



HINDUS IN SOUTH ASIA & **THE DIASPORA**

A SURVEY OF HUMAN RIGHTS, 2017

"All men are brothers; no one is big, no one is small. All are equal."

Rig Veda, 5:60:5

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The Hindu American Foundation (HAF) is a 501(c)(3) advocacy organization for the Hindu American community. The Foundation educates the public about Hinduism, speaks out about issues affecting Hindus worldwide, and builds bridges with institutions and individuals whose work aligns with HAF's objectives. HAF focuses on human and civil rights, public policy, media, academia, and interfaith relations. Through its advocacy efforts, HAF seeks to cultivate leaders and empower future generations of Hindu Americans.

The Hindu American Foundation is not affiliated with any religious or political organizations or entities. HAF seeks to serve Hindu Americans across all sampradayas (Hindu religious traditions) regardless of race, color, national origin, citizenship, caste, gender, sexual orientation, age, and/or disability.

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“All human beings are born free and equal in dignity and rights.”

Universal Declaration of Human Rights, 1948, Article 1

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HINDUS ACROSS THE DIASPORA

- Hindus, numbering over one billion (1.03 billion), constitute the third largest religious group in the world.
- Hinduism is one of the oldest surviving religions with its origins tracing back at least five thousand years.
- Hindus are pluralistic in their beliefs and accept the myriad means of worship and prayer available to human beings seeking spiritual enlightenment.
- Hindu minorities living in countries throughout South Asia and other parts of the world are subject to varying degrees of legal and institutional discrimination, restrictions on their religious freedom, social prejudice, violence, social persecution, and economic and political marginalization. Hindu women are especially vulnerable and face kidnappings and forced conversions in countries such as Bangladesh and Pakistan. In several countries where Hindus are minorities, non-state actors advance a discriminatory and exclusivist agenda, often with the tacit or explicit support of the state.
- Persecution by state and non-state actors alike has led a growing number of Hindus to flee their country of origin and live as refugees.

ACKNOWLEDGEMENTS

As in the past, numerous grassroots organizations were involved in collecting data about the violation of human rights of Hindu minorities, and HAF thanks them for their fact-finding and data collection efforts. Chief among these organizations are Global Human Rights Defence (GHRD), a human rights organization based in the Hague; Bangladesh Minority Watch (BDMW) and Bangladesh Hindu Buddhist Christian Unity Council USA (BHBCUC-USA), organizations that have been at the forefront of publicizing the plight of Hindus in Bangladesh; the Indo-American Kashmir Forum and the Kashmir Taskforce, which have worked to bring the attention of the United States government and media to the plight of Kashmiri Hindus; Panun Kashmir, advocating tirelessly to resettle Kashmiri Pandits and recover their lost properties and homes in the Kashmir Valley; Hindu Rights Action Force (HINDRAF), also known as Human Rights Party (HRP) Malaysia and Malaysian Hindu Foundation (MHF), working for the human rights of Hindu minorities in Malaysia; Hare Rama Foundation (HRF) and Scheduled Caste Rights Movement (SCRM) Pakistan, which works on behalf of marginalized Hindus in Sindh province and southern Punjab in Pakistan; Pakistan Hindu Sewa Welfare Trust; and Pakistan Hindu Council (PHC), a national advocacy group for Hindus in Pakistan.

HAF further thanks Bhutanese American community leaders and organizations, and Dr. DNS Dhakal, Duke University Fellow for information on the situation facing Bhutanese Hindus in the US and those remaining in Bhutan

HAF acknowledges the work of other human rights organizations, including Human Rights Commission of Pakistan (HRCP), an independent voice in the struggle for human rights and democratic development in Pakistan; and the Asian Human Rights Commission (AHRC), which keeps track of human rights abuses in Asia. Similarly, the International Crisis Group, Amnesty International, Freedom House, and Human Rights Watch have played a critical role in widely publicizing the denial of human rights around the world. Also, important historical information and contemporary updates were obtained from the US Department of State's annual reports on religious freedom and human rights, as well from a number of think tanks, foreign policy analyst, and historians.

Samir Kalra, Esq.

HAF Senior Director/Human Rights Fellow

Hindus in South Asia and the Diaspora: A Survey of Human Rights, 2017

EXECUTIVE SUMMARY

The human rights of Hindu citizens are consistently violated in nine countries and one state in India where Hindus constitute a minority: Afghanistan, Bangladesh, Malaysia, Pakistan, Bhutan, the Indian state of Jammu and Kashmir, Sri Lanka, Fiji, Saudi Arabia, and Trinidad and Tobago.

This report documents the ongoing violations of human rights in these countries, as well as those of specific refugee populations.

EGREGIOUS VIOLATORS

Countries designated as Egregious Violators have either engaged in or allowed rampant and systemic human rights violations to take place against their Hindu populations. HAF has categorized the following countries as Egregious Violators in 2016: **Islamic Republic of Afghanistan, People's Republic of Bangladesh, Malaysia, and the Islamic Republic of Pakistan.**

ISLAMIC REPUBLIC OF AFGHANISTAN

Area 652,230 sq km

Population 33,332,025 (July 2016 est.)

Religions Islam 99.7% (Sunni 84–89%, Shia 10–15%), Other 0.3% (includes Hindus, Christians, and Sikhs)

Ethnic Groups Pashtun, Tajik, Hazara, Uzbek, other (includes smaller numbers of Baloch, Turkmen, Nuristani, Pamiri, Arab, Gujar, Brahui, Qizilbash, Aimaq, Pashai, and Kyrgyz) Note: current statistical data on the sensitive subject of ethnicity in Afghanistan is not available, and ethnicity data from small samples of respondents to opinion polls are not a reliable alternative.

Languages Afghan Persian or Dari (official language, though much of the population is bilingual) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%

Location Southern Asia, north and west of Pakistan, east of Iran



COUNTRY OVERVIEW

2016 was once again marked by violence, rampant corruption, a lack of governance, and instability in Afghanistan. Human rights continued to deteriorate throughout the year, as government officials, security forces, local militias, and militant groups were all responsible for committing gross human rights abuses in violation of international law.

The Afghan Taliban, which controls nearly 30 percent of the country, attacked civilians with impunity, and the government was unable to protect its citizens from violence or enforce the rule of law in many parts of the country. Islamic State (ISIS) fighters have also established a significant presence in the country exerting control over major parts of four districts in the eastern Nangarhar province, and launching several attacks, including a suicide bombing in Kabul

in July that killed 80 Shiite Hazaras and injured more than 200.

The plight of minorities and women was particularly concerning, as these vulnerable groups remained marginalized and subjected to violence, social prejudice and harassment. Hindus and Sikhs lack cremation rights and are often attacked and humiliated while trying to cremate their dead. Hindu and Sikh children, in particular, are harassed and bullied in school for their religious beliefs. Parents are hesitant to send their daughters out alone due to fear that they may be kidnapped and forcefully married to a Muslim. Hindus and Sikhs have also faced employment discrimination and are both politically marginalized and excluded from most government jobs.

Afghanistan's constitution and legal system further institutionalize discrimination against non-Muslims and firmly establish Islam as the state religion. These conditions continue to lead Hindus and Sikhs to leave the country, with only an estimated 200 families remaining (down from over 200,000 Hindus/Sikhs in the 1970s), according to Afghan Hindu sources. Afghan Hindu and Sikh refugees similarly continue to face struggles in other countries where they have sought refuge, and in some instances, face deportation proceedings.

HAF POLICY RECOMMENDATIONS

- The Afghan government should work to reform its legal system and constitution to provide greater safeguards for religious freedom and human rights. Legal experts from the US and international bodies, such as the United Nations, should assist with this process.
- The Afghan government must protect the funeral rites of Hindus and Sikhs and prevent non-state actors from interfering in their cremations. Moreover, the government should provide access to suitable land to house crematoriums.
- Greater security and support should be provided for Hindus and Sikhs to allow them to worship freely and without fear of harassment, forced conversions, and societal discrimination.
- Hindu and Sikh places of worship should be

treated equitably and allocated funding on par with mosques.

- Afghanistan's lower house of Parliament should end its opposition to creating a reserved seat for Hindus/Sikhs in the Parliament in order to politically franchise these communities.
- Additional schools for Hindus/Sikhs should be created by the government to allow them to obtain an education free of religious prejudice and harassment.
- The international community, including countries such as the US and India, should continue to invest in developing Afghanistan's civil society, infrastructure, and democratic institutions.

PEOPLE'S REPUBLIC OF BANGLADESH

Area 148,460 sq km

Population 156,186,882 (July 2016 est.)

Religions Islam (Sunni) 89.1%, Hindus 10% (many current estimates suggest less than 9%), other 0.9% (includes Buddhists and Christians) (2013 estimate. This constitutes the last official estimate on religious demographics. Many of the statistics provided on country demographics throughout this entire report are based on official estimates from previous years.)

Ethnic Groups Bengali, at least 98%, other ethnic groups 1.1%; Bangladesh's government recognizes 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act; other sources estimate there are about 75 ethnic groups; critics of the 2011 census claim that it underestimates the size of Bangladesh's non-Bengali population (2011 est.)

Languages Bangla 98.8% (official, also known as Bengali), other 1.2% (2011 est.)

Location Southern Asia, bordering the Bay of Bengal, between Burma and India

COUNTRY OVERVIEW

Diwali day riots in Brahmanbaria that led to the ransacking of more than 15 temples and at least

150 people injured and the November attacks on the Santhal tribal community in Gopalganj, capped off another tumultuous year for Hindus and other minorities in Bangladesh. The beheadings of Hindu priests and secular bloggers, abductions and conversions of Hindu girls, and forced occupation of minority owned lands also continued throughout the year unabated.

The plight of religious minorities and atheists has become increasingly precarious as there has been a marked increase in religiously motivated violence over the past few years coinciding with the rise of domestic and international Islamist terror groups. The recent escalation in violence coincides with the growing power of domestic and international extremist groups, such as Jamaat-e-Islami (Jel), Jama'atul Mujahideen Bangladesh (JMB), Ansarullah Bangla Team (ABT), al-Qaeda in the Indian subcontinent (AQIS), and ISIS, among others. While JMB, al-Qaeda, and ISIS are designated Foreign Terrorist Organizations (FTOs), Jel has escaped international censure despite a long history of engaging in mass-violence against Hindus and secular Bangladeshis, dating back to the country's struggle for independence from Pakistan in 1971.

Most notably, ISIS claimed responsibility for a number of attacks in 2016 and coordinated with domestic groups, posing an existential threat to the country's secular democracy. This was highlighted by the attack on the Holey Artisan Bakery in the diplomatic area of Dhaka, where five gunmen were heard shouting "Allahu Akbar" prior to setting off bombs and shooting as they stormed the cafe and took hostages. The attackers asked the hostages to recite versions of the Koran and targeted and killed those that were non-Muslims or those that refused, resulting in the deaths of more than 20 people.

While Islamists were responsible for the majority of violence, the ruling Awami League (AL) has also contributed to deteriorating conditions in the country by suppressing political dissent and basic civil liberties, and refusing to acknowledge and adequately confront the presence of ISIS and other foreign terror groups. It has further imposed restrictions on the freedom of speech and bloggers, harassed journalists, and arrested political opponents.



Furthermore, religious minorities remain underrepresented in the government bureaucracy, though the Awami League has appointed several minorities to leadership positions.

Bangladeshi security forces, particularly the Rapid Action Battalion (RAB), have also been accused of committing extensive abuses, including extrajudicial killings, arbitrary arrests and detentions, enforced disappearances, and torture of prisoners.

As a result of the widespread violence and growing intolerance in the country, many Hindus and Buddhists have fled and sought refuge in India. Since 1947, the Hindu population in Bangladesh (former East Pakistan) has drastically declined from 31% to 10% (less than 9% according to some estimates) today. Although many Bangladeshi Hindu refugees have been living in India without formal legal status, the Indian government recently announced changes to the Citizenship Act, 1955, that would allow them

to stay in the country legally and with a pathway to citizenship. The government further granted refugees from Bangladesh living in India on long term visas the right to purchase land.

HAF POLICY RECOMMENDATIONS

- The Government of Bangladesh (GoB) must acknowledge and appropriately confront the growing presence and activities of foreign Islamist terror groups, such as ISIS and al Qaeda in the Indian subcontinent, who are coordinating with local Islamist groups. It must also take immediate steps to enforce the rule of law, prosecute those responsible for anti-minority violence, and ensure that religious minorities receive the necessary protection from further attacks.
- The GoB should continue to conduct the war crimes trials while ensuring that they are consistent with due process of law, in order to achieve closure, justice, and accountability for events that occurred during the 1971 War of Independence.
- GoB must undertake legal and constitutional reforms by removing provisions privileging Islam from the Constitution and institute greater safeguards for religious freedom.
- The government must take immediate steps to return previously confiscated properties under discriminatory property laws to their rightful Hindu owners, under the provisions of the Vested Property Return Bill of 2011.
- The government should strengthen the National Human Rights Commission to support constitutional guarantees of religious freedom and equal protection, and to ensure the protection of minorities.
- The US should work constructively with the GoB to ensure that attacks on Hindus and other minorities cease, past victims of violence are fully rehabilitated, and those responsible for attacks are brought to swift justice. US officials should be unequivocal in their condemnation of violence in all public statements. In addition, human rights and civil society activists should be supported.
- The US should support the International Crimes Tribunal, despite its flaws, as a means of achieving justice for the victims of genocide and crimes against humanity, and sending a message that war criminals will be held accountable and cannot act with impunity.
- Jel and ICS should be designated as Foreign Terrorist Organizations (FTOs) by the US State Department under Section 219 of the Immigration and Nationality Act and as Specially Designated Global Terrorists under section 1(b) of Executive Order 13224.
- Under section 212(a)(2)(G) of the Immigration and Nationality Act, the US should deny entry to any officials from Jel that have engaged in particularly severe violations of religious freedom as defined by section 3 of the International Religious Freedom Act.
- Despite the absence of an extradition treaty, the US should repatriate Ashrafuzzaman Khan and Abdul Jabbar to Bangladesh to face justice for war crimes committed during the 1971 War.

MALAYSIA

Area 329, 847 sq km

Population 30,949,962 (July 2016 est.)

Religions Muslim (official) 61.3%, Buddhist 19.8%, Christian 9.2%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 1.3%, other 0.4%, none 0.8%, unspecified 1% (2010 est.)

Ethnic Groups Malay 50.1%, Chinese 22.6%, indigenous 11.8%, Indian 6.7%, other 0.7%, non-citizens 8.2% (2010 est.)

Languages Bahasa Malaysia (official), English, Chinese (Cantonese, Mandarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Punjabi, Thai, several indigenous languages (Iban and Kadazan)

Location Southeastern Asia, peninsula bordering Thailand and northern one-third of the island of Borneo, bordering Indonesia, Brunei and the South China Sea, south of Vietnam

COUNTRY OVERVIEW

The human rights conditions of ethnic and religious minorities continued to deteriorate in 2016 amidst a worsening climate of repression and intolerance. Ethnic Indians continued to face economic and social marginalization due to the persistence of Bumiputra (sons of the soil) policies favoring the majority Malaysian Muslim community.

