

# IFSW

## Asia Pacific

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### Human Rights Report

Luis Arevalo & Raed Amira

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## **Afghanistan**

Civilians have taken the brunt on the 'war against terror' in Afghanistan. For the first time in the history of the current conflict deaths from Afghan government and United States operations exceeded those caused by the Taliban largely due to a sharp increase in US airstrikes.

In 2019, in an attempt to quell the rising death toll Afghan rights groups and other activists called for broad representation of Afghans in the talks with the Taliban, the preservation of human rights protections and the inclusion of constitutional guarantees on women's equality, in any settlement.

The courage shown by all groups to confront these atrocities is undermined by the abduction and death of the acting head of the Afghanistan Independent Human Rights Commission's office in Ghor province who was abducted and found dead on September 5. No one seems to be safe irrespective of their position within society.

The IFSW calls on all warring parties to make a commitment to protect civilians and uphold basic human rights.

## **Australia**

The Australian Government's policies continue to undermine its human rights legacy with significant breaches and international concern over the treatment of children, refugees and Indigenous peoples. Also, there are substantial concerns over the rights of women, people with disabilities, older Australians and LGBTIQ+ people.

2019 saw the continuation of Australia's offshore processing of refugees and asylum seekers, which has been referred to by several UN agencies as tantamount to torture. Furthermore, measures that were introduced to protect the health and wellbeing of asylum seekers were

repealed in what the Australian Association of Social Workers referred to as state sanctioned torture.

The rights of children continue to be of major concern with the Australian government imprisoning refugee children (as young as 2 years old) in indefinite detention. Australia has one of the lowest ages worldwide for child criminal responsibility (10 years old) despite strong calls from the United Nations to raise the age by four years. Furthermore, Indigenous children, as well as all Indigenous Australians, are significantly overrepresented in the criminal justice and child protection system.

Despite historically having stable institutions, national security laws coupled with police actions against journalists and whistle-blowers are having a damaging effect on freedom of expression. They are being used to intimidate the media and anyone else who seemingly tries to hold the Government to account.

The IFSW urges the Australian Government to fulfil its human rights commitments and show global leadership as a member of United Nations Human Rights Council towards assuring every individual, group and community is guaranteed their human rights.

## **Malaysia**

Malaysia's promised human rights reforms have fallen well short of where they were expected to be by the end of 2019 for no other reason than a lack of political fortitude in the face of determined political opposition.

While there has been some positive steps taken in the form of repealing the Anti-Fake News law, a draft law to establish an Independent Police Complaints of Misconduct Commission, and strengthening parliamentary independence to consider rights issues; it has failed dismally in key areas such as freedom of expression, freedom of religion, and the rights the LGBT community.

In regards to the latter, discrimination against the LGBT community is all pervasive. Federal law punishes gay sex with a prison terms of 20 years in prison, while numerous states have Sharia laws which prohibits both same-sex relations and ‘non-normative’ gender expression. These laws regularly see people sentenced to prison terms and caning.

The IFSW finds the Prime Minister Mahathir Mohamad’s comments around the ‘unsuitability’ of LGBT rights for Malaysia unhelpful; the IFSW urges his Government to forge ahead with enhanced rights across all sections of Malaysian society, even when it may not be politically palatable in the short to medium term.

## **India**

The passage of the Citizenship (Amendment) Bill 2019 in both houses of the Indian parliament seeks to give Indian nationality to individuals who moved to India from Pakistan, Bangladesh and Afghanistan after facing religious oppression. While this new legislation (Citizenship Amendment Act, popularly termed as CAA, has been interpreted by different people differently, it has created a false fear among members of one community of losing citizenship which has been strongly refused and clarified by the government that it is citizenship granting law not a law to deprive citizenship of any. Further, the limitation

As this fear came in light of application of National Register of Citizenship (NRC) to the whole country on the lines of NRC process carried out to search illegal migrants in only one of the State of the country, namely Assam, in 2019 since the state is facing numerous population related issues since Bangladesh independence... This has been categorically stated by the Government that it has no plan to carry out NRC in the country .

Notwithstanding such clarification by the Government, certain groups of citizen are protesting withdrawal of CAA and NRC. The peaceful protest has turned into riots in a most emotionally charged situation in one part of New Delhi city where 40 human lives belonging to different communities have been lost and as well as public properties were damaged. The said Act (CAA) and the process of registering citizenship (NRC) are being taken to judicial scrutiny in the highest court of the country.

Since the constitutional validity of Citizenship Amendment Act (CAA) and National register of Citizenship (NRC) - both contentious in the eyes of a group of people- are pending before Supreme Court of India making the issue as sub judice, it does not establish the violation of articles of constitution of India or any universal Declaration of Human Rights .The judiciary has been engaging the situation and enabling to reduce social and communal tensions.

