



HUMAN RIGHTS IN SOUTH ASIA

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Living in the era of digitalisation & reading the news that arrays the possibility of converting the cosmos to earth has done nothing with the downtrodden, poverty stricken millions of people who are neither aware of their basic rights nor governed by the measures of the welfare State. Yes, it is the truth at present regarding the rights of human being in South Asia. Though governed by elected representatives, the voices of the underprivileged and marginalised groups are not heard in countries like Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, Sri Lanka. The trade involved in trafficking, smuggling, cyber terrorism has flourished in this decade and made it a business over billions of money in it. Apart from it the Crackdowns on the Right to Freedom of Expression intensified across the region. Enforced disappearances continued to scar communities in Pakistan and Bangladesh; civilian casualties remained at record highs in Afghanistan, civil society organisations continued to be harassed and shut down in almost every country. Journalists continued to be targeted, members of the political opposition were arbitrarily arrested, religious and ethnic minority groups and Indigenous Peoples continued to be demonised. This paper is the comparative study of the above stated violations with that of the competency and adequacy of the laws on both the national and international forums to control and eradicate such inhuman practices.

India

In August last year, the government revoked the special constitutional status of Jammu and Kashmir and split the province into two separate federally governed territories. Before the announcement, the government deployed additional troops to the province, shut down the internet and phones, and placed thousands of people in preventive detention, prompting international condemnation.

The government failed to properly enforce Supreme Court directives to prevent and investigate mob attacks, often led by politicians, on religious minorities and other vulnerable communities.

Nearly two million people from tribal communities and forest-dwellers remained at risk of forced displacement and loss of livelihoods after a Supreme Court ruling in February 2019 to evict all those whose claims under the Forest Rights Act were rejected.

In the northeast state of Assam, a citizenship verification project excluded nearly two million people, mostly of Bengali ethnicity, many of them Muslim, putting them at risk of statelessness. The government published the National Register of Citizens, aimed at identifying Indian citizens and lawful residents following repeated protests and violence over irregular migration of ethnic Bengalis from Bangladesh. The list excluded nearly two million people, many of them Muslims, including many who have lived in India for years, in some cases their whole lives. There are serious allegations that the verification process was arbitrary and discriminatory. While there is a right to appeal, the government plans to build detention centres for those denied citizenship after appeal.

Indian authorities also failed to protect religious minorities, used draconian sedition and counterterrorism laws to silence peaceful dissent, and invoked foreign funding regulations and other laws to discredit and muzzle nongovernmental organizations critic of government actions or policies.

Pakistan

In Pakistan, last year began with the suspicious disappearance of four bloggers. They've all since returned home, but the government hasn't investigated who took them. In 2016, according to the Pakistani Press Foundation, two journalists were killed, 16 injured and one abducted. The case of Zeenat Shahzadi, who was abducted on her way to work in August 2015, remained unsolved. Leading columnist Cyril Almeida was subject to a travel ban by the government for writing an article on tensions between the civilian government and the military.

Sri Lanka

Repressive laws continue to hinder Sri Lanka's transition out from under the shadow of the decades-long conflict there. Despite commitments to deliver on accountability for alleged crimes under international law, the authorities made frequent use of the Prevention of Terrorism Act (PTA), despite the government's 2015 pledge to repeal it. Tamils suspected of links to the Liberation Tigers of Tamil Eelam (LTTE) continued to be detained under the PTA, which permits extended administrative detention and piles the burden of proof onto the detainee alleging torture or other ill-treatment.

It is a problem that was noted by the UN Special Reporter on torture, who said the practice persists even last year. While the problem is at levels lower than during Sri Lanka's conflict, impunity still prevails for both old and new cases. The government is similarly failing to hold people accountable for enforced disappearances and extrajudicial executions that took place during the conflict.

Afghanistan

In Afghanistan, the conflict has been widening. As the Taliban and other armed groups seize more territory, punctuating their advances with horrific attacks on civilians, the number of people displaced has risen to record numbers. More than 1.5 million people now languish in overcrowded camps, where they go without adequate food and water in freezing temperatures.

Bangladesh

The Bangladesh government ignored or dismissed key recommendations, particularly with regards to credible reports of electoral fraud, crackdown on free speech, torture practices by its security forces, and increasing cases of enforced disappearances and killings.