Malaysia's Federal Constitution gives explicit preference to Muslims and establishes Islam as the official state religion. Islam also increasingly pervaded government policy and Malaysian society, while high ranking government officials made several statements reflective of a climate of escalating religious intolerance. Simultaneously, cumbersome restrictions on the religious rights of non-Muslims and members of minority-Muslims sects remained in place through 2016. Non-Muslim places of worship were subjected to inequitable treatment, marked by the ongoing demolition and forced relocation of Hindu temples, often sanctioned by the government.

Similarly, non-Muslims continued to be forced to adjudicate family law and "moral" matters in the Shariat (Islamic law) courts, where they faced severe disadvantages. There have been a number of cases where minor children were converted to Islam by a Muslim parent without the knowledge or consent of the non-Muslim parent. In these instances, the Shariat courts have typically found in favor of the Muslim parent and sanctioned the conversion, thereby violating the non-Muslim's parental rights. This was best exemplified by the high-profile case of S. Deepa, a Hindu woman who lost custody of her son, Mithran, who was converted to Islam by her ex-husband without her consent.

Despite government crackdowns on extremist groups in recent years, ISIS' ideology has gained traction in Malaysia and other parts of Southeast Asia. And on June 27, 2016, ISIS carried out its first attack on Malaysian soil with a bombing of a bar and nightclub outside of Kuala Lumpur.

Coinciding with the deterioration of religious freedom, there was a sharp decline in respect for basic civil rights and fundamental liberties in Malaysia. This



included the repression of free speech and peaceful assembly, discrimination against LGBT activists, and police abuse and arbitrary detentions without trial.

Rather than reform discriminatory policies and repressive laws, the ruling coalition government under Prime Minister Najib Razak took steps to solidify its hold on political power and appease hardliners and its core Muslim Malay constituency.

HAF POLICY RECOMMENDATIONS

- We support the recommendation of Hindraf Makkal Sakthi to create a Minority Affairs Ministry to examine and address the plight of the marginalized non-Malay population.
- Repressive laws should be rescinded or revised to allow for the free exercise of speech, assembly, and association and to end arbitrary detentions and police abuses.
- Religious freedom should be granted to non-Sunni Muslims consistent with those rights granted to their fellow Muslim citizens, including the rights of minority Muslims sects to register their associations and freely practice their religion in public.
- Non-Muslim places of worship, particularly Hindu temples must be protected from further destruction, desecration, and appropriation by the government and non-state actors. Additionally, non-Muslim religious sites and institutions should be treated on par with Muslim religious institutions.

- The conflict between civil law and Islamic law must be resolved and any matter involving non-Muslims should be subject to the jurisdiction of the civil courts, regardless if it is a family law dispute with a Muslim.
- The ruling government must uphold its prior commitment to reform Bumiputra laws.
- The US and the international community should exert pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and to allow freedom of speech and assembly by amending repressive laws.
- The US should further revisit its trade ties with Malaysia, as the Barisan National government continues to distribute economic entitlements to the majority Muslim Malay population. These policies not only impact minorities, but also affect the country's economy and the viability of foreign investment.

ISLAMIC REPUBLIC OF PAKISTAN

Area 796,095 sq km

Population 201,995,540 (July 2016 est.)

Religions Islam (official) 96.4% (Sunni 85-90%, Shia 10-15%), other (includes Christians, Hindus and Sikhs) 3.6% (2010 est.)

Ethnic Groups Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Saraiki 8.38%, Muhajirs (immigrants from India at the time of Partition and their descendants) 7.57%, Balochi 3.57%, other 6.28%

Languages Punjabi 48%, Sindhi 12%, Saraiki (a Punjabi variant) 10%, Pashto (alternate name, Pash-tu) 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official; lingua franca of Pakistani elite and most government ministries), Burushaski, and other 8%

Location Southern Asia, bordering the Arabian Sea, between India on the east and Iran and Afghanistan on the west and China in the north



COUNTRY OVERVIEW

Human rights and religious freedom conditions continued to deteriorate at an unprecedented rate in the Islamic Republic of Pakistan in 2016. Pakistan's widespread violation of human rights and its tolerance of human rights violations by non-state actors demonstrate a blatant disregard for international human rights norms and its obligations under human rights treaties and conventions.

The blasphemy laws, restrictions on the Ahmadiyya Muslim faith, and continued forced conversions of Hindu and Christian girls continued to plague religious minorities. An estimated 1,000 Christian and Hindu women are abducted and forcibly converted to Islam every year. Often, after being abducted, these girls are forcibly married to unknown men, raped, sold off, or forced into prostitution. Moreover, the constitutional preference for Islam, religious identification laws, and depiction of non-Muslims in school textbook institutionalized discrimination and the second-class status of minorities.

Similarly, Hindus and other minorities have been subjected to the bonded labor system, attacks

on religious sites and the illegal occupation of temples, and other acts of intolerance at the hands of non-state actors with the complicit or implicit support of government officials (or failure to act).

In a rare positive step, the Hindu Marriage Bill was passed in Pakistan's National Assembly and promulgated into law by the President in March 2017, legally recognizing Hindu marriages for the first time in the country's history.

The country was also plagued by large-scale sectarian violence as militant groups operated freely and targeted minorities with impunity. A bomb attack targeting Christians celebrating Easter in Lahore on March 27 carried out by Jamaat-ul-Ahrar, an offshoot of Tehreek-e-Taliban, resulted in the deaths of 72 people and over 300 injured, including both Christians and Muslims.

The Pakistani military establishment has long utilized many of the terrorist/militant groups to pursue its perceived foreign policy interests vis-à-vis India and Afghanistan, as well as to pursue its domestic priorities

Commenting on the situation facing religious minorities in Pakistan, analyst and author, Farhanaz Ispahani, recently stated: "Officially mandated textbooks reject pluralism and represent minorities, especially Hindus, in an extremely negative light. In recent years Pakistan has witnessed some of the worst organized violence against religious minorities since Partition. From January 2012 until now, at least 450 incidents of sectarian violence have been reported. These incidents led to 3755 casualties, including 1551 deaths."

As a result, thousands of Hindus continue to seek refuge in India annually to escape religious persecution in Pakistan. These refugees still face challenging socio-economic conditions in India, although the Indian government has taken positive steps to ease restrictions on citizenship and long-term residency requirements for these refugees.

Beyond religious freedom violations, the Pakistani government's suppression of the civil and human rights of ethnic minorities continued unabated. A recent report from the Federal Human Rights

Ministry, for instance, found that close to 1,000 dead bodies of Baloch activists and separatists have been recovered in Balochistan province over the past six years, pointing to a pattern of extrajudicial killings and abuses by security forces.

Moreover, in Pakistan Occupied Kashmir, the interim constitution places legal restrictions on political rights and freedom of expression by banning parties that do not explicitly endorse Kashmir's accession to Pakistan. Similarly, government employees are required to express their support for accession.

HAF POLICY RECOMMENDATIONS

- The Government of Pakistan should transfer control over Hindu temples and crematoriums to representatives of the Hindu community to prevent the illegal sales and encroachment of Hindu religious sites. It should also provide adequate security to places of worship, including full implementation of the plan to hire 2,000 Hindu and Christian policemen to guard religious sites.
- The Government should increase the number of reserved seats for religious minorities in both federal and provincial legislatures to afford them adequate political representation; closely monitor schools to ensure that non-Muslims are not forced to take Islamiyat classes; and enforce current laws prohibiting bonded labor and provide increased training and funding to police at the local level to combat the practice.
- Pakistan must repeal and/or revise discriminatory and inequitable laws and constitutional provisions, and adopt and enforce Hindu marriage laws across the country. Furthermore, create an administrative agency to adjudicate claims of discrimination by state actors and provide legal redress to victims of hate violence.
- Pass the Sindh Criminal Law (Protection of Minorities) Bill to criminalize forced conversions and protect the rights of Hindu (and other non-Muslim) girls, without making amendments or watering down its provisions. Train local law enforcement on how to deal with kidnappings, forced conversions, and involuntary marriages

of Hindu and Christian girls. Police must also crack down on mosques that promote such activities and ensure the safety of girls and their families.

- The United Nations Human Rights Council (UNHRC) and General Assembly should censure Pakistan for its human rights record through resolutions. While these resolutions are non-binding, they would keep attention focused on Pakistan's human rights record.
- The International Monetary Fund and the World Bank should apply economic pressure on Pakistan by placing preconditions on future loans requiring the government to meet certain democratic and human rights indices.
- Those fleeing or those that have fled Pakistan on account of religious persecution and who meet the requirements of the Geneva Convention should be accorded "refugee" status by UNHCR in accordance with international law.
- India should take all necessary steps to provide long-term legal status and ease citizenship requirements for Pakistani Hindus that have fled religious persecution. Accordingly, the government should adopt and implement the Citizenship (Amendment) Bill, 2016 to assist refugees from Pakistan, Afghanistan, and Bangladesh. The central Indian government and relevant state governments should address the basic socio-economic needs of newly arriving refugees.
- The US Department of State should classify Pakistan as a Country of Particular Concern (CPC) due to its blatant disregard for human rights and religious freedom. This would place international attention on Pakistan's human rights record and enable the US to leverage sanctions on Pakistan, if necessary.
- The US should shift its relationship from a military centric one to one based on supporting civil society, democracy, and human rights. Moreover, military aid should be limited and require strict accounting for every dollar Pakistan receives to prevent funds from being diverted to destabilize India or Afghanistan.
- Civilian assistance should be focused on meaningful constitutional and legal reform

to provide equality and religious freedom for minorities. Alternatively, humanitarian and economic assistance should be provided for the benefit of the country's marginalized minorities.

- Current USAID teacher training programs should incorporate sensitivity training to address discriminatory attitudes towards religious minorities and support for violent extremism among many teachers.

COUNTRIES OF SERIOUS CONCERN

Countries labelled as Serious Concern have committed severe human rights violations against their Hindu minority, but not rising to the level of Egregious Violators. These countries or regions include the following: **Kingdom of Bhutan**, the Indian state of **Jammu and Kashmir** (this designation is based only on the treatment of the Hindu minority in this particular state and is not a comment on the state of human rights in general in India), and the **Democratic Socialist Republic of Sri Lanka**.

KINGDOM OF BHUTAN

Area 38,394 sq km

Population 750,125 (July 2016 est.)

Religion Lamaistic Buddhist 75.3%, Indian and Nepalese-influenced Hinduism 22.1% (estimates on the number of Hindus vary according to Hindu groups), other 2.6%

Ethnicity Ngalop (also known as Bhote) 50%, ethnic Nepalese 35% (includes Lhotsampas, one of several Nepalese ethnic groups), indigenous or migrant tribes 15%

Languages Sharchhopka 28%, Dzongkha (official) 24%, Lhotshamkha 22%, other 26%

Location Southern Asia, landlocked, between China and India

COUNTRY OVERVIEW

Bhutan has undergone significant changes in recent years as it transitions to a democracy, but has made little progress on implementing human rights

reforms. Bhutan's continued use of nationalist policies and discriminatory laws violate basic norms of international law.

Specifically, the government suppresses the civil liberties of its people by placing arbitrary restrictions on religious freedom, creating obstacles for the construction of non-Buddhist places of worship, repressing minority linguistic and cultural rights, denying citizenship rights to thousands of residents, and strictly limiting political activity.

Moreover, contradictory provisions in Bhutan's Constitution have rendered protections for religious freedom and equality under the law largely ineffective. The Constitution specifically provides that "Buddhism is the spiritual heritage of Bhutan," "Bhutanese society is rooted in Buddhism," and that it is "the responsibility of all religious institutions and personalities to promote the spiritual heritage of the country."

The longstanding refugee issue also remains unresolved as the government continues to refuse to repatriate any of the expelled Nepali Hindu refugees. These ethnic Nepalis, known as Lhotshampas, were exiled and ethnically cleansed from the country in the early 1990s under discriminatory citizenship laws and the "One Nation, One People" policy aimed at forced ethnic and religious cohesion. As a result, more than 100,000 Lhotshampa refugees (mostly Hindu) fled to Nepal and India. In Nepal, the United Nations High Commissioner for Refugees built refugee camps and in 2007 began to resettle the Bhutanese refugees in third party countries, including approximately 90,000 in the US. There are approximately 10,000 refugees still in the camps who are either not qualified for third-country resettlement or have decided to wait for repatriation to Bhutan.

Though the conditions of the resettled Bhutanese refugees in the US have been slowly improving, the community still faces many challenges, including a high incidence of mental illness and suicide, language barriers, difficulty obtaining employment, and difficulty retaining their cultural and religious traditions in the face of aggressive Christian missionaries.



HAF POLICY RECOMMENDATIONS

- HAF calls on the Bhutanese government to remove or revise any preferential language for Buddhism in Bhutan's constitution and legal framework and for the government to treat all religions equitably. If the government chooses to continue subsidizing religious institutions, it must do so without making any distinction between Buddhist and non-Buddhist religions. Moreover, non-Buddhist communities should be accorded the right to build new places of worship and register religious organizations free of cumbersome and arbitrary restrictions.
- Continued attempts to forcibly homogenize the cultural identity of the country, including limiting minority linguistic rights and other restrictive policies targeting the Lhotshampa community must end.
- Exiled and banned political parties should be allowed to operate freely in Bhutan and participate in elections, while human rights organizations representing the interests of the refugees and the broader Lhotshampa community should similarly be free to operate in the country.
- HAF further urges Bhutan to accept and repatriate all those refugees remaining in the camps or elsewhere who wish to return and are able to prove their nationality through reasonable means, while Nepal should make a similar offer to integrate some refugees. If any refugees are in fact repatriated to Bhutan, they should be

afforded full citizenship rights and basic human rights protections. Finally, Bhutanese refugees should be allowed to visit Bhutan and accorded non-resident Bhutanese status.

- International donors, the United Nations, India, and the United States should work constructively with Bhutan to implement additional democratic reforms, put pressure on Bhutan to accept the return of exiled ethnic Nepali Hindus that wish to return, and ensure that all residents living in Bhutan enjoy equal protection under the law and religious freedom.
- Moreover, those Bhutanese Hindus living in India should be accorded official refugee status and provided with basic government assistance.
- The resettled refugees in the US, should be given greater support in acclimating to their new environment. While government resettlement agencies in the US have provided considerable assistance to the Bhutanese refugees, greater attention needs to be focused on addressing their mental health needs, overcoming linguistic barriers, and job skills training.

INDIAN STATE OF JAMMU & KASHMIR

Area 141,338 sq km (222,237 sq km, including territory occupied by China and Pakistan)

Population 12,541,302 (2011 estimate)

Religions Islam (68.31%), Hinduism (28.44%), Sikhism (1.87%), Buddhism (0.9%), Christianity (0.28%), Not available (0.16%), Jainism (0.02%) and others (0.01%) (2011 estimate); Many forcibly displaced Hindus and Sikhs from Kashmir now live in other parts of India.

Languages Kashmiri, Urdu, Gojri, Dadri, Dogri, Pahari, Balti, Ladakhi, Punjabi

Location Northern India, bordered by Pakistan on the west and China on the east

STATE OVERVIEW

In 2016, violence and unrest returned to the Kashmir Valley in India's state of Jammu and Kashmir, sparked by the death of Hizbul Mujahideen (HM)



commander, Burhan Wahi, who was killed in a gunbattle with Indian security forces on July 8. HM has been designated a terrorist group by the European Union and India and is one of many militant organizations operating in Kashmir sponsored by Pakistan's military and ISI. The unrest left 82 people dead and more than 11,000 (7,000 civilians and 4,000 security personnel) injured in clashes between protesters, led by separatist groups, and security forces. During the unrest, rampaging Muslim mobs also attacked Kashmiri Pandit migrant camps in six cities in the Valley.

The former Princely State of Kashmir legally ceded his kingdom to India in 1947, following an invasion by Pakistani armed forces and Pashtun tribesmen. Pakistan, however, continues to occupy about 35% of the region, India governs approximately half, and China occupies the remainder, including a portion ceded to it by Pakistan.

While media attention has been focused on India's state of Jammu and Kashmir, Kashmiris recently held protests in Pakistan Occupied Kashmir (PoK) against alleged human rights violations by Pakistan's military and ISI, including the extrajudicial killings of at least 100 Kashmiri activists in the past two years, rigged elections, and the repression of Kashmiri political activists. The US State Department also raised concerns over human rights violations in PoK, which have been occurring for years.

The Pakistani military and ISI continued to sponsor cross-border terrorism in Indian Kashmir (and other parts of the country) throughout 2016, in violation of UN Covenants governing terrorism. Most notably,

on September 18, US designated Foreign Terrorist Organization (FTO) Jaish-e-Mohammed (JeM) attacked an army base in Uri, escalating tensions between India and Pakistan.

Furthermore, Hindus and other minorities faced ongoing challenges throughout Jammu and Kashmir, including discrimination, lack of religious freedom, and ongoing security threats. The unrest following Wani's death led to several suspensions of the Amarnath Yatra (annual pilgrimage to a sacred site dedicated to the Hindu deity Shiva) due to security concerns and violent attacks on the few Kashmiri Pandits living in the Valley.

In addition, thousands of displaced Kashmiri Hindu Pandits still live in squalid refugee camps in Jammu and New Delhi, and are socially, economically, and politically disenfranchised, more than 26 years after more than 300,000 Pandits were ethnically cleansed from their homeland in the Kashmir Valley by militants sponsored by Pakistan's military and ISI. The ethnic cleansing campaign also led to the massacres of hundreds of Pandits, alongside the destruction of nearly 105 educational institutions, hundreds of temples and religious sites (estimates range from 208 to 550), 14,430 Hindu owned businesses and shops, and more than 20,000 Kashmiri Hindu homes, according to Pandit groups.

Many of the Pandits still living in the camps suffer from ongoing mental and emotional trauma, including high rates of dementia, insomnia, depression, and hypertension. Though rehabilitation plans have recently been proposed by the central and state governments, Pandits have largely been unable to safely return to the Valley.

HAF POLICY RECOMMENDATIONS

- The Indian government must officially recognize Kashmiri Pandits as Internally Displaced Persons (IDPs) to acknowledge their historical experience and provide them with their rights and protections under international law.
- India should abrogate Article 370 of the Constitution, which has allowed the State's residents to live under a separate set of laws

and discriminated against the state's religious minorities.

- The central and state governments should improve basic conditions for Pandits living in camps in Jammu and New Delhi and register all the refugees that fled PoK.
- The central and state governments must implement comprehensive resettlement plans for displaced Pandits that ensure: (1) security for those returning; (2) returning Pandits are integrated into the normal economic development of the state; (3) proper accommodations to resettling Pandits; and (4) basic freedoms for returning Pandits.
- The state government must provide for the protection of vulnerable Hindu shrines and allow Kashmiri Pandits to control their religious sites in the Valley. It must further provide full protection and accommodation to Hindu pilgrims visiting shrines in the state.
- Any dialogue on the political future of the state must include Kashmiri Hindu representatives and promote the views of secular Kashmiri Muslims in the Valley.
- The Kashmir issue must remain a bilateral one between India and Pakistan and between the Indian government and its citizens in the state.
- US policy makers and the international community must exert economic and diplomatic pressure on Pakistan to end its use of terrorism as an instrument of state policy, leveraging the large amount of financial assistance provided to the country.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Area 65,610 sq km

Population 22.235 million (July 2016 est.)

Ethnic Groups Sinhalese 74.9%, Tamil 15.4% (Sri Lankan Tamil 11.2%, Indian Tamil 4.2%) Sri Lankan Moors 9.2%, other 0.5% (2012 est.)

Religions Buddhist (official) 70.2%, Hindu 12.6%, Muslim 9.7%, Roman Catholic 6.1%, other Christian 1.3%, other 0.05% (2012 est.)



Languages Sinhala (official/national language) 74%, Tamil (national language) 18%, other 8%. English, spoken competently by about 10% of the population, is commonly used in government and is referred to as the link language in the constitution.

Location Southern Asia, island in the Indian Ocean, south of India

COUNTRY OVERVIEW

Despite promises of reform, there was little significant change in human rights conditions in Sri Lanka in 2016. Most notably, the government failed to take meaningful steps to address alleged war crimes stemming from the civil war between the Sinhalese dominated government and the Liberation Tigers of Tamil Eelam (LTTE), an ethnic Tamil separatist group, that ended in 2009. Specifically, the government attempted to avoid its obligations under a September 2015 United Nations Human Rights Council (UNHRC) resolution that required the Sri Lankan government to implement mechanisms to investigate the civil war and involve international judges.

At a UNHRC meeting in June 2016, the High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, stated that the Sri Lankan government had not implemented a "comprehensive traditional justice

agenda." The UNHRC's annual report further called on Sri Lanka to "rein in its military forces, prosecute war crimes and win the confidence of the Tamil minority" and reiterated the importance of utilizing international judges in any transitional justice tribunal.

In addition to the lack of post-conflict justice, the military continued to exercise widespread control and commit torture and sexual abuse in high security zones in the north and east. The assertion of Sinhala-Buddhist nationalism has led to "cultural and demographic Sinhalisation" in historic Tamil areas and has been accompanied by the destruction of Hindu, Christian, and Muslim religious sites. Tamil sources allege that there have been a series of attacks on Hindu religious sites and priests and the destruction of several temples in the north-east region of the country. The displacement of thousands of Tamils also continued unabated, and Hindus and other religious minorities were denied equal rights under the constitution.

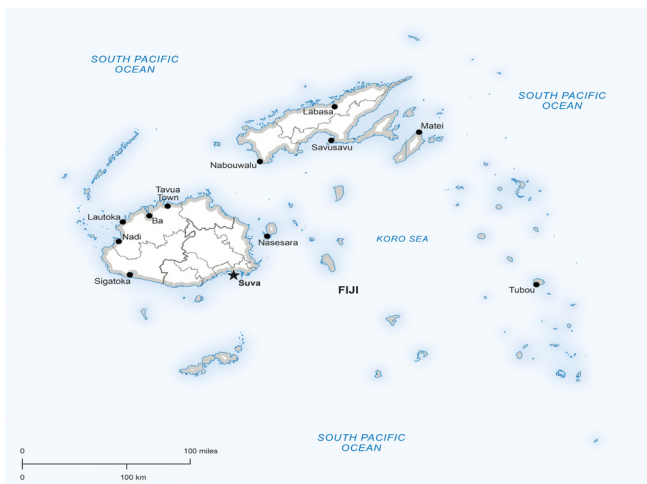
Moreover, the Constitution of Sri Lanka continues to accord Buddhism "the foremost place" and states that "it shall be the duty of the State to protect and foster the Buddha Sasana [religion]," while dedicating an entire chapter of the Constitution to Buddhism (Chapter II). This language affords a privileged status to Buddhists and implicitly relegates other religions to an inferior status by demonstrating government preference for one religion over others.

HAF POLICY RECOMMENDATIONS

- HAF calls on the Sri Lankan government to uphold its commitments as outlined in the September 2015 UNHRC resolution to effectively investigate the war crimes committed by all sides during the civil war.
- Demilitarization of the north and eastern sections of the country is necessary to build the trust of the minority Tamil population. The number of military personnel operating in these areas must be reduced to only that which is necessary for the security and protection of civilians, and the arbitrary arrests and detentions, torture, and sexual abuse must end. Additionally, security forces should refrain from

interfering in the daily lives of Tamil civilians, return occupied lands, and respect their freedom of speech and association. Moreover, those civilians still displaced from the war must be resettled and rehabilitated in a timely manner.

- It is further incumbent upon the federal government to remove preference for Buddhism from the Constitution and fully devolve political power to the Northern Provincial Council as guaranteed by the 13th Amendment to the Constitution. Finally, the government must confront Sinhala-Buddhist nationalists and do more to protect ethnic and religious minorities and minority places of worship from communal violence.
- The international community, including the UN, India, and the US must continue to support human rights and democratic process in the country, and pressure Sri Lanka to conduct an investigation into the civil war in accordance with the UNHRC resolution in order to achieve political reconciliation and create a stable country.
- At the same time, the Tamil diaspora must play a constructive role in the rehabilitation of Tamils in Sri Lanka, the welfare of the Tamil minority in particular, and the Sri Lankan state in general. The Diaspora must end any attempts to reorganize the LTTE or foment conflict and instead support engagement with the ruling coalition.



MONITORED COUNTRIES

Monitored Countries have a history of violations against the Hindu community, but conditions have improved in recent years. The one exception is Saudi Arabia, which has a small population of Hindu migrant workers and a lack of available data on violations against Hindus. Consequently, Monitored Countries in 2016 are the following: **Republic of the Fiji Islands, Saudi Arabia, and Trinidad and Tobago.**

REPUBLIC OF THE FIJI ISLANDS

Area 18,274 sq km

Population 915,303 (July 2016 est.)

Religions Protestant 45% (Methodist 34.6%, Assembly of God 5.7%, Seventh Day Adventist 3.9%, and Anglican 0.8%), Hindu 27.9%, other Christian 10.4%, Roman Catholic 9.1%, Muslim 6.3%, Sikh 0.3%, other 0.3%, none 0.8% (2007 est.)

Languages English (official), Fijian, Hindustani

Ethnic Groups iTaukei 56.8% (iTaukei is now used to refer to native Fijians and is predominantly Melanesian with a Polynesian admixture), Indian 37.5%, Rotuman 1.2%, other 4.5% (European, part European, other Pacific Islanders, Chinese)

Location Oceania, island group in the South Pacific Ocean, about two-thirds of the way from Hawaii to New Zealand

COUNTRY OVERVIEW

Fiji's human rights record continued to come under scrutiny from human rights groups and the international community in 2016 for restrictions on the media and repression of the freedoms of expression, association, and assembly. In September 2016, for instance, opposition party leaders, Biman Prasad (National Federation Party) and Sitiveni Rabuka (Sodelpa), and a high-profile trade union leader, Attar Singh, among others were arrested for organizing a public meeting about the 2013 Constitution without a permit under the Public Order Amendment Decree.

While the Constitution protects basic civil liberties

and supports the free practice of religion, it simultaneously allows for the arbitrary restriction of the freedoms of expression, association, and assembly in the interest of national security.

In addition, concerns over allegations of torture and abuse by security forces, gender-based violence, and the violation of worker's rights persist.

The Indian-Hindu minority faces ongoing racial prejudice and inequitable treatment in many sectors, while longstanding ethnic tensions between the iTaukei (indigenous Fijian) population and Indo-Fijians continues to plague the country. The government, however, has taken several significant steps to confront discrimination and reduce ethnic tensions in recent years. Land ownership regulations, however, remain inequitable and continue to marginalize Indo-Fijian farmers. The majority of land in Fiji is still concentrated in the hands of iTaukei Fijians with restrictions on the ability of Indo-Fijians farmers to purchase land under discriminatory land tenure legislation. While a recent land use decree has increased access to land and extended lease periods to up to 99 years (from 30 years), Indo-Fijian farmers are still dependent on leased lands.

Ethnic and religiously motivated violence targeting the Indian-Hindu minority has also drastically declined, though there were a string of racially and religiously motivated break-ins targeting the Indian-Hindu community in June 2016. The Lovu Sangam School on the outskirts of Lautoka and an adjacent Hindu temple, for instance, were vandalized multiple times and Hindu symbols and sacred items desecrated. The vandals also wrote messages taunting the school that serves 500 Indian students. This followed an incident of vandalism and desecration of religious items at the Nadi Arya Samaj Primary School, a Hindu religious school, in 2014.

HAF POLICY RECOMMENDATIONS

- The Fijian government should take steps to amend the constitution to provide broader protections for the freedoms of expression, association, and assembly.
- Bainimarama's government should end its suppression of free speech and the right to

assembly by those critical of its policies, while security forces should refrain from the continued use of arbitrary arrests and detentions.

- The government must continue to pursue policies that treat all ethnic and religious groups equally, including further reforming land ownership legislation to provide equal ownership rights to Indo-Fijians. Furthermore, the government must take the necessary steps to stem discrimination and religious intolerance by non-state actors.
- Law enforcement should continue to protect Hindus from violent attacks, closely monitor hate speech, and institute permanent safeguards to protect Hindu temples and institutions.

KINGDOM OF SAUDI ARABIA

Area 2,149,690 sq km

Population 28,160,273 (July 2016 est.), more than 30% of the population includes non-national immigrants (based on 2015 UN data)

Religions Islam (official; citizens are 85-90% Sunni and 10-15% Shia), other (includes Eastern Orthodox, Protestant, Roman Catholic, Jewish, Hindu, Buddhist, and Sikh) (2012 est.); Non-Muslims are not accorded Saudi citizenship.

Ethnicity 90% ethnic Arab, 10% Afro-Asian. This does not include migrant workers who are predominantly from Asia.

Languages Arabic (official)

Location Middle East, bordering the Persian Gulf and the Red Sea, north of Yemen

COUNTRY OVERVIEW

Saudi citizens and non-resident migrant workers continued to be deprived of fundamental freedoms and basic civil liberties throughout 2016. Religious freedom was systematically denied to both Muslims and non-Muslims alike, as the Kingdom continued to enforce its strict interpretation of Sunni Islam, outlawing other public forms of religion. Saudi Arabia's constitution proclaims the kingdom to be



“a sovereign Arab Islamic state with Islam as its religion” and “God’s Book and the Sunnah of His Prophet” to be its “constitution.”

At the same time, religious minorities, including approximately 310,000 Hindu migrant workers, suffered ongoing persecution, slave-like conditions, and severe restrictions on their religious freedom. Similarly, activists from the Shiite minority have been frequently repressed and targeted by security forces, and well known Shiite cleric, Sheikh Nimr Bakir al-Nimr, was executed in early 2016.

Moreover, in November 2016, a Hindu from Telangana, India, Ponnamm Shankar, who was working in Saudi Arabia as an agricultural engineer was arrested and imprisoned for committing blasphemy against a holy Islamic site. Specifically, Shankar was arrested for allegedly creating a facebook post with an image of the Hindu God, Shiva, on top of the Kaaba, considered sacred to Muslims. Subsequently he was beaten up by a mob, who posted a video of the attack and him apologizing for the incident on social media. Shankar denied creating the image, but reportedly shared the image on his social media account.

Despite some minimal advances in women’s rights in recent years, systematic gender discrimination

continued to plague the country. Sharia based laws treat women inequitably and empowered the religious police to enforce the strict segregation of men and women in public (unless a woman was with a male guardian).

Furthermore, Saudi Arabia remains a major exporter of Wahhabi Islam, supporting mosques, madrasas, and Islamic centers abroad. Many of these institutions have radicalized Muslims in various parts of the world and fomented conflict and instability. South Asia, in particular, has witnessed the exportation of an extremist Wahhabi ideology. An extremist Indian preacher, Zakir Naik, who reportedly inspired the July terror attack at a Dhaka café in Bangladesh, was honored with the King Faisal International Prize in 2015 by Saudi King Salman for his “service to Islam.”

HAF POLICY RECOMMENDATIONS

- The international community must urge the Saudi government to address fundamental human rights concerns, including the signing and ratification of major international human rights treaties. In particular, Saudi Arabia must revamp its legal system to recognize religious minorities and provide them with basic civil rights and equality under the law, including the right to publicly practice their religion.
- The monarchy should further reign in the religious police and ensure that both Muslims and non-Muslims enjoy the right to worship in private and possess religious material without interference from the state. The Saudi government should also end its criminalization of views that are deemed blasphemous or inconsistent with the State’s official version of Islam.
- Migrant workers must be protected from abusive employers, indentured servitude, and forced prostitution.
- The Saudi regime must reform its intolerant education system domestically and cease funding and providing logistical support to hardline Wahhabi Muslim institutions and organizations in various parts of the world.

REPUBLIC OF TRINIDAD AND TOBAGO

Area 5,128 sq km

Population 1,220,479 (July 2016 est.)

Religions Protestant 32.1% (Pentecostal/Evangelical/Full Gospel 12%, Baptist 6.9%, Anglican 5.7%, Seventh-Day Adventist 4.1%, Presbyterian/Congregational 2.5%, other Protestant 0.9%), Roman Catholic 21.6%, Hindu 18.2%, Muslim 5%, Jehovah's Witness 1.5%, other 8.4%, none 2.2%, unspecified 11.1% (2011 est.)

Ethnic Groups East Indian 35.4%, African 34.2%, mixed - other 15.3%, mixed African/East Indian 7.7%, other 1.3%, unspecified 6.2% (2011 est.)

Languages English (official), Caribbean Hindustani (a dialect of Hindi), French, Spanish, Chinese

Location Caribbean, islands between the Caribbean Sea and the North Atlantic Ocean, northeast of Venezuela

COUNTRY OVERVIEW

Trinidad and Tobago is a secular democratic state and Hindus generally enjoy fundamental freedoms and basic civil liberties, including equal protection under the law and the freedom to freely and openly practice their faith consistent with constitutional protections and international law.

As in 2014 and 2015, there were no substantial restrictions on religious freedom or attacks on Hindu temples in 2016, although there were reports of state sanctioned discrimination against Indian-Hindus under the new administration.

Although the country's first Indian Hindu female head of state, Kamla Persad-Bissessar, was defeated in general elections by Keith Rowley and the People's National Movement (PNM) in September 2015, the new PNM government made a significant gesture to the Indian-Hindu community, when Prime Minister Rowley held his first official function on Diwali in 2015 and delivered a message of "peace, justice, and unity." Reports of increasing state sponsored racial discrimination have surfaced, however, since the new PNM administration came to power.



The Minister of National Security, for instance, has come under fire for the targeting and mass firings of several Indian origin officers in the Strategic Services Agency. Similarly, the PNM has been criticized for failing to make racially diverse appointments to public offices and state boards.

Moreover, Hindus continued to be disproportionately affected by violence, as the country experienced a high rate of crime and a "public security crisis." It is not clear, however, whether the violence was religiously or racially motivated or simply general criminal activity. According to Freedom House, "The government has struggled in recent years to address violent crime. Many Trinidadians of East Indian descent, who are disproportionately targeted for abduction, blame the increase in violence and kidnapping on government and police corruption." Human rights groups, such as Amnesty International, accused security forces of using excessive force to deal with the high crime rate.

Furthermore, discrimination based on sexual orientation was an ongoing issue, with legislation remaining in place criminalizing same-sex relationships. At the same time, there is increasing support for LGBTQ rights from some quarters, including religious leaders.

Trinidad's human rights record came under review by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group in May 2016 for several

issues, including: domestic violence; human trafficking, high rates of violent crime; abuses by security officials; access to justice for vulnerable groups; and discrimination based on sexual orientation and gender.

HAF POLICY RECOMMENDATIONS

- The government must take all necessary steps to provide equal protection under the law to all groups.
- The security forces should also act to protect Indians from violence, while refraining from committing abuses.
- Trinidadian leaders of all backgrounds should also discourage racial and religious stereotypes and hate speech to reduce tensions between the country's two largest communities: Afro-Trinidadians and Indo-Trinidadians and continue to work towards a truly multi-religious and multi-ethnic society built on mutual respect and pluralism.
- The US and the international community should leverage their economic relations with the country to encourage an end to abuses by the police and security forces. Similarly, they should urge the current government to ensure that policies are in place that promote equality and protect the rights of all the country's citizens.

HAF FACT-FINDING, HUMANITARIAN & ADVOCACY PROJECTS

FACT-FINDING MISSIONS

The Hindu American Foundation (HAF) launched a new phase in its international human rights work in 2012, when two physicians from HAF visited several UNHCR administered Bhutanese refugee camps in the city of Damak, Nepal, in order to assess the current level of care administered to the refugees and explore areas of need. Subsequently, HAF led a fact-finding mission and medical trip in 2013 to Pakistani Hindu refugee camps in Jodhpur in India's western state of Rajasthan. This trip was followed

by a follow-up trip to the Pakistani Hindu refugee camps in 2015 and a fact-finding mission to Bangladesh and Bangladeshi Hindu refugee camps outside the Indian city of Kolkata that same year.

PAKISTAN HINDU SEVA HUMAN RIGHTS TOUR

HAF sponsored a nationwide US tour in 2016 featuring two leaders, Sanjesh Dhanja and Kiran Kumari, from the esteemed organization Pakistan Hindu Seva Welfare Trust (PHS), a non-political, secular, non-profit, non-discriminatory and progressive humanitarian charity organization officially registered with the government of Pakistan. PHS strives for the betterment of deprived communities in Pakistan and also provides legal support for different victims affected by human rights violations throughout the Sindh province. During this tour, Sanjesh and Kiran met with government officials, leaders of NGOs, and members of the Hindu American community throughout the United States to bring awareness of the daily struggles of Hindus living in the Islamic Republic of Pakistan. Sanjesh and Kiran shared their stories of fending off kidnappers targeting young Hindu girls, advocating for groundbreaking legislation granting enfranchisement to bonded laborers, and joining all religious and social minorities in their quest to be treated as equal citizens of their country.

BHUTANESE AMERICAN REFUGEE PROJECT

In the 1990s, nearly 110,000 ethnic Nepalis (primarily Hindus with smaller numbers of Buddhists) were ethnically cleansed from Bhutan under the "One Nation, One People" policy and sought refuge in United Nations High Commission for Refugees (UNHCR) camps in Nepal. After Bhutan refused to repatriate any of the refugees, several Western countries, including the US, agreed to resettle these ethnic Nepalis.

Approximately 90,000 Bhutanese refugees have thus far been resettled across the US and struggle to maintain their religion, culture, and traditions. Although resettlement agencies and faith-based organizations have provided rudimentary services to the refugees, they remain in dire need of additional assistance.

In response to their acute needs, HAF launched The Bhutanese American Project in March 2014 in support of the resettled Bhutanese Hindus across the country. In 2016, HAF distributed \$12,000 in grants to several Bhutanese community organizations to support Bhutanese community-led efforts to procure space for religious gatherings and social services, transportation to Hindu temples and other cultural institutions, or youth mentorship programs and field trips. Moreover, through the project, HAF hosted its first Bhutanese Advocacy Day on Capitol Hill in 2014 to generate awareness of the plight of the Bhutanese American community and human rights in Bhutan.

SRI LANKA HUMAN RIGHTS ADVOCACY PROJECT

In 2015, HAF led an initiative seeking justice for war crimes victims in Sri Lanka. Specifically, HAF provided Nobel Prize nominee and award-winning filmmaker, Callum Macrae, with a human rights grant to create an updated version of his acclaimed documentary film, *No Fire Zone: The Killing Fields of Sri Lanka* and a new shorter 30 minute advocacy video for an international tour and screenings for policy makers and the public.

The project was aimed at advocating for an independent international inquiry and judicial process for war crimes committed by all side during Sri Lanka's 26 year civil war, ahead of the United Nations Human Rights Council (UNHRC) session in Geneva in September 2015. Although the UNHRC ultimately allowed the Sri Lankan government to pursue a domestic inquiry into the civil war, the project shed light on the war crimes committed during the civil war and the need to provide justice to the victims.

PAKISTAN HINDU REFUGEE REHABILITATION PROJECTS

HAF in conjunction with Sindhi American organizations and Universal Just Action Society (UJAS), the primary NGO assisting Pakistani Hindu refugees in Jodhpur, launched the Pakistan Refugee Medical Seva and Health Initiative project to protect and maintain the physical and mental health of approximately 3,000 Pakistani Hindus living in refugee

camps and settlements in and around Jodhpur, India. Through the project, HAF will provide an annual grant to UJAS for the provision of mobile medical services, health education and prevention awareness programs, and the creation of a medical clinic.

HAF previously supported projects that addressed the refugees' needs in the following areas: (1) Education; (2) Shelter; (3) Warm Blankets; and (4) Lighting/Electricity.

Hindus in South Asia and the Diaspora: A Survey of Human Rights, 2017

The human rights of Hindu citizens are consistently violated in nine countries and one state in India where Hindus constitute a minority: Afghanistan, Bangladesh, Malaysia, Pakistan, Bhutan, the Indian state of Jammu and Kashmir, Sri Lanka, Fiji, Saudi Arabia, and Trinidad and Tobago.

This report documents the ongoing violations of human rights in these countries, as well as those of specific refugee populations.

EGREGIOUS VIOLATORS

Countries designated as Egregious Violators have either engaged in or allowed rampant and systemic human rights violations to take place against their Hindu populations. HAF has categorized the following countries as Egregious Violators in 2016: **Islamic Republic of Afghanistan, People's Republic of Bangladesh, Malaysia, and the Islamic Republic of Pakistan.**

ISLAMIC REPUBLIC OF AFGHANISTAN

Area 652,230 sq km

Population 33,332,025 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook: <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

Religions Islam 99.7% (Sunni 84–89%, Shia 10–15%), Other 0.3% (includes Hindus, Christians, and Sikhs).

Ethnic Groups Pashtun, Tajik, Hazara, Uzbek, other (includes smaller numbers of Baloch, Turkmen, Nuristani, Pamiri, Arab, Gujar, Brahui, Qizilbash, Aimaq, Pashai, and Kyrgyz) Note: current statistical data on the sensitive subject of ethnicity in Afghanistan is not available, and ethnicity data from small samples of respondents to opinion polls are not a reliable alternative.

Languages Afghan Persian or Dari (official language, though much of the population is bilingual) 50%, Pashto (official) 35%, Turkic languages (pri-



marily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%

Location Southern Asia, north and west of Pakistan, east of Iran

INTRODUCTION

2016 was once again marked by violence, rampant corruption, a lack of governance, and instability in Afghanistan. Human rights continued to deteriorate throughout the year, as government officials, security forces, local militias, and militant groups were all responsible for committing gross human rights abuses in violation of international law.

The Afghan Taliban, which exerts control over 10 percent of the country's population and actively contests control over another 20 percent, continued to attack civilians with impunity, and the government was unable to consistently protect its citizens from violence or enforce the rule of law

in many parts of the country.¹ Islamic State (ISIS) fighters have also established a significant presence in the country exerting control over major parts of four districts in the eastern Nangarhar province. ISIS launched several attacks in 2016, including a suicide bombing in Kabul in July that killed 80 Shiite Hazaras and injured more than 200.²

The plight of minorities and women was particularly concerning, as these vulnerable groups remained marginalized and subjected to violence, discriminatory laws, and social prejudice and harassment. These conditions continue to lead Hindus and Sikhs to leave the country, with only an estimated 200 families remaining (mostly Sikhs, with only a few Hindus), according to Afghan Hindu sources. Afghan Hindu and Sikh refugees similarly continue to face struggles in other countries where they have sought refuge, and in some instances, face deportation proceedings.

HISTORY/BACKGROUND

Throughout its history, Afghanistan has been at the crossroads of civilizations and empires emanating from the Indian subcontinent, Iran, and Central Asia. It has seen the growth and establishment of various religions including early Hinduism, Zoroastrianism, Buddhism, and Islam, though at this juncture the country is predominantly Muslim.³

Notwithstanding a recent decline, Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu population. Hindu or Vedic history in Afghanistan dates back thousands of years with some of the earliest

settlements of people now identified as Hindus. Moreover, archaeologists have found remains of several ancient temples and numerous icons of Hindu deities at locations throughout the country.⁴ A Hindu tribe, known as the Daasa, for instance, lived in Afghanistan in the third millennium BCE.⁵

Between the second and seventh centuries CE, Afghanistan was a center of Buddhism that simultaneously incorporated many aspects of Hinduism, and from the end of the sixth century CE to the end of tenth century CE, the “Hindu Shahis,” a series of small dynasties of Hindu faith, ruled Kabul and most of southeastern Afghanistan.⁶ Muslim expansion into Afghanistan began in the seventh century CE and eventually supplanted the Hindu Shahis entirely by the end of the tenth century.⁷

The contours of the present-day nation of Afghanistan were largely drawn by Ahmad Shah Durrani, who established a unified state in the eighteenth century. Despite this unification, the country witnessed several internal tribal conflicts and British invasions in the interim period.

The Russian intervention in Afghanistan in the late 1970s led to a civil war. At the time, there were approximately 200,000 Hindus residing in Afghanistan, who played an important role as traders and entrepreneurs in several parts of the country, including Kabul, Khost province, Ghazni, Paktia, Kandahar, Jalalabad, Laghman, and Helmand.⁸ According to the Afghanistan Independent Human Rights Commission (AIHRC), however, the civil war forced the majority of Hindus and Sikhs to emigrate

1 Enhancing Security and Stability in Afghanistan, Report to Congress, In Accordance With Section 1225 of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291), as amended, December 2016, US Department of Defense, <https://www.defense.gov/Portals/1/Documents/pubs/Afghanistan-1225-Report-December-2016.pdf>

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3 Dalrymple, William, “Mes Aynak: Afghanistan’s Buddhist Buried Treasure Faces Destruction,” The Guardian, at <http://www.afghanhindu.info/>

4 Kochhar, Rajesh, “The Vedic People: Their History and Geography,” Orient Longman. Hyderabad, India, 2000

5 Akkooor, Chitra Venkatesh, “Ways of Speaking in the Diaspora: Afghan Hindus in Germany,” 2011, University of Iowa, Iowa Research Online, at <http://www.afghanhindu.info/>

6 Id.; Afghan Hindu Association, <http://www.asamai.com/History/Vedic.aspx>.

7 Afghan Hindu Association, <http://www.asamai.com/History/Vedic.aspx>

8 Siddique, A., “Afghan Hindus, Sikhs seek to reclaim their ‘House of Love,’” November 11, 2011, Radio Free Europe, http://www.rferl.org/content/hindus_sikhs_seek_to_reclaim_afghan_house_of_love/24388591.html

from Afghanistan, and they were forcibly deprived of their lands.⁹

The US and Pakistani support for the Mujahideen during the civil war eventually culminated in the rise of the Taliban, which came to power in 1997 under an Islamic Emirate. The Taliban authorities enforced their version of Islamic law, in parallel to the strict Wahhabi Islamic edicts in Saudi Arabia.

Under the Taliban's reign, Hindus faced pervasive discrimination and were forced to identify themselves by wearing a distinguishing yellow stripe on their arm (or yellow markings on their forehead, or a red cloth according to some sources),¹⁰ similar to the Jews in Nazi Germany. The Taliban placed other restrictions on the religious freedom of minorities, including the prohibition of cremation, an essential funeral rite for most Hindus and Sikhs.¹¹

Pressure to convert to Islam was also prevalent under the Taliban. While the exact extent of forced conversions under the Taliban is unclear, the prospect of such incidents caused widespread fear among the community.¹²

Following the fall of the Taliban and the establishment of a new government, Hindus still endured violence, harassment, political marginalization, economic and social discrimination, and legal inequalities, and were unable to freely and openly practice their religion.¹³

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

The Afghan Constitution gives explicit preference to Islam over other religions and subordinates the rights of non-Muslims. Article 2, for instance, declares Islam as the "sacred religion" of the State, while Article 3 states, "In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam."¹⁴

Although the Constitution also provides that "followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law,"¹⁵ this provision is meaningless as it contradicts with and is subordinate to the Articles providing preference to Islam. Moreover, the Constitution explicitly fails to protect the individual right to freedom of religion and provides that "fundamental rights can be superseded by ordinary legislation."¹⁶

In addition, the legal system restricts certain federal public offices, such as the Presidency, to Muslims, while all federal ministers must swear an oath to "protect the Holy religion of Islam."¹⁷ Similarly, members of the Supreme Court must swear to "attain justice and righteousness in accordance with tenets of the Holy religion of Islam..."¹⁸

Furthermore, under the Afghan penal code, courts may subject religious minorities to Islamic law in situations that are not addressed by the Constitution or the penal code. Afghan law also treats apostasy by

9 Habib, Mina, "Tough Times for Afghan Hindus and Sikhs," July 11, 2013, RAWA News, <http://www.rawa.org/temp/runews/2013/07/11/tough-times-for-afghan-hindus-and-sikhs.html#ixzz2tBXnrq8N>; Shamal, Parwiz, "Afghan Hindus, the most deprived in Afghanistan," August 9, 2010, Tolo News, <http://www.tolonews.com/6:30-report/255-afghan-hindu-the-most-deprived-in-afghanistan>.

10 Sharma, Betwa, "Shrinking Numbers and Growing Persecution Threaten Sikhs and Hindus in Afghanistan," November 6, 2013, India Ink, New York Times, http://india.blogs.nytimes.com/2013/11/06/shrinking-numbers-and-growing-persecution-threaten-sikhs-and-hindus-in-afghanistan/?_php=true&_type=blogs&_r=1.

11 Habib, Mina, "Tough Times for Afghan Hindus and Sikhs," July 11, 2013, RAWA News, <http://www.rawa.org/temp/runews/2013/07/11/tough-times-for-afghan-hindus-and-sikhs.html#ixzz2tBXnrq8N>.

12 Akkoor, Chitra Venkatesh, "Ways of Speaking in the Diaspora: Afghan Hindus in Germany," 2011, University of Iowa, Iowa Research Online, at <http://www.afghanhindu.info/>.

13 Freedom in the World 2015: Afghanistan, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/afghanistan#.VVYtOfm6fIU>.

14 "The Constitution of the Islamic Republic of Afghanistan, (Ratified) January 26, 2004, Embassy of the Islamic Republic of Afghanistan, <http://www.afghanembassy.com/pl/afg/images/pliki/TheConstitution.pdf>.

15 Id.

16 Id.

17 Id.

18 Id.

Muslims and blasphemy as capital crimes, with the laws often enforced through mob justice.¹⁹ There are several other discriminatory laws in place, including restricting the official registration of marriages to Muslims only, unless non-Muslims either utilize a Muslim marriage ceremony or refrain from publicly expressing their faith.²⁰

Moreover, Afghan law is applied in an inequitable and discriminatory manner by government authorities, rendering non-Muslims as second-class citizens.²¹ As a result, there have been continued reports of religiously motivated discrimination and societal abuses against Hindus, Sikhs, and Christians. The few legal protections that do theoretically exist in the Constitution have been inadequate in protecting the rights of minorities to practice their faith freely and openly.

Hindus and Sikhs have consistently faced intolerance of their customs and harassment during religious festivals, and they have encountered significant obstacles to conducting their religious ceremonies, most notably cremation rites.²² In many instances, crematoria have been forcibly occupied by local Muslims, while in other cases Muslims have physically interfered with cremations. Many Afghans view cremation as un-Islamic and often Muslims attack and humiliate Hindus and Sikhs attempting to carry out cremation ceremonies, even throwing stones at them.²³

As reported in past years, attempts to carry out cremations in the Qalacha neighborhood of Kabul have led to hostility, threats, and harassment from

Muslim extremists and have required police protection for funerals.²⁴

Beyond restrictions on conducting religious ceremonies, the estimated four Hindu and eleven Sikh places of worship have also reportedly faced discriminatory treatment and have not been able to access government subsidies provided to mosques.²⁵

Institutional Discrimination & Social Prejudice

Social prejudice and institutional discrimination against non-Muslims is commonplace in Afghanistan. Hindus and Sikhs, for instance, face societal hostility, harassment, poverty and unemployment, discrimination, and are particularly vulnerable as small non-Muslim minorities.²⁶ Government authorities and law enforcement officials have failed to protect Hindus and Sikhs from such harassment and discrimination.²⁷

The small Hindu and Sikh minority has faced pressure from both the Taliban and ISIS. In Lashkargah in Helmand province, for example, Hindus and Sikhs have faced incessant threats from the Taliban and demands for extortion money. In June 2016, dozens of Hindu and Sikh families left the province after receiving a threatening letter demanding \$2,800 a month to allow them to live there. The Taliban has also called on local Muslims to boycott Sikh and Hindu owned shops to force them to go out of business and leave the country.²⁸

In September 2016, a Sikh man was kidnapped and

19 Freedom in the World 2015: Afghanistan, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/afghanistan#.VVYtOfm6fIU>.

20 International Religious Freedom Report for 2015 Afghanistan, US Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

21 Religious Freedom in Afghanistan, Berkley Center for Religion, Peace & World Affairs, Georgetown University, <http://berkleycenter.georgetown.edu/essays/religious-freedom-in-afghanistan>

22 International Religious Freedom Report for 2015 Afghanistan, US Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

23 Id.; Stancatti, Margherita and Amiri, Ehsanulla, "Facing Intolerance, Many Sikhs and Hindus Leave Afghanistan," January 12, 2015, WSJ, <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144>

24 "Afghanistan's dwindling Sikh, Hindu communities flee new abuses," June 16, 2016, Reuters, <http://www.reuters.com/article/us-afghanistan-minority-idUSKCN0Z82SL>.

25 International Religious Freedom Report for 2013: Afghanistan, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323#wrapper>

26 Aqa, Mir, "Hindus, Sikhs Suffer as Marginalized Minorities," June 29, 2014, Tolo News, <http://www.tolonews.com/en/afghanistan/15423-hindus-sikhs-suffer-as-marginalized-minorities>

27 Freedom in the World 2016, Afghanistan, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/afghanistan>.

28 Based on report received from Afghan Hindu sources; "Afghanistan's dwindling Sikh, Hindu communities flee new abuses," June 16, 2016, Reuters, <http://www.reuters.com/article/us-afghanistan-minority-idUSKCN0Z82SL>

murdered by militants in Jalalabad, while a Sikh community leader was shot to death in Kunduz in December. The attacks led to protests and demands for an investigation of attacks on the Hindu and Sikh community.²⁹

According to Hindu and Sikh community leaders, forced conversions and societal pressure to convert has also plagued the community for several years and remains prevalent.³⁰ Community members have frequently recounted incidents of Hindus and Sikhs being deceived into converting or being forcibly converted. Parents similarly fear sending their daughters out alone out of concern that “they would be kidnapped and forcefully married to a Muslim.”³¹ Fear and insecurity have led the Hindu and Sikh communities to frequently shelter their women, or conversely, marry girls off by the age of 13 or 14.³²

The vast majority of Hindu and Sikh children, particularly girls, thus, do not attend local public schools, often putting their children in Sikh schools, which receive limited government funding; Hindus do not have their own schools. Students that do attend public schools are confronted with bullying and face religious prejudice from their Muslim classmates and teachers.³³ Eight year-old, Jasmeet Singh, for instance, recently recounted the sustained harassment that forced him to leave school: “While I was at school, other students were making fun of me.

They were removing my turban, hitting me and calling me Hindu and kaffir (infidel).”³⁴

Although non-Muslim students are not forced to study Islam in schools, the curriculum is heavily influenced by Islamic precepts. The constitution itself provides that the “state shall devise and implement a unified educational curriculum based on the provisions of the sacred religion of Islam.”³⁵

Finally, according to AIHRC, there have been several cases of illegal seizure and occupation of Hindu owned lands in Kabul and Khost province. Many Hindus and Sikhs lament that their homes and shops have been taken by force, leading to economic struggles and homelessness.³⁶

In a rare positive development, the Afghan government approved a reserved seat for the Hindu and Sikh community in the Lower House of Parliament in September, though the decision still has to be approved by the Lower House. Under the previous Karzai government, a governmental decree to provide the community with a reserved seat was rejected by the Lower House, depriving them of any political voice.³⁷

Refugees

The vast majority of Afghan Hindus fled Afghanistan

29 “Afghanistan’s Sikh, Hindu Minorities Demand Police Probe Into Sikh Killing,” December 30, 2016, Radio Free Europe, <http://www.rferl.org/a/afghanistan-sikh-hindu-minorities-police-probe-killings/28206044.html>.

30 Based on a report received from Dr. Faqir Chand Chandihok, an Afghan Hindu leader in Germany.

31 Abraham, Bobins, “The Sikh Hindu Exodus from Afghanistan that no one is Talking About,” June 21, 2016, India Times, <http://www.indiatimes.com/news/world/the-sikh-hindu-exodus-from-afghanistan-that-no-one-is-talking-about-257136.html>; Akkoor, Chitra Venkatesh, “Ways of Speaking in the Diaspora: Afghan Hindus in Germany,” 2011, University of Iowa, Iowa Research Online, at <http://www.afghanhindu.info/>.

32 Id.; Sharma, Betwa, “Shrinking Numbers and Growing Persecution Threaten Sikhs and Hindus in Afghanistan,” (November 6, 2013), India Ink, New York Times, http://india.blogs.nytimes.com/2013/11/06/shrinking-numbers-and-growing-persecution-threaten-sikhs-and-hindus-in-afghanistan/?_php=true&_type=blogs&_r=1; “Afghan Sikhs, Shrines in Pitiable Condition; Help Sought from SGPC,” (August 1, 2013), Punjabnewslines, at <http://www.afghanhindu.info/>; Habib, Mina, (July 11, 2013), “Tough Times for Afghan Hindus and Sikhs,” RAWA News, <http://www.rawa.org/temp/runews/2013/07/11/tough-times-for-afghan-hindus-and-sikhs.html#ixzz2tBXnrq8N>.

33 Sharma, Betwa, “Shrinking Numbers and Growing Persecution Threaten Sikhs and Hindus in Afghanistan,” November 6, 2013, India Ink, New York Times, http://india.blogs.nytimes.com/2013/11/06/shrinking-numbers-and-growing-persecution-threaten-sikhs-and-hindus-in-afghanistan/?_php=true&_type=blogs&_r=1; International Religious Freedom Report for 2015: Afghanistan, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dld=222323#wrapper>; Stancatti, Margherita and Amiri, Ehsanulla, “Facing Intolerance, Many Sikhs and Hindus Leave Afghanistan,” January 12, 2015, WSJ, <http://www.wsj.com/articles/facing-intolerance-many-sikhs-and-hindus-leave-afghanistan-1421124144>.

34 “Afghanistan’s dwindling Sikh, Hindu communities flee new abuses,” June 16, 2016, Reuters, <http://www.reuters.com/article/us-afghanistan-minority-idUSKCN0Z82SL>.

35 International Religious Freedom Report for 2015: Afghanistan, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dld=222323#wrapper>

36 Abraham, Bobins, “The Sikh Hindu Exodus from Afghanistan that no one is Talking About,” June 21, 2016, India Times, <http://www.indiatimes.com/news/world/the-sikh-hindu-exodus-from-afghanistan-that-no-one-is-talking-about-257136.html>; “Hindus and Sikhs – Homeless Afghan Citizens” December 3, 2012, Deutsche Welle, <http://www.afghanhindu.info/>.

37 Sharma, Betwa, “The Few Remaining Hindus and Sikhs in Afghanistan Fight for One Seat in its Parliament,” September 24, 2016, Huffington Post, <http://www.huffingtonpost.in/2016/09/23/facing-extinction-in-afghanistan-hindus-and-sikhs-fight-for-one/>

to escape persecution and discrimination over the past several decades and now live as refugees in other countries. In 2014, an additional 500 Hindus and Sikhs fled Afghanistan due to increased discrimination and security fears with the reduction in international troops.³⁸

Due to its geographic location and spiritual connection for both Hinduism and Sikhism, India has been the most common destination for Afghan Hindu and Sikh refugees. Between 25,000 and 50,000 (estimates vary) Afghan Hindus and Sikhs migrated to India in the 1990s to escape discrimination and violence.³⁹ According to the United Nations High Commissioner for Refugees (UNHCR), there are currently 13,381 refugees and asylees from Afghanistan, but the Khalsa Diwan Society asserts that there are over 15,000 Afghan Hindus and Sikhs living in India.⁴⁰ To date, UNHCR indicates that 830 Afghan Hindus and Sikhs have received citizenship in India.

While facing several challenges and struggles in India without citizenship, recent government policy changes have provided hope for these communities. In July 2016, the Indian government announcement plans to reduce the fees for citizenship applications from 15,000 rupees to 100 rupees for the refugees and stated that it would start naturalizing Afghan Hindus and Sikhs. The government also plans to allow those on long-term visas to buy property, open bank accounts and obtain welfare cards, as well as move freely within the country.⁴¹

Many Afghan Hindus and Sikhs have also sought refuge in European countries, such as Germany, Belgium, and the United Kingdom. While some of these refugees previously received asylum or refugee status, according to community leaders a number are now at risk of deportation due to a backlash against immigrants and refugees in Europe.

In Germany, for instance, several Afghan Hindus and Sikhs have received notifications of deportation proceedings, while Samir Narang was deported in December.⁴²

Special Focus: Samir Narang

On December 14, 2016, Afghan Hindu asylum seeker, Samir Narang, was put on a plane from Frankfurt airport and deported back to Afghanistan, after his asylum claim was denied by German officials. According to the Central Council of Hindus and Sikhs in Germany, Mr. Narang was being held at a detention center in the city of Buren prior to his deportation. He was initially arrested on December 8, 2016 in Hamburg and his request for an extension of his temporary suspension of deportation was denied. A hearing on his deportation was conducted by a magistrate in the absence of his attorney and he was not provided an interpreter that spoke his mother tongue.

Samir fled Afghanistan four years ago and sought refuge in Germany, where he had fully integrated into German life. His entire family similarly fled to the safety of Germany. Samir's story is similar to many other Hindus that grew up in Afghanistan, isolated in a Hindu temple, hiding from daily attacks, harassment, and discrimination against Hindus and Sikhs. He only spoke a Punjabi dialect, Multani, and did not speak Pashto or Dari, Afghanistan's official languages.

Samir has no family support or personal contacts in Afghanistan and faces potential homelessness, as well as discrimination and religious persecution.

The Central Council of Afghan Hindus and Sikhs in Germany made several efforts to stop the deportation based on hardship and humanitarian grounds. HAF similarly wrote to German government officials in an effort to halt the deportation.

38 "Sikhs and Hindus Flee Afghanistan as Nato Pulls Back," November 27, 2014, Radio Free Europe Radio Liberty, <http://www.rferl.org/media/video/afghan-sikhs-hindus/26713015.html>.

39 "Living in India for Over Two Decades, Afghan Hindus, Sikhs Seek Citizenship," September 22, 2014, Times of India, <http://timesofindia.indiatimes.com/india/Living-in-India-for-over-two-decades-Afghan-Hindus-Sikhs-seek-citizenship/articleshow/43126970.cms>; Afghan Sikh and Hindu Refugees Aspire to Stay Back in India," December 27, 2014, Deccan Chronicle, <http://www.deccanchronicle.com/141227/world-neighbours/article/afghan-sikh-and-hindu-refugees-aspire-stay-back-india>.

40 Ghosh, Anwesha, "Longing to Belong: Afghan Sikhs and Hindus in India," August 19, 2016, The Diplomat, <http://thediplomat.com/2016/08/longing-to-belong-afghan-sikhs-and-hindus-in-india/>.

41 Tripathi, Rahul, "Government Plans to Grant Citizenship to Hindu and Sikh Refugees, Soon," July 6, 2016, Economic Times, <http://economictimes.indiatimes.com/news/politics-and-nation/government-plans-to-grant-indian-citizenship-to-hindu-and-sikh-refugees-soon/articleshow/53070619.cms>; India Fact Sheet, February 2016, UNHCR, <http://www.unhcr.org/50001ec69.pdf>.

42 Based on report received from Afghan Hindu sources.

Despite meeting the criteria for asylum or refugee status under the Geneva Convention due to his well-founded fear of persecution based on religion (fear of being persecuted upon return) and the Afghan government's inability to protect them, German government officials in Hamburg proceeded to deport Samir, along with other Afghan asylees. Afghan Hindu leaders in Germany fear that there may be more such deportations in the near future.

CONCLUSION & RECOMMENDATIONS

Given the current state of security and instability in Afghanistan, conditions for minorities remain precarious. The Hindu/Sikh minority, in particular, faces ongoing discrimination, social prejudice, and harassment. The legal system's clear preference for Islam and Muslims further subordinates the rights of minorities, leaving them increasingly vulnerable. Moreover, they are at continued risk of violence, leaving them in a state of fear and insecurity and forcing many to flee to other countries.

The international community also has an important role to play in assisting Afghanistan, especially with the impending withdrawal of US and NATO troops from the country.

Thus, we offer the following recommendations to the international community and the Afghan Government.

Recommendations to the Government of Afghanistan

- The Afghan government should work to reform its legal system and constitution to provide greater safeguards for religious freedom and human rights.
- The Afghan government must protect the funeral rites of Hindus and Sikhs and prevent non-state actors from interfering in their cremations. Moreover, the government should provide access to suitable land to house crematoria.
- Greater security and support should be provided for Hindus and Sikhs to allow them to worship freely and without fear of harassment, forced conversions, and societal discrimination.

- Hindu and Sikh places of worship should be treated equitably and allocated funding on par with mosques.
- Afghanistan's lower house of Parliament should end its opposition to creating a reserved seat for Hindus/Sikhs in the Parliament in order to politically franchise these communities.
- Additional schools for Hindus/Sikhs should be created by the government to allow them to obtain an education free of religious prejudice and harassment.

Recommendations to the International Community

- Legal experts from the US and international bodies, such as the UN, should assist the Afghan government in reforming its legal system and Constitution to provide greater safeguards for minorities.
- The international community, including countries such as the US and India, should continue to invest in developing Afghanistan's civil society, infrastructure, and democratic institutions.

PEOPLE'S REPUBLIC OF BANGLADESH

Area 148,460 sq km

Population 156,186,882 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>.

Religions Islam (Sunni) 89.1%, Hindus 10% (many current estimates suggest less than 9%), other 0.9% (includes Buddhists and Christians) (2013 est.)

Ethnic Groups Bengali, at least 98%, other ethnic groups 1.1%; Bangladesh's government recognizes 27 ethnic groups under the 2010 Cultural Institution for Small Anthropological Groups Act; other sources estimate there are about 75 ethnic groups; critics of the 2011 census claim that it underestimates the size of Bangladesh's non-Bengali population (2011 est.)

Languages Bangla 98.8% (official, also known as Bengali), other 1.2% (2011 est.)

Location Southern Asia, bordering the Bay of Bengal, between Burma and India

INTRODUCTION

Diwali day riots in Brahmanbaria that led to the ransacking of more than 15 temples and at least 150 people injured and the November attacks on the Santhal tribal community in Gopalganj capped off another tumultuous year for Hindus and other minorities in Bangladesh. The beheadings of Hindu priests and secular bloggers, abductions and conversions of Hindu girls, and forced occupation of minority owned lands also continued throughout the year unabated.

The plight of religious minorities and atheists has become increasingly precarious as there has been a marked increase in religiously motivated violence over the past few years coinciding with the rise of domestic and international Islamist terror groups. Most notably, ISIS claimed responsibility for a number of attacks in 2016 and coordinated with domestic groups, posing an existential threat to the country's secular democracy. This was highlighted by the attack on the Holey Artisan Bakery in the diplomatic area of Dhaka, where five gunmen were heard shouting "Allahu Akbar" prior to setting off bombs and shooting as they stormed the cafe and took hostages. The attackers asked the hostages to recite verses of the Koran and killed those who refused or were non-Muslims, resulting in the deaths of more than 20 people.⁴³

While Islamists were responsible for the majority of violence, the ruling Awami League (AL) has also contributed to deteriorating conditions in the country by suppressing political dissent and basic civil liberties, and refusing to acknowledge and adequately confront the presence of ISIS and other foreign terror groups. It has further imposed restrictions on the freedom of speech and bloggers, harassed journalists, and arrested political



opponents.

Furthermore, "religious minorities remain underrepresented in politics and state agencies, though the AL government has appointed several members of such groups to leadership positions."⁴⁴

Bangladeshi security forces, particularly the Rapid Action Battalion (RAB), have also been accused of committing extensive abuses, including extrajudicial killings, arbitrary arrests and detentions, enforced disappearances, and torture of prisoners.

As a result of the widespread violence and growing intolerance in the country, many Hindus and Buddhists have fled and sought refuge in India.⁴⁵

⁴³ "Dhaka Attackers Spared Hostages Who Could Recite Quran Verses: Survivor," July 3, 2016, Hindustan Times, <http://www.hindustantimes.com/world-news/dhaka-attackers-spared-hostages-who-could-recite-quran-verses-survivor/story-GXX657OAdFaNEWcwG7UQNK.html>; "Hindu Priest's Murder, Dhaka Cafe Shooting, Latest in Shocking Attacks in Bangladesh," July 1, 2016, HAF, <https://www.hafsite.org/hindu-priest-murder-dhaka-cafe-shooting-latest-shocking-attacks-bangladesh>.

⁴⁴ Bangladesh, Freedom in the World 2016 Report, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bangladesh>.

⁴⁵ Monthly Newsletter of Bangladesh Hindu Buddhist Christian Unity Council (BHBUC), May 2015, Received via Email on June 12, 2015.

Although many Bangladeshi Hindu refugees have been living in India without formal legal status, the Indian government recently announced changes to the Citizenship Act, 1955 that would allow them to stay in the country legally and with a pathway to citizenship. The changes are expected to help close to 200,000 Hindus from Bangladesh and Pakistan that escaped religious persecution. The government further granted refugees from Bangladesh living in India on long term visas the right to purchase land.⁴⁶

HISTORY/BACKGROUND

Independence and the 1971 War

Bangladesh's (formerly East Pakistan) independence from Pakistan in 1971 was the culmination of several longstanding factors, including linguistic and cultural repression, economic marginalization, political disenfranchisement, and a quest for greater provincial autonomy. The West Pakistani military and civilian elite sought to create a cohesive polity unified by Islam and the Urdu language. In the process, they suppressed the Bengali culture and language, which was viewed as closely linked to Hinduism and therefore, a threat to their conception of an Islamic nation.

The Bangladeshi independence movement in 1971 was met with a brutal genocidal campaign of violence by the Pakistani army and local Islamist militias.⁴⁷ The conflict resulted in the massacre of an estimated two million East Pakistani citizens, the ethnic cleansing of 10 million ethnic Bengalis (mainly Hindus) who fled to India, and the rape of 200,000 women (some estimates put the number of rape

victims at closer to 400,000).⁴⁸

American Consul-General and the senior US diplomat in Dhaka at the time, Archer Blood, repeatedly warned government officials in Washington about the violence and the selective targeting of Hindus:

“‘Genocide’ applies fully to naked, calculated and widespread selection of Hindus for special treatment...From outset various members of American community have witnessed either burning down of Hindu villages, Hindu enclaves in Dacca and shooting of Hindus attempting [to] escape carnage, or have witnessed after-effects which [are] visible throughout Dacca today...”⁴⁹

Blood further noted that the Pakistani military was engaged in the “mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population.”⁵⁰ Despite this assessment, the Nixon Administration continued to support the Pakistani regime.⁵¹

Subsequent to the war, a report from the International Commission of Jurists (ICJ) found that the Pakistani army massacred civilians and attempted to exterminate or drive out the Hindu population. The ICJ indicated that there was “a strong prima facie case that criminal offences were committed in international law, namely war crimes and crimes against humanity under the law relating to armed conflict, breaches of Article 3 of the Geneva Conventions 1949, and acts of genocide under the Genocide Convention 1948 [1948].”⁵² Similarly, senior Pakistani military officers admitted to selectively targeting Hindus during a Pakistani postwar judicial inquiry.⁵³

46 “Hindus from Pakistan and Bangladesh will get to Claim Indian Citizenship,” June 3, 2016, Times of India, <http://timesofindia.indiatimes.com/india/Hindus-from-Pakistan-Bangladesh-will-get-to-claim-Indian-citizenship/articleshow/52563675.cms>; . B.H.B.C. Unity Council, USA Monthly Newsletter July 2016 received email January 1, 2017.

47 Bertil Lintner, The Plights of Ethnic and Religious Minorities and the Rise of Islamic Extremism in Bangladesh, , February 2, 2003, Asia Pacific Media Services, http://www.asiapacificms.com/papers/pdf/ethnic_and_religious_minorities_bangladesh.pdf.

48 Bass, Gary Professor, “The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide,” Raveendra, Bhavani, “Bangladesh war crimes tribunal in the works,” April 20, 2010, Center for Human Rights and Humanitarian Law, <http://hrbrief.org/2010/04/bangladeshwartribunal/>; Hossain, Anushay, “The Female Factor: Bangladesh Protest Breaks Boundaries,” February 13, 2013, Forbes, <http://www.forbes.com/sites/worldviews/2013/02/13/the-female-factor-bangladesh-protests-break-boundaries/>.

49 Bass, Gary J., The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide (2013), Alfred A. Knopf, Random House LLC.

50 Rabindranath Trivedi. “The Legacy of the Plight of Hindus in Bangladesh,” July 24, 2007, The Asian Tribune, <http://www.asiantribune.com/index.php?q=node/6663>.

51 Akram, Tanweer, “A Critical Evaluation of the International Commission of Jurists’ Report on the Bangladesh Genocide,” April 14, 2007, Social Studies Research Network, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=981254.

52 Id.

53 Bass, Gary J., The Blood Telegram: Nixon, Kissinger, and a Forgotten Genocide (2013), Alfred A. Knopf, Random House LLC.

The War, along with other factors, including the increased power of radical groups, has led to a precipitous decline in the Hindu population in what is now Bangladesh. Specifically, the Hindu population has steadily declined from 31% in 1947 to 19% in 1961 and 14% in 1974, to less than 9% today.⁵⁴

Dr. Abul Barkat of Dhaka University projects that Hindus will be nonexistent in Bangladesh in three decades if their population continues to decline and leave the country at the current rate. According to Dr. Barkat, 11.3 million Hindus fled Bangladesh on account of religious persecution between 1964 and 2013. This amounted to 632 Hindus per day and 230,612 leaving the country every year.⁵⁵

The International Crimes Tribunals

In 2010, the Government of Bangladesh established the International Crimes Tribunal (ICT) (and the ICT-2 in 2012) to investigate war crimes committed during the 1971 War. Since large numbers of Pakistani military officials were granted amnesties after the war, the trials have focused on the prosecution of Bangladeshi Islamist collaborators that played leading roles in paramilitary militias.⁵⁶ The main militias, the Razakars, Al-Badr, and Al-Shams brigades, were comprised primarily of Islamists affiliated with Jamaat-e-Islami (Jel) or Islami Chhatra Shibir (ICS), who opposed Bangladesh's independence from Pakistan and the creation of a secular state.⁵⁷

Thus far, there have been 53 indictments and 24 convictions, 17 of which were death sentences. And five of those individuals sentenced to death have been executed.⁵⁸

Starting in 2013, BNP, Jel, and ICS supporters

engaged in violent mass riots in response to verdicts in the trials. Hindus, for example, were systematically attacked by mobs of Jel supporters, resulting in the destruction of nearly 50 temples and 1,500 homes. The violence continued through 2014 and 2015. And at least three Hindu temples were attacked in April 2015 following the execution of indicted war criminal Muhammed Karazuman.

Although the Tribunals contain procedural flaws, the flaws are similar to those of the International Criminal Court and other international bodies. Furthermore, the Tribunals are widely popular amongst secular Bangladeshis of all religious backgrounds, who view them as long overdue and necessary for their nation to move forward and heal the wounds of the past.

According to an Economic Times report, BNP and Jel leaders have utilized these flaws to lobby internationally to undermine the credibility of the Tribunals. Jel leaders in particular, such as Mir Quasem Ali who was sentenced to death by the ICT, have contracted the services of American lobbying firm, Cassidy & Associates, to lobby US policy makers on Capitol Hill and in the State Department against the Tribunals and to project a moderate image for Jel.

Cassidy has also tried to obtain support from think tank and academic experts, such as noted South Asia analyst Christine Fair. Fair responded by publicly referring to Jel as an "organization that sponsors terrorism and facilitated genocide" and one that has "vast ties to various terrorist organizations," and that tries to "use the ballot box to make Bangladesh an Islamic state from the grassroots up..." High-ranking Jamaat officials, including assistant secretary general Abdur Razzaq, have also frequently visited policymakers in Washington, DC to influence American views of the Islamist organization.⁵⁹

54 Barooah, Kalyan, "9 Lakh Hindus Vanish from Bangladesh," August 28, 2013, The Assam Tribune, <http://www.assamtribune.com/scripts/detailsnew.asp?id=aug2913/at05>; "Assessment for Hindus in Bangladesh," December 31, 2000, Center for International Development and Conflict Management, <http://www.cidcm.umd.edu/inscr/mar/assessment.asp?groupId=77102>; S.K. Datta, "The Recent Plight of Minorities in Bangladesh: A Post-election Perspective," Paper presented by the former Director, Central Bureau of Investigation, India at an international seminar organized by the Centre for Research in Indo-Bangladesh Relations; "Bangladesh: International Religious Freedom Report 2007," Bureau of Democracy, Human Rights, and Labor, Department of State, <http://www.state.gov/g/drl/rls/irf/2007/90226.htm>.

55 Hasan, Kamrul, "No Hindus will be left after 30 years," November 20, 2016, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2016/11/20/abul-barkat-632-hindus-left-country-day/>.

56 Ramachandran, Sudha, "Flawed Justice in Bangladesh," October 31, 2013, The Diplomat, <http://thediplomat.com/2013/10/flawed-justice-in-bangladesh/2/>.

57 Id.

58 Bangladesh Assessment 2016, South Asia Terrorism Portal, <http://www.satp.org/satporgtp/countries/bangladesh/index.htm>.

59 Sirohi, Seema, "Why Bangladesh is Under the Gun After Recent Terrorist Attack," July 10, 2016, The Times of India, <http://timesofindia.indiatimes.com/world/south-asia/Why-Bangladesh-is-under-the-gun-after-recent-terrorist-attack/articleshow/53136834.cms>.

Another analyst, Seth Oldmixon, who had first-hand experience observing Jel in Bangladesh while serving in the Peace Corps, also asserts that US policy experts have failed to grasp the true nature and ideology of Jel.⁶⁰

Similarly, in the United Kingdom, Jamaat has hired a lobbyist, Toby Cadman, to attack the credibility of the Awami League government and the Tribunals, while whitewashing the ideology of Jamaat and its frequent attacks on religious minorities.⁶¹

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

Despite initially adopting a secular constitution following independence, Bangladesh subsequently added a new clause to “consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”⁶² And on June 9, 1988, the Constitution was amended again, making Islam the state religion and prescribing that the principle of absolute trust and faith in Allah would be the basis of all action.⁶³

The Constitution was further amended through the 15th amendment, which retains Islam as the state religion and makes explicit reference to the Koranic invocation, Bismillah-Ar-Rahman-Ar-Rahim, or “In the name of Allah (God), Most Merciful, Most Gracious.”⁶⁴

Moreover, the Constitution includes other sections promoting Islam at the expense of other religions. Article 8(1A) states that the fundamental principles

of state policy and all actions are rooted in, among other things, faith in Almighty Allah.⁶⁵

Section 2 further provides that the principles rooted in Almighty Allah should be “fundamental to the governance of Bangladesh, shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and shall form the basis of the work of the State and of its citizens.”⁶⁶ While language was added to the Constitution promoting Islam, Article 12 which provided “mechanisms for implementation of the principle of secularism” was deleted.⁶⁷

The preeminence given to Islam in the Constitution conflicts with and weakens other provisions protecting religious freedom and equal protection in Articles 28, 31, and 41 and renders them ineffective in guaranteeing the rights of minorities.⁶⁸ It has also institutionalized second-class citizen status of non-Muslims and empowered radical groups to violate the rights of minorities with impunity.

A petition by minority rights and civil society groups to remove Islam as the state religion from the Constitution was summarily rejected by Bangladesh’s High Court in March 2016 amidst protests and threats by radical Islamist groups.⁶⁹

The legal criminalization of criticism or defamation of Islam, the Prophet Muhammed, and the Koran has further marginalized minorities and has frequently been used as a justification to attack minorities.

Islam has also influenced conceptions of law and

⁶⁰ Id.

⁶¹ Id.

⁶² Id.; “Bangladesh Parliament Votes to make Islam State Religion,” (June 8, 1988), The New York Times, <http://query.nytimes.com/gst/fullpage.html?res=940DE5D71530F93BA35755C0A96E94826>; Constitution of the People’s Republic of Bangladesh, ComonLII, <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>.

⁶³ “Bangladesh Parliament Votes to make Islam State Religion,” June 8, 1988, The New York Times, <http://query.nytimes.com/gst/fullpage.html?res=940DE5D71530F93BA35755C0A96E948260>.

⁶⁴ “Salient features of 15th amendment of Constitution,” June 30, 2011, The Daily Star, http://www.thedailystar.net/newDesign/latest_news.php?nid=30610.

⁶⁵ “Constitution of the People’s Republic of Bangladesh,” ComonLII, <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>.

⁶⁶ Id.

⁶⁷ Kumar, Anand, “Return from the Precipice: Bangladesh’s Fight Against Terrorism,” p. 12, (2012) Institute for Defence Studies and Analyses, http://www.idsa.in/system/files/book_BangFightTerrorism.pdf.

⁶⁸ “Constitution of the People’s Republic of Bangladesh,” ComonLII, <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>.

⁶⁹ Sattar, Maher and Barry, Ellen, “In Two Minutes, Bangladesh Rejects 28-Yr-Old Challenge to Islam’s Role,” March 28, 2016, New York Times, https://www.nytimes.com/2016/03/29/world/asia/bangladesh-court-islam-state-religion.html?_r=0.

justice in rural areas outside the formal legal system, where women have been subjected to archaic punishments for moral crimes, including floggings, among others. Supreme Court orders have been unable to stop these practices in areas where religious leaders exert more power than the government and legal system.⁷⁰

Islamic Extremism

Islamist groups in Bangladesh, most notably Jamaat-e-Islami (Jel), wield tremendous power through its extensive grassroots networks and exert disproportionate influence over the country's political, social, legal, and religious affairs. Jel, along with its student wing, Islami Chhatra Shibir (ICS), strive to create an Islamic state in Bangladesh, as explicitly laid out in its charter.

Since 1971, Jel and ICS have consistently utilized violent tactics to achieve their religio-political goals, including bombings, political assassinations and targeted killings, attacks on security personnel, and mass violence against minorities and atheists.⁷¹ Following the 2001 elections, for example, Jel and ICS, in conjunction with the BNP unleashed a large-scale systematic campaign of violence targeting the Hindu community that lasted more than 150 days, involved 18,000 incidents of major crimes, and led an estimated 500,000 Hindus to seek refuge in India.⁷²

Jel-ICS also instigated large bouts of violence in 2013-2014 in response to ICT convictions and elections. In election-related violence between Novem-

ber 2013 and January 2014, Jel, and ICS activists attacked, damaged, or destroyed 495 Hindu homes, 585 shops, and 169 temples.

According to reports from NGOs, civil society activists, and minority groups that HAF is in contact with, Jel has grown powerful through its extensive network of financial assets and control over madrasahs and social and educational institutions.⁷³ Another Islamist organization, Hefazat-e-Islam, is thought to be a front for Jel, and controls many of the country's madrasahs. Hefazat was one of the prominent groups that said it would carry out jihad and use violence if necessary to ensure that Islam remained the state religion in the Constitution.⁷⁴

In 2013, Hefazat called for the prosecution and execution of "atheist bloggers" as part of its 13-point Islamist agenda. The charter included, in part, "banning women from the work force by ending 'free mixing' of the sexes, a harsh new blasphemy law similar to Pakistan's, and the declaration of the beleaguered Ahmadi sect as non-Muslim..."⁷⁵

Jel-ICS and Hefazat have served as ideological centers and recruiting bases for several domestic Bangladeshi terrorist groups,⁷⁶ including Harkat-ul-Jihad-al-Islami Bangladesh (HuJI-B), a State Department designated Foreign Terrorist Organization (FTO),⁷⁷ and Jama'atul Mujahideen Bangladesh (JMB),⁷⁸ outlawed by several countries, including the United Kingdom.⁷⁹

JMB grew considerably when the Jel-BNP coalition government was in power from 2001 to 2005, and

70 Bangladesh, Freedom in the World 2016 Report, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bangladesh>.

71 Bangladesh Terrorist Outfits: Islami Chhatra Shibir, SATP, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/ics.htm>.

72 "Bangladesh: Discrimination and Displacement of Religious Minorities," August 8, 2003, Refugees International, <http://www.refugeesinternational.org/content/article/detail/891/>; "Bangladesh Human Rights Report 2008," Global Human Rights Defence, <http://www.ghrd.org/FilesPage/3343/GHRDReport2008ver5.pdf>; Rahman, M, "25 ministers, MPs complicit," December 2, 2011, The Daily Star, <http://www.thedailystar.net/newDesign/news-details.php?nid=212567>.

73 Based on interviews conducted with members of BHBCUC in Dhaka during HAF's fact-finding trip to Bangladesh in January 29 – February 5, 2015.

74 Hussain, Anwar, "Radical Group Hefazat Warns of Armed Resistance," March 25, 2016 Dhaka Tribune, <http://archive.dhakatribune.com/bangladesh/2016/mar/25/hefazat-movement-if-state-religion-scrapped>.

75 Dhume, Sadanand, "Bangladesh on the Brink," May 9, 2013, The Wall Street Journal, <http://online.wsj.com/news/articles/SB100014241278873237446045784725232260433>.

76 Roul, Animesh, "Jamaatul Mujahidin Bangladesh: Weakened, but not Destroyed," November 30, 2011, Combatting Terrorism Center at West Point, <http://www.ctc.usma.edu/posts/jamaatul-mujahidin-bangladesh-weakened-but-not-destroyed>.

77 Foreign Terrorist Organizations, September 28, 2012, US Department of State, <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

78 Terrorist and Extremist Groups – Bangladesh, South Asia Terrorism Portal, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/index.html>.

79 Proscribed Terrorist Organizations, Home Office, Government of the United Kingdom, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266038/List_of_Proscribed_organisations.pdf; Raman, B, "The Harkat-Ul-Jihad-Al-Islami of Bangladesh (HuJI-B)," September 4, 2007, Outlook India, <http://www.outlookindia.com/article.aspx?235478>.

the terror organization received moral and logistical support from members of the Jel-BNP ruling government.⁸⁰ JMB was most notably responsible for a bombing campaign in 2005 where they set off nearly 500 bombs in more than 60 districts across the country.

Jel and ICS also enjoy extensive links with the wider Islamist militant network in South Asia, including the Taliban, al Qaeda, and Lashkar-e-Taiba, and reportedly receive funding and support from Pakistan's Inter-Services Intelligence (ISI) spy agency and from Saudi Arabia.⁸¹ Jamaat has been involved in laundering money for a group associated with al-Qaeda and the International Islamic Front and has funneled funds to other Islamic militant groups through its control of Islami Bank Bangladesh.⁸² Jel and ICS have further facilitated terrorist activities within and outside of Bangladesh, through the provision of logistical and material support, such as weapons and infrastructure.⁸³

Similarly, other domestic Islamist groups, such as JMB and Ansarullah Bangla Team (ABT), have reportedly begin to affiliate with transnational terror groups including ISIS and al-Qaeda in the Indian subcontinent (AQIS) and carried out several attacks in 2016.⁸⁴ JMB members were also arrested in March

for planning large-scale attacks during the Bengali New Year celebrations.⁸⁵

ABT is made up of a "new and young generation of jihadists in Bangladesh" that have been recruited primarily of educated college students with English and social media skills. Similar to JMB, ABT supports ISIS and AQIS and armed jihad in Bangladesh and elsewhere. It is against democracy and has focused on "silencing or eradicating any critics of extremist religious doctrines, organized Islam, or the intolerance of Islamist radicals."⁸⁶ JMB and ABT have created hit lists targeting Hindus and atheist bloggers.⁸⁷

South Asia experts assert that the Awami League government has allowed radical Islamism to grow in Bangladesh by suppressing free speech and appeasing Islamist groups. In August, for instance, a local Awami League government official of the Narayanhat Union Council in Fatikchhari Upazila in Chittagong is recorded on camera telling members of Tablighi Jamaat, a global extremist Sunni Muslim missionary organization, to convert Hindus to Islam if they wanted his support.⁸⁸

The Awami League government's refusal to acknowledge the existence and activities of ISIS and AQIS within Bangladesh, as well as their connections to

80 Calamur, Krishnadev, "Bangladesh's Long Road to Islamist Violence," July 9, 2016, The Atlantic, <http://www.theatlantic.com/news/archive/2016/07/dhaka-attack/489986/>.

81 Bertil Lintner, "Bangladesh Extremist Islamist Consolidation," South Asia Terrorism Portal, <http://www.satp.org/satporgtp/publication/faultlines/volume14/Article1.htm>; "Jamaat-e-Islami Led Forces' Violent Impact Worrying for Bangladesh as well as India," January 8, 2014, Economic Times, http://articles.economictimes.indiatimes.com/2014-01-08/news/45991280_1_qader-mollah-jamaat-supporters-war-crimes; Kumar, Anand, "Return from the Precipice: Bangladesh's Fight Against Terrorism," p. 2, (2012) Institute for Defence Studies and Analyses, http://www.idsa.in/system/files/book_BangFightTerrorism.pdf; Roy, Swadesh, "Broken Goddess and the War Crime Verdict of Bangladesh," Sri Lanka Guardian, March 13, 2013, <http://www.srilankaguardian.org/2013/03/broken--goddess--and--war--crime--verdict--of.html>.

82 Blackburn, Chris, "Jamaat-i-islami: A Threat to Bangladesh," <http://mygoldenbengal.wordpress.com/2013/02/22/jamaat-i-islami-a-threat-to-bangladesh-2/>; "Bangladesh Elections and Rise of Radical Forces," November 27, 2013, Economic Times, http://articles.economictimes.indiatimes.com/2013-11-27/news/44520210_1_awami-league-bnp-bangladesh-nationalist-party; Gupta, Jayant, "Saradha Funds Deposited in Bangladesh's Islami Bank," October 24, 2014, The Times of India, <http://timesofindia.indiatimes.com/city/kolkata/Saradha-funds-deposited-in-Bangladeshs-Islami-Bank/articleshow/44919983.cms>; Sirohi, Seema, "Why Bangladesh is Under the Gun After Recent Terrorist Attack," July 10, 2016, The Times of India, <http://timesofindia.indiatimes.com/world/south-asia/Why-Bangladesh-is-under-the-gun-after-recent-terrorist-attack/articleshow/53136834.cms>.

83 Islami Chhatra Shibir, South Asia Terrorism Portal, <http://www.satp.org/satporgtp/countries/bangladesh/terroristoutfits/ics.htm>; South Asia Analysis Group, "Bangladesh Court Establishes BNP-Jamaat Fountainhead of Terrorism -- Analysis," Eurasia Review February 3, 2014, <http://www.eurasiareview.com/03022014-bangladesh-court-establishes-bnp-jamaat-fountainhead-terrorism-analysis/>.

84 Calamur, Krishnadev, "Bangladesh's Long Road to Islamist Violence," July 9, 2016, The Atlantic, <http://www.theatlantic.com/news/archive/2016/07/dhaka-attack/489986/>; "Dhaka Attack Part of a Larger Pattern of Terrorism in Bangladesh," July 30, 2016, Bangladesh Chronicle, <http://bangladeshchronicle.net/2016/07/dhaka-attack-part-of-a-larger-pattern-of-terrorism-in-bangladesh/>.

85 "Bangladesh Arrests Suspected Islamist Militants Over Bomb Plot," March 14, 2016, Reuters republished in Huffington Post, http://www.huffingtonpost.com/entry/bangladesh-arrests-suspected-islamist-militants-over-bomb-plot_us_56e6b92de4b0860f99d97b2c.

86 Wolf, Siegfried O., "Ansarullah Bangla Team: A Major Threat for Bangladesh's Democracy," January 30, 2016, E-International Relations, <http://www.e-ir.info/2016/01/30/ansarullah-bangla-team-a-major-threat-for-bangladeshs-democracy/>.

87 B.H.B.C. Unity Council, USA Monthly Newsletter Dec 2016 received email January 1, 2017.

88 Id.

domestic terror groups, has further exacerbated the problem.⁸⁹ The Bangladesh government has denied the existence of ISIS within its borders, despite a number of recent attacks by the terror group in the country, most notable the Holy Artisan Bakery attack.

Bangladesh is also now seen by terrorism experts as the next major center for ISIS recruitment.⁹⁰ In 2016, six Bangladeshi workers were convicted and sentenced to imprisonment in Singapore for financing terrorism and planning attacks in Bangladesh. The workers were intent on establishing an Islamic state in Bangladesh that would be part of the larger ISIS caliphate.⁹¹

Although radical Islamists have been primarily responsible for instigating and carrying out terrorist attacks and anti-minority violence, individual Awami League officials have also been involved in promoting and participating in violence.

Religiously Motivated Violence & Discrimination

The right to worship free from physical violence or interference is a core component of religious freedom, and protected by Bangladesh's Constitution and international conventions. Despite these protections, there have been repeated attacks on Hindu and Buddhist temples, destruction of Hindu deities, and targeted killings of Hindus and atheist bloggers. Moreover, in 2016, even the rights of Hindus to carry out cremations came under attack in Jaldhaka Upazila of Nilphamari District when Muslims tried to prevent the Hindu community from conducting a cremation. After mass protests by local Hindus, government officials finally acted to assist the community in conducting the cremation.⁹²

During 2016, Bangladesh Jatiya Hindu Mohajote (BJHM), a non-governmental organization, asserts that at least 98 Hindus were killed and 357 injured in religiously motivated violence. Moreover, according to BJHM, 38 Hindus had been kidnapped and another 22 were missing, while 209 murtis (sacred physical images/statues of Hindu deities) were destroyed and 22 stolen. Similarly, statistics from the United News of Bangladesh indicate that there were an additional 18 attempted murders of Hindus and 1,109 death threats.⁹³

The government and law enforcement have failed to protect members of minority communities, bloggers, and atheists from mass violence and targeted attacks. Instead, in many instances, the government appeased radicals by clamping down on the freedom of expression and shutting down blogsites.

Targeted Killings

The trend of Islamist radicals targeting and murdering religious minorities, secular bloggers, and atheists dramatically escalated in 2016. Several Hindu priests were hacked to death by ISIS militants or affiliated radicals, including the brutal murder of Jogeshwar Roy.

In February, Jogeshwar Roy, a 55 year-old Hindu priest was beheaded by Islamic militants, while preparing for prayers inside the Deviganj temple inside the Sonto Gaurio complex near Karatoa river in Panchagarh district. Two others were injured when five to six attackers fired gunshots and launched grenades on the temple, while shouting "Allah ho Akbar" and telling Hindu infidels to go to India. Prior to the attack, police had reportedly received several anonymous threats to Hindu sites in the district.

ISIS claimed responsibility for the attack and

89 Iyengar, Rishi, "Bangladesh was Founded on the Principle of Cultural Freedom, What Happened?" June 15, 2016, Time, <http://time.com/4369623/bangladesh-extremism-islam-islamist-terrorism-sectarian-isis-aqis-al-qaeda/>.

90 Miliate, Brandon, "Sheikh Hasina Must Call Islamist Terrorism What it is," July 6, 2016, Foreign Policy, <http://foreignpolicy.com/2016/07/06/sheikh-hasina-islamist-bangladesh-isis/>.

91 "4 Bangladeshi Workers Jailed 24-60 Months for Financing Terrorism," July 13, 2016, The Straits Times, <http://www.straitstimes.com/singapore/courts-crime/4-bangladeshi-workers-jailed-24-60-months-for-financing-terrorism>; Cheong, Danson, "2 Bangladeshi Workers Detained Under ISA, Sentenced to 2 and 2 1/2 years' jail for Financing Terrorism," August 30, 2016, The Straits Times, <http://www.straitstimes.com/singapore/courts-crime/2-bangladeshi-workers-detained-under-isa-plead-guilty-to-financing-terrorism>.

92 B.H.B.C. Unity Council, USA Monthly Newsletter Dec 2016 received email January 1, 2017.

93 Id.

released the following statement: “In a security operation facilitated by the almighty God, soldiers of the Caliphate liquidated the priest Jogeshwar Roy, the founder and the head of the Deviganj temple that belongs to the infidel Hindus...One of his companions was hurt after being targeted with light weapons in the area of Panchagar in Northern Bangladesh, and the Mujahideen returned to their positions unharmed, and all praise be to God.”⁹⁴

Local police ignored the ISIS claim of responsibility and instead apprehended members of the banned militant outfit JMB and from Jel, in connection with the incident.⁹⁵ This was reflective of the failure by Bangladeshi authorities to acknowledge and address the growing presence of ISIS in the country.

Roy’s murder was followed by several other targeted killings of Hindus, including the following incidents in 2016:⁹⁶

- Shyamananda Das, a Hindu priest, was hacked to death in Jhenaidah, a southwestern district of Bangladesh. Das, who was picking flowers for morning prayers at Sri Sri Radha Madan Gopal Bigrohomo temple, was swarmed by three machete wielding assailants and brutally hacked to death—the perpetrators then fleeing the scene on a bicycle.
- On June 7, ISIS claimed responsibility for the murder of Anand Gopal Ganguly who was killed in a similar fashion to Shyamananda Das in Jhenaidah district.
- ISIS supporters sent a written death threat to a Hindu priest at the Ramakrishna Mission in Dhaka in June, threatening to murder him with machetes if he didn’t stop teaching Hinduism. Another Hindu priest at Sri Jagannath Jiu Temple in Barisal, Sri Animesh Bhattacharya, was similarly threatened.
- In July, temple leaders and priests in Monipur

received death threats to stop worshipping Hindu deities and convert to Islam or face death.

- An unidentified assailant attempted to murder Babul Chawkraborty, a Hindu priest at the Central Durga Temple in Bandharban, at his home in June. Chawkraborty and his family remain fearful for their lives. That same month, another Hindu priest, Sawpan Chakravorty, survived an attempt on his life when he was attacked on his way home from the Madhav Mandir in Kaliakoir Upazila, Gazipur.
- In May, 68 year-old Debesh Chandra Pramanik, a Hindu businessman was stabbed to death by ISIS supporters in his shoe shop in Gaibandha district, in northwest Bangladesh.
- A Hindu tailor, Nikhil Joarder, was stabbed to death by machete wielding assailants in his tailoring shop in Tangail district in April. ISIS claimed responsibility for the attack, but police detained BNP and Jel leaders for questioning. Joarder had previously been arrested in 2012 for allegedly making derogatory comments about the Prophet Mohammed.
- Paramananda Roy, a 75 year-old Hindu religious leader, was brutally murdered while on his way home from a village market in April in Tungipara, Gopalganj district.

Several members of other religious communities, atheists, secular bloggers, and LGBTQ activists were similarly targeted by radical groups in 2016, including the following:⁹⁷

- In June, the main priest at the Dharmarajika Buddhist Monastery in Dhaka received a death threat from an Islamic militant.
- A Buddhist farmer and local Awami League government official, Mong Shwe Lung Marma, was hacked to death in Bandarban in July by ISIS fighters, just two months after a Buddhist

94 Varandani, Suman, “Who is Jogeshwar Roy? ISIS Claims Killing Hindu Priest in Bangladesh, Police Suspect Banned Islamic Group Behind Attack,” February 22, 2016, IB Times, <http://www.ibtimes.com/who-jogeshwar-roy-isis-claims-killing-hindu-priest-bangladesh-police-suspect-banned-231666>.

95 “Islamic Militants Behead Hindu Priest - Hindu Americans Demand Action,” February 22, 2016, HAF, <https://www.hafsite.org/whats-new/islamic-militants-behead-hindu-priest-bangladesh-hindu-americans-demand-action>.

96 B.H.B.C. Unity Council, USA Monthly Newsletter Dec 2016 received email January 1, 2017; “Hindu Priest’s Murder, Dhaka Cafe Shooting, Latest in Shocking Attacks in Bangladesh,” July 1, 2016, HAF, <https://www.hafsite.org/hindu-priest-murder-dhaka-cafe-shooting-latest-shocking-attacks-bangladesh>

97 Id.; “Hindu American Leaders Demand Justice and Accountability After Murder of LGBTQ Leader in Bangladesh,” April 25, 2016, HAF, <https://www.hafsite.org/whats-new/hindu-american-leaders-demand-justice-and-accountability-after-murder-lgbt-leader>.

monk was similarly murdered in the same district.

- Sunil Gomes, a 65 year-old Christian man, was hacked to death by assailants affiliated with ISIS in June. The incident took place after Sunday prayers near a church in the village of Bonpara in northwest Bangladesh.
- A 65 year-old Sufi Muslim spiritual leader, Mohammad Shahidullah's throat was slit and he was stabbed to death in Rajshahi district
- In the month of April, Xulhaz Mannan, the editor of Roopbaan, a Dhaka-based LGBT publication, and an employee of the US embassy, along with another Roopban contributor, Tonoy Majumdar, were killed in their flat by several men posing as couriers.
- A secular activist, Nazimmudin Samad, was hacked to death in April by a mob of three to four people in Dhaka. Samad's death occurred approximately one month after his name was included on a "hit list" of 84 writers sent to the Bangladeshi government. Prof. Rezaul Karim Siddique, a proponent of Bengali culture, was also killed in April in Rajshahi district.

Religious Riots/Large-Scale Attacks

As in previous years, there were a number of large-scale attacks, riots, and mob violence targeting the Hindu community in 2016.

In April, two Hindu high school teachers at the Higlja High School in Bagerhat district were attacked by a mob of villagers, parents, and students after allegedly making defamatory comments about Islam and the Prophet Mohammed. One of the teachers, an assistant, reportedly told a science class that there was no heaven and that the Koran was not the word of Allah. When the high school's lead teacher supported the assistant, the two of them were attacked by villagers, parents, and students from a nearby Islamic school armed with sticks. Instead of helping them, a judicial

magistrate sentenced them to six months of prison for hurting the sentiments of Muslims.⁹⁸

That same month, 20 Hindus were injured and 15 Hindu homes vandalized and attacked in Pingrayl village, Khidhirpara Union, Bikrampur district, after Hindus voted for an Awami League candidate. Religious violence in Bangladesh is closely intertwined with politics at the national and local level. The vast majority of Hindus support the Awami League and have been targeted accordingly by BNP and JEL supporters.⁹⁹

In September, an International Society for Krishna Consciousness (ISKCON) Hindu temple in Sylhet was attacked by Islamists after an Imam at a nearby mosque riled up his congregants to attack the temple with bricks, glass, and stones, causing damage to the temple and injuring two devotees. The mosque's Imam falsely accused the temple of disturbing their Friday prayers and causing a "hindrance in the path of getting blessings from the Almighty." The temple, however, was not even using loudspeakers or microphones and was only conducting a drawing competition for children and chanting mantras at the time.¹⁰⁰

And at the end of October and beginning of November, large scale religious riots occurred in several parts of Bangladesh after an alleged Facebook post reportedly showed an image of the Hindu God Shiva at a holy Islamic pilgrimage site in Mecca, Saudi Arabia. In Brahmanbaria, in the eastern part of Bangladesh, more than 15 temples and scores of homes were ransacked by a rioting mob of hundreds of men, injuring at least 150 people on the day of Kali Puja, the Bengali traditional observance during the Hindu festival of Diwali. Bangladesh police authorities named several Islamist groups operating in Bangladesh as the main culprits for instigating the violence, including Jamaat-e-Islami and Hafezat-i-Islam. Local police have also said they have apprehended Rasraj Das, who allegedly

98 B.H.B.C. Unity Council, USA Monthly Newsletter Dec 2016 received email January 1, 2017; "Bangladesh Jails 2 Hindu Teachers for Insulting Islam," April 27, 2016, Hindustan Times, <http://www.hindustantimes.com/world/bangladesh-jails-2-hindu-schoolteachