camps.

A section of the mainstream media launched a smear campaign against the Rohingya refugees labelling them as a "security threat", a "burden" and an "abscess" that needs to be removed. The state of hysteria dangerously agitated the host community and turned them against the refugees. In September, regulatory authorities ordered mobile phone companies to shutdown network frequencies inside the refugee camps, while the security forces recommended erecting barbed wire fence around the camps.

CHITTAGONG HILL TRACTS

Police and army continued to fail to protect indigenous villagers and activists in the Chittagong Hill Tracts (CHT) from the [Bengali] settler attacks. Indigenous people[s] faced forced-displacement and discrimination. At least 43 indigenous political activists were killed and 67 injured mostly as a result of infighting between political factions. Fifteen indigenous political activists were reportedly abducted by unknown groups. In an incident in March, seven people, including polling officials, were killed by unknown assailants. In August, the military extrajudicially executed three Indigenous political activists.

Oun Chhin and Yeang Sothearin, former colleagues at Radio Free Asia who are facing espionage charges, after a hearing at the Phnom Penh municipal court on 3 October 2019. © Tang Chhin Sothy / AFP (via Getty Images)

CAMBODIA

Kingdom of Cambodia
Head of state: **King Norodom Sihamoni**
Head of government: **Hun Sen**

Severe restrictions on civil and political rights first imposed in 2017 and 2018 intensified over the course of the year. Human rights defenders, peaceful demonstrators, labour activists and members of the banned opposition party continued to face harassment and intimidation through misuse of the justice system. The continuation of widespread arrests of people suspected of using or selling drugs led to an increase in cases of arbitrary detention and exacerbated overcrowding in prisons. Forced evictions and land expropriation by the military acting on behalf of powerful business elites remained a major problem, and land rights protestors continued to face reprisals. Freedom of peaceful assembly was arbitrarily suppressed, and civil society organizations faced ongoing intimidation.

BACKGROUND

The crackdown on human rights that began in 2017 primarily targeted independent media, outspoken civil society organizations and the political opposition. The Supreme Court dissolved the Cambodia National Rescue Party (CNRP) in November 2017 and restrictions were imposed on its former members. Its leader Kem Sokha was arrested and charged with "conspiracy with a foreign power" in 2017 before being placed under house arrest in 2018. In 2017 and 2018 the authorities shut down independent radio stations; *The Cambodia Daily* newspaper was forced to close in the face of government threats, and *The Phnom Penh Post* was sold to government-friendly business interests. The government increasingly targeted independent NGOs and trade unions after the Law on Associations and NGOs (2015) and the Trade Union Law (2016) came into force. In 2019 the European Union (EU) initiated a review and potential revocation of Cambodia's preferential free-trade status under the "Everything But Arms" (EBA) trade agreement, citing recent restrictions on labour and other human rights.

FREEDOM OF ASSOCIATION

The harassment, intimidation and arbitrary arrest of supporters of the CNRP intensified throughout the year, culminating in a major crackdown related to the potential return to Cambodia of acting CNRP president Sam Rainsy on 9 November.[1] Although the planned return did not materialise, at least 60 former CNRP supporters were jailed and over 100 were subject to politically motivated charges, including "plotting against the state" and "attack," between mid-August and 9 November. Arrests were typically conducted without due process and in the absence of arrest warrants. All of those imprisoned during this period were later released on bail following an order by Prime Minister Hun Sen, but remained charged at year end.

One former CNRP member, Sam Bopha, was killed in police custody. At least two former CNRP members were beaten with

metal bars by unidentified assailants on the streets of Phnom Penh in September. CNRP President Kem Sokha was released from de facto house arrest on 10 November but remained subject to strict bail conditions, including a ban on political activity and on leaving the country.[2]

Several CNRP supporters fleeing persecution and seeking refuge abroad faced intimidation and harassment in Thailand. CNRP activist Soun Chamroeun was subject to an apparent attempted abduction and attacked with a taser on the streets of Bangkok in December.[3]

Outspoken NGOs were subjected to unlawful surveillance, threats and intimidation by police and local authorities. Routine NGO events such as workshops continued to be shut down despite the revocation of a ministerial regulation that required prior permission for such events.

FREEDOM OF EXPRESSION

Severe restrictions on the right to freedom of expression perpetuated a culture of fear and self-censorship among Cambodia's few remaining independent journalists and media outlets. Rath Rott Mony, president of a construction workers union, was convicted of "incitement to discriminate" in June and sentenced to two years' imprisonment based on his role as a translator in a documentary on human trafficking.[4] Former Radio Free Asia journalists Uon Chhin and Yeang Sothearin remained under judicial supervision and investigation for "supplying a foreign state with information prejudicial to national defence" despite the lack of any credible evidence against them.[5] Seven people were arbitrarily arrested in July in relation to the commemoration of the third anniversary of the murder of independent government critic Kem Ley, including youth activists Kong Raiya and Soung Neakpaon, who were charged with "incitement to commit a felony" and later released on bail.[6]

WORKERS' RIGHTS

The minimum wage was increased by 4.4% to US$190 per month in September. Minor amendments to the Trade Union Law passed by the Constitutional Council in December failed to address undue restrictions on workers' and union rights contained in the original law. Many trade union leaders continued to face arbitrary criminal charges.[7]

UNLAWFUL KILLINGS

Tith Rorn, a former CNRP activist, died in detention in Kampong Cham province in April. He had been arrested three days earlier on a misdemeanour charge dating back to 2010. At the time of his arrest, the statute of limitations had already expired on the charge. His body had injuries consistent with having been beaten, yet no independent inquiry into the death was conducted.

Two years after the murder of prominent activist Kem Ley, an independent investigation was yet to be undertaken and no progress was made in identifying any suspects in his murder.

DETENTION CONDITIONS

Severe overcrowding in prisons continued to violate prisoners' rights to health. The continuation of a three-year anti-drug campaign led to increasing arrests of people suspected of using and selling drugs and exacerbated the overcrowding crisis, with the prison population doubling between 2017 and 2019. The crackdown disproportionately impacted poor and other at-risk populations. The government's anti-drug campaign also led to increased overcrowding in drug detention centres and social affairs centres, where cases of torture and other ill-treatment have been long reported. Over-reliance on pre-trial detention and the widespread failure to consider alternatives such as bail in criminal cases led to violations of the right to liberty.

RIGHT TO HOUSING AND FORCED EVICTIONS

Forced evictions and displacement, including of Indigenous peoples, remained a persistent problem. The human rights impact of forced evictions related to agro-industrial economic land concessions and corruption in land transactions was exacerbated by increased restrictions on independent media and civil society organizations working on access to land. Military troops privately hired by business elites and the holders of economic land concessions harassed and intimidated community members protesting against evictions. In January, 28-year-old Pov Saroth was shot during a violent forced eviction conducted by military and police forces in Preah Sihanouk province and was left with a disability.

INTERNATIONAL JUSTICE

Nuon Chea, the former second-in-command of the Khmer Rouge, died aged 93 in August while appealing his convictions for crimes against humanity and genocide by the Extraordinary Chambers in the Courts of Cambodia. Two other former Khmer Rouge officials continued to serve life sentences imposed by the tribunal.

1. End arbitrary arrests and prosecution of opposition members (ASA 23/1350/2019, 5 November).
2. Reprieve for Kem Sokha a 'token gesture' that should not distract from human rights crisis (news story, 10 November).
3. Stop harassment of opposition figures in Thailand (ASA 23/1632/2019, 27 December).
4. Drop trumped-up charges in child sexual exploitation documentary case (news story, 30 May).
5. Drop bogus "espionage" charges against former Radio Free Asia journalists (news story, 13 November).
6. Release prisoners of conscience Kong Raiya and Soung Neakpaon (ASA 23/1291/2019, 27 October).
7. Re: Cambodia's Law on Trade Unions and Cases Against Union Leaders (joint open letter, 18 December).

A paramilitary policeman stands as tourists wait for the daily flag-raising ceremony in Tiananmen Square before the closing session of the National People's Congress (NPC) in Beijing's Great Hall of the People on March 15, 2019. © FRED DUFOUR/AFP via Getty Images

CHINA

People's Republic of China
Head of state: **Xi Jinping**
Head of government: **Li Keqiang**

The human rights situation continued to be marked by a systematic crackdown on dissent. The justice system remained plagued by unfair trials and torture and other ill-treatment in detention. China still classified information on its extensive use of the death penalty as a state secret.

Repression conducted under the guise of "anti-separatism" or "counter-terrorism" remained particularly severe in the Xinjiang Uighur Autonomous Region (Xinjiang) and Tibetan-populated areas (Tibet). Authorities subjected Uighurs, Kazakhs and other predominantly Muslim ethnic groups in Xinjiang to intrusive surveillance, arbitrary detention and forced indoctrination.

LGBTI people faced widespread discrimination and stigma in society. Due to inadequate medical services, they took serious risks by seeking unregulated and improper gender-affirming treatments. LGBTI people also faced abuses in the form of "conversion therapy".

The government continued to intimidate, harass, and prosecute human rights defenders and independent NGOs, including raids on their homes and offices. Human rights defenders' family members were subjected to police surveillance, harassment, detention and restrictions on their freedom of movement.

Amid huge setbacks for human rights, China made some progress in its environmental protection efforts, both by closing and upgrading polluting factories and passing new restrictions to tackle emissions. According to data prepared by Greenpeace Southeast Asia and IQAir AirVisual, Beijing was no longer among the top 100 most polluted cities in the world.

JUSTICE SYSTEM

In February, President Xi Jinping emphasized that the legal system should be under the Chinese Communist Party's absolute leadership. Law enforcement and the judicial system remained largely under the control of the party. China legalized arbitrary and secret detention, such as "residential surveillance in a designated location" and an extra-judicial system of detention *(liuzhi).* These procedures allowed for prolonged incommunicado detention and increased the risk of torture and other ill-treatment and forced "confessions". The UN Working Group on Enforced or Involuntary Disappearances sought information on 20 new cases of enforced disappearances in China from February to May alone. A new regulation, implemented since February, increased the powers of law enforcement and security agencies by exempting police officers from legal responsibility

for any damage they might cause to the property or interests of individuals or organizations while carrying out their duties.

FREEDOM OF EXPRESSION – THE INTERNET

The government strengthened its restrictions to the rights to freedom of expression, association and peaceful assembly. The authorities rigorously censored all media, from print media to online games. With the assistance of private technology and internet companies, officials mastered the use of facial recognition, real-name registration systems and big data to keep people under indiscriminate mass surveillance and control. In July, a draft regulation on China's social credit system proposed punishing citizens for disseminating information that "violates social morality" or causes "adverse social impacts". In January, Chinese users reported that they had been threatened, detained or warned for being active on Twitter – a social media platform officially banned in the country. China also extended its control of cyberspace beyond its "Great Firewall" by launching powerful malware and denial of service attacks against overseas servers, websites and messaging apps deemed problematic.

FREEDOM OF RELIGION AND BELIEF

Beijing continued to tighten its grip on Christians and Muslims as China pushed ahead with the "sanitization of religion", which Premier Li Keqiang reiterated at the National People's Congress in March. Many Buddhist and Taoist temples and statues, along with mosques and churches, were damaged or destroyed on the direction of the government. The authorities jailed religious leaders who were not recognized by the party for "endangering state security". On 30 December 2019, pastor Wang Yi of the Early Rain Covenant Church was sentenced to nine years for "illegal business operation" and "inciting subversion of state power".

XINJIANG UYGHUR AUTONOMOUS REGION

Reports about the detention of Uyghurs, Kazakhs and other predominantly Muslim ethnic groups continued in Xinjiang despite the government's claim that it may eventually phase out purported "vocational training centres", also known as "transformation-through-education" centres. From early 2017, after the Xinjiang government had enacted a regulation enforcing so-called "de-extremification", an estimated up to one million Uyghurs, Kazakhs and other ethnic minority people were sent to these internment camps. Many religious figures, intellectuals and academics were detained in Xinjiang merely for exercising their rights to freedom of religion and expression. This includes Ilham Tohti, a Uyghur economist, writer and professor who was sentenced to life in prison in 2014 and Tashpolat Teyip, former president of Xinjiang University who was sentenced to death with a two-year reprieve in 2017, both on charges of "separatism".[2]

In March the UN High Commissioner for Human Rights stated that her office sought to engage the Chinese government "for full access to carry out an independent assessment of the continuing reports pointing to wide patterns of enforced disappearances and arbitrary detentions, particularly in Xinjiang".[3]

In July, 25 countries issued a joint statement on Xinjiang at the UN Human Rights Council.[4] In September, Amnesty International, together with four other human rights organizations published a joint letter to the UN Secretary General, urging the UN to step up pressure on China to end the mass detentions in Xinjiang.[5]

In November, the New York Times and the International Consortium of Investigative Journalists disclosed two sets of leaked documents from unidentified Chinese officials detailing the crackdown in Xinjiang and the framework for facilities where hundreds of thousands of predominantly Muslim ethnic groups are being subjected to brainwashing and other ill-treatment. The descriptions in these documents matched the testimonies Amnesty International received from former detainees and overseas relatives of those sent to the camps or who went missing in Xinjiang. The documents also further disproved the Chinese government's claims that these facilities were merely "vocational training facilities".

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

LGBTI people continued to face discrimination at home, at work, in schools and in public. The authorities accepted and claimed to have implemented all recommendations on sexual orientation, gender identity and gender expression at the end of the country's review process in the third cycle of the UN Universal Periodic Review in 2018. Two recommendations requested prohibition against discrimination in legislation, but there is no law that explicitly protects LGBTI people from discrimination.

Following last year's alleged attempt to remove content related to gay issues, Weibo, one of the biggest social media platforms, took down content on lesbian topics in April. Activists feared that online censorship of LGBTI-related content would intensify.

After an online campaign for legal recognition of same-sex marriage, Yue Zhongming, the spokesperson for the National People's Congress Legislative Affairs Commission, publicly acknowledged public opinion supporting the recognition of same-sex marriage in the Civil Code. Same-sex couples in China were denied equal partnership rights because of their sexual orientation.

Transgender people were classed as having a "mental illness", and gender-affirming surgeries required the consent of families. Other criteria to qualify for such surgeries - such as being unmarried or having a clean criminal record -

created further barriers to accessing this treatment. Prevalent discrimination and stigma, restrictive eligibility requirements, and a lack of information resulted in transgender people seeking unregulated and unsafe gender-affirming treatments.[6]

Transgender people told Amnesty International that they did not receive any advice or guidance on gender-affirming treatments from their doctors when they first started taking hormones. Instead, they learned about treatment options from friends and by searching the internet for information.

Transgender people who had an urgent need to align their body with their gender identity told Amnesty International that due to the lack of accessible and credible health-related information, they had had little choice but to resort to the unsafe and risky black market to obtain hormone medication. Some even attempted to perform surgeries on themselves as they believed that accessing gender-affirming treatments at a hospital was not possible.

Amnesty International also received reports of LGBTI individuals being forced by their families to undergo "conversion therapies" that claim to change their sexual orientation, gender identity and gender expression, in the belief that being LGBTI is a mental disorder requiring treatment. Despite a landmark judgment in 2014 which declared that homosexuality was not a disease and required no treatment, the government did not take any action to ban conversion therapy.

HUMAN RIGHTS DEFENDERS

The space for human rights defenders (HRDs) to freely carry out their work continued to shrink. The authorities systematically subjected HRDs to surveillance, harassment, intimidation, detention and imprisonment. Many activists and HRDs continued to be prosecuted on vague and overly broad charges such as "subverting state power", "inciting subversion of state power" and "picking quarrels and provoking trouble". Many were held in "residential surveillance in a designated location" on suspicion of involvement in state security crimes. This form of detention allowed the police to detain individuals suspected of such crimes for up to six months in an unknown location outside the formal detention system, with suspects denied access to legal counsel and families.

The authorities sustained a crackdown on dissent and independent voices. Prominent human rights lawyer Gao Zhisheng, who launched a memoir detailing his experience of enforced disappearance, torture and other ill-treatment, and illegal house arrest, was again forcibly disappeared in August 2017. His whereabouts are unknown. In February Beijing human rights lawyer Yu Wensheng was indicted on charges of "inciting subversion of state power" and "obstructing the duties of public officers" after he had circulated an open letter calling for five reforms to China's constitution. Chen Jianfang, a grassroots civil and political rights advocate, was formally arrested for "inciting subversion of state power" in June 2019.[7] Activist Chen Bing was sentenced to three and a half years' imprisonment on 4 April after he and three others were convicted of "picking quarrels and provoking trouble" for commemorating the 27th anniversary of the Tiananmen crackdown in 2016.

Authorities retaliated against citizen journalists and NGO workers reporting on human rights violations. Early in the year they detained Wei Zhili, Ke Changbing and Yang Zhengjun, editors of a China labour rights website in Guangzhou.[8] Huang Qi, the co-founder of 64tianwang.com, a website that reports on and documents protests in China, was sentenced to 12 years in prison for "leaking state secrets" and "providing state secrets to foreign entities". Liu Feiyue, the founder of human rights website Civil Rights and Livelihood Watch, was detained in late 2016 and sentenced to five years in prison for "inciting subversion of state power" on 29 January. Anti-discrimination NGO workers Cheng Yuan, Liu Yongze, and Wu Gejianxiong were held in incommunicado detention since 22 July on suspicion of "subversion of state power".[9] For the first time, authorities publicly criticized a foreign NGO, Asia Catalyst, for breaching the Foreign NGO Management Law.

