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Growing Pains of Transition: 2016 in Cambodia

January 30, 2017

by Wilson Melbostad

Last summer, I was afforded the privilege to work as a legal fellow for a public interest law firm in Phnom Penh, Cambodia. The law firm, [Vishnu Law Group](#), was chosen as a sub-grantee for a US government project focused on creating lasting resolution and grievance mechanisms regarding land disputes. Simultaneously, the United Nations Development Program has hired Vishnu Law Group to work alongside and advise the Cambodian government's Ministry of Environment (MOE) in drafting the country's first-ever Environmental Code (hereinafter "the Code").

Current drafts of the Code, [available on Vishnu's website](#), suggest not only marked improvements in Cambodia's environmental protection and natural resource management efforts, but also effectively incorporate land resolution ordinances that would dually benefit the US government-funded land resolution project. Specifically, one chapter within the Code decentralizes the power to monitor and oversee protected forest areas. Since the national offices of the MOE are understaffed and current power dynamics [disproportionately empower corrupt](#) provincial officials, the Code directs that municipalities will exercise control via a method of community forest governance called co-management. Even more encouraging, the MOE sponsored a series of National Workshops on the drafting of the Code, where representatives from relevant government ministries, members of the private sector, NGOs, and members of civil society were invited to share their input on the legislative process.

The international community has consistently berated Cambodia's government for its lack of attention to political freedom. Despite [ratifying](#) core international political rights treaties, namely the [International Covenant on Civil and Political Rights](#) (ICCPR) and [Convention for the Protection of All Persons from Enforced Disappearance](#) (CED), periodic reviews under these treaties have [shown Cambodia's compliance](#) with its obligations to be rather poor. Such a track record begs the question: what circumstances led to the Cambodian government's endorsement of a Code that, on its face, greatly increases transparency and public participation?

The short answer is: for political reasons. Because the Code contains commune-friendly programs such as co-management, the incumbent Cambodian People's Party (CPP) wants to have the law finished and passed ahead of commune-level elections in June of this year and the national election in 2018. In the past, however, regardless of how [unfair](#) the [elections](#) were, the CPP was reelected term after term without feeling any urgency to plan reform of this magnitude. Yet, in the 2013 National elections, the CPP received undoubtedly their biggest scare to date when the opposition Cambodia National Rescue Party (CRNP) came two seats away from winning a majority of the parliamentary seats and, thus, what would have amounted to control of the government. The difference now is that increased digital connectivity amongst Cambodia's younger generations has helped establish an educated and politically active populace. Online platforms like Facebook have created safe spaces to share news and express opinions that are generally safe from the

government's scrutiny. No story better represents this than the assassination of longtime activist and government critic Kem Ley.

This past July, [Mr. Ley was shot](#) in broad daylight on a Sunday morning while at a petrol station just south of Phnom Penh's central Boeung Keng Kang district. Cambodian authorities charged former soldier Oueth Ang with the killing and released a confession video which Mr. Ang purportedly published online roughly thirty minutes after the murder. Both Mr. Ang's statements in the video and government officials' statements attribute Ley's murder to outstanding debts he owed to Mr. Ang. However, many Cambodians and members of the international community are puzzled as to why authorities have not released CCTV footage from the petrol station and express concerns that the killing was politically motivated. The fact that Mr. Ang had no prior proven relationship with Ley and was purported to be rather poor made it highly unlikely the former soldier could have lent out several thousands of dollars to Ley in the first place. This fear reflects the fact that persecution, and even killings, of those opposing the CPP has transformed from a string of isolated incidents into a rather predictable trend in recent years. The [United Nations Office of the High Commissioner of Human Rights](#) (OHCHR), the [UN Special Rapporteur on the Situation of Human Rights in Cambodia](#), the [U.S. Department of State](#), and [Human Rights Watch](#) all expressed grave concerns about the circumstances of the murder. Ley's funeral, a procession from Phnom Penh to Ley's home in the countryside, was attended by over two million people, who stood in solidarity with the slain activist.