Bangladesh participated in a review of its practices by the United Nations Committee against Torture for the first time since ratifying the Convention against Torture over 20 years ago. When the United Nations Committee against Torture pressed Bangladesh to put an end to the increasing cases of enforced disappearances by law enforcement officials and asked about torture allegations consistently documented by human rights groups, the government vehemently denied the allegations.

Impunity for abuses by security forces, including enforced disappearances and extrajudicial killings, remained pervasive. The government continued to violate international standards on freedom of speech in its crackdown on government critics.

Host to nearly 1 million Rohingya refugees from neighboring Myanmar, Bangladesh has kept its commitment under international law not to force returns. Conditions in the camps worsened, however, as the government resisted infrastructure improvements, repeatedly threatened to relocate refugees to a potentially uninhabitable island, and took steps to restrict freedom of movement and access to the internet in the camps.

In March last year, following strikes in which workers demanded wage hikes, at least 7,500 garment workers were dismissed from their jobs in the largest crackdown on workers in Bangladesh in years.

More women entered the workforce and the country made another step towards gender equality when the High Court removed the requirement that Muslim women in Bangladesh declare whether they are virgins on their marriage certificate.

Maldives

Extremist groups continued to pose a threat to human rights defenders and activists whom they accused of being “too secular,” and to exert influence over the police courts, and other government institutions.

A government-established prison audit commission issued a report detailing corruption, systemic abuse and mistreatment throughout detention facilities in the Maldives.

The government to “grab the chance offered by a moment of reform” to combat extremism and ensure the rights of all to take part in cultural life without discrimination.

Bhutan

In the late 1980s, the Bhutanese government enacted a "one nation, one people" campaign that arbitrarily stripped the citizenship of a large portion of the Bhutanese Nepali-speaking minority known as Lhotshampas. By the end of 1990, the "Bhutanization" campaign had escalated to harassment, arrests and the burning of ethnic Nepali homes. Many fled, but the army also expelled tens of thousands, forcing them to sign forms renouncing any claims to their homes and homeland.

The United States and other resettlement countries should indeed be proud that they gave many of these refugees a new lease on life and helped them to realize their dreams.

Strong pressure should be exerted - politically, economically or even culturally and socially - on the Bhutanese government by influential governments that can call for the trials of those main players at the UN International Court of Justice at The Hague. To achieve this, sustained efforts must be made by the people, international human rights watch dogs, social media and governments to bring those responsible for the state-sponsored crimes to justice.

Bhutan is on the brink of a significant leap forward for LGBT rights. The National Council should play its part by approving the repeal bill.

Nepal

Nepal in 2019 strengthened investment and trading ties with China, including participation in China’s “Belt and Road” Initiative. As a result, restrictions on free assembly and expression rights of the Tibetan community continued, under political pressure from China.

Caste and ethnic minorities remained more vulnerable than others to abuses, including excessive use of force by police, and torture in police custody. Crimes, such as sexual violence, against members of minority communities often go unreported and uninvestigated. In a case brought to the United Nations Human Rights

Committee by a member of an indigenous group who had suffered forced labor and torture, the Committee found that Nepal must remove obstacles to victims seeking justice.

Members of the international community, including diplomatic missions in Kathmandu, UN special reporter and others, continued to warn the government that if a transitional justice process that meets international standards is denied within Nepal, perpetrators of war crimes and crimes against humanity may be subject to prosecution abroad under the principal of universal jurisdiction.

The government has outlawed several practices harmful to women and girls in recent years. However, weak enforcement along with remaining gaps in laws on sexual violence and gender discrimination continue to leave women, particularly ethnic minorities, at high risk of abuse.

Conclusion

The humanitarian catastrophe is set to worsen as the world turns its back on Afghan refugees and asylum-seekers. In Pakistan, even as the UN noted that civilian casualty figures have reached their highest point since records began being compiled in 2009, the UN refugee agency worked with the Pakistani authorities to forcibly return tens of thousands of Afghan refugees. The returns breached the international principle of non-refoulement: people cannot be sent to a country where they are at risk of serious human rights abuses. That the UN is directly complicit in this does not bode well for the rights of refugees in the region.

Center for Economic and Social Rights, Human Rights Watch, ASEAN Human Rights Declaration, Universal Declaration of Human Rights & the United Nations are the major international institutions monitoring the situation of people's rights in this region. The violations are recorded and its report is placed before the international forum to force the State Parties to bring an end to such inhuman practices. Also many educational and developmental measures are imparted to eradicate the violations. The collaborative efforts of the State and international parties can surely foster desirable results in betterment of the life of millions of people in south Asia.