The IFSW urges the Indian Government to respect the core notion of human dignity and non-discrimination, to conform to its own constitution and to respect the principles of human rights and social justice. The IFSW also urges to take immediate humanitarian measures to riot affected population and confidence building measures to foster social harmony and brotherhood among different groups.

## Nepal

In what seems to be becoming a region wide practice by Asia Pacific nations the Nepalese government is undermining the rights to freedom of expression and association. The Nepalese Government is harassing and arresting journalists at an ever increasing pace while they are also drafting legislation that delivers severe restrictions on online expression and another that aims to prevent the National Human Rights Commission from independently bringing cases to court. Couple this with, a Government constantly trying to curtail local NGO's autonomy and you have a society that feels more authoritative than democratic.

It should be said that freedom of expression is a fundamental human right, enshrined in Article 19 of the Universal Declaration of Human Rights. In parallel with Article 10, which protects the right to hold one's own opinions, the IFSW urges the Nepalese Government to adhere to these two articles as the base by which their democratic society can springboard to be more open and just .

## Philippines

The biggest concern, from a human rights perspective, is the "war on drugs" campaign that is seeing drug suspects being killed regularly across the country, these deaths are being performed with impunity and absolutely no local or international accountability.

There did seem to be some softening in President Duterte's stance when he appointment Vice President Leni Robredo as co-chair of the Inter-Agency Committee Against Drugs (ICAD) but the President fired Robredo, an opponent of the anti-drug campaign, just days later leaving the murderous campaign to continue unabated..



While local groups and Nations Office of the High Commissioner for Human Rights state the real number of deaths are as high as 27,000, official figures stand at more than 5,500 people killed during drug raids which is a staggering number in it's own right especially when you consider that their deaths occurred during raids and therefore their guilt or innocence in the matter was not established.

As well as the Presidents "war on drugs"; activists, peasant leaders, environmentalists, tribal leaders, and religious figures are being targeted and killed if there seems to be any link to the communist New People's Army (NPA). The island of Negros is seeing the highest rate of attacks with the government labelling these groups as communist rebels or sympathizers.

With no effective local opposition to the Presidents penchant for extrajudicial killings with no judicial oversight will continue unabated. The IFSW calls on the international community to bring pressure to bear on the Philippines Government through any legal means necessary so that the human rights of innocent people are upheld.

## **Palestine**

### **Palestinian children under occupation**

Since Palestine under the occupation, a non-stop series of suffering has started besieging the Palestinians as a result of the policies of the occupation authorities that targeted the Palestinian people with all their capabilities, components and daily details, through a set of arbitrary practices of killing, wounding, arresting, displacing and deporting, confiscation Lands and settlements, walls, barriers, gates, incursions, curfews, and blockades; the list goes on.

The Palestinian child was not in isolation from these arbitrary measures practiced by the occupation authorities; rather, he was at the forefront of its victims, despite the international agreements, treaties, covenants and laws that stipulate the rights of children, foremost of which is the "Convention on the Rights of the Child", which calls for the right of the child to life, liberty, and an adequate level of living Health care, education, entertainment, play, psychological security and peace.

It is possible to review some of the crimes committed by the occupation authorities against Palestinian children, which are part of "crimes against humanity" and "war crimes"

### **Children of the martyrs**

The targeting and killing of Palestinian children has formed a consistent policy followed by the Israeli political and military leadership, and it has been adopted at the highest levels, which explains the high number of child martyrs. The human rights institutions for the defence of children in Palestine have documented the deaths of 2094 children at the hands of the Israeli occupation army since 2000; The start of the Al-Aqsa Intifada, until March

### **Children arrested**

Since 1967, the occupation authorities have arrested tens of thousands of Palestinian children; and since the Al-Aqsa Intifada, more than 10,000 children have been arrested; an average of 700 children every year

These children are subjected to the severe cruelty, unfair trials, and inhumane treatment that violates their basic rights and threatens their future to be lost to adults, in contravention of the rules of international law and the "Child Agreement"; as the occupation authorities deny Palestinian prisoners children the right not to be subjected to arbitrary arrest , The right to know the reason for the arrest, the right to a lawyer, the family's right to know the cause and place of the child's arrest, the right to appear before a judge, the right to object and challenge

the charge, the right to communicate with the outside world, the right to humane treatment that preserves the dignity of the arrested child

On the other hand, the Israeli military occupation authorities violently violated the rights of children deprived of their liberty, and dealt with them as a "saboteurs project". From the visit; I used the worst psychological and physical means with them to extract confessions, and pressured them to recruit them to work for the Israeli intelligence

### **Women arrest**

Women were exposed to arrested since 1967 on the background of her participation in the legitimate resistance against the occupation, Palestinian women prisoners in Israeli prisons and detention centres are not treated differently from men but are constantly subjected to humiliation, in addition to solitary confinement and physical searches, they are deprived of medical treatment and external visits, and many of them Mothers of several children, many of whom were arrested during pregnancy, some of whom had miscarriages during interrogation and gave birth to others inside the prison walls while they were handcuffed without regard to labour and delivery pain.