Collective mourning for Kem Ley was possible in part thanks to increasing technological capabilities in Cambodia. The use of social media and smartphones, no longer amenities for just the political elite, is becoming widespread in the country. According to a recent [Asia Foundation survey](#) on mobile phone and Internet usage, the number of smartphones has jumped by forty-one percent since 2014, a third of Cambodians have access to the Internet, and nearly ninety-four percent of Cambodians own some sort of mobile phone. Cambodian digital marketing firm Digital Media Vein [reported](#) that as of 2015, there are 2.9 million Facebook users in Cambodia, a seventy percent increase from 1.7 million in 2014.

Social media is quickly becoming an effective channel for freedom of expression in Cambodia. Though a Cambodian court [sentenced](#) university student Kong Raya in March 2016 to two years in prison for his anti-government remarks on Facebook, it is the only such conviction to date. Following Kem Ley's death, multiple news organizations rushed to the scene of the crime and began broadcasting live over Facebook. The live broadcast by Social Breaking News-SBN was [viewed by over a million people](#). Similarly, masses of Facebook users flocked to popular activist But Buntenh's Facebook page to [piece together](#) the beatings of two opposition lawmakers last year in a way that would not depend on official CPP news sources.

The new connectivity of Cambodian people means that actions taken by the thirty-year incumbent ruler, Hun Sen, and the CPP face increasing scrutiny, not only from a newly empowered Cambodian civil society but also from the international community. Case in point: Kem Ley's murder has been added to a [complaint in the International Criminal Court](#) (ICC), pending since 2014 against Cambodia's ruling elite for actions related to government land confiscations and political persecution. Though the ICC's investigation is still in its early stages, Richard Rogers, a partner at [Global Diligence](#) (the London-based law firm that filed the complaint), stated that the ICC prosecutor will likely file charges if political persecution continues. Kem Ley's murder

corroborates the argument that violent persecution is, in fact, a trend. Additionally, in a statement on behalf of thirty-nine nations, the United States Representative to the UN Human Rights Council [expressed concern](#) about the “current escalation of political tensions in Cambodia, which threatens legitimate activities by opposition parties and human rights NGOs.” The statement called on Hun Sen and the Cambodian government to make the utmost effort to improve the political environment so that all civil society can function freely.

The question now becomes whether and how the explosion of digital platforms for news and expression in Cambodia will impact the stability of the ruling CPP in national and local elections. In the 2013 National Assembly elections, the CPP captured sixty-eight of 123 seats—the ruling party’s worst showing since 1998. The opposition CNRP won the other fifty-five seats. However, the National Election Committee (NEC) reported irregularities on voter rolls: [more than 250,000 names were duplicates and 290,000 were missing](#). Thus, the CNRP argued it had won sixty-three seats and petitioned Parliament, to no avail, to open an independent investigation. Human Rights Watch also published an [investigative report](#) finding that the CPP “orchestrated vote fraud” to win the election. All fifty-five CNRP members refused to take their seats for over a year in protest of the results. The protest ended when the two parties [reached an agreement](#) in July 2014. The agreement created a new NEC with members appointed by both parties, and even gave the CNRP a minority leader in Parliament. CNRP leader Sam Rainsy, currently in France under self-imposed exile, [posted on his Facebook page](#) that he feels that the changes will allow his party to claim at least sixty-two seats in the next election, so that the CNRP can finally have a real voice in the governance of Cambodia. Despite being away from the country, Rainsy has been able to campaign quite effectively through his [Facebook page](#), where he posts news and live streams of events around the country. As of January 2017, Rainsy’s Facebook page is followed by 3.6 million people and, since June, has been growing at a rate of roughly 100,000 followers per month. His campaign team has even set up a [“Sam Rainsy” mobile phone application](#) in which supporters can follow CNRP news and even contact Rainsy directly. Hun Sen took notice of Rainsy’s activities on Facebook and has openly [expressed his dismay](#) for his opponents growing Facebook following. Yet, in trying to amass his own digital support base, the current prime minister has been accused of purchasing “likes,” as evidenced by the fact that the majority of Hun Sen’s Facebook followers come from accounts in foreign countries, namely India and the Philippines.

Though the next Cambodian general election is not until July 2018, both parties have begun preparing for the fast-approaching June 2017 commune council elections. [The communes](#) are the third-level administrative divisions in the rural areas of Cambodia (under the provincial and national bureaus). Commune council members and commune chiefs (who chair the councils) are required to be affiliated with, and run under, an approved political party. In the last commune-level elections in 2012, [the CPP won seventy-five percent of approximately 11,000 council seats](#). An estimated eighty percent of all Cambodians live in rural areas; thus, policies benefitting this population have become a priority for the CPP. “Patronage networks” to the rural areas are well-chronicled: schools and monasteries are strategically built to buy votes just before national and commune elections.

The [Environmental Code](#) is shaping up to be one of those policies that matters to the rural population. For instance, one provision tackles the nation’s longstanding issue of land ownership. The problem dates back to the genocidal regime of Pol Pot and the Khmer Rouge in the late 1970s, when [all property records were destroyed](#) and existing land ownership rights were invalidated. All

property was owned by the state, which relocated or executed the previous owners, as well as experts in land administration and management.

After the fall of the Khmer Rouge, the government developed grievance and conflict resolution mechanisms, such as the [Cadastral Conflict Resolution System](#), established by the 2001 Land Law. Yet, [World Bank audits](#) of these resolution mechanisms conducted in 2006 reported multiple instances of undue political influence in cases involving high-ranking officials; as a result, many of these cases [remain unresolved](#). Perhaps most concerning, however, is that the 2001 Land Law authorized the government to sell large parcels of protected land to domestic and foreign investors via Economic Land Concessions (ELCs), despite the fact that ownership of large tracts of this land [is still contested](#). The Ministry of Agriculture, Forestry, and Fisheries (MAFF) reviews all proposals put forth by private companies and requires the completion of Social and Environmental Impact Assessment Studies (SEIAs), public consultations with the citizens and communities impacted by the project, and adequate compensation to those affected, if a concession is granted. However, [multiple investigations](#) revealed that MAFF [approved](#) numerous incomplete or falsified impact assessments when granting ELCs. Should the current draft of the [Environmental Code](#) be passed by the Cambodian National Assembly, much responsibility for monitoring protected forest areas and reviewing SEIA procedures would be re-allocated from national ministries like MAFF and MOE to commune-level governments.

During a visit this past October, UN Special Rapporteur on the situation of human rights in Cambodia, Rhona Smith, said that the time for the government to blame its troubles on preceding governments is surely over. Smith called on the government to respect current legislation and draft new legislation to uphold the rights and freedoms afforded under the treaties it has ratified. Should the Environmental Code be passed and upheld, it would be a step in the right direction toward Smith's appeal to the Cambodian government. Vishnu Law Group attorney [Brian Rohan noted](#) that while there are still issues to be ironed out in the current draft of the Code, there is much to be optimistic about. Namely, Rohan pointed to the fact that the Code is the first piece of environmental law in Cambodia that encompasses "real rights and responsibilities for those [who] are most deeply connected to the land." While passage of the Code could temporarily assuage or lessen criticism from the UN and international community, the legislation's popularity in Cambodia's rural areas is of most concern for Hun Sen and the CPP. The extent to which the Code will fortify CPP allegiances in these rural areas is still unknown. Should the party repeat its 2012 success in this year's commune-level elections, Hun Sen and his party compatriots in Phnom Penh are hoping to build on a new wave of CPP commune leaders to mobilize additional support amongst their constituents in the 2018 national elections. Given the unprecedented dissemination of opposition information regarding Kem Ley's murder and the CNRP's opinions over digital platforms, especially Facebook, the CPP's future is uncertain. Since Hun Sen has ordered all police, immigration, aviation authorities to 'use all ways and means' to [prevent Rainsy from returning from exile](#), social media and an occasional op-ed in the local papers are the only channels Rainsy has to connect with Cambodians. Though the CNRP are still restricted from creating [radio or TV stations](#), will the persistent growth of social media catapult Sam Rainsy and the CNRP into Cambodia's first opposition-led government in the modern era? Only time will tell, but such uncertainty is nothing new in Cambodia, a nation in transition.

India Imposes Restrictions on Free Speech

February 22, 2017

by Dolores Sinistaj

Many individuals in India, particularly free speech advocates and Internet users, are concerned about the [new regulations](#) the Indian government has imposed this year.

India's government has not only voted to [block foreign funding](#), but it has escalated pressure on media and civil society groups that are critical of government policies. Because of this, the government has chosen to restrict online content, [jeopardizing the free speech](#) that is guaranteed by the [Constitution](#). The South Asia director at Human Rights Watch, Meenakshi Ganguly, said that ["India's crackdown on civil society groups threatens the country's rich tradition of people's movements."](#) He also said that, "instead of punishing the messenger by hindering their work, the government should engage with activists to improve access to rights and justice."

In rural India, [Internet access](#) is growing especially rapidly. Because of this, the country is entering a widespread debate about how strictly and closely the online content in the country should be regulated. Many Internet users and advocates of free speech were concerned when the [new regulations restricting online content](#) were put forth by the Department of Information Technology. The users and advocates were concerned that this action would curtail debate in cyberspace. The new rules place the onus on social networking sites, such as Facebook, to act within 36 hours of receiving information about ["offensive content"](#). Legally speaking, the term "offensive" is ambiguous and has not been clearly defined, making many worried about how the government will fairly regulate users. While free speech activists remain worried and skeptical, the Indian government is trying to ease their nervousness by saying that these new regulations are not only in line with [global practices](#), but that this regulation will not be harmful to citizens at all. Currently only [10 percent of India's population](#) has access to the Internet, but the number of users continues to climb.

Thus far, the [offensive and objectionable material](#) includes material that "hurts the sentiments of certain individuals or communities, challenges the sovereignty of the nation or causes a threat to internal security." Sachin Pilot, the Minister for Communications and IT, finds that these kinds of material make up the kind of content they consider to be "objectionable."

Sachin Pilot and other members from the Department feel that cyberspace in India is one of the freest and most [transparent](#) in the world. Numerically speaking, "only 11 or 12 websites among millions have actually been shut down or taken off the Web in the past 10 to 12 years." He contends that India's blog space is active, and that there is not individual monitoring or eavesdropping because India continues to believe in freedom of speech. However, activists continue to feel that the rules are not fair and that they undermine freedom of speech, opposing the Constitution.

Some Indians, including Subho Ray, the president of India's Internet and Mobile Association (IAMAI), do feel that this action is actually good for the country and the safety of people. Subho Ray has said that he is not too worried about the restrictions because "although they curb activity

and free speech on the Internet a bit, they are also well-balanced so that [nobody can harm you online](#).”

To some this change in the web is not a shock and was bound to happen because the government has [previously banned](#) not only books, but movies too. The government would ban things that “touched upon sensitive subjects such as sex, politics and religion.” One can begin to see just how broad the subjects are, and how banning things that touch on anything political directly limits the discourse between citizens and limits their freedom of speech to express their critiques of their government.

The [Constitution](#) of India provides the right of freedom of speech and expression in Article 19. Do such restrictions of cyberspace violate this constitutional right? Every person should be able to express themselves, particularly in regards to holding his or her government accountable. The preamble of the [UN Universal Declaration of Human Rights](#) states that each human being shall enjoy freedom of speech and belief, and freedom from fear. The Declaration says that this is the “highest aspiration of the common people,” to be able to speak their mind without fear of being punished. Currently, while only 10 percent of the Indian population has access to the Internet, this means 125,200,000 right now may face restrictions in speaking their mind. Their right of speech, a recognized human right, is at risk. It will be interesting to see how the international community and the Indian government proceed moving forward, in light of India’s previous abstinence from key UN resolutions to protect human rights.

Justice Delayed in Nepal

March 16, 2017

by Dolores Sinistaj

The government of Nepal continues to stall on holding war criminals accountable for the war crimes committed during the country's civil war. The decade long war, from 1996-2006, led to more than 13,000 slain. The armed conflict resulted in the overthrow of the Nepalese monarchy and in the establishment of a People's Republic, following a comprehensive peace accord in 2006.

Human Rights Watch published a World Report each year, reviewing the human rights practices in more than 90 countries. Executive Director Kenneth Roth wrote in the [2017 report](#) that the [“new generation of authoritarian populists seeks to overturn the concept of human rights protections.”](#) and that the populists consider human rights an [“impediment to the majority will.”](#)

Since the 2006 peace accord, the government has established two [commissions](#) in February 2015, to hear civilians' complaints regarding the war crimes they had witnessed and experienced. The purpose of both commissions is to investigate the allegations of war crimes and the disappearances associated with the civil war. The [Truth and Reconciliation Commission](#) has been modeled after the post-apartheid commission in South Africa. Meanwhile, the [Commission on Enforced Disappearances](#) investigated the 1,300 people who remain missing since the civil war's conclusion.

Each served as an attempt to remedy the state's ongoing failure to properly investigate the human rights violations from the civil war. Both sides of the conflict agreed to do their investigations within six months of signing the peace agreement, but have yet to do so. Instead, controversial legislation has been signed that, [“allows perpetrators amnesties,”](#) extending forgiveness to many war criminals. Nepal's Supreme Court subsequently ordered for the legislation to be amended, but the judicial order has not yet been enforced.

Despite the fact that over [59,000 complaints](#) have been thus reported to the commissions, the four main political parties, each of which brought forward complaints, have agreed to withdraw all wartime cases before the courts. This retraction calls to question the country's commitment to human rights and has sparked a series of protests in opposition to the retraction. While some arrests have been made from the protests, , [“no movement on justice for the civilians who were killed, which included some children,”](#) has been made.

Political leaders from each party are investing their time and energy by focusing on the present, trying to rebuild the country after the 2015 natural disasters. Many want the country's tumultuous past to stay in the past, and do not want to simply deal with war crime cases. As Brad Adams, the Asia director at the Human Rights Watch, said, [“Every step of the way, what we see with the Nepali government and political parties is a willingness to sacrifice victims' needs in order to promote their own interests.”](#) Adams continues by saying that this is a betrayal of the promises that were made ten years ago when the democratic parties [“wrested control from an authoritarian state, established a peace, and promised a new inclusive and just governance.”](#)

After 2016, members of the Maoist party promised that amendments to the constitution would be made to address grievances by holding war criminals more accountable for their crimes; however, these amendments have not moved forward. Both Human Rights Watch and Amnesty International have said that the mandates created by the commissions should “be extended indefinitely to ensure that justice, accountability, and reparations are achieved” for Nepal’s victims. Both the UN and donors around the world who participated in post-conflict peacemaking and rights protections need to openly and publicly call on Nepal’s government to amend their laws. There needs to be a better response to war crime accountability.

Article 3 of The Geneva Conventions applies explicitly to internal armed conflicts. It outlines the minimum protections and standards of conduct which a State and its armed opponents must adhere to. People who are not taking an active part in the hostilities are protected by Article 3 from violence, including murder, mutilation, and cruel treatment or torture. Additionally, holding these individuals hostage is prohibited. The Parties involved in the conflict are supposed to bring into force all or part of the other provisions in the Convention. Nepal is breaking The Geneva Conventions Article 3 by not prosecuting the war crimes that have been reported. Overall, the country cannot move forward without remedying the past. The international community and bodies such as the UN should hold Nepal more accountable for the sake of human rights, and for the Nepalese people.

Extravagant Birthday Celebrations in North Korea Display Disregard for Human Rights Violations

March 31, 2017
by Ericha Penzien

Anniversaries and birthdays of national leaders are [important celebrations in North Korea](#), famously decorated with spectacular flower arrangements, marching soldiers, firework displays, and ice sculpture shows.

The birthday of Kim Il-sung, the country's founding president, is one of the [most important and extravagantly celebrated national holidays](#) in North Korea. Kim Il-sung celebrates his birthday in April, a national holiday titled "[Day of the Sun](#)." The birthday of Kim Jong-Il, the father of the current leader, Kim Jong-Un, is another famously extravagant celebration in North Korea. In February, North Koreans celebrate Kim Jong-Il's birthday, a national holiday known as "[Day of the Shining Star](#)." This year, a North Korean government source reported that the country's missile launch in January 2017 was a [celebration of Kim Jong-Il's birthday](#). The source [stated](#), "It was the best possible gift for Generalissimo Kim Jong-Il on his 75th birthday."

The 2017 missile launch was met with [widespread condemnation from the international community](#). In addition, [Human Rights Watch](#) described the elaborate birthday celebrations of North Korean leaders as a reminder of the [North Korean government's disregard of human rights issues](#). "While Kim Il-Sung lies in his grave, his legacy of abuses lives on," stated [Phil Robertson](#), deputy Asia director for Human Rights Watch, in response to the 2016 festivities in celebration of Kim Il-Sung. "The only gift the international community should present at Kim Il-Sung's birthday remembrance is a crimes-against-humanity referral to the International Criminal Court for his grandson, Kim Jong-Un."

In 2013, the Human Rights Council established the [United Nations Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea](#) to address the denial and violation of fundamental human rights in North Korea, especially concerning the rights of women and children. The [Commission focused its inquiry](#) around widespread existence of prison camps and the violation of rights such as the right to food, life, freedom of expression, freedom of movement; and freedom from discrimination, torture and inhuman treatment, arbitrary arrest and detention, forced disappearances. After completing its inquiry into the violations of human rights in North Korea, the Commission confirmed that "[systematic, widespread and gross human rights violations](#) have been and are being committed by the Democratic People's Republic of Korea, its institutions and officials." The report emphasized that the [international community should hold Kim Jong-Un and North Korea's government accountable](#) for the country's violations of human rights. In a letter addressed to the President of the Human Rights Council in May 2013, however, the North Korean government "[totally and categorically reject\[ed\] the commission of inquiry](#)."

North Korea is a party to [four treaties on human rights](#), including: the [International Covenant on Economic, Social and Cultural Rights](#), the [International Covenant on Civil and Political Rights](#), the [Convention on the Elimination of All Forms of Discrimination against Women](#), and the [Convention on the Rights of the Child](#).

Collectively, these international treaties ensure protection of human rights to all North Korean citizens with special attention placed on supporting the rights of frequently marginalized or abused groups of society including child, women, prisoners, criminals and religious, racial, or ethnic minorities. Article 1 of the [International Covenant on Civil and Political Rights](#) details the freedom guaranteed to each citizen to pursue his or her economic, social and cultural development and political status. The conclusions of the UN Commission's inquiry, however, suggest that this provision is disregarded by North Korea and characterizes North Korea as a totalitarian state. The UN Commission's inquiry describes the government of North Korea led by its current leader, Kim Jong-Un, who presides over a single political party that "seeks to dominate every aspect of its citizens' lives and terrorizes them from within" by limiting its citizens, political and religious expression, physical movement, and communication. Furthermore, this control supports reports of North Korea's human rights abuses and infringes on various provisions within each of the international treaties.

Despite its obligations to the international community in protecting its citizens from human rights violations, North Korea remains "[one of the most repressive states in the world](#)" and [continues to disregard pressure](#) from the international community to end the violations and prosecute those responsible. In 2016, North Korea's current leader, [Kim Jong-Un, increased oppression](#) on the North Korean people by [tightening security at the border](#) with China to prevent North Koreans from fleeing the country and further limiting access to foreign media and information. The United Nations General Assembly [condemned human rights violations in North Korea](#) in a committee resolution adopted in late 2016 aimed at pressuring the country to address its longstanding exploitations and oppression. A representative of North Korea [rejected the resolution](#) alleging that "the human rights situation in his country represented extreme politicization, selectivity and double standards." The representative further alleged that the [United States is overemphasizing the human rights issues](#) within North Korea as retaliation because the United States "could not succeed in its efforts regarding nuclear issues."

[Kenneth Roth](#), executive director at Human Rights Watch cautions that focusing on North Korea's nuclear advancements and threat to the world [distracts the world from addressing widespread human rights violations](#) throughout the country. Phil Robertson of Human Rights Watch suggests human rights abuses against the North Korean people will continue [until Kim Jong-Un and other senior leaders are held accountable](#) for their injurious and oppressive actions. He [echoes the sentiment expressed in by the United Nations Commission](#) stating, "Pursuing accountability for rights abuses is really the only way forward to achieve justice for the victims of crimes against humanity committed by the North Korean government."

Historically, the international community has not been successful in holding the North Korean leader and government accountable for its human rights violations, but now more than ever, it is imperative that the international community work together to find creative solutions. As North Korea proved with its missile launch early this year, its nuclear technology has improved dramatically. Using the missile launch as Kim Jong-Il's grand birthday celebration, despite

admonitions from the international community condemning the launch, demonstrates that the country prioritizes its own interests and feels comfortable making provocative threats to discredit the international community. As Admiral Harry Harris, the head of the US military's Pacific Command cautions, "Combining nuclear warheads with ballistic missile technology in the hands of a volatile leader like Kim Jong Un is a [recipe for disaster](#)."

Continued Crackdown on Ethnic Minorities After the Regime Change in Burma

April 18, 2017
by Ericha Penzien

For the first time in over 50 years, Burma is led by a [democratically elected, civilian-led government, the National League for Democracy \(NLD\)](#). Elections in 2015 took power out of the hands of a military regime and transitioned the country into a [free democracy under the rule of State Counsellor Aung San Suu Kyi and President Htin Kyaw](#). The country's problems of violence, corruption, and oppression, however, did not go away with the change of power. Human rights organizations continue to report [human rights violations](#) within Burma including gender-based and ethnic-based violence, suppression of freedom of speech, torture, rape, and extrajudicial killings.

In March, the United Nations Human Rights Council authorized a [fact-finding mission](#) in Burma to review the numerous allegations of human rights violations within the country. A primary focus of the United Nations Human Right Council was the continued [violence against the ethnic Rohingya Muslims](#) in Burma. "The violations occurring in Rakhine State threaten to undo Burma's hard-won progress toward a more rights-respecting and democratic future," said [John Fisher](#), the Geneva Advocacy Director at Human Rights Watch.

The violence against the Rohingya can be linked to the Burmese [citizenship law of 1982](#), which discriminates against the Rohingya by denying them citizenship on a purely ethnic basis. In order to gain citizenship, the law requires a Rohingya man or woman to prove that his or her ancestors had settled in Burma before its independence in 1948. This requirement stems from the Burmese government's refusal to recognize the Rohingya as one of the eight "national races" that are entitled to full citizenship in the country. Approximately [1.2 million Rohingya have been affected](#) by the 1982 citizenship law.

More than [125,000 Rohingya and other Muslims were forcibly displaced](#) from their homes following a series of ethnic-based attacks in 2012. The displacement occurred as a result of violent attacks between the ethnic Arakan Buddhists and the Rohingya Muslims in the Arakan State, located on the western coast of Burma. After reports of several horrific rapes and murders were circulated throughout the communities, members of both the Arakan and the Rohingya violently attacked each other's towns, destroying buildings and homes and killing villagers. Members of both communities reported that [Burmese authorities did little](#), if anything, to stop the violence from proceeding. Without proper support from the government, more than 100,000 members of these displaced communities still live in [displaced persons' camps](#) with limited access to basic necessities such as food, shelter, water and sanitation, and provided minimal access to education and medical services. Furthermore, the United Nations estimates that since January, [at least 92,000 Rohingyas have fled](#) their homes, many fleeing to Bangladesh but some seeking refuge in other areas within Burma.

Human Rights Watch defines "[ethnic cleansing](#)" as an informal term used to describe "a purposeful policy by an ethnic or religious group to remove by violent and terror-inspiring means the civilian

population of another ethnic or religious group from certain geographic areas.” Additionally, Article 7 of the [1998 Rome Statute establishing the International Criminal Court](#), defines “crimes against humanity” as widespread attack consisting of crimes targeted at a civilian population, such as murder, enslavement, torture, and enforced disappearance of persons, among others that are initiated by a government. Although Burma is a party to international treaties, such as the [Convention on the Rights of the Child](#) and [Convention on the Elimination of All Forms of Discrimination against Women](#), the issues that the country faces today, particularly regarding the discrimination and violent treatment of the Rohingya people, go beyond the provisions on these treaties. Under [customary international law](#), Burma is required to stop and prevent crimes against humanity from occurring within its borders.

Although the new Burmese government has provided the hope of progress for its people, the National League for Democracy must take affirmative steps to ending the discrimination against the Rohingya people. Approving the UN fact-finding mission is one step that shows the Burmese government is taking a stronger stance against the ethnic-based violence, but it will be important to watch how Burma and the National League for Democracy respond to the results of the mission, especially in light of State Counsellor Aung San Suu Kyi’s remarks that she does not believe ethnic-cleansing is occurring in her country in a recent [BBC interview](#).

Singapore Silencing Activists and Bloggers

April 25, 2017

by Dolores Sinistaj

In the past year, Singapore has increased its restrictions on activists and bloggers, leading to more harassment of both groups.

According to the [World Report 2017](#), Executive Director of Human Rights Watch, Kenneth Roth, said that authoritarian populists look at rights as hurdles to effectuating the majority will; thus, the media and civil society groups are being silenced. The Deputy Asia Director at Human Rights Watch has said that, [“Singapore’s authoritarian grip tightened on alternative social and political views in 2016.”](#)

The Singaporean government severely limits what citizens can express by [purposefully using vague legal provisions](#). Because of this, activists and bloggers who speak out against the political regime face harassment and prosecution. The Singaporean government has also silenced public demonstrations in the past year. Both public demonstrations and assemblies [“remained severely limited, with a permit required for any assembly outside the so-called ‘Speakers Corner’ of Hong Lim Park.”](#) The Ministry of Home Affairs, which governs park events, enacted in October a new rule requiring a permit to sponsor events in the park. According to the Human Rights Watch, [“the new rule appears to be aimed at discouraging foreign companies from supporting the annual LGBT pride event, the Pink Dot festival.”](#)

In addition to the restriction of park events, in May 2016, the Singaporean police searched activists’ homes, [seizing their phones and computers](#). In addition to this search and seizure, the activists were subjected to hours of interrogation. In June 2016, a 17-year-old blogger was sentenced to six weeks in prison for [“wounding religious feelings”](#) using social media posts, and earlier that year founders of an online news portal were also sentenced to prison for publishing critical articles.

Singapore uses its [Internal Security Act](#) and the [Criminal Law Act](#) to arrest and detain people, without a charge or judicial review. Under [Article 19](#) of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression. This includes the freedom to hold opinions without interference. Currently, Singaporean authorities are in violation of Article 19 by purposefully silencing activists and bloggers. The international community needs to demand that Singapore decrease its restrictions on activists and bloggers.