Family members of human rights defenders were also subject to police surveillance, harassment and restrictions on their freedom of movement. Li Wenzu, the wife of imprisoned human rights lawyer Wang Quanzhang, said that, for a long time, she had difficulty finding a place to live because police threatened landlords not to sign leases with her. Their six-year-old son Quanquan could not go to school, as police threatened the school's administrators.[10]

1. UN Act to End China's Mass Detentions in Xinjiang, (Press release, 4 February 2019).
2. Uyghur academic faces execution in China: Tashpolat Teyip (ASA 17/1006/2019)
3. China Joint Statement Calling for Xinjiang Resolution at the United Nations Human Rights Council, (Joint statement, 4 February 2019)
4. Amnesty International welcomes statement at Human Rights Council addressing China's appalling violations in Xinjiang (IOR 40/0711/2019)
5. Open letter to UN Secretary General Re: China's Human Rights Violations in Xinjiang (Joint statement, 17 September 2019)
6. "I need my parents' consent to be myself" – Barriers to Gender-affirming Treatments for Transgender People in China, (ASA 17/0269/2019)
7. Grassroots women activist held incommunicado: Chen Jianfang (ASA 17/0778/2019)
8. Further Information: Labour activists held in secret detention: Wei Zhili and Ke Chengbing (ASA 17/0790/2019)
9. NGO workers detained for 'subversion' (ASA 17/0927/2019)
10. 1413 Days and Counting: Li Wenzu's fight for her husband's freedom (Blog, 12 July 2019)

Pro-democracy protesters react as police fire water cannons outside the government headquarters in Hong Kong on September 15, 2019.
© Nicolas Asfouri / AFP via Getty Images)

HONG KONG

Hong Kong Special Administrative Region, People's Republic of China
Head of government: **Carrie Lam**

There was a rapid deterioration in the rights to freedom of peaceful assembly, expression and association as the Hong Kong authorities increasingly adopted mainland China's vague and all-encompassing definition of national security.[1] Faced with mass protests, the government first suspended and then in September formally withdrew a proposed Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation Bill (the Extradition Bill), which would have allowed the handover of persons in Hong Kong to mainland China. After months of protest, pro-democracy parties had landslide wins in district elections with historically high voter turnout.

FREEDOM OF PEACEFUL ASSEMBLY

If enacted, the Extradition Bill would have exposed individuals in Hong Kong to mainland China's criminal justice system, which has a well-documented record of human rights violations.[2]

The bill's proposal triggered a series of protests beginning in March, including three mass peaceful protests with estimated numbers of over one million, two million and 1.7 million people marching peacefully on the streets on 9 June, 16 June and 18 August, respectively. Although the government announced withdrawal of the Extradition Bill on 4 September, the movement broadened its calls with additional demands, including for an independent and impartial investigation into the use of force by police. As the year went on, both the police and protesters escalated violence.[3]

Hong Kong police responded to the protests with unnecessary and excessive use of force. Amnesty International documented the police's dangerous use of rubber bullets and bean bag rounds; beating protesters who were not resisting; aggressive tactics to obstruct journalists at protest sites; and misuse of pepper spray and tear gas,[4] as well as evidence of torture and other ill-treatment in detention.[5] On 31 August, police started deploying water cannons, mixed with irritants and dye that indiscriminately marked individuals for identification later.[6] In October, the government invoked a colonial-era law, the Emergency Regulations Ordinance,

to ban full or partial face coverings at protests.[7] The High Court later ruled the ban unconstitutional. The government's appeal of this decision will be heard in 2020.

PRISONERS OF CONSCIENCE

The government used vague charges to prosecute and imprison activists for their peaceful exercise of the rights to peaceful assembly and expression. In April, nine leaders of the pro-democracy Umbrella Movement protests in 2015 were convicted on vague "public nuisance"–related charges. Law professor Benny Tai and sociology professor Chan Kin-man were each sentenced to 16 months' imprisonment. Political party leader Raphael Wong and lawmaker Shiu Ka-chun were imprisoned for eight months each. Prosecutors cited press conferences, media interviews and public meetings in which the pro-democracy leaders had discussed their non-violent campaign of direct action as key evidence to support the accusations of unlawful behaviour.[8] In August, Benny Tai was released on bail pending an appeal.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In March, housing rights activist Yip Po-lam's sentence of two weeks' imprisonment was upheld for staging a sit-in at the Legislative Council against the Northeast New Territories New Development Project in 2014. Activists and affected villagers have protested for years against the major infrastructure project proposed by the government, raising concerns about alleged collusion between government and property developers and the potential for forced evictions of local villagers and environmental damage.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX (LGBTI) PEOPLE

In June, the Court of Final Appeal held that restricting spousal employment benefits and joint tax assessment to opposite-sex marriages amounted to sexual orientation discrimination.[9] However, the High Court rejected claims against the requirement for transgender people to undergo surgery before having their gender legally recognized, and for same-sex marriage.[10]

1. Beijing's "Red Line" in Hong Kong (ASA 17/0944/2019)
2. Proposed extradition law amendments a dangerous threat to human rights (Press release, 7 June 2019)
3. Open letter to the Chief Executive – calling for an independent commission of inquiry (Press release, 28 June 2019)
4. How not to police a protest: Unlawful use of force by Hong Kong police (ASA 17/0576/2019)
5. Arbitrary arrests, brutal beatings and other torture in police detention revealed (Press release, 19 September 2019)
6. Water cannons pose real danger in hands of trigger-happy police (Press release, 9 August 2019)
7. Emergency powers are an extreme attempt to quash protests (Press release, 4 October 2019)
8. Free jailed pro-democracy Umbrella Movement protest leaders, (Press release, 24 April 2019)
9. Court ruling a huge step forward for same-sex equality, (Press release, 6 June 2019)
10. Court ruling a setback in fight for equality for transgender people (Press release, 1 February 2019); Hong Kong: A serious setback for equal marriage (Press release, 18 October 2019)

A security personal stands guard as residents stand in a queue to check their names on the final list of National Register of Citizens (NRC) at a NRC Sewa Kendra (NSK) in Burgoan village in Morigoan district. © Getty images

INDIA

Republic of India
Head of state: **Ram Nath Kovind**
Head of government: **Narendra Modi**

The government revoked Jammu and Kashmir's special status and launched a widespread crackdown, detaining opposition leaders and activists, denying them due process, severing communication links, and preventing access to services. Nearly two million people were pushed to the brink of statelessness in procedures that were arbitrary and discriminatory. Human rights defenders faced huge challenges, including arbitrary arrest, detention and prosecution as a means of silencing them while freedom of expression was censored with draconian laws. Millions of indigenous forest dweller families were threatened with forced eviction. Women were not adequately protected from sexual and domestic violence, harassment and discrimination. There was a serious lack of accountability for murders and other attacks carried out by vigilante mobs against hundreds of people based on their religious, ethnic, caste and gender identities. Rights to freedom of peaceful assembly, expression and opinion were heavily suppressed by the Indian authorities as repressive and discriminatory laws were passed by the Indian Parliament.

JAMMU AND KASHMIR

In August, the government revoked the special status of Jammu and Kashmir (J&K) guaranteed under Article 370 of the Indian Constitution and bifurcated the state into two union territories. This was preceded and followed by a region-wide clampdown on civil liberties, increased militarisation, a communications blackout and detention of key political leaders such as Farooq Abdullah, Omar Abdullah and Mehbooba Mufti. In a move to silence critics, hundreds of other political leaders and activists were also detained under various administrative detention laws. No official information on the number of people detained, their access to lawyers or family members, where they were held and under what charges was made available.

Government-imposed restrictions prevented journalists and activists from independently documenting and sharing information about the situation, including allegations of human rights

abuses. Access to emergency services, healthcare, education and other services were highly restricted. The United Nations human rights experts including the Special Rapporteur on the promotion and protection of freedom of expression, the Special Rapporteur on the situation of human rights defenders, Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the right to peaceful assembly and association and the Special Rapporteur on extrajudicial, summary or arbitrary executions described the crackdown as 'a form of collective punishment'.

While many communication services have been restored such as telephone, mobile phones, SMS etc., the internet continues to be shut down. Kashmir valley accounts for half of all internet shutdowns in India that reports the highest number of shutdowns in the world.

Prior to August, Kashmiri women and men throughout the country faced targeted attacks, harassment and arbitrary arrests after 42 members of the security forces were killed in Pulwama, J&K, in a suicide bomb attack in February. Kashmiri university students and traders in northern states, primarily Uttarakhand, Haryana and Bihar were beaten, threatened, and intimidated by some Hindu nationalist groups causing many students to flee their universities.

In June, the authorities denied Amnesty International India permission to hold an event to launch a briefing on the misuse of the draconian J&K Public Safety Act (PSA) in Srinagar, the region's capital verbally citing the 'prevailing law and order situation' as the reason.

DISCRIMINATION

The Assam authorities published its National Register of Citizens in August from which almost two million people were excluded pushing them to the brink of statelessness. The only available remedy available to those excluded from becoming stateless was through the Foreigners Tribunals, a quasi-judicial body where, in many cases, proceedings were arbitrary, and decision-making biased and discriminatory, particularly against women who were less likely to have access to identity documents to prove their status. The Tribunals, chaired by members with limited judicial experience, frequently declared individuals as "irregular foreigners" as a result of clerical errors like minor differences in spellings of names or date of birth on electoral rolls. Over 1000 declared foreigners were detained in one of the six detention centres in Assam which are rife with overcrowding and lack of segregation between undertrials, convicts and the detainees. Amnesty International India has also documented the deteriorating mental and physical health of detainees. The construction of 'India's largest detention centre' was underway in Goalpara, Assam which is estimated to hold around 3000 people who have been declared to be foreigners.

REPRESSIVE LAWS

Many repressive amendments were made to laws such as the Citizenship Act, Unlawful Activities (Prevention) Act (UAPA), Transgender Persons (Protection of Rights) Act and the Right to Information (RTI) Act etc.

In the monsoon session, the UAPA, India's principal counter-terrorism law was amended to allow the government to designate an individual as a terrorist. It gives an overbroad and ambiguous definition of a 'terrorist act' giving unbridled power to the government to brand any ordinary citizen or activist a terrorist. It stands to implicate individuals for being proactive members of the society, ban critical thinking and criminalise dissent by designating them terrorists. In the same session, the RTI Act was also diluted. The amendments to the Act weakened the independence of the Information Commissions by resting the power to determine their tenure, salary and conditions of service with the central government.

In December 2019, during the winter session of the Parliament, the Transgender Persons (Protection of Rights) Act was passed. The Act undermines the rights of transgender and intersex persons, and violates India's international human rights obligations and the 2014 ruling of the Supreme Court in the case of NALSA v. Union of India. Amongst other flaws, the Act lays out a vague bureaucratic procedure to be followed for legal gender recognition of the transgender persons.

During the same session, the Citizenship (Amendment) Act was passed amending the Citizenship Act of 1955 to enable irregular migrants to acquire Indian citizenship through naturalisation and registration. However, it restricts the eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014. The Act also reduces the requirement of residence in India for citizenship by naturalisation from 11 years to 5 years for these particular communities.

Besides adversely impacting the refugees and asylum seekers, the amendments also impinge on the human rights of Indian citizens, particularly Muslims. In the winter session of the Parliament, the Union Home Minister, Amit Shah announced a nation-wide National Register of Citizens (NRC) which will document the citizenship of more than 1.3 billion people in the country raising concerns on the fate of excluded Muslims from the Register. In wake of nation-wide protests against the Act, the Government of India temporarily withdrew its announcement. The heavy-handed police response during the protests led to the death of at least 25 people and thousands of arrests.

FREEDOM OF EXPRESSION

Human rights defenders faced huge challenges to pursue their activities, including arbitrary arrest, detention and prosecution as a means of silencing them.

Nine prominent human rights activists arrested in 2018 under the Unlawful Activities (Prevention) Act, remained

arbitrarily detained for 'waging a war against the country'. All nine have worked with the most marginalised people of India, such as Dalits and Adivasis, and held views opposing the government. In February, the Maharashtra police arrested academic Anand Teltumbde, accused of involvement in the Bhima Koregaon violence that took place near Pune in 2018 and of links to the Communist Party of India (Maoist), a banned organisation. He was released a day later on 4 February, after a court ruled his arrest was illegal.

In June, the Central Bureau of Investigation filed a criminal case against the Lawyers Collective for allegedly violating the Foreign Contribution (Regulation) Act, a law that unduly restricts the right of organizations to access foreign funding. The Collective's activities include provision of legal aid and advocating for the rights of marginalized groups.

Draconian sedition charges continued to be used for criminalizing dissent. Pa Ranjith, a film maker and Dalit rights activist, Hard Kaur, a rapper, and Shehla Rashid, a Kashmiri politician and activist were amongst many others who were slapped with sedition charges for criticizing the government. On 7 June, journalist Prashant Kanojia was arrested for sedition in the capital, New Delhi, after he posted social media content criticizing Uttar Pradesh's Chief Minister. On 12 June, the Supreme Court released him on bail but the charges against him remain. On 3 October, 49 renowned celebrities were charged with sedition for writing an open letter to Prime Minister Narendra Modi urging him to take meaningful action against hate crimes. In their letter, they had cited government and other independent data to highlight the rise in hate crimes and decline in their convictions.

Central and state governments across India also cracked down on peaceful protests (including various universities and minority institutions) against the discriminatory Citizenship (Amendment) Act. Various state governments either arrested those protesting against the Act or imposed prohibitory orders under Section 144 of the Code of the Criminal Procedure. Protestors were also met with a show of force, mass detention and large scale internet shutdowns. In Uttar Pradesh alone, over 18 people were killed including an 8-year old child and over 5000 were detained.

INDIGENOUS PEOPLES' RIGHTS

On 13 February, the Supreme Court, acting on a petition filed by wildlife groups, ordered the eviction of all forest dwellers in India, after their claims to remain on their traditionally held land was rejected by the states under the Forest Rights Act. According to the Ministry of Tribal Affairs, nearly two million families were affected. The Central Government intervened, and on 28 February, the Court put the order on hold while it awaited information from states to ascertain whether they had followed due process in rejecting the claims. The Court still awaits responses from all states.

In June, the Special Rapporteurs on adequate housing, the rights of indigenous peoples and on the human rights of internally displaced persons expressed concern about the adverse impact of Supreme Court's order on the lives of millions of tribal people.

WOMEN'S RIGHTS

Women continued being subjected to sexual and domestic violence, including by husbands and other relatives, and sexual harassment at workplace, while perpetrators continued to enjoy impunity.

In April, a woman employed as a junior court assistant at the Supreme Court, made an allegation of sexual harassment against the Chief Justice of India (CJI) in connection with an incident in 2018. The CJI responded by convening a panel of judges to examine concerns that the claims were motivated by the complainant's wish to attack the judiciary's independence. Media reports said the CJI claimed the victim was the subject of an "ongoing criminal investigation". Subsequently, the complaint was referred to an in-house committee made up of three judges including two female judges but not including any external members as required under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act. The complainant was not allowed to bring her lawyer to the committee proceedings and denied her request for information on the committee's procedures. Consequently, she withdrew from the proceedings. After the panel cleared the CJI of any wrongdoing, it denied her access to a report detailing its findings.

In July 2019, the Muslim Women (Protection of Rights on Marriage) Act was passed by the Parliament which came into force in September 2019. It criminalizes the discriminatory practice of triple *talaq* (Islamic instant divorce available only to men) making it punishable by up to three years' imprisonment.

COMMUNAL AND ETHNIC VIOLENCE

Scores of hate crimes against Muslims and other religious groups, ethnic groups, including Dalits and Adivasi (an indigenous tribal people), as well as caste and gender-based crimes, took place across the country. Many were carried out by vigilante groups and mobs. Violent attacks included mob "lynching".

Legislation against these crimes remained inadequate. In July, the Uttar Pradesh Law Commission submitted a draft bill to the state government which aimed to strengthen laws against lynching. In August, the Rajasthan government passed its Rajasthan Protection from Lynching Bill making it the second state after Manipur to criminalize mob lynching as an offence separate from murder with stronger penalties.

Government data on mob lynching by "cow protection" vigilantes remained inadequate because it failed to recognize the gravity of and discriminatory motive behind the crime and rather addressed

it under provisions of the Indian Penal Code related to "rioting", "unlawful assembly" or "murder". The National Crime Records Bureau had not released its annual report of crime, prison and suicide statistics for the third consecutive year. The failure to collect and preserve data, along with the police's failure to conduct an effective investigation, resulted in dozens of perpetrators being acquitted.

In June, a video of the brutal mob killing of Tabrez Ansari, a 24 year-old Muslim labourer in Jharkhand went viral. It showed him tied to a pole and being beaten by men armed with iron rods and sticks, while his attackers forced him to chant 'Jai Sri Ram' (Hail Lord Rama) and 'Jai Hanuman' (Hail Hanumana). Eleven men were charged with his murder, but the murder charge was dropped and converted to culpable homicide not amounting to murder when police claimed that the post mortem and forensic reports found he had died of a heart attack and that the killing was not premeditated. However, on September 18, the police filed a supplementary charge sheet retaining the murder charge against 11 accused based on a fresh medical report after the police sought a second opinion from specialist doctors.

In August, six out of nine men charged with the murder of Pehlu Khan, a dairy farmer who was lynched on the suspicion of cow smuggling, were acquitted by a lower court in Rajasthan. The remaining three are juvenile and being tried by the court designated for trying juvenile offenders. While ordering their acquittal, the court held that the video which captured the attack on Pehlu Khan was not admissible evidence. At the same time, the police filed a case against the deceased Khan and his two sons for smuggling cows.

1. *Between Fear and Hatred: Surviving Migration Detention in Assam*, 23 November 2018

Police at mass rally in September 2019 against the passage of certain controversial laws, including amendments to the criminal code. © Amnesty International Indonesia

INDONESIA

The Republic of Indonesia
Head of state and government: **President Joko Widodo, re-elected in April**

The government failed to protect human rights defenders, and restricted the rights to freedom of expression, peaceful assembly and association. The abuse of criminal law provisions to curtail legitimate expression persisted. Security forces committed human rights violations largely with impunity, using excessive force during policing and security operations. Violence flared in Papua, involving both peaceful and violent reactions to racist verbal attacks and violence against Papuans.

BACKGROUND

Presidential, parliamentary, and local legislative elections were held simultaneously on 17 April. Amnesty International published a nine-point Human Rights Agenda for the elections, highlighting threats to freedom of expression, thought, conscience, religion and belief; accountability for past human rights violations by security forces; women and girls' rights; the human rights situation in Papua; human rights abuses by oil palm companies; the death penalty, and LGBTI rights.[1]

FREEDOM OF EXPRESSION AND PROTECTION OF HUMAN RIGHTS DEFENDERS

Amnesty International tracked data from the media and local partners, finding 203 criminal investigations initiated between October 2014 and March 2019 against those who expressed criticism of public officials, their spouses, or government institutions through electronic media, social media platforms, or during protests. Investigations were based on charges of defamation, "hoax dissemination," and "incitement of enmity," all of which were provisions in the Electronic Information and Transactions (ITE) Law. Authorities also used the Criminal Code and its *makar* ("rebellion") provisions, which criminalized acts — whether violent or not — committed with the intent to make part or all of Indonesia fall into the hands of the enemy or to secede; harm the president or vice president; or overthrow the government.

Makar charges were used to arrest, prosecute and imprison peaceful pro-independence activists in Papua and Maluku. On 31 October, 27 people were charged with makar, including five from Maluku who were arrested in June for flying the Benang Raja flag, a symbol of the South Maluku Republic (RMS) separatist movement. They were all prisoners of conscience.

Amnesty International documented nine convictions based on blasphemy provisions in the Blasphemy Law, Criminal Code and ITE Law, eight of them for social media posts on religious issues.

POLICE AND SECURITY FORCES

Several nationwide protests took place, including on 21-23 May against the presidential election result and on 23-30 September against the enactment by parliament of several laws, including the amended Criminal Code which contains provisions threatening civil liberties. Evidence indicated that the police used unnecessary or excessive force against protesters and bystanders.

The police used excessive force amounting to torture or other ill-

treatment during the 21-23 May protests, some of it recorded on videos that were verified as authentic.[2] Videos showed the police kicking and beating men who were clearly not resisting, actions confirmed by witnesses, victims, and victims' families. The police also arrested protesters and held them in arbitrary and incommunicado detention for at least several days without proper warrants. In response to a public outcry about these abuses, the police claimed that 16 police officers were held responsible for human rights violations committed during the May protests. To the extent they were held to account, however, it was through non-transparent internal disciplinary mechanisms rather than criminal prosecutions.

Nine people were killed in Jakarta and one in Pontianak during the 21-23 May protests, many of them from gunshot wounds. The police claimed that none of its officers used live ammunition. No police were arrested nor were any suspects identified.

During the 23-30 September protests, the police used excessive force to disperse the crowd by indiscriminately using pepper spray and tear gas. On 26 September in Kendari, Southeast Sulawesi, two students participating in the protest were killed due to gunshot, one to his chest and another to his head. The police investigating the deaths announced that contrary to their previous claims, six officers carried firearms during the Kendari protest, but no suspects were identified as being responsible for the deaths. Three protesters were also killed during the Jakarta protests, but the police did not announce any investigations into the deaths.

Several journalists reported that they were intimidated and attacked by the police when documenting police conduct in both protests. Due to the lack of prompt, independent, effective, and transparent investigations it is difficult to verify the facts of such claims, including self-defense claims made by the police.

HUMAN RIGHTS VIOLATIONS AND ABUSES IN PAPUA

Violence in the Papua region (Papua and Papua Barat provinces) was triggered by two incidents: a violent attack in early December 2018 against 16 construction company workers in Nduga, responsibility for which was claimed by an armed pro-Papua independence group; and racist verbal abuse in Surabaya, East Java, on 16 August. In the latter case, military personnel and members of anti-Papua independence organizations surrounded Papuan students in their dormitory and used racist slurs, including calling them "monkeys." This abuse was recorded on video and shared widely on social media, prompting Papuans to stage protests, some of which turned violent, in Jayapura, Deiyai, Fakfak, and Wamena, major cities in Papua.

The attack against the workers in Nduga led to large-scale military and police deployment. Local residents fled to the surrounding forest or nearby cities. Local civil society groups, including churches, reported at least 182 deaths from December 2018 to July 2019, 18 from gunshot wounds during military and police operations. Most died from diseases, malnutrition and the overall poor conditions in shelters. They also reported that there were approximately 5,000 internally displaced persons in Wamena, Jayawijaya and other districts living in unsanitary conditions and lacking access to food, education, health, and other public services.

Media and local civil society organizations reported that there were at least nine deaths in Deiyai during a 28 August protest, which became violent, as well as four in Jayapura on 29-30 August, and 34 in Wamena on 23 September.

Police responded to the violence in Papua by initiating criminal charges against human rights defenders and political activists. The police charged two human rights defenders, Veronica Koman and Dandhy Dwi Laksono, with "incitement" provisions in the ITE Law for their tweets about reports of serious human rights violations in Papua. By October, at least 22 people in Jakarta and Papua were arrested, detained and charged with the crime of *makar*. They were prisoners of conscience, detained solely for their peaceful activities in various anti-racism protests.[3]

WOMEN'S RIGHTS

On 5 July, the Supreme Court acquitted a 15-year-old girl who had been convicted by the lower courts of aborting her pregnancy resulting from rape by her brother.

On 29 July, the president signed a decree to amnesty Baiq Nuril, after the Supreme Court upheld previous court decisions convicting her of spreading pornographic content based on a recording she made of her superior sexually harassing her in a phone call, which went viral. While both developments are victories for women's rights, they also indicate the need for legal and systemic protection for victims of sexual violence. Parliament deliberated on the Sexual Violence Eradication bill over the course of the year, but did not pass it into law.

SEARCH ENGINE KEY TERMS

Indonesia, Papua, Torture, Women's Rights, Torture, Excessive Force, Impunity and Accountability.

1. Rights Now: 9-Point Human Rights Agenda for Indonesia's Election Candidates (ASA 21/0153/2019, 15 April).
2. Open Letter on Torture or Other Ill-Treatment by The Police in The Mass Protest Following the Election Result Announcement of 21-23 May 2019 (ASA 21/0577/2019, 25 June).
3. Open Letter on the Increasing Use of Makar Charges against Papuan Activists to Stifle Freedom of Expression (ASA 21/1108/2019, 2 October).

Participants march in the Tokyo Rainbow Pride parade on the streets of Tokyo, Japan, 28 April 2019. People participated in the march, of sexual minorities of the LGBT (lesbian, gay, bisexual, and transgender) community and their supporters paraded through the streets of downtown Tokyo to promote a society free of prejudice and discrimination. © Alessandro Di Ciommo / NurPhoto via Getty Images

JAPAN

Japan
Head of government: **Shinzo Abe**

Attempts to establish a national human rights institution have not progressed since 2012 and civil society continues to call for individual complaints procedures that could investigate human rights violations. Although there is some momentum at the political level, discrimination against LGBTI individuals continues. Legal protection of the rights of migrant workers and their families is incomplete in law and Japan has yet to ratify the Migrant's Convention.

DEATH PENALTY

Japan continues to execute and lacks safeguards to avoid the application of death sentences for people with mental, psycho-social or intellectual disabilities.[1] In June the Citizens' Committee to Abolish Capital Punishment was established with the participation of Amnesty International to create momentum for a dialogue on abolition.

DISCRIMINATION – EDUCATION

The Supreme Court dismissed a damages claim filed over the government's decision to exclude Pyongyang-related Korean schools from its tuition-free program for high schools. On the same day the court upheld an Osaka High Court decision that overturned the district court ruling that the exclusion was illegal. Two cases on the same issue remained pending at High Courts at year end.

FREEDOM OF EXPRESSION

On 3 August, an exhibit on political taboos that was part of the Aichi Triennale 2019 was closed after receiving extensive complaints, particularly about two pieces – one that included an image of Emperor Hirohito being incinerated with a blowtorch and another that included a statue of a "comfort woman", a woman forced into the Japanese military sexual slavery system before and during World War II. The exhibit reopened in October after public criticism about the restriction on freedom of expression.[2]

MIGRANTS' RIGHTS

In April, Japan amended the Immigration Control and Refugee Recognition Act (Immigration and Refugee Act), to address a serious labour shortage by creating a new residence status of "specified skilled worker." Civil society organizations have raised concerns that the this could increase the number of foreign workers subjected to human rights abuses as the amendment does not

address the fundamental structures that allow abuses such as sexual abuse, work-related deaths and working conditions that amount to forced labour to occur.

REFUGEES AND ASYLUM-SEEKERS

Japanese authorities reported in March that 42 out of 10,493 refugees claims were approved in 2018. As of the end of September, 198 asylum-seekers or irregular migrants had taken part in hunger strikes to protest their extended and indeterminate detention and conditions in immigration detention.[3] On 1 October, authorities stated the death of a Nigerian man in a detention center in Nagasaki on 24 June was a result of a hunger strike. The Tokyo Bar Association noted that the Immigration and Refugee Act allows detention without individually assessing the necessity of the detention.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In December 2018, four opposition parties introduced a bill to ban the discrimination against LGBT people and the bill was still pending at the end of 2019. The ruling party announced it would also introduce a bill but it aims only to promote a tolerant society and critics have argued it is insufficient to protect LGBTI individuals from discrimination and would not recognize same-sex marriage. In September the Tokyo Metropolitan Government introduced a basic plan on Sexual Orientation and Gender Identity (SOGI) to implement the ordinance adopted in October 2018 that banned discrimination against LGBT people.[4]

As of September, 25 municipalities and one prefecture recognize same-sex partnerships. In September a district court ruled that same-sex couples are entitled to legal protection similar to opposite-sex non-married couples. The ruling further stated that the phrase in Article 24 of the Constitution that marriage is based on mutual consent of "both sexes" does not mean to deny same-sex marriage.

In May, the legislature passed a law obliging corporations to prevent workplace harassment and an accompanying resolution that specifically called for prevention of harassment based on SOGI.

While individuals have been allowed to officially change their sex under the Act on Gender Identity Disorder, the recognition requirements, such as being deprived of their reproductive organs or reproductive ability, gender confirmation surgery and single status, violate their human rights.

1. Two hanged in deplorable move (Press release, 2 August 2019); Amnesty International, Japan: Execution a shameful stain on human rights record of Olympic hosts (Press release, 26 December 2019)

2. Grave concern over cancelation of the Aichi Triennale 'After Freedom of Expression?' exhibit (in Japanese only) (Public statement, 8 August 2019)

3. 198 Joined hunger strike in protest of prolonged detention at immigration facilities (ASA 22/1149/2019)

4. Statement on Tokyo Metropolitan Government's draft basic plan on sexual orientation and gender identity (in Japanese only) (Public statement, 1 October 2019)

A commuter reads a newspaper while waiting for a train at a newsstand in a subway station in Pyongyang on June 19, 2019, ahead of a visit to the North Korean capital by Chinese President Xi Jinping on June 20. Xi will be the first Chinese leader to visit Pyongyang in 14 years. © Ed Jones / AFP via Getty Images

KOREA (DEMOCRATIC PEOPLE'S REPUBLIC OF)

The Democratic People's Republic of Korea
Head of state: **Kim Jong-un**
Head of government: **Kim Jae-ryong**

The authorities continued to impose severe restrictions on freedom of movement and access to information. Widespread and systematic controls over the daily lives of people and frequent pressing of the public into labour mobilizations severely affected the enjoyment of human rights. Foreign media reported several public executions. People in detention experienced torture and other ill-treatment and harsh conditions. The government continued to expand engagement with the international community including participating in the third UN Universal Periodic Review of its human rights record.[1] However, authorities have still not allowed the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea to visit.[2]

BACKGROUND

In his New Year's address, Kim Jong-un reiterated the importance of "self-reliance" and socialism but also discussed de-nuclearization and the peace process. Nuclear negotiations continued, including summits with China, the USA and South Korea, but little progress was made. Human rights received scant attention during the negotiations. From May to December, tensions rose as North Korea fired over 20 missiles in at least 13 different tests.

Economic sanctions by the UN and individual states remained in place. According to foreign media, they negatively impacted the nation's economy and the standard of living for large numbers of people. North Korean workers returned from abroad as a result of sanctions. In July, authorities rejected 50,000 tons of rice offered by South Korea despite the significant decline in agricultural productivity and the livestock industry.

DEATH PENALTY

Foreign media reported public executions, including for the alleged offences of sexual assault, drug crimes and "superstitious behaviour". The authorities had previously halted most public executions starting in 2012, to improve its image and in response to continued calls to improve its human rights record. During the Universal Periodic Review in May, a North Korean official explained that public executions only take place when the victim's family and other people concerned make a request to be present.

ARBITRARY ARRESTS AND DETENTION

The government continued to operate, and to deny the existence of, four known political prison camps. Up to 120,000

detainees in the camps were subjected to torture and other ill-treatment, forced labour, and harsh conditions including inadequate food. Many of them had not been convicted of any internationally recognizable criminal offence and were arbitrarily detained without fair trial just for exercising their rights, such as the freedom to leave their own country. They had no access to lawyers and family. Others faced forced seclusion in remote mountainous areas solely for being related to prisoners deemed a threat to the state or for "guilt-by-association".

The authorities detained Australian student Alek Sigley for one week before deporting him, allegedly for committing "anti-DPRK incitement". In 2018, the government released three US citizens as nuclear negotiations began. However, six South Koreans remained in custody – three missionaries and three naturalized citizens originally from North Korea.

ENFORCED DISAPPEARANCES

The government failed to provide accurate information regarding the fate of prisoners from the Korean War. They also did not provide information about victims of abductions, including individuals from South Korea, Japan and other countries. The fate of Hwang Won, who was not allowed to return to South Korea, his home country, after arriving involuntarily in North Korea on a hijacked plane in 1969, remained unknown.[4]

FREEDOM OF MOVEMENT

The authorities continued to severely restrict freedom of movement. It remained illegal to leave the country without prior approval. People told Amnesty International that even when moving to another province they were required to pay bribes to government officials, including policemen. Foreign media reported that in January the government issued new identification cards to closely monitor people's movements. Individuals no longer present at their registered domicile and therefore without new identification cards were treated as having left the country illegally. People living near borders, the demilitarized zone (DMZ) and major military facilities remained under close surveillance.

During the first nine months of 2019, the South Korean Ministry of Unification reported the arrival of 771 North Koreans. Two North Korea fishermen who arrived in November were accused of having committed murder and returned by the South Korean government to North Korea. Many others lived in China without documentation and were at risk of being forcibly returned to North Korea. The authorities tightened controls at border crossing points between North Korea and China. The military had put in place physical obstacles, such as barbed-wire fences, and increased monitoring of people in these areas.

Foreign media reported that police in China also stepped up their searches for people who had left North Korea without approval, checking identification documents and inspecting mobile phones. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea sent four urgent appeals to China detailing concerns about the detention of 23 North Koreans at risk of being forcibly returned.

Women and girls leaving North Korea remained at risk of trafficking for forced labour and sexual exploitation in China, including forced marriage with Chinese men.

FREEDOM OF EXPRESSION

The authorities strictly controlled people's information exchanges with the rest of the world. All communications were under the total control of the Publicity and Information Department of the Workers' Party of Korea. Apart from a select few in the ruling elite, the general population had no access to the internet nor to international mobile phone services.

Possession and distribution of foreign publications, videos and other media materials were serious crimes and were publishable by "reform through labour". South Korean media materials were particularly targeted, and offenders were at risk of detention in political prison camps or of being sentenced to death.

The authorities continued its heavy surveillance of imported mobile phones and employed jamming technology to control all external communications. Many North Koreans who lived close to the Chinese border accessed smuggled mobile phones from China that were connected to Chinese mobile networks to remain in touch with their family members in South Korea and other countries.

RIGHT TO FOOD

In May, the UN Food and Agriculture Organization reported that due to the worst harvest in 10 years, 10.1 million people, approximately 40% of the population, suffered from temporary but severe food shortages. People told Amnesty International that some reforms were introduced, but there were no fundamental changes in the agricultural production system. Only some people working for the Worker's Party of Korea, the government, the military and Pyongyang residents benefitted from the public distribution system. Vulnerable groups, including the elderly, people with disabilities and orphans were at particular risk of food insecurity.

1. "We will never stop." The North Korean activists fighting for human rights back home, (Blog, 8 August 2019)

2. Gestures are not enough – Amnesty International Submission for the UN Universal Periodic Review 33rd Session of the UPR Working Group, May 2019 (ASA 24/9712/2019)

3. Hanoi Summit Cannot Gloss Over Human Rights Atrocities in North Korea, (Press release, 25 February 2019)

4. TV Producer held in North Korea for 50 years: Hwang Won, 29 January 2019, (ASA 25/9751/2019)

Students play a mixed reality game supported by Korea Telecom (KT) 5G network service as a South Korean soldier stands guard at an elementary school during a press tour to the Taesungdong freedom village, in the Demilitarized zone dividing the two Koreas in Paju on September 30, 2019. Korea Telecom (KT) implemented 5G mobile network services at Taesungdong village located within the DMZ. Services range from automation on Smart Farms to VR based lectures and AR physical education classes.
© Ng Yeon-Je / AFP via Getty Images

KOREA (REPUBLIC OF)

The Republic of Korea
Head of state and government: **Moon Jae-in**

Among other important court proceedings, in a historic step for women's rights, the Constitutional Court ruled that criminalization of abortion was unconstitutional. An alternative to military service was enacted after the Constitutional Court's decision in 2018. At the end of the year, the Constitutional Court was again discussing the death penalty. Article 92-6 of the Military Criminal Act, which the UN and some member states had recommended be repealed, was still in effect. Under this law, LGBTI people in the military were subjected to discrimination and stigmatization and faced violence and harassment due to the criminalization of consensual sex between adult men.

BACKGROUND

There were strong youth voices urging action on a new human rights agenda including climate change. The Youth for Climate Action group led a climate strike movement calling for the government to take immediate action to address the looming climate crisis. Approximately 5,500 people participated in climate strikes on 21 September, including one in the centre of Seoul that included a "Die-in". Some 150,000 people gathered at the Seoul Queer Culture Festival in June, the largest turnout since it began in 2000. The annual Incheon Queer Culture Festival, which had been marred by attacks by counter-protesters in 2018, was held without incident in August. The 3rd Busan Queer Culture Festival was cancelled due to opposition from the Haeundae-gu District government office.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Article 92-6 of the Military Criminal Act criminalized sex between men, institutionalized discrimination and reinforced systematic prejudices in the military.[1] Criminalization contributed to an environment where soldiers who did not conform to existing gender norms – including gay men, bisexual men, transgender women and non-binary people – found it extremely difficult to fulfil compulsory military service free from bullying, harassment, discrimination and violence at the hands of their commanding officers and peers. At year's end, the Constitutional Court was reviewing a new collective case challenging Article 92-6 – the fourth review on the issue since 2002.

Although the government stated that the guidelines on changing gender recognition were not legally binding,

they included requirements that could violate transgender people's rights to privacy, health and to have a family. The guidelines stated that applicants must have received sex reassignment surgery, have no underage children and be unmarried in order for gender correction to be recognized.

If an individual was unable to obtain a legal change of gender, they could not have their gender changed on the national identification card, which is essential to daily life in South Korea. Identification cards were needed to obtain other official documents, access essential services, search for employment and purchase accommodation. The discrepancy between the gender on the card and the appearance of the person it belonged to could result in discrimination or a reluctance to seek needed government services.

Equality Act, a nationwide network of 128 human rights and civil society organizations, and the UN High Commissioner for Human Rights called for comprehensive anti-discrimination legislation that included a prohibition on discrimination based on sexual orientation and gender identity. However, the government did not take any action.

WOMEN'S RIGHTS

In April, the Constitutional Court ordered the government to decriminalize abortion and reform the country's highly restrictive abortion laws by the end of 2020.[2] Previously both the woman or girl and the doctor performing the abortion could be penalized with a fine or imprisonment.

The case filed against the Japanese government in December 2016 by 11 survivors of Japan's military sexual slavery system before and during World War II was taken up in March by a South Korean district court despite Japanese authorities' claims that the issue had been settled in previous treaties and agreements. In November, Amnesty International submitted an amicus curiae brief to the court arguing that the survivors and victims deserved reparation and remedy for this gross human rights violation. The brief further stated that claims of sovereign immunity did not remove Japan's need to fully acknowledge and accept responsibility for the military sexual slavery system. In December, the Constitutional Court declined to honour an appeal submitted by survivors, asking the court to review the constitutionality of a 2015 settlement on the issue between the Japanese and South Korean governments.

In September, the Supreme Court upheld a lower court ruling that found a high-profile politician guilty of sexual violence. This ruling helped further encourage the #Metoo movement, which Seo Ji-hyun, a prosecutor, kick-started in 2018 by exposing the sexual harassment she was subjected to at work. Women's rights activists and lawyers welcomed the ruling, which prioritized the testimony of the victim and urged judges to take into account social context and issues of gender inequality.

Migrant women in particular faced discrimination in society and in the home. Media reports covering a domestic violence case involving a Vietnamese-born woman and the death of a North Korean woman possibly due to starvation, highlighted the risks migrant women faced and re-ignited debates on discrimination.

CONSCIENTIOUS OBJECTORS

In December, the legislature enacted amendments to the Military Service Act as mandated by the Constitutional Court in its 2018 ruling which required the government to introduce an alternative service of a civilian nature by the end of 2019.[3] However, the enacted legislation still violated the right to freedom of thought, conscience and religion or belief by imposing unreasonable and excessive burdens on conscientious objectors. It instituted a disproportionate length of service – 36 months, compared to 21 or 18 months for military service – and an administration of the service which was not completely separate from military authorities.

Despite a related ruling by the Supreme Court in 2018 that conscientious objection was a "justifiable ground" for failing to report for service, lower courts continued to convict conscientious objectors. Three were imprisoned. Three other objectors had appeals pending at the Supreme Court at year's end, when the government pardoned 1,879 conscientious objectors.

DEATH PENALTY

In December, Amnesty International submitted an *amicus curiae* brief in a new case the Constitutional Court took up to consider for the third time if the death penalty is a violation of the rights to life and human dignity as recognized in the Constitution. In October lawmaker Lee Sang-min of the Minjoo Party submitted the eighth bill to the National Assembly to abolish the death penalty. Seven bills had been introduced previously over a 20-year period, but none were brought to a vote before the full Assembly, even though the last execution was carried out in 1997. The government made no moves toward abolition and in 2018 abstained in the vote on the seventh UN General Assembly resolution regarding a moratorium on the use of the death penalty.

FREEDOM OF ASSEMBLY

The amendment of the Assembly and Demonstration Act as required by a 2018 Constitutional Court ruling remained pending. Based on the ruling, the prohibition of outdoor assemblies or demonstrations within a 100-metre radius of the National Assembly building, the official residence of the Prime Minister, and "all levels of courts" was unconstitutional.

1. Serving in silence: LGBTI people in South Korea's military, July 2019 (ASA 25/0529/2019)
2. Top court orders reform of abortion laws in historic victory for women's rights, (Press release, 11 April 2019)
3. South Korea marks international conscientious objection day with alternative service plan that fall short, May 2019 (ASA 25/0352/2019)

Demonstrators participating in an International Women's Day march held in March 2019. © Amnesty International Malaysia

MALAYSIA

Malaysia
Head of state: **Abdullah Ri'ayatuddin Al-Mustafa Billah Shah**
Head of government: **Mahathir Mohamad**

The Pakatan Harapan coalition government struggled to implement human rights reforms as promised in its 2018 election manifesto. While it took steps toward creating a formal police complaints commission, repressive laws limiting the rights to freedom of expression and peaceful assembly remained on the books. The government accepted more recommendations during a review of its human rights record at the UN Human Rights Council than ever before. However, it rejected recommendations to protect the rights of LGBTI and Indigenous peoples. The government also backtracked from its decision to join the Rome Statute of the International Criminal Court in April, a month after it had promised to accede to it.

FREEDOM OF EXPRESSION

The government tolerated a degree of criticism, but continued to use laws restricting the right to freedom of expression, such as the Sedition Act and the Communications and Multimedia Act, especially against those making comments deemed sensitive, involving race, religion or royalty. In March, a 22-year-old was sentenced to 10 years in prison for posting offensive comments about Islam on social media. In July, Islamic preacher Wan Ji Wan Hussin was sentenced to one year in prison following his failed appeal against a 2014 conviction under the Sedition Act over comments he had made about the sultan of Selangor state. The sentence was stayed pending appeal. In October, the government banned *Belt and Road Initiative for Win-Winism*, a comic book promoting China's foreign policy goals in Malaysia, for "[trying] to promote communism and socialism ideologies."

FREEDOM OF PEACEFUL ASSEMBLY

In July, the Peaceful Assembly Act 2012 was amended to relax restrictions on processions, marches, and other forms of peaceful demonstration, and also shorten the notification period required for assemblies from 10 to seven days. Public protests were generally tolerated,

although in March authorities questioned organisers of an International Women's Day march because of what were deemed to be pro-LGBT speeches and slogans. The investigation was ultimately dropped. In August, police opened investigations into the organisers of a protest over the government's decision to allow a rare-earth processing plant to continue operations. Similar action was taken in October, following a pro-Hong Kong solidarity march in Kuala Lumpur. In both cases no charges were filed. In December, police successfully obtained a court order to stop a Chinese-language education lobby group from holding a congress to discuss its objections to the teaching of Jawi, an Arabic script for writing the Malay language.

FREEDOM OF PEACEFUL ASSEMBLY

In July, the Peaceful Assembly Act 2012 was amended to relax restrictions on processions, marches, and other forms of peaceful demonstration, and also shorten the notification period required for assemblies from 10 to five days. Public protests were generally tolerated, although in March authorities questioned organisers of an International Women's Day march because of what were deemed to be pro-LGBT speeches and slogans. The investigation was ultimately dropped. In August, police opened investigations into the organisers of a protest over the government's decision to allow a rare-earth processing plant to continue operations. Similar action was taken in October, following a pro-Hong Kong solidarity march in Kuala Lumpur. In both cases no charges were filed. In December, police successfully obtained a court order to stop a Chinese-language education lobby group from holding a congress to discuss its objections to the teaching of Jawi, an Arabic script for writing the Malay language.

INDIGENOUS PEOPLES' RIGHTS

In January, the government explicitly pledged to recognise and protect the rights of Indigenous peoples, and consider previous recommendations made by the Human Rights Commission of Malaysia. The same month, the government filed a lawsuit against the Kelantan state government for failing to protect lands belonging to an Indigenous community. Yet despite these positive steps, Indigenous peoples continued to be marginalized. In July, police arrested three Orang Asli protestors after they attempted to prevent state forestry officials from removing a blockade near a logging site in Perak. The incident followed a spate of deaths affecting the Batek people in Kelantan state, which the government later attributed to measles. The deaths highlighted the poor quality of government-provided healthcare to Indigenous communities. These concerns and others, including reports that Indigenous peoples had been forced to use birth control, were raised by the United Nations Special Rapporteur on Extreme Poverty and Human Rights following his August visit to Malaysia.

POLICE AND SECURITY FORCES

In July, after years of calls from human rights groups to address police abuse, the government tabled the Independent Police Complaints and Misconduct Commission bill, which aimed to set up a new police monitoring body. However, the first draft of the bill, which was debated and voted on in October by Parliament, was heavily criticised by civil society organisations for being weak and giving excessive powers to the prime minister. In December, the government said that it would table a revised version of the bill in March 2020.

DEATH PENALTY

Having announced its intention to fully abolish the death penalty in 2018, the government reversed this decision in March, stating that it would only repeal the mandatory death penalty for 11 criminal offences. In October, the government said it planned to introduce the legislation in March 2020. There were no executions since October 2018.

FREEDOM OF RELIGION

In June, the Kelantan state government announced plans to convert all Indigenous peoples in the state, who customarily practice animism, to Islam by 2049. The announcement corroborated the widely-held view that the government had a policy of converting all Indigenous peoples to Islam.

In September, the High Court dismissed the application by women's rights group Sisters In Islam to challenge a 2014 fatwa issued by the Selangor Islamic Religious Council against the organisation. Civil society organisations feared this precedent would allow Islamic authorities to undermine the rights to freedom of religion and freedom of expression.

Also in September, the authorities detained dozens of Shiites who were commemorating Ashura, a Shia holy day, in raids around the country. Witnesses reported that the police ill-treated those detained in a raid in Johor, including threatening some detainees with a gun. They were later released.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

Discrimination against LGBTI people continued both in law and in practice. Section 377A of the Penal Code criminalized oral and anal sex between consenting adults. In April, police questioned LGBTI rights activist Numan Afifi over a speech he gave during Malaysia's review at the UN Human Rights Council, in which he addressed issues of gender identity and sexual orientation. In June, the Islamic Development Department accused the International Conference on Gender and Sexuality, which was to be held in Kuala Lumpur in October, of "promoting LGBTI" in Malaysia. The conference's venue was then moved to Thailand. In November, the government caned and

imprisoned five men after they were found guilty of "attempting intercourse against the order of nature" by the Selangor state Sharia court.

TORTURE AND OTHER ILL-TREATMENT

Reports of abuse in custody continued. In May, a 30-year-old man suspected of armed robbery claimed he was assaulted, tasered, and had his genitals rubbed with chili paste by police officers to induce a confession from him. The government did not respond to these claims. In July, Thomas Orhions Ewansiha, a 34-year-old Nigerian doctoral student, died in an Immigration Detention Centre. An inquest into the death was scheduled to be held in January 2020. In October, a prisoner in the state of Sabah was found dead in his cell with blunt force trauma wounds to his head and body. The police said they were investigating the case.

REFUGEES AND ASYLUM-SEEKERS

Malaysia, which is not a party to the 1951 Refugee Convention but permits the UN Refugee Agency (UNHCR) to process refugees, deported at least two asylum seekers. In May, police arrested Praphan Pipithnamporn, a Thai political activist registered with UNHCR, and deported her at the request of the Thai authorities. In August, the authorities deported Arif Komis, also registered with UNHCR, along with his family, back to Turkey, where he was said to face accusations of belonging to the Gulen network. Both deportations violated the international legal rule of non-refoulement.

1. Malaysia: Ratify core human rights treaties, repeal repressive laws, and abolish the death penalty (ASA 28/0028/2019, 14 March).
2. Malaysia: Fully recognise and protect Indigenous rights (ASA 28/9723/2019, 23 January).
3. Malaysia: Repeal of mandatory death penalty should be a first step towards full abolition (ACT 50/0040/2019, 14 March).

The President of Maldives Ibu Solih marched with the family members of the assassinated blogger Yameen Rasheed and abducted journalist Ahmed Rilwan at a protest held in Male, the capital of Maldives, in April 2019. The protest march was held to mark two years since Rasheed was killed in his house on April 23, 2017. The family members directly appealed for justice from President Solih at the protest. © Aiman Rasheed / Transparency Maldives

MALDIVES

Republic of Maldives
Head of state and government: **Ibrahim Mohamed Solih**

Human rights defenders came under attack, with threats from hard-line religious groups and the government shutting down a prominent human rights group. The Supreme Court's chief justice and other judges were replaced. Two women became Supreme Court judges for the first time. There was some progress on investigations into past attacks on journalists and activists, but these failed to result in arrests or prosecutions. Civil service employees were granted paid parental leave. The representation of women deteriorated in parliament, with only six women elected out of a parliament of 85 members.

BACKGROUND

Following its election in September 2018, the new Maldives Democratic Party-led government of President Ibrahim Solih vowed to introduce wide-ranging reforms. By the end of 2019, the Supreme Court's chief justice and other judges were replaced, the government had not reduced overcrowding in prisons or improved poor prison conditions, guarantee the right to freedom of expression, and deliver justice in prominent and long-running cases of attacks on activists and journalists. The government took steps to address the effects of climate change which continued to impact on the country, particularly in industries like tourism and fishing.

JUSTICE SYSTEM

In August, the government nominated Aisha Shujune and Azmiralda Zahir to serve as the country's first women judges on the Supreme Court. In September, parliament resisted pressure from religious clerics, who said women could not serve as judges, to confirm their nomination. In November, the two judges were appointed to the Supreme Court.

The changes were part of a broader overhaul of the Supreme Court, which saw the previous Chief Justice and other judges replaced amid allegations of corruption.

Maldivian prisons continued to suffer from overcrowding and prisoners were subject to harsh conditions, including not being allowed out of their cells

for exercise during the day. There was at least one incident where prison authorities used force against a prisoner.

In June, the government promised to improve conditions in the overcrowded Maafushi prison in the Kaafu Atoll administrative division following media reports of torture and other ill-treatment of inmates. The government said it had ordered a prison investigation into the incidents. The parliamentary Committee on Human Rights and Gender also launched its own investigation.

There was some limited progress by the government appointed Commission on Deaths and Disappearances into prominent cases of attacks on journalists and activists. The government failed, however, to arrest anyone for the 2014 disappearance of journalist Ahmed Rilwan in 2014. The trial of six men accused of the 2017 murder of blogger Yameen Rasheed was subject to constant delays.

POLICE AND SECURITY FORCES

Seven officers out of the 11 of the Drug Enforcement Department were transferred to other departments, demoted and their most recently awarded disciplinary color or medal revoked, after a video was released showing police brutality, including an attack on a 36-year-old foreign national in the capital, Malé. The other four officers are facing an investigation.

HUMAN RIGHTS DEFENDERS

Human rights defenders were targeted and subjected to verbal attacks including hate speech and death threats. In August, the Observatory for the Protection of Human Rights Defenders, an NGO, said it had information about at least 15 human rights defenders and activists - including journalists, lawyers, and NGO workers – who had been repeatedly harassed and subjected to online threats since November 2018. In November, the Maldivian Democracy Network was shut down by authorities, under pressure from religious hardliners and an opposition party, for a 2015 report published by the human rights group. The authorities alleged that the report insulted Prophet Muhammed but their decision to shut down a widely-respected NGO shows that old patterns of state repression had not gone away.

WOMEN'S RIGHTS

Concerns about the influence of religious hardliners seeking to limit the social and cultural lives and roles of women persisted, with the Fatwa Council and conservative political parties opposing the appointment of two women judges to the Supreme Court. The number of women representatives in parliament fell from 6.5% in 2014 to 4.6% after parliamentary elections held in April 2019. Only six out of 85 parliamentarians were women and few women held senior roles in the public sector. In March, the government pledged to grant six months' maternity leave pay and one month's paternity leave pay for civil service employees. In March, it committed to allocate 20% of funds from the "Small and Medium Enterprise Loan" to women as well as to youth and people with disabilities.

House of Mongolian parliament in Ulaanbaatar city which is commonly known as Government House, October 2019. © Amnesty International

MONGOLIA

Mongolia
Head of state: **Khaltmaagiin Battulga**
Head of government: **Ukhnaagiin Khurelsukh**

Authorities failed to protect traditional herders from mining companies' operations that negatively affected their livelihoods, traditional culture and access to land and clean water. Basic infrastructure and the provision of public services continued to be sorely lacking in informal settlements of internal migrants, in contravention of domestic law. In March the Minister of Justice and Home Affairs publicly apologized and admitted that torture had been used to extract a confession, in an emblematic case of the shortcomings of the criminal justice system.

ACCESS TO JUSTICE

In March parliament enacted amendments to the Laws on Legal Status of Judges, Public Prosecutor's Office and Anti-corruption. The amendments allow the National Security Council, formed by the President, the Prime Minister, and the Speaker of parliament to recommend the removal of chief judges, and the heads of the public prosecutor's office and the anti-corruption agency.[1] In May the UN Special Rapporteur on the situation of human rights defenders criticized the amendments because they could endanger the independence of the judiciary.

DEATH PENALTY

The new Criminal Code in force since 2017 abolished the death penalty for all crimes. However, President Khaltmaagiin Battulga continued to seek to reinstate the death penalty. In 2018 he drafted amendments to the Criminal Code, proposing to reinstate the death penalty for crimes involving sexual violence against children.[2]

TORTURE AND OTHER ILL-TREATMENT

The new Criminal Code included for the first time a definition of torture that broadly reflects the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). However, Mongolia failed to establish an independent and effective mechanism to investigate allegations of torture and other ill-treatment as provided for in the Optional Protocol to CAT, binding on Mongolia since 2015. Impunity for and under-reporting of torture of individuals in detention continued.

In March the Minister of Justice and Home Affairs publicly apologized and admitted that torture had been used to extract a confession from B. Sodnomdarjaa and T. Chimgee, who had been sentenced to 25 and 24 years in prison respectively for the murder of S. Zorig, a former Democratic Party MP. The new draft law on the National Human Rights Commission of Mongolia, still pending as of December 2019, mandated it to establish a mechanism to prevent torture. However, provisions on the mechanism and the selection process for members were vague and overly broad.

HOUSING RIGHTS

In 2017 the Ulaanbaatar City government banned migration to the city from rural areas until 2018 and then extended the ban until 2020 to reduce the air and soil pollution, including heavy smog in winter. As a result, internal migrants settled in ger areas, areas of houses and traditional round felt dwellings that lack roads, access to water, sanitation and heating, in contravention of domestic law. The procedures that accompanied the 2015 Urban Redevelopment Law are not sufficient to guarantee the rights of everyone affected by redevelopment. In April, 12 people in a building designated for redevelopment became homeless when the private developer forcibly evicted them.

Laws and policies on redress lack clarity and specificity on options for individuals negatively impacted by redevelopment to raise complaints and seek settlement of disputes. The Administrative Offence Act in force since 2017, allows for increased administrative fines for defamation of individuals or business entities, and was used by private developers against residents in affected communities who exchanged and publicized information on social media concerning redevelopment projects. The government failed to ensure people's right to genuine consultation.

OTHER ECONOMIC, SOCIAL, AND CULTURAL RIGHTS

Authorities failed to protect traditional herders from mining companies' operations that negatively affected their livelihoods, traditional culture and access to land and clean water. The influx of mining companies and trucks in the Dalanjargalan subdivision of Dornogovi province caused heavy dust which severely degraded pastures and threatened the health and safety of people and livestock. During the year, Amnesty International received reports of water and pasture contamination when mining companies disposed of toxic waste in Airag soum, Dornogovi province.

HUMAN RIGHTS DEFENDERS

Human rights defenders reported cases of discrimination, intimidation, harassment, stigmatization and physical attacks against them at the hands of private actors and in some cases by law enforcement and other public officials. They also noted the Administrative Offence Act was used to restrict the work of journalists and human rights defenders. A newly proposed draft of the Non-Profit Organization Law would further curtail organizations' work by tightening control of registration and foreign funding.

1. Public statement of Amnesty International Mongolia (in Mongolian only) (Public statement, 27 March 2019)
2. Submission for the UN Universal Periodic Review 36th Session of the UPR Working Group, May 2020 (ASA 30/ 1297/ 2019)

Rohingya refugees in Cox's Bazar, Bangladesh, watch Myanmar political leader Aung San Suu Kyi appear at a hearing in the Royingya genocide case, on 12 December 2019. © Allison Joyce / Getty Images

MYANMAR

Republic of the Union of Myanmar
Head of state and government: **Win Myint**

The military committed serious human rights violations, including war crimes, in Kachin, Rakhine, and Shan States. The government made no progress in creating conditions conducive to the safe, dignified, and voluntary return of the 740,000 Rohingya women, men, and children who fled to Bangladesh beginning in August 2017. Rohingya who remained in Rakhine State lived under a system amounting to apartheid. Restrictions on the rights to freedom of expression, association, and peaceful assembly continued. Authorities continued to arbitrarily arrest and detain human rights defenders and other peaceful activists. Impunity persisted for perpetrators of human rights violations and crimes under international law.

BACKGROUND

The military retained significant economic and political power. In February, the National League for Democracy (NLD)-led government announced a new committee tasked with drafting amendments to the 2008 Constitution; however, there was no progress by the end of the year. The floundering nationwide peace process remained at a standstill. On 27 September Myanmar ratified the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

INTERNAL ARMED CONFLICT

From January there was a major escalation in fighting in Rakhine State between the Myanmar military and the Arakan Army, an ethnic Rakhine armed group. The military committed serious violations against civilians, including unlawful attacks, arbitrary arrests, torture and other ill-treatment, enforced disappearances, extrajudicial executions, and forced labour. Many of them constituted war crimes.[1] The Arakan Army was also responsible for abuses, including arbitrary deprivation of liberty, and threats and intimidation of civilians. In June, the authorities shut down the internet in nine conflict-affected regions in Rakhine and Chin States, raising serious concern for the safety of civilians.[2] Although the shutdown was partially lifted in some areas in late August, others remained offline by the end of the year.

Civilians also bore the brunt of ongoing conflict in northern Shan State.[3] The military was responsible for war crimes and other serious violations, including arbitrary arrests, incommunicado detention on military bases, torture and other ill-treatment, and unlawful attacks. Ethnic armed groups committed serious abuses against civilians, including abductions, torture and other ill-treatment, forced labour, and extortion. In August fighting increased sharply after three armed groups attacked military installations and other locations. The escalation led to new displacement of civilians and serious violations by all sides.[4] Although there was no significant fighting in Kachin State, civilians were subjected to arbitrary arrests and torture and other-ill-treatment at the hands of the military.

THE SITUATION OF THE ROHINGYA

Crimes against humanity continued against the estimated 600,000 Rohingya still living in Rakhine State. Their rights to equality, a nationality, freedom of movement, and access to adequate healthcare, education, and work opportunities were routinely violated. Seven years after they were forced from their homes, some 128,000 people – mostly Rohingya – remained confined to squalid detention camps within Rakhine State, reliant on humanitarian assistance for their survival.

The government failed to take meaningful action to create conditions conducive for the return of the hundreds of thousands of Rohingya who fled Myanmar from 2017 and during previous waves of violence. Despite government claims, there was no progress in implementing the recommendations of the Advisory Commission on Rakhine State. The authorities severely restricted access for humanitarian workers and independent journalists.

DISPLACEMENT AND HUMANITARIAN ACCESS

Tens of thousands of civilians were displaced as a result of conflict. In Rakhine State, fighting between the military and the Arakan Army forced more than 30,000 people to flee their homes. In northern Shan State, fighting displaced several thousand people. Many were displaced multiple times, often for short periods, affecting their access to livelihoods and their short and long-term food security. Older people were specifically impacted by conflict and displacement, in particular with regard to their rights to healthcare and to livelihoods.[5] The authorities – both civilian and military – continued to impose restrictions on humanitarian access throughout the country.

FREEDOM OF EXPRESSION, ASSOCIATION, AND PEACEFUL ASSEMBLY

Authorities continued to arrest and imprison people for peacefully exercising their human rights, including political activists, media workers and human rights defenders. The military targeted political activists and critics in criminal cases. In August filmmaker Min Htin Ko Ko Gyi was sentenced to one year in prison. He had been arrested in April and charged for criticizing the military's role in politics on social media. In April and May, seven young people were arrested and charged for satirical performances criticizing the military. Six were subsequently sentenced to between one and a half and two and a half years in prison. All seven were facing further charges by the end of the year.[7]

The authorities used broad and vaguely worded laws to stifle dissent and restrict the rights to freedom of expression, association and peaceful assembly. They included Section 66(d) the Telecommunications Act, the Privacy Law, the Peaceful Assembly and Peaceful Procession Law, and Penal Code provisions. Despite its overwhelming parliamentary majority, the NLD-led administration failed to review or amend laws that restricted these rights.

In May, Reuters journalists Wa Lone and Kyaw Soe Oo were released as part of a mass prisoner amnesty.[8] The pair had been sentenced to seven years in prison for reporting on atrocities against Rohingya in Rakhine State. Despite these releases, journalists continued to face arbitrary arrest, prosecution and harassment in connection with their work.

IMPUNITY

Impunity persisted for serious human rights violations and abuses, including crimes under international law. The government refused to cooperate with international investigative mechanisms. The Independent Commission of Enquiry, established by the government to probe abuses in Rakhine State from August 2017, lacked competence, independence, and impartiality. The commission's final report, due in late August, was postponed until January 2020. In February the military announced the creation of an "Investigative Court" to examine allegations of violations and abuses in Rakhine State. The court, which would involve members of the military investigating military violations, was clearly not independent nor impartial. Investigations into ongoing violations and abuses in other parts of the country were rare, and suspected perpetrators were seldom held to account.

Despite the lack of justice in Myanmar, the UN Security Council failed to refer the situation to the International Criminal Court (ICC).

INTERNATIONAL SCRUTINY

Myanmar denied access to the UN Special Rapporteur on the situation of human rights in Myanmar for a second year. In September the UN Fact-Finding Mission (FFM) on Myanmar presented its final report on serious and ongoing violations. The government rejected the report – and other FFM reports published during the year – asserting that they were unfounded and without evidence.

In May, the UN published the findings of an internal review of its operations in Myanmar since 2011, concluding

that there were "systemic failures" within the UN system. The report made several recommendations for improved communication and cooperation; however, there was no public reporting on implementation.

In November, the ICC officially opened an investigation into the forcible deportation of Rohingya from Myanmar and other related crimes, where one or more elements occurred in the territory of Bangladesh. In July and December the US government imposed sanctions against Senior General Min Aung Hlaing, commander-in chief of the Myanmar military, and three other military officials, in connection with their role in atrocities against the Rohingya.

The Independent Investigative Mechanism for Myanmar, mandated to collect and preserve evidence of serious crimes and prepare files for criminal prosecutions, became operational in September. In November, the Gambian government filed a lawsuit against Myanmar for genocide at the International Court of Justice (ICJ). At a court hearing on provisional measures in December, a delegation led by Aung San Suu Kyi rejected accusations that the country had breached its obligations under the Genocide Convention.

1. "No one can protect us": War crimes and other abuses in Myanmar's Rakhine State (ASA 16/0417/2019 29 May).
2. Myanmar: End internet shut down in Rakhine, Chin States (ASA 16/0604/2019, 25 June).
3. "Caught in the middle": Abuses against civilians amid conflict in Myanmar's northern Shan State (ASA 16/1142/2019, 24 October).
4. Myanmar: Civilians at risk in northern Shan State fighting (ASA 16/0975/2019, 3 September).
5. "Fleeing my whole life": Older people's experience of conflict and displacement in Myanmar (ASA 16/0446/2019, 18 June).
6. Filmmaker sentenced to one year in prison for Facebook post (news story, 29 August).
7. Satire performers who mocked military face prison in "appalling" conviction (news story, 30 October).
8. Genuine press freedom must follow release of Reuters journalists (news story, 7 May).
9. Joint open letter to the UN Secretary General on the inquiry into UN operations in Myanmar (ASA16/1003/2019, 5 September).

Campaign event organized by Amnesty International Nepal Kathmandu University Youth Network on the occasion of World Press Freedom Day on 3 May 2019.
© Anup Subedi/Kathmandu University Youth Network via Amnesty International Nepal

NEPAL

Federal Democratic Republic of Nepal
Head of state: **Bidhya Devi Bhandari**
Head of government: **Khadga Prasad Sharma Oli**

Legislation was used to limit freedom of expression and enable security forces to carry out arbitrary arrests while a series of draft laws were proposed which would introduce even more restrictions to this right. Onerous registration requirements were imposed on civil society organizations, and their work was subjected to unnecessary monitoring by government bodies. Efforts toward securing justice and reparations for thousands of victims of human rights violations committed during the conflict which ended in 2006 were inadequate. One protestor was killed as a result of excessive use of force by security forces. There were several allegations of extrajudicial executions. The use of torture and other ill-treatment was widespread. Dozens of families were forcibly evicted from their homes. Migrant workers were subjected to abusive and illegal recruitment practices. Sexual violence including rape and other gender-based violence continued with impunity. Discrimination based on gender continued in both law and practice.

FREEDOM OF EXPRESSION

Laws like the Electronic Transactions Act 2006 were used to arbitrarily arrest journalists for publishing stories which criticized the government, or individuals who posted their opinions online. In April, Arjun Giri, a Pokhara-based journalist, was charged under the Act for reporting on a financial fraud case. In June, comedian Pranesh Gautam was arrested for posting a satirical film review on Youtube. In October, singers Durgesh Thapa and Samir Ghising were arbitrarily arrested by police, solely for the content of their songs. During the year, several draft laws which included provisions that threatened to severely restrict freedom of expression were pending before Parliament. They included the Media Council Bill, the Mass Communication Bill and the Information Technology Bill.

HUMAN RIGHTS DEFENDERS

In April, the government proposed amendments to the National Human Rights Commission Act, 2012, which

would undermine the independence and autonomy of the National Human Rights Institution and limit its jurisdiction. Proposals included provisions which would allow the Attorney General's discretion to bypass the Commission's recommendations for prosecutions in cases concerned with human rights violations. The government failed to appoint commissioners to various commissions in time.

The cabinet also proposed legislation that, if enacted, would further restrict the work of civil society organizations, including by imposing additional barriers to registration or renewing registration, subjecting them to unnecessary scrutiny and monitoring of their work.

INTERNATIONAL JUSTICE

The government failed to deliver truth, justice and reparation for thousands of victims of crimes under international law and other serious violation of international human rights law committed during the decade-long armed conflict, 13 years after the state committed to do so as part of the Comprehensive Peace Agreement. The Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) which had respectively collected over 60,000 and 3,000 complaints of human rights violations and abuses committed by state security forces and Maoists during the armed conflict failed to appoint new commissioners when incumbent commissioners' terms expired in April. The government did not amend the Investigation of the Commission on Investigation of Disappeared Persons, Truth and Reconciliation Act 2014 as ordered by the Supreme Court in 2014 and 2015.

RIGHT TO HOUSING

Thousands of survivors from the 2015 earthquake were still living in temporary shelters awaiting housing grants in order to be able to rebuild their homes.

While the enactment of the 2018 Right to Housing law is an important step towards fighting against homelessness, it was insufficient to adequately guarantee the right to housing. As it is based on the ownership driven approach, the Act fails to guarantee protection from forced eviction for those living in informal settlements. Definitions of key terms, such as homelessness and security of tenure are absent. Local authorities also increasingly carried out evictions without due process or provision of alternative accommodation. The Butwal Sub-Metropolis and Nagarkot municipalities in the Rupandhi and Bhaktapur districts respectively forcibly evicted dozens of families from land they had inhabited for several years, rendering many of the families homeless.

RIGHT TO FOOD

In an important step towards realizing its goal of "zero hunger" by 2025, the Nepal government enacted the Right to Food and Food Sovereignty Act in September 2018.The Act, however, fails to prohibit public authorities from interfering with people's efforts to feed themselves since it did not prohibit the forced eviction of communities from their lands, which cut them off from food supplies obtained through fishing or foraging in local forests. The law also failed to impose a requirement to investigate starvation-related deaths.

EXCESSIVE USE OF FORCE

Security forces continued to use unnecessary or excessive force to disperse peaceful protests. In June, police officers used excessive force and beat protesters in the capital, Kathmandu, as they demonstrated against the proposed "Guthi" bill. Also in June, Saroj Naryan Mahato was killed at a protest in the Sarlahi district. Witnesses said he was shot dead by police officers. Three other protestors were seriously injured. Allegations of excessive use of force and deaths that occurred during demonstrations were not investigated by the authorities by the end of the year.

WORKERS' RIGHTS – MIGRANT WORKERS

The government failed to protect migrant workers from abusive recruitment practices. The four-year-old "Free Visa, Free Ticket" policy, which was intended to curtail exorbitant recruitment charges by agencies, remained largely unenforced. The lack of enforcement adversely affected migrant workers' ability to claim compensation for overpayment of their recruitment fees.

Some recruiters were responsible for serious abuses against migrant workers, including trafficking and forced labour, which were rarely referred for prosecution under trafficking laws and the Foreign Employment Act.

TORTURE AND OTHER ILL-TREATMENT

There were frequent reports of torture and other ill-treatment in pre-trial detention to obtain "confessions" or other evidence. There were no credible investigations into deaths in custody suspected to have resulted from torture. Although the Criminal Code criminalized torture and other ill-treatment, penalties did not reflect the gravity of the crime.

EXTRAJUDICIAL EXECUTIONS

There were several allegations of extrajudicial executions. Police officers reportedly shot dead Tirtha Raj Ghimire in the Bhojpur district and Kumar Poudel in the Sarlahi district, in May and June respectively. Witnesses said both men were killed as they were arrested. The authorities did not announce an investigation into the killings.
The authorities did not undertake credible investigations into dozens of extrajudicial executions carried out by security forces of the members of the Madheshi community in Terai in the south and elsewhere since the first Madhesh uprising in 2007. The report of the Inquiry Commission known as the Lal Commission established to investigate the killings has not been disclosed by the government.

WOMEN'S RIGHTS

Gender-based discrimination continued and the government did not address constitutional flaws which denied women equal citizenship rights. The provisions for statutory limitations relating to rape in the Criminal Code continued to allow impunity for perpetrators. Reports of rape, particularly against children, increased.

Despite legislation criminalizing Chhaupadi (the practice of banishing menstruating women and girls to huts), it continued to be widespread, especially in the mid-western and far-western regions. Numerous women and girls died or were subjected to sexual violence while in Chhaupadi huts. In January, a woman and her two children died from suffocation when a fire broke out as they slept. In February, a woman died due to suffocation in her hut in Doti district. In December, another woman suffered the same fate in Achham district. In December, the authorities arrested a family member in relation to the death of Parbati Budha Raut, the first arrest since the practice was outlawed through criminal code in 2017.

DISCRIMINATION – CASTE SYSTEM

Despite provisions in law and policy to address discrimination based on caste, Dalits continued to face discrimination, the stigma of "untouchability", ostracization and violence. Dalit women were especially vulnerable to discrimination and violence based on both gender and caste.

People embrace at the Kilbirnie Mosque in Wellington, New Zealand, on 17 March 2019, in the wake of the shooting attack on two mosques in Christchurch.
© Elias Rodriguez / Getty Images

NEW ZEALAND

New Zealand
Head of state: **Elizabeth II, represented by Patricia Lee Reddy**
Head of government: **Jacinda Ardern**

A terror attack against two mosques on 15 March killed 51 people, the deadliest mass shooting in modern New Zealand history. New Zealand continued to struggle to address problems relating to its detention facilities, the rights of Indigenous peoples, children's rights and gender-based violence.

COUNTER-TERROR AND SECURITY

On 15 March, a lone gunman attacked the Al-Noor Mosque and the Linwood Islamic Centre in Christchurch while Muslim worshippers were at prayer. Fifty-one people were killed, including people who had fled persecution in other countries and sought refuge in New Zealand, and more than 50 others were injured, some seriously. The attacker live-streamed the first shooting on Facebook Live. A man was charged with offences related to the attack. The government announced a Royal Commission of Inquiry into the performance of state agencies in the lead-up to the events, including whether security agencies failed to anticipate the attack, and passed legislation further regulating the use of firearms.

In June, the National Human Rights Commission renewed its calls for improved data collection of hate-motivated crimes. There was an absence of systematically collected data on racially and religiously motivated crime in New Zealand.

In November, the government introduced a Terrorism Suppression (control orders) Bill with a public consultation period of three working days. The control orders regime enabled the High Court to restrict an individual's human rights on a lower burden of proof, in a high degree of intrusion normally only imposed following a criminal conviction.

INDIGENOUS PEOPLES' RIGHTS

Indigenous Māori comprised around 16% of the population but made up 38% of people prosecuted by police, 42% of adults convicted, and 57% of adults sentenced to prison. In June, an interim report of an independent review of the criminal justice system concluded that the number of Māori in the system was at "crisis" levels and noted the detrimental impact of colonisation and racism affecting Māori at every point in the criminal justice system.
In August, the Waitangi Tribunal, a permanent commission of inquiry, found that the law preventing all sentenced

prisoners from voting was inconsistent with the Treaty of Waitangi, and exacerbated a pre-existing and already disproportionate removal of Māori from the electoral roll. It called for an urgent change in the law to prevent further disenfranchisement in the 2020 general election. This followed a decision by the Supreme Court in November 2018 that confirmed a lower court ruling declaring the legislation a breach of New Zealand's human rights obligations.

DETENTION

Inspections carried out in prisons under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture) found several instances of degrading treatment or punishment that amounted to breaches of the Convention. These included prisoners being held in cells without adequate access to toilets and water, and surveillance of prisoners washing and bathing in various stages of undress.

CHILDREN'S RIGHTS

In July, New Zealand raised the age to 18 for individuals tried in the adult criminal justice system in order to include 17-year-olds in its alternative youth justice system. However, the country retained its reservation to the Convention on the Rights of the Child regarding mixing juveniles with adults in places of detention. According to domestic law, people under the age of 18 could be held on remand in police cells, with some being held in police custody for several nights. There were a number of reports of children engaging in self-harm while in such custody.

Legislative reforms to the child protection system and to the measurement of child poverty came into force, which included explicit references to the rights of children under the Convention on the Rights of the Child and the Convention on the Rights of People with Disabilities. However, the number of children in New Zealand who experienced poverty and material deprivation remained high, with an estimated 13% living in households that experienced material hardship and 6% in severe hardship. The numbers of children in state care also reached a record high.

Monitoring visits to secure child protection facilities by the independent Commissioner for Children recorded problems raised by children, including alleged injuries from the use of restraints by staff. Concerns were raised about processes, fairness and effectiveness in the use of grievance procedures, restraints and behaviour management systems.

REFUGEES AND ASYLUM SEEKERS

In October a government policy was eliminated that had prevented refugees from the Middle East and Africa from being resettled under the resettlement quota unless they had family in New Zealand.

A community sponsorship refugee resettlement programme was piloted and reviewed as an additional protection pathway for refugees. A group of 21 UN-recognized refugees were supported by approved community organisations under the scheme. The government did not make any decision regarding the future of the programme, or its policy, which included language, skills, health and age eligibility restrictions for sponsored refugees.

As of March, there were eight asylum seekers held in a correctional facility alongside criminal remand prisoners. Under law, asylum seekers could be detained if if they were considered to pose a risk to national security or if there were doubts as to their identities or risks of them absconding. Lawyers and support agencies remained concerned about their safety, well-being, and length of time in detention.

VIOLENCE AGAINST WOMEN AND GIRLS

Twenty-one percent of adult women reported experiencing one or more incidents of intimate partner violence, and 34% reported experiencing one or more incidents of sexual violence in their lifetime. In May, the government announced a cross-agency funding package dedicated to preventing and reducing family and sexual violence, which included expanding specialist sexual violence services, funding for advertising campaigns and intervention programmes to reduce violence occurring, and reforming the criminal justice system to better respond to victims of sexual violence.

Women takes to the streets in Lahore during Aurat March on March 8, 2019. © Ema Anis for Amnesty International

PAKISTAN

Islamic Republic of Pakistan
Head of state: **Arif Alvi**
Head of government: **Imran Khan**

The authorities intensified their crackdown on the right to freedom of expression. Enforced disappearances remained pervasive, with no one held accountable for them. The government failed to uphold its commitments to legislate against torture and enforced disappearances. Violence against women and girls remained widespread. Parliament blocked attempts to restrict child marriage. Religious minorities continued to be prosecuted under blasphemy laws and attacked by non-state actors. The fight for climate justice took to the streets, with popular mobilizations in major cities calling on the government to show leadership both at home and abroad for one of the world's most climate-vulnerable countries. Air pollution reached hazardous levels in major cities, posing risks to people's rights to health, life and, in the case of children, education.

BACKGROUND

The military tightened its control over the economy, foreign policy and national security, shrinking space for civil society to promote and defend human rights. Several members of the political opposition were imprisoned on what they say are politically-motivated charges, raising fair trial concerns.

Climate change and its impact on Pakistan featured more prominently in public discourse. In May, an estimated 1,500 farmers walked 140 km from the Indus Delta region to Thatta, Sindh, demanding that the government declare a water shortage emergency and take steps to address land erosion. Pakistan's agricultural economy continues to be vulnerable to climate change. This vulnerability has direct impact on the rights to water and food of millions around the country.

There were large scale peaceful demonstrations throughout the year in support of the rights of women, students, Kashmiris, and against enforced disappearances.

ENFORCED DISAPPEARANCES

The victims of enforced disappearances included political activists, students, journalists, human rights defenders and Shi'a Muslims, particularly in Sindh and Balochistan provinces. In January, Ahmad Mustafa Kanju, an activist from Rahim Yar Khan in Punjab province was disappeared from his home. In March, two journalists from Karachi were disappeared for a month. In October, engineering graduate Suleman Farooq Chaudhry disappeared from near Islamabad. In November, human rights defender and former Amnesty International consultant Idris Khattak was disappeared near Swabi in Khyber Pakhthunkhwa province. In December, lawyer Shafiq Ahmed was disappeared for 17 days, during which he was tortured. There were also hundreds of disappeared people released throughout the year. Two of those released were subsequently charged and prosecuted for possessing weapons.

The risk of enforced disappearance was heightened in Khyber Pakhtunkhwa province with the promulgation of the Khyber Pakhtunkhwa Actions (in Aid of Civil Power) Ordinance, 2019. The ordinance gives security agencies a range of abusive powers, including the power to detain people without trial or charge on vaguely defined grounds. The detainees are to be kept at internment centres in the province, where other victims of disappearances have also been kept. The ordinance is being challenged in the Supreme Court of Pakistan.

FREEDOMS OF EXPRESSION, ASSEMBLY AND ASSOCIATION

Political activists and journalists were targeted and charged under draconian laws, including the Prevention of Electronic Crimes Act (PECA), the Anti-Terrorism Act, and sections of the penal code on sedition and defamation. The government curtailed media freedoms and media workers reported that they were experiencing a growing culture of censorship, coercion and harassment by the authorities.

In February, the Federal Investigative Agency (FIA) launched an investigation into journalists and members of political parties after they changed their social media profile images to that of the murdered Saudi Arabian journalist, Jamal Khashoggi, as a protest against Saudi Arabia's Crown Prince Mohammed bin Salman's official visit to the country.

In April, the FIA charged journalist Shahzeb Jillani with "cyberterrorism" and hate speech for allegedly defamatory comments on social media. In May, a Karachi court quashed the charges citing lack of evidence.

Also in April, Shafique Ahmed, a lawyer from Okara, faced charges under PECA and for defamation for "spreading false and abusive information" and for uploading "defamatory posts against Agencies of Pakistan".

The authorities intensified a crackdown on the Pashtun Tahaffuz Movement (PTM), which campaigns against human rights abuses – arresting and arbitrarily detaining dozens of its supporters, subjecting them to surveillance, intimidation, prosecution and threats of violence.

In January, PTM activist Alamzaib Khan was detained by the police at gunpoint in Karachi and charged with "rioting" and "inciting hatred" for his peaceful participation in a demonstration. In September, he was released after the Supreme Court granted him bail. In February, Arman Luni, a PTM activist from Balochistan, died after being beaten by police officers following his participation in a peaceful protest in the Lorelai district.

Gohar Wazir, a journalist for the Khyber News TV station, was arrested in May in the city of Bannu in Khyber Pakhtunkhwa Province for interviewing Mohsin Dawar, a parliamentarian and PTM supporter. In the same month, Mohsin Dawar and Ali Wazir, another parliamentarian and PTM supporter, were detained after they led a procession to the Khar Kamar area of North Waziristan, a district of the Khyber Pakhtunkhwa Province. At least 13 people, were killed, including three PTM supporters, when the procession was fired upon. The authorities severed phone and internet lines for days in the area after the incident. They were released on bail in September.

Gulalai Ismail, a woman human rights defender who campaigned against violence against women and enforced disappearances, was charged with sedition, terrorism and defamation in May. In August, she fled to the USA. Her family continued facing intimidation by the law enforcement authorities. A police case on terrorism charges was filed against Gulalai and her parents, Muhammad and Uzlifat Ismail in July. In October, a hate speech and cyber terrorism case was filed against Muhammad Ismail under PECA and he was arrested.

In November, a police case of sedition was registered against 17 students of the Sindhi ethnic minority for protesting peacefully against water shortage in Jamshoro, Sindh.

VIOLENCE AGAINST WOMEN, GIRLS AND TRANSGENDER INDIVIDUALS

Violence against women and girls continued including abduction, physical assault, rape and murder. In June, the Supreme Court's Chief Justice announced the establishment of 1,016 courts to hear domestic violence cases.

In June, a 19-year-old transwoman Maya was shot dead by her father in Naushehra, Khyber Pakhtunkhwa. At least four other transwomen were killed in 2019. Two transwomen were also shot and seriously injured in June in Khyber Pakhtunkhwa.

In September, a court denied Qandeel Baloch's parents permission to forgive their son for her murder under a 2016 law, which prevents perpetrators from being granted a pardon for crimes committed in exchange for "blood money". Qandeel Baloch was killed in 2016 by her brother, who said she had brought "dishonour" on their family. Her brother has been sentenced to death.

CHILDREN'S RIGHTS

Reports of sexual abuse and violence against children were widespread. In July, the Human Rights Ministry began a country-wide awareness campaign for "prevention of child sexual abuse".

In October, Sohail Ayaz a convicted sexual predator from the UK was arrested in Peshawar for sexual abuse of 30 minors. Ayaz had been working as a consultant with the provincial government of Khyber Pakhtunkhwa for three years since his return to Pakistan.

In May, Parliament's lower house blocked a bill to raise the minimum age at which girls can marry to 18 years in line with the minimum marriage age for men. The provincial government of the Punjab province passed a domestic workers protection act in January prohibiting employment of minors under 15 in households. However, children continued to be hired as domestic labour across Pakistan.

FREEDOM OF RELIGION OR BELIEF

The blasphemy laws continued to be used to persecute individuals and enable human rights abuses in Pakistan. Armed groups carried out attacks on religious communities, and sectarian organizations incited hatred against religious minority groups with impunity. In September, Nautan Lal, a school principal in Ghotki was charged with blasphemy after a mob, riled up by a religious leader, vandalized a local Hindu temple and attacked properties owned by the Hindu community.

In May, Asia Bibi, a Christian woman who spent eight years on death row on a false charge of blasphemy, was finally allowed to leave the country with her family. In January, the Supreme Court upheld the decision to acquit her, sparking demonstrations by armed groups. In December, Junaid Hafeez, a professor accused of blasphemy, was sentenced to death by a court in Multan. He has been imprisoned since 2013, spending much of that time in solitary confinement.

Non-state actors continued to attack individuals belonging to religious minority groups. In April, a suicide bombing claimed by the armed group calling itself the Islamic State targeted the Shi'a Hazara community in Quetta, Balochistan, killing at least 20 people. Women and girls from Christian, Hindu and Sikh communities faced a series of abuses, including forced conversions, particularly in Sindh province.

RIGHT TO HEALTH

In November and December, air pollution levels became hazardous in major Pakistani cities, particularly Lahore. Schools were forced to close for at least three days. There was a sharp rise in respiratory illnesses. The government announced it would take special measures to address the crisis, including improving fuel quality and transitioning to electric vehicles.

WORKERS' RIGHTS

Adequate protection of workers, passage of legislation and implementation across provinces remained a concern by labour activist and unions in various sectors, including the informal labour sector.

According to the Coal Miners Association, dozens of coal miners were killed in work accidents because of a lack of sufficient protective equipment, dated work techniques and mine collapse incidents. The Human Rights Commission of Pakistan's fact-finding report in August 2019, found that miners faced a range of issues, including obstacles to unionizing, life-threatening diseases and hazardous working conditions.

Bonded labour continued across the country in agricultural sectors and brick-kilns despite legislation banning the cruel practice since 1992.

Domestic work, part of the informal labour sector was brought under the ambit of law in the Punjab province through the Domestic Workers Act in January.

Bougainville residents gather at a polling station in an historical independence vote on 23 November 2019. © Ness Kerton / AFP (via Getty Images)

PAPUA NEW GUINEA

Independent State of Papua New Guinea
Head of state: **Elizabeth II (represented by Robert Dadae)**
Head of government: **James Marape (replaced Peter O'Neill in May)**

Inter-communal and election-related violence increased in several provinces, while violence by security forces remained endemic. A lack of resources, partly because of official corruption and fiscal mismanagement, hampered service delivery, including for children and victims of gender-based violence. With the closure of the refugee processing centre on Manus Island, refugees and asylum-seekers who had been forcibly sent there by the Australian authorities were moved to other sites, primarily in the capital, Port Moresby.

BACKGROUND

A non-binding referendum in the mineral-rich Autonomous Region of Bougainville took place in November, with voters overwhelmingly backing independence. Local level government elections were held in July, but were marred by violence in several provinces.

REFUGEES AND ASYLUM-SEEKERS

The vast majority of refugees and asylum-seekers in Manus Island were moved to Port Moresby after the new government committed to closing operations in Manus and ending asylum-seeker processing by Australia. Almost 50 men who were determined to not qualify as refugees were held in very poor conditions in the Australian-funded Bomana immigration centre, where they were denied access to the outside world, and adequate food and medication, raising serious concerns for their health and safety.[1] The PNG government stated that they would not be released unless they agreed to return to their home countries, amidst concerns about the possibility of deportation, which could amount to refoulement given the unfair asylum process. Others were living in hotels, some of whom were awaiting resettlement to the United States or going through the interview process. Some 50 others accepted the government's offer to allow them to settle in Papua New Guinea.

In May several men sent to Manus Island by Australia attempted suicide or self-harm, following Australia's decision to close torture and trauma services and reduce health services there.[2]

INTER-COMMUNAL VIOLENCE

Inter-communal violence increased in Hela and Southern Highlands provinces, where the government declared states of emergency. During July at least 16 people, the vast majority women and children, were killed by men during tribal fighting in Hela province. Police stated that the attack was in reprisal for the killings of six people earlier in the month. According to the prime minister, there were fewer than 60 police officers for Hela's population of 400,000. The province is rich in gas reserves, leading to tensions around the distribution of extraction revenues.

CHILDREN'S RIGHTS/VIOLENCE AGAINST CHILDREN

An August report by Save the Children found extremely high levels of violence against children in Papua New Guinea, including sexual violence and violent discipline in the home. Boys were more likely to experience physical punishment than girls. Violence occurred in the community, in schools, and by the police. Weak enforcement mechanisms and insufficient child protection services contributed to impunity for such violence.

GENDER-BASED VIOLENCE

Gender-based violence—including gang rape and other forms of sexual, and intimate partner violence—continued to be highly prevalent. Although violence against women is prohibited by law, few perpetrators were brought to justice. Instead, perpetrators often paid compensation to victims instead of facing trial. Sexual harassment of women in public places was also a concern. Impunity for killings and torture of women accused of sorcery by members of their communities remained a problem. In May, a man in Western Highland Province killed his entire family—his wife, two daughters, and their 18-year-old baby-sitter—and was later taken into police custody.

HUMAN RIGHTS DEFENDERS

Cressida Kuala, an environmental and women's rights activist from Porgera, the site of a gold mine in the highlands of Enga Province, highlighted problems facing women in mining communities, including police brutality, rape by mine employees, and forced eviction and displacement. She and other women human rights defenders faced sexual violence from their communities linked to their advocacy of women's rights.[3] Communities in the Porgera area also lacked access to clean water to meet their basic needs and were exposed to harmful chemicals from tailings (residue) dumped directly into rivers.

Emmanuel Peni, an LGBTI and environmental activist in Sepik, faced threats and violence by government and mining company officials because of his work to raise awareness about the dangers of mining exploration, including tailings in the Sepik River. His advocacy for LGBTI rights was complicated by the criminalization of homosexuality. The LGBTI community in urban areas were at high risk of extortion by the security forces.[4]

POLICE AND SECURITY FORCES

Violence by the police, including killings, continued at a high level. In mid-September police beat to death a betel nut seller at a Port Moresby market when police were shutting down betel nut stalls. After a public outcry at least one police officer was charged with murder for the incident. In another incident in late October, police reportedly used live fire when chasing down a group of betel nut vendors in Port Moresby, injuring three of them.

Acknowledging the problem of police violence, and the related lack of public trust in police, senior metropolitan police official Anthony Wagambie, Jr, promised in September to "investigate all reported police brutality cases immediately and take whatever recommendations and actions deemed necessary according to the rule of law."

1. Papua New Guinea: Detainees Denied Lawyers, Family Access (news story, 14 November).
2. Manus: Surge in suicide attempts illustrates crisis of Australian policy (news story, 24 May).
3. Portrait of an activist: Cressida Kuala (30 May).
4. Portrait of an activist: Emmanuel Peni (30 May).

Photos of drug war victims at a solidarity event in Manila, on 9 December 2019, ahead of International Human Rights Day. © Ezra Acayan / Getty Images

PHILIPPINES

Republic of the Philippines
Head of state and government: **Rodrigo Roa Duterte**

Killings by the police and unknown armed individuals remained rampant as the government's violent "war on drugs" reached its fourth year. The International Criminal Court (ICC) continued its preliminary examination of possible crimes under international law committed in the country. Congress revived attempts to reinstate the death penalty. Human rights defenders critical of the government were increasingly harassed and vilified. The prevailing climate of impunity fueled an increase in killings of activists for their political views. In July, the UN Human Rights Council adopted a resolution asking the High Commissioner for Human Rights to report back on the human rights situation in the country in 2020.

EXTRAJUDICIAL EXECUTIONS AND IMPUNITY

Killings by the police and unknown armed individuals continued in the context of the government's anti-drug campaign. In June, the then-chief of the Philippine National Police (PNP) acknowledged that over 6,500 people had been killed in police operations since the Duterte administration took office in July 2016. Human rights groups placed the number far higher. Government records also showed more than 20,000 other deaths during the same period classified as homicide cases under investigation, many suspected of being linked to the police.

Victims continued to be overwhelmingly from poor and marginalized communities, and often were part of unsubstantiated "drug watch lists" that police continued to use in their operations. Police continued to allege that victims fought back requiring the use of deadly force, despite witness accounts that they were killed in cold blood. Families were unable to obtain justice for their loved ones, due to enormous obstacles to filing cases against perpetrators, including fears of retaliation. There remained no meaningful accountability for the killings at the national level.

In March, the Philippines' withdrawal from the Rome Statute of the ICC took effect. Nevertheless, the ICC continued its preliminary examination of possible crimes under international law.[1] In July, the UN Human Rights Council adopted a resolution asking the Office of the High Commissioner for Human Rights to produce a comprehensive report on the situation in the Philippines.[2]

In early November, Vice President Leni Robredo, a member of an opposition party, accepted President Duterte's invitation to co-chair the Inter-agency Committee on Anti-illegal Drugs.[3] Her appointment lasted only a brief 18 days; she was fired by President Duterte after she demanded transparency and access to documents and intelligence reports related to the government's anti-drug campaign.

Killings of activists affiliated with the political left surged following a complete breakdown of peace talks between the government and the New People's Army; many were victims of "red-tagging," or accused of being communists.[4] They included four activists from leftist organizations killed in June.[5]

HUMAN RIGHTS DEFENDERS

The government continued to repress human rights defenders. Senator Leila de Lima, the President's most prominent critic and a prisoner of conscience, remained in detention since February 2017 on politically-motivated charges.[6] Former Senator Antonio Trillanes IV, another Duterte critic, continued to face rebellion, kidnapping and other charges. In September, the PNP filed sedition complaints against Vice President Robredo and 30 others – including de Lima, Trillanes, lawyers, priests and politicians – for their alleged involvement in producing videos linking the president's family to the illicit trade in drugs.[7]

In June, the House of Representatives unanimously approved the Human Rights Defenders Protection Bill that sought to protect human rights defenders, including from intimidation and reprisal. The Senate's version of the bill remained pending. There were questions about the bill's future effectiveness, as the crackdown on human rights defenders and government critics continued. Human rights groups continued to express concerns about the safety of land and environmental activists.

DEATH PENALTY

During his annual State of the Nation Address in July, President Duterte called again on Congress to reinstate the death penalty, including for drug-related crimes. More than 20 death penalty bills were pending in both the Senate and the House of Representatives. Reintroducing the death penalty would violate the Philippines' obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, which commits the country never to reinstate the penalty.[8]

CHILDREN'S RIGHTS

In January, the House of Representatives approved on final reading a bill lowering the minimum age of criminal responsibility from 15 to 12 years old, including for drug-related offences. The Senate's version remained pending. Human rights and other groups called on the government to halt attempts to change the law, saying that setting a lower age would endanger children's lives rather than reduce crime.[9]

RIGHT TO HEALTH

The government's anti-drugs campaign continued to undermine people's right to the highest attainable standard of physical and mental health. Further research by Amnesty International revealed the government's drug rehabilitation and treatment programmes were inadequate; families reported that no such programme had been available to relatives who sought medical care for their use of drugs. Others continued to be forced into compulsory treatment and rehabilitation initiatives, preventing them from accessing essential health and harm reduction services.[10]

FREEDOM OF EXPRESSION

The president increasingly threatened journalists critical of the government. Editor-in-Chief Maria Ressa and her news website Rappler, which reported extensively on killings and other human rights violations in the "war on drugs," and a former Rappler reporter and board members, faced at least 10 politically-motivated lawsuits.[11] Websites of alternative media organizations were subjected to distributed denial of service (DDos) attacks that generated fake visits to these sites and rendered them inaccessible. At least two journalists received threats after being "red-tagged."[12] Media organizations said at least 15 journalists had been killed in work-related attacks under the Duterte administration since 2016.

On December 19, following a decade-long trial, a Quezon City court convicted 28 individuals for murder over the 2009 massacre of 58 people, including 32 journalists, in Maguindanao, southern Philippines. A total of 55 defendants were acquitted. Some 80 other people accused of involvement had yet to be arrested.[13]

INTERNAL ARMED CONFLICT, COUNTER-TERROR AND SECURITY

In March, President Duterte declared the "permanent termination" of peace negotiations between the government and the National Democratic Front of the Philippines – Communist Party of the Philippines – New People's Army, stating that continued dialogue was "useless." In December, however, the president announced yet again his administration's intention to resume peace talks with the communist rebels.

In October, security forces raided the offices of three organizations in Bacolod City affiliated with leftist activists and arrested over 50 people allegedly participating in explosives and firearms

training. Those arrested maintained that weapons seized during raids were planted by security forces. Over 40 were subsequently released, after posting bail or being cleared by the court; seven were being held on non-bailable charges.

Martial law remained in effect in Mindanao, amid concerns from human rights groups that military rule could allow for further abuses. At year's end, however, President Duterte no longer sought to extend the measure through Congress, marking the end of martial rule in the region after two and a half years.

Bills to amend the Human Security Act of 2007 – the Philippines' counterterrorism law – were introduced in Congress. Proposed revisions included a broader definition of "terrorism" and longer warrantless detention for terrorism suspects, which the Commission on Human Rights said could violate human rights, including the presumption of innocence.

The Department of Education closed down 50 schools serving Lumad (Indigenous) children, alleging that they were teaching students to rebel against the government. President Duterte had previously threatened to "bomb" these schools.

SEXUAL AND REPRODUCTIVE RIGHTS

The president approved an implementation plan for the National Program on Population and Family Planning, meant to reduce unwanted and unplanned pregnancies through "responsible parenthood," including access to contraceptives. The government's chief economist, however, expressed concerns later that the program was underfunded in the 2020 national budget.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER, AND INTERSEX (LGBTI) PEOPLE

President Duterte declined to certify the SOGIE (Sexual Orientation, Gender Identity and Expression) Equality Bill as urgent, amid an outcry when a transgender woman was prevented from using the women's restroom and subsequently arrested for recording the incident on her mobile phone. Instead, the government said it would push for a broader law that would cover "all forms" of discrimination.

LABOUR RIGHTS

Workers from various industries – such as transportation, food, beverage, and manufacturing – went on strike several times against unfair labour practices, including low wages, short/fixed-term employment, and failure by employers to provide government-mandated benefits. Some of these protests resulted in violent dispersals, arrests by police, and even killings at the hands of unidentified individuals.[14]

1. Philippines: Withdrawal from the ICC must spur UN action (news story, 17 March).
2. Philippines: UN resolution builds pressure on architects of deadly "war on drugs" (news story, 11 July).
3. Philippines: Vice President's new role must mark end of drug killings (news story, 6 November).
4. Philippines: Investigate killing of 14 in police operations (ASA 35/0156/2018, 2 April).
5. Philippines: Stop "red-tagging"; investigate killings of activists (ASA 35/0587/2019, 24 June).
6. Philippines: Outspoken Senator marks two years in arbitrary detention (news story, 17 March).
7. Philippines: Drop malicious case against government critics (ASA 35/1049/2019, 13 September).
8. Philippines: President's call to revive death penalty will only worsen climate of impunity (news story, 22 July).
9. Philippines: Lowering criminal age to 12 will "endanger children's lives" (news story, 5 February).
10. They just kill: Ongoing extrajudicial executions and other violations in the Philippines' "war on drugs" (report, 8 July).
11. Philippines: Further information: Journalist arrested twice in six weeks (ASA 35/0137/2019, 1 April).
12. Philippines: Protect "red-tagged" individuals (ASA 35/0985/2019, 3 September).
13. Philippines: Convictions for Ampatuan massacre a delayed but critical step for justice (news story, 19 December).
14. Philippines: Urgent action: Peaceful protestors attacked and one murdered (ASA 35/9711/2019, 21 January).

Jolovan Wham stands outside a Singapore courthouse holding up a piece of paper that says: "Drop the charges against Terry Xu and Daniel De Costa." In March 2019, Wham was investigated and questioned by police for protesting outside the courts without a permit. © Jolovan Wham

SINGAPORE

Republic of Singapore
Head of state: **Halimah Yacob**
Head of government: **Mohammed bin Rashed Al Maktoum**

Parliament passed a new law to regulate "fake news," worsening an already stifling environment for freedom of expression. Activists and human rights defenders were prosecuted for organizing peaceful meetings and criticizing the government. Death sentences continued to be imposed and executions carried out, including for drug trafficking.

FREEDOM OF EXPRESSION

Human rights groups strongly criticized the Protection from Online Falsehoods and Manipulation Act (POFMA), meant to regulate "fake news," which came into effect in October. Introduced by the government to "protect society" from online falsehoods created by "malicious actors," the law gave the authorities excessive and overly broad powers to clamp down on dissenting views. Of particular concern was the law's lack of clear definition of what constitutes a falsehood. The law provided for severe criminal penalties of up to 10 years' imprisonment, and required social media companies, such as Facebook, to remove content or display prominent corrections on their platforms at the government's direction, or face fines of up to SGD 1 million (US$730,000).[i]

Fears the law would be used to target government critics were confirmed when government ministers issued five correction directions under POFMA against posts on social media within the first three months of the law's enactment. These correction directions were issued against Facebook posts made by critics of the ruling People's Action Party.

HUMAN RIGHTS DEFENDERS

In September, Prime Minister Lee Hsien Loong sued Terry Xu (m), Editor-in-Chief of alternative news website The Online Citizen (TOC), for defamation based on an article about a dispute over the home of his father, late Prime Minister Lee Kwan Yew. Terry Xu, together with Daniel de Costa, also continued to face previous charges for criminal defamation based on an article that TOC published in 2018 alleging government corruption.

In the same month, the courts dismissed an appeal by political activist and blogger Leong Sze Hian related to criminal defamation charges against him. The activist has been sued by the prime mini ster for sharing an allegedly libelous Facebook post accusing the government of corruption. His lawyer argued that the prime minister was abusing the court process to silence a prominent government critic.

The Home Affairs and Law Minister suggested that the government would introduce legislation "to counter attempts by foreign elements to influence domestic politics and opinion," after implying

that human rights groups and alternative media site TOC were subject to foreign interference.

FREEDOM OF PEACEFUL ASSEMBLY

In January, human rights defender Jolovan Wham was found guilty of "organising a public assembly without a permit" under the Public Order Act and sentenced to a fine of S$3,200 (US$2,367), or by default, 16 days in jail. He was appealing the decision. The conviction and sentence concerned an event on "Civil Disobedience and Social Movements" that Wham had organized in 2016 at an indoor event space and bookstore. The event featured speakers such as Hong Kong pro-democracy activist Joshua Wong, who joined the discussion via Skype. Human rights groups condemned the decision as another attempt to deter Singaporeans from sharing differing views or criticising the government. In March, Wham was investigated by police for "illegal assembly" for posing for a photo in front of a court building and urging the government to drop defamation charges against editor Terry Xu and Daniel de Costa. His conviction in 2018, together with an opposition politician for "scandalizing the judiciary," continued to await appeal.

DEATH PENALTY

Death sentences continued to be imposed, and executions carried out, including for cases of drug trafficking. The authorities continued to quash debate on the use of the punishment. Police investigated a couple for wearing anti-death penalty T-shirts at a running event showing solidarity with ex-offenders, deeming it to be a protest without permission. The attorney general accused Malaysian human rights lawyer N. Surendran of making "scandalous" allegations against the Singapore legal system. The lawyer had made statements to Malaysian media criticizing the death sentence imposed on Malaysians on death row in Singapore.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

In November, hearings commenced in the first of three cases challenging the law criminalising same-sex relations between men. The country's Court of Appeal had ruled in 2014 that the law, Section 377a of the Penal Code, was constitutional. The latest challenge followed renewed calls to end the criminalisation of LGBTI people.

MIGRANTS' RIGHTS

Migrants' rights groups expressed concerns about the treatment and working conditions of migrant workers, including foreign domestic workers. They urged the government to extend provisions of the Employment Act that would regulate their working hours and ensure their access to benefits.

WOMEN'S RIGHTS

In November, the government increased penalties for the trafficking of women or girls. Those found guilty could face a jail term of up to seven years and a maximum fine of S$100,000 ($70,000 USD) – a ten-fold increase compared to previous penalties. However, women continued to face arrest and deportation for engaging in sex work.

CHILDREN'S RIGHTS

Singapore's record on children's rights was reviewed by the UN Committee on the Rights of the Child. The committee commended the strong legislative, institutional and policy measures in place to protect children. Among other recommendations, it called for Singapore to strengthen efforts to prevent discrimination against those in marginalized or vulnerable situations, and to end the use of corporal punishment against children.

1. Singapore: Chilling fake news law will "rule the news feed" (news story, 8 May).
2. Singapore: Joint statement on the sentencing of human rights defender Jolovan Wham (statement, 22 February).

Aftermath of the Easter Sunday Attack – St. Anthony's Church, Kochchikade. © JEWEL SAMAD /AFP via Getty Images

SRI LANKA

Democratic Socialist Republic of Sri Lanka
Head of state and government: **Gotabaya Rajapaksa (replaced Maithripala Sirisena in November)**

Commitments to pursue truth, justice, reparations and guarantees of non-recurrence for international crimes and other serious human rights violations remained elusive for most victims of Sri Lanka's decades-long conflict that ended in 2009. There were some key advances in 2019, with the operationalization of the Office on Missing Persons (OMP), the Office for Reparations and the return of some of the military-occupied private land to its owners. There were limited steps taken to hold the perpetrators of serious human rights violations accountable. The April bombings, which claimed the lives of more than 250 people when an Islamist armed group attacked three churches and three hotels, led to the imposition of Emergency Regulations enabling arbitrary detentions and undue restricts of the rights to freedom of expression and religious belief. Sri Lanka's Muslim minority was subject to reprisal attacks by armed mobs on their homes, vehicles and shops in different parts of the country. Four death row prisoners were granted a temporary stay of execution.

BACKGROUND

Sri Lanka's 2015 commitments at the UN Human Rights Council (UNHRC) – through its co-sponsorship of resolution 30/1 – to establish truth, justice and reparation mechanisms and reforms aimed at non-recurrence remained largely unrealized by the end of the year. In March, the Sri Lankan government reaffirmed its commitments with the adoption of resolution 40/1 at the UNHRC. However, the Prevention of Terrorism Act (PTA), a key driver of human rights violations, was not repealed. The proposed truth and reconciliation commission and a special court to ensure accountability through prosecutions were not established.

Following the November presidential election, the new government distanced itself from the UNHRC process, saying that it is reviewing the resolutions and claiming that it is not bound by the commitments made by the previous government.

ENFORCED DISAPPEARANCES

Families of people forcibly disappeared persisted in their demands for information about their missing relatives for a third straight year. The OMP continued to oversee the carbon dating process for remains excavated from the site of a second mass grave in Mannar, in the Northern Province. It also established regional offices in Matara, Mannar, and Jaffna, and issued a report which made key recommendations for interim relief and justice. By the end of the year, the outgoing cabinet had approved only one of the recommendations on interim relief.

IMPUNITY

The government made limited progress in addressing impunity for crimes under international law committed during Sri Lanka's conflict. Government promises in 2015 to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law, had not been realized at the end of the year. The Attorney General's department filed hurried indictments in several key cases in advance of presidential elections in November, but the cases of many individuals who allegedly bore command responsibility for serious violations were not included. These cases included the enforced disappearance of journalist, Prageeth Eknaligoda, in 2010, and the extrajudicial executions at the Welikada prison, in in 2012 which left 27 inmates dead.

In July, a magistrate in the north eastern town of Trincomalee acquitted 12 members of the police Special Task Force (STF) and a police officer due to "lack of evidence". Witnesses in the case had been reluctant to testify due to inadequate witness protection measures and lack of faith in domestic courts. The defendants were accused of executing five ethnic Tamil students in 2006, known as the "Trinco Five" case. In July, the Attorney General decided to recommence investigations into the executions.

In August, Major General Shavendra Silva was appointed Army Commander after being promoted to Chief of Staff of the Army earlier in the year. In 2014, an investigation conducted by the Office of the UN High Commissioner for Human Rights (OHCHR) found evidence of his command responsibility in connection with serious human rights violations during the conflict. Several navy officers, who had been charged in connection with the enforced disappearance of 11 youth in 2008 and 2009 in Colombo, were promoted after being released on bail. After the new President, Prime Minister and Cabinet of Ministers were sworn in at the end of the year, a number of military officials named in the OHCHR investigation were appointed to positions of power.

VIOLENCE AGAINST WOMEN AND GIRLS

Impunity for perpetrators of various forms of violence against women and girls persisted, and insufficient steps were taken to try cases of violence against women. The Court of Appeal in October acquitted four soldiers accused of gang rape in a case from Viswamadu in 2010, one of the few cases where perpetrators of sexual violence had been held to account.

ARBITRARY ARRESTS AND DETENTION

In April, the authorities passed Emergency Regulations that facilitated arbitrary arrests and detention that particularly targeted the minority Muslim community. The regulations were passed in response to the Easter Bombings in April, claimed by the armed group calling itself "Islamic State", which targeted churches and hotels in Sri Lanka killing more than 250 people and injuring hundreds more.

FREEDOMS OF RELIGION OR BELIEF AND OF EXPRESSION

Emergency Regulations remained in place until August following the Easter Bombings. The Regulations were used to severely restrict the rights to freedom of religion or belief and to freedom of expression and banned clothing that conceals the face, in a move which effectively targeted women wearing face veils. A spate of anti-Muslim violence followed the April bombings for weeks across the country, including in the towns of Negombo and Minuwangoda in the Western Province and in the North Western Province. The security forces did little to protect minority communities from attack. Refugees and asylum-seekers from Pakistan and Afghanistan were forced from their homes by angry mobs. The government, together with the UN refugee agency, relocated them to temporary shelters.

The government withdrew its plans to criminalize individuals for issuing "false news", where five-year jail sentences would be imposed on those accused of spreading fake news and hate speech on social media, following criticism from civil society. In September, however, it announced measures to introduce a section on "Constitution of Hostile Speech" as an amendment to the Penal Code and Code of Criminal Procedure. The bill did not pass parliament by the time the government changed at the end of the year.

COUNTER-TERROR AND SECURITY

The government failed to repeal the PTA despite making pledges in the UNHRC resolution to do so and to replace it with legislation in line with international human rights law and standards. The draft Counter Terrorism Act which was not enacted by the end of the year fell short of adequate human rights guarantees.

DEATH PENALTY

In June, the President announced that he had signed execution warrants for four death row prisoners who had been convicted of drug-related crimes. The names of the prisoners were not made public. The President's decision was legally challenged. In July, the Supreme Court allowed a temporary reprieve ruling that the prisoners should not be executed while the petitions were pending. Sri Lanka has not carried out any executions since 1976.

Participants march at the Taiwan LGBTI Protest 2019 in Taipei on 17 May 2019. © Amnesty International

TAIWAN

Taiwan
Head of state: **Tsai Ing-wen**
Head of government: **Su Tseng-chang**

In a major development, the Taiwan Legislative Yuan passed a law legalizing marriage between same-sex couples in May, making Taiwan the first place in Asia to recognize same-sex marriage. The government held its NGO consultation for the State Report on the third review of the implementation of the ICCPR and the ICESCR from July to September. In July, the Taipei High Administrative Court revoked the extension of Asia Cement Corporation's mining permit in the Taroko people's traditional territory.

RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

On 17 May the Legislative Yuan passed The Enforcement Act of the Judicial Yuan Interpretation No.748, legalizing same-sex marriage.[1] It had been two years since the Constitutional Court ruled in favour of equal marriage and ordered the government to change the law. Under the new law, same-sex couples are granted the same right to marry as opposite-sex couples. Many of the same rights and obligations applied to opposite-sex couples under the existing regulations in the Civil Code are now applied to same-sex couples.

However, the law falls short of genuine and full marriage equality in some areas. It does not provide equal adoption rights for same-sex couples. The law only allows spouses in same-sex marriages to adopt the biological children of their partners, but not joint adoption of non-biological children, as permitted for opposite-sex married couples. The law only covers same sex marriage between Taiwanese citizens and those foreign spouses whose countries have legalized same-sex unions.

Despite the achievement in enhancing the protection of LGBTI rights, there is more to be done to improve awareness about the need for anti-discrimination in society, especially in schools. Homophobia, distorted views on LGBTI people and bias still exist in some parts of society and the education system.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The government carries out parallel reviews of the implementation of international human rights laws as Taiwan is not a member of the United Nations. In 2009, the Legislative Yuan passed legislation to implement the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which made them legally binding in Taiwan. However, the judicial and executive branches have been slow to recognize the principles of equality and anti-discrimination, prevention of torture, and non-refoulement. The government held its NGO consultation for the State Report on the third review of the implementation of the ICCPR and the ICESCR. Abolition of the death penalty, torture and other ill-treatment, Indigenous Peoples' rights, LGBTI rights and migrant workers' rights were topics covered.

DEATH PENALTY

At the beginning of the year, Amnesty International representatives visited Chiou Ho-shun, who has been on death row since 1989.[2] He was sentenced to death for robbery, kidnapping and murder in 1989. Chiou Ho-shun and his 11 co-defendants said they were held incommunicado for the first four months of detention, and claimed they were tortured into making confessions, which they later retracted. Only Chiou Ho-shun was sentenced to death. His co-defendants were sentenced to varying prison terms which they have all completed, apart from one who died in prison. The court sent the case back to the High Court for retrial for the 11th time in August 2009. In 2011 the High Court again upheld Chiou Ho-shun's death sentence. After this ruling, Chiou Ho-shun told the court: "I haven't killed anyone. Why don't judges have the courage to find me not guilty?" The same year, Chiou Ho-shun lost his final appeal to the Supreme Court and the Prosecutor General rejected a request to seek an extraordinary appeal for a retrial.

INDIGENOUS PEOPLES' RIGHTS

In July, the Taipei High Administrative Court revoked the extension of Asia Cement Corporation's mining permit in the Taroko people's traditional territory. Taroko people filed a lawsuit against the Ministry of Economic Affairs after the ministry had ignored the residents' demands and in 2016 granted an extension of mining permit to the company up to 2037. The court found that the extension violated the Indigenous Peoples Basic Law and noted that Taroko people who live nearby should have been consulted.

Members of Amnesty International hold up images of Sirawith "Ja New" Seritiwat, who was beaten by unknown assailants, during a protest in Bangkok against the attack on 3 July 2019. © Candida Ng / AFP (via Getty Images)

THAILAND

Kingdom of Thailand
Head of state: **King Maha Vajiralongkorn**
Head of government: **General Prayut Chan-O-Cha**

Activists, academics, opposition politicians, and human rights defenders were arrested, detained and prosecuted for peacefully expressing their views on the government and monarchy. The government maintained systematic and arbitrary restrictions on human rights, including by passing a new cybersecurity law. Refugees and asylum-seekers were vulnerable to arrest, detention, deportation, and rendition.

BACKGROUND

In March, Thailand held its first general election since the National Council for Peace and Order (NCPO) took power in a May 2014 coup. In May, King Maha Vajiralongkorn was formally crowned in a coronation ceremony. NCPO Head General Prayut Chan-O-Cha was elected prime minister in June.

In July, a new cabinet was sworn in and the NCPO was dissolved. The authorities lifted some 70 decrees that the NCPO had issued, with all others passing automatically into law. Pending civilian cases were to be transferred from military to civilian courts. However, the military retained expanded powers to carry out arbitrary detentions.

DISAPPEARANCES, TORTURE, AND INVESTIGATIONS INTO ATTACKS AGAINST POLITICAL OPPONENTS

In September, the Department of Special Investigation confirmed the death of Porlachee "Billy" Rakchongcharoen, an ethnic Karen human rights activist who had not been seen since he was taken into the custody of park officials at Kaeng Krachan National Park in 2014. The department announced that fragments of his bone were found in a reservoir in a protected part of the park, and brought charges, including of premeditated murder, against a former park chief in December. In July, the UNESCO Heritage Committee postponed any decision on awarding World Heritage status to Kaeng Krachan National Park, citing concerns about human rights violations.

There was no progress in investigations into the disappearances of several Thai political activists who had made internet broadcasts in exile criticising the monarchy and the military government. Two of the men had gone missing in Laos in 2016 and 2017, in circumstances raising suspicions that they had been abducted. Three others went missing in Laos in late 2018. The corpses of two men from the latter group were found weighted with concrete in the Mekong river in Thailand in late December 2018.

Unknown perpetrators were believed to have abducted them together with Surachai Danwattananusorn, the third man, whose whereabouts remained unknown.

Three other Thai dissidents disappeared in early 2019. Chucheep Chiwasut, Siam Theerawut, and Kritsana Thupthai were last reported to have been seen in detention in Viet Nam, and were believed to have been transferred to Thai custody in May 2019.[1] One of Theerawut's relatives said that Thai government officials sought to dissuade her from reporting his disappearance to the UN.

Ethnic Malay individuals detained in counter-insurgency operations in three southern border provinces reported torture and other ill-treatment, including in the Ingkhayutthaborihan Military Camp. An investigation was opened into the death of a man on 25 August, who had been in a coma since 21 July, hours after being detained and interrogated at the camp.

Military officials continued to exercise sweeping law enforcement powers, including holding individuals in unofficial places of detention and without charge. A number of detainees were held incommunicado. A man who had sued seven police officers for allegedly torturing him faced trial on counter-charges of perjury filed by one of the officers.

FREEDOM OF EXPRESSION, PEACEFUL ASSEMBLY, AND ASSOCIATION, AND THE RIGHT TO PRIVACY

The Cybersecurity Law and Data Protection Act were passed in February 2019 allowing the government to increase online surveillance and censorship. The laws allowed sweeping government surveillance without basic legal safeguards. Later in the year, the Digital Economy and Security Ministry established an "Anti-Fake News Centre" mandated to filter out online content deemed "fake news" and to take unspecified measures against users who post such content.

The authorities brought criminal charges against opposition politicians, academics, factory workers, and activists under laws governing computer crimes, public assembly and sedition. Defendants in these cases had participated in activities such as marching in peaceful demonstrations, discussing political reform, or criticising the monarchy or the government, including on social media.[2] At least 21 people were prosecuted for wearing T-shirts or displaying flags associated with a movement proposing a federal political system. Members of the opposition Future Forward Party faced multiple charges while its leader was disqualified as a member of parliament, moves widely seen as politically motivated. The authorities also took steps to dissolve the party, following the disbanding of Thai Raksa Chart Party in February.

The courts dismissed a number of cases brought by the military government against journalists and political activists, and found in one case that the defendants had been peacefully exercising their constitutionally-guaranteed rights.

In June, the authorities released Siraphop Komaroot, aka Rungsila, who had been held for 59 months in pre-trial detention under charges of lèse-majesté. His release followed a finding by the UN Working Group on Arbitrary Detention that he was arbitrarily detained.

The authorities harassed people who criticized the monarchy or the military authorities and required them in many cases to retract their statements or self-censor. The government also pressured social media platforms to restrict access in Thailand to such content. Politicians and political activists reported physical surveillance and harassment by army personnel, including during the election period and the lead-up to the coronation.

Unknown perpetrators carried out violent attacks against pro-democracy activists, which coincided with their efforts to draw attention to perceived election irregularities and problems relating to the formation of a new government.[3] The survivors of the attacks reported that the authorities had not conducted thorough investigations into the incidents. Political activists also reported anonymous threats of physical harm and harassment linked to their public campaigning.

The Ministry of the Interior continued to bar Amnesty International Thailand from including student activist Nethiwit Chotiphatphaisal as a youth representative on its board, stating that "he has had inappropriate conduct in the past deemed unfit for this role."

In October, the police reportedly withdrew a worrying order requiring universities to report on the membership and activities of Muslim student groups.

HUMAN RIGHTS DEFENDERS

A poultry company filed multiple cases against a group of workers who had complained about labour conditions, as well as against human rights defenders, a journalist and a former human rights commissioner who commented on the cases. The Appeals Court upheld a 10 million baht (US $331,564) civil defamation award that the Natural Fruit company had won against Andy Hall, a labour rights activist who had documented labour rights abuses at the company's factory.

In response to concerns raised by the P-Move campaign network, the government announced the establishment of a committee to address complaints about the impact of forest reclamation policies on resident farmers. People who are landless and living in poverty, without title to contested land in forest areas, were prosecuted on charges of land encroachment and forced eviction. Many of these individuals had previously reported that they had been forcibly evicted from areas where they had lived for generations. Between May and July, the Court of Appeal upheld sentences of up to 10 years' imprisonment against 14 women farmers whom the National Parks in Saithong National Park, Chaiyaphum Province had sued for trespass.

IMPUNITY

Under the 2017 Constitution, members of the NCPO were protected from prosecution for human rights violations committed during NCPO rule.

In May, officials informed the mother of one of six persons killed by soldiers at Pathum Wanaram Temple during the 2010 protests that no soldiers would be prosecuted for the killings, due to a supposed lack of evidence.

REFUGEES AND ASYLUM-SEEKERS

Refugees and asylum-seekers remained at risk of arrest, detention and refoulement in the absence of a formal legal status under Thai law. A migrant status determination procedure announced in January 2017 was passed at the end of the year.

Hundreds remained in detention in immigration detention centres, where many had been detained for years, including refugees who had been imprisoned for entering Thailand with false documentation.

In January, Thai police were allegedly involved in the abduction in Bangkok of a Vietnamese blogger and asylum-seeker, who later reappeared in detention in Viet Nam. In September, a Lao asylum-seeker went missing in Bangkok.
Hakeem Al-Araibi, a Bahraini refugee and Australian resident, was released in February after being detained in Thailand for nearly three months pending deportation to Bahrain, where he would have been at risk of human rights violations.[4]

ARMED CONFLICT

Ethnic Malay insurgents carried out attacks against civilians, including on public markets and a temple, using both weapons and improvised explosive devices. Martial law and a 2005 Emergency Decree remained in place in the southern border provinces.

DEATH PENALTY

In April, the National Legislative Assembly approved amendments to the Anti-Human Trafficking Act providing for capital punishment in cases involving abuses leading to death.

1. Thailand: Confirm safety and whereabouts of three Thai citizens (news story, 10 May).
2. Thailand: Authorities should end politically-motivated persecution of opposition figures and activists (news story, 6 April).
3. Thailand: Investigate violent attacks on activists and protect rights to freedom of expression and peaceful assembly (ASA 39/0634/2019, 2 July).
4. Thailand: Detained Bahraini footballer must be allowed to return to Australia (news story, 9 January).

Environmental activist Nguyen Ngoc Anh (c) stands in a courtroom in June 2019 during his trial in Vietnam's Ben Tre province, in which he was sentenced to six years in prison for "undermining" the government via his Facebook posts. © Vietnam News Agency / AFP (via Getty Images)

VIET NAM

Socialist Republic of Viet Nam
Head of state: **Nguyễn Phú Trọng**
Head of government: **Nguyễn Xuân Phúc**

The year saw a surge in the number of prisoners of conscience. A crackdown on the rights to freedom of expression, association and peaceful assembly continued. A new cybersecurity law entered into force in January, aimed at restricting human rights online. The authorities subjected human rights defenders and activists to harassment, intimidation, and abusive restrictions both online and offline. The government prosecuted human rights defenders and activists, using a range of criminal law provisions. Prolonged pre-trial detention was common. Prisoners of conscience were denied access to lawyers and family members, lacked proper health care, and in some cases were subjected to torture.

BACKGROUND

Viet Nam signed a free trade agreement with the EU in July that was expected to boost economic growth. Its provisions required the Vietnamese government to allow the establishment of independent trade unions, and to improve the legal framework relating to labour rights. The agreement also required the Vietnamese government to ratify a range of International Labour Organization conventions.

CRACKDOWN ON FREEDOM OF EXPRESSION

The authorities arrested and/or prosecuted at least 23 people over the course of the year on speech-related grounds. Most of those targeted had expressed views on issues such as corruption, the environment, politics, and human rights, using Facebook as a platform. Those convicted received prison sentences of up to 11 years.

The government also launched a targeted campaign aimed at shutting down the Liberal Publishing House, an independent publisher of books on democracy and public policy, and at intimidating its supporters.[1] Public security forces questioned at least a hundred people across the country, and searched the homes of at least a dozen, confiscating books printed by the publishing house. Most disturbingly, in October, police in Ho Chi Minh City detained and tortured a person who helped deliver books from the publishing house.

PRISONERS OF CONSCIENCE

A crackdown on peaceful demonstrations, and the arrests that followed, led to a substantial increase in the number of prisoners of conscience. By May, there were 118 known prisoners of

conscience.[2] While a few prisoners were released later in the year, after serving their sentences, more were arrested.

Reports from family members and local human rights groups indicated that prisoners of conscience continued to endure various forms of ill-treatment, including solitary confinement, poor quality food, lack of access to medical care, and mental and physical abuse. Many prison administrators encouraged prisoners held for common crimes to intimidate and assault prisoners of conscience. Family members of two prisoners of conscience reported that their relatives had received death threats.

Once convicted and sentenced to imprisonment, prisoners of conscience were frequently transferred to facilities far from their homes, making it difficult for their family members to visit them and provide emotional and material assistance.

LEGAL DEVELOPMENTS

A new cybersecurity law entered into effect in January, despite concern expressed at both the domestic and international level that it could criminalize a broad swath of online expression. Article 8 of the law prohibited people from "distorting history, denying revolutionary achievements, destroying the national solidarity block," and "providing false information, causing confusion amongst the Citizens, [and] causing harm to socioeconomic activities." Article 16 of the law, similarly, set out an overly broad definition of what constitutes propaganda against the state, including "insulting the [Vietnamese] people, the national flag, national emblem, national anthem, great men, leaders, famous people or national heroes." By its overbroad language and vague wording, the provision gave the authorities excessive and arbitrary powers to ban a range of legitimate activities.

The draft decree for implementation of the cybersecurity law would impose further restrictions on human rights online and would have a chilling effect on peaceful expression online. Draft Article 58(5) would compel all internet companies operating in Viet Nam to retain users' personal data, and to submit it to the Cybersecurity Department upon request. Companies would be liable for substantial penalties if they failed to do so. The decree's provisions did not indicate how the authorities would use this data.

DEATHS IN CUSTODY

At least 11 people died in custody, according to data compiled by Radio Free Asia. The authorities continued to prevent independent investigations into such deaths, casting doubt on official explanations of their causes.

A high-profile case was that of Le Thanh Hien, a freelance journalist in Hậu Giang province. Arrested on 9 July on charges of fraud, and detained at the Vi Thuy district police station, he was found dead in his cell the next day. Police said that Hien had hanged himself, and no investigation into the death was known to have been conducted.

ENFORCED DISAPPEARANCE

Truong Duy Nhat, a prominent political journalist, was forcibly disappeared in Bangkok, Thailand, while seeking asylum there in January.[3] Evidence and eyewitnesses indicated the involvement of the Vietnamese security forces. Five months after his enforced disappearance, the Vietnamese authorities admitted that they were detaining Nhat in Ha Noi on corruption charges.

Early in the year, three Thai activists were forcibly disappeared while seeking refuge in Viet Nam.[4] According to Amnesty International's sources the three were arrested by the police in January.

DEATH PENALTY

The government has long withheld information relating to the death penalty. In December 2018, during an assessment of Viet Nam's human rights record under the UN Human Rights Council's Universal Periodic Review mechanism, a Vietnamese representative said that the use of the death penalty was a state secret.

ARBITRARY ARREST AND DETENTION

Several of activists were arbitrarily detained by public security officials. Cao Vinh Thinh, a member of Green Tree, an organization working to protect the environment, was arbitrarily detained twice — in March and June — by local authorities in Ha Noi. Another member of the organization, Dang Vu Luong, was also detained without an arrest warrant or other legal justification in August. The two were released after being interrogated for hours.

On 25 October, filmmaker Thinh Nguyen was arbitrarily and violently arrested by plainclothes police officers. The men did not show legal documents and when Thinh Nguyen challenged the legality of their actions, one of them reportedly replied that the arrest was for "national security reasons." After searching the filmmaker's house, the police brought Thinh Nguyen to a police station where they interrogated him, eventually releasing him later that day.

VIOLENCE AGAINST WOMEN AND GIRLS

Violence against women and girls, including physical assaults and sexual violence, received substantial public attention. It was not just the crimes that were the subject of media attention and public outcry, but also the impunity enjoyed by perpetrators.

In March, a man sexually assaulted a woman in a lift in Ha Noi, with a closed-circuit video camera inside the elevator capturing the incident. The video tape circulated publicly and quickly ignited a mass protest on social media. Local authorities fined the man 200,000 dong (around 9 USD), but did not arrest or charge him, sparking further public anger.

In April, the former deputy of the procuracy of Da Nang city was shown in a video circulated online in which he appeared to sexually assault a seven-year-old girl inside a lift in Ho Chi Minh city. The online protests that followed saw protestors calling on the National Assembly to change the law to increase punishments for sexual assault and sexual harassment. The authorities prosecuted the perpetrator, sentencing him to an 18-month prison term; however, as of year's end the man had not been jailed.

Domestic violence against women was common, and incidents of women being beaten by their husbands often appeared in the media. Yet very few suspected perpetrators were held to account.

1. Vietnam: Stop intimidation and harassment of independent publishing house (ASA 41/1476/2019, 27 November).
2. Viet Nam: Surge in number of prisoners of conscience, new research shows (news story, 13 May).
3. Vietnamese and Thai authorities must come clean about journalist's disappearance (news story, 21 March).
4. Thailand: Confirm safety and whereabouts of three Thai citizens (news story, 10 May).

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