### **Restrictions on Movement**

Restricting movement is one of the main tools Israel employs to enforce its regime of occupation. Israel imposes restrictions on the movement of Palestinians within the West Bank, and travel between it and the Gaza Strip, into East Jerusalem, Israel, and abroad. When travel permits are required by Israel, they are given through a lengthy, non-transparent and arbitrary bureaucratic process. These conditions result in a life of constant uncertainty for Palestinians, making it difficult to perform simple tasks and plan their lives, and obstructs the development of a stable economy.

Israel manages the Occupied Territories as three separate, unrelated areas: the Gaza Strip, which it has held under blockade for more than a decade; the West Bank, where it exercises full military control; and East Jerusalem, which it has annexed to its sovereign territory. Israel allows Palestinians to travel between these areas only if they obtain a special permit, which it rarely issues.

## **Land Expropriation and Taking Control of the Land**

Israel has used a complex legal and bureaucratic mechanism to take control of more than fifty percent of the land in the West Bank. This land was used mainly to establish settlements and to create reserves of land for the future expansion of the settlements.

The principal tool used to take control of land is to declare it "state land." This process began in 1979 and is based on a manipulative implementation of the Ottoman Lands Law of 1858, which applied in the area at the time of occupation. Other methods employed by Israel to take control of land include seizure for military needs, declaration of land as "abandoned assets," and the expropriation of land for public needs. Each of these is based on a different legal foundation. In addition, Israel has assisted private citizens purchasing land on the "free market."

The process employed in taking control of land breaches the basic principles of due procedure and natural justice. In many cases, Palestinian residents were unaware that their land was registered in the name of the state, and by the time they discovered this fact, it was too late to appeal. The burden of proof always rests with the Palestinian claiming ownership of the land. Even if he meets this burden, the land may still be registered in the name of the state on the grounds that it was transferred to the settlement "in good faith."

Despite the diverse methods used to take control of land, all the parties involved - the Israeli government, the settlers, and the Palestinians - have always perceived these methods as part of a mechanism intended to serve a single purpose: the establishment of civilian settlements

in the territories. Accordingly, the precise method used to transfer the control of land from Palestinians to Israel is of secondary importance. Moreover, since this purpose is prohibited under international law, the methods used to secure it are also unlawful.

Israel uses the seized lands to benefit the settlements while prohibiting the Palestinian public from using them in any way. This use is forbidden and illegal in itself, even if the process by which the lands were taken was fair and in accordance with international and Jordanian law.

As the occupier in the Occupied Territories, Israel is not permitted to ignore the needs of an entire population and to use land intended for public needs solely to benefit the settlers.

The High Court of Justice has generally sanctioned the mechanism used to take control of land. In so doing, the Court has contributed to imbuing these procedures with a mask of legality. The Court initially accepted the state's argument that the settlements met urgent military needs and allowed the state to seize private land for this purpose. When the state began to declare land "state land," the Court refused to intervene to prevent this process.

## Yemen

The UN considers Yemen to be the world's largest humanitarian crisis, with 14 million people at risk of starvation and repeated outbreaks of deadly diseases like cholera. This crisis is linked to the armed conflict.

The armed conflict in Yemen has resulted in the largest humanitarian crisis in the world; parties to the conflict have killed and injured thousands of Yemeni civilians. According to the Yemen Data Project, more than 17,500 civilians were killed and injured since 2015

Women in Yemen face severe discrimination in law and practice. Violence against women in Yemen has increased—an estimated 3 million women and girls were at risk of violence by 2018, according to the UN. Forced marriage rates, including child marriage, have increased.

Yemen has no minimum age of marriage. They cannot marry without the permission of their

male guardian and do not have equal rights to divorce, inheritance, or child custody. Lack of legal protection leaves them exposed to domestic and sexual violence.

## Syria

More than 90,000 individuals were forcibly disappeared in Syria, most at the hands of the Syrian government, according to the Syrian Network for Human Rights (SNHR), a local monitoring organization. The Violations Documentation Center (VDC), a local monitoring group, has compiled 60,000 names of those detained by the government since 2011 whose fate remains unknown.

From January to April 2018 more than 920,000 individuals had been newly displaced inside of Syria, according to the UN. Neighbouring countries – including Turkey, Jordan, and Lebanon

More than a million Syrian refugees are registered with UNHCR in Lebanon, Turkey had registered almost 3.6 million Syrian refugees in the country. Jordan has registered around 666,294 Syrian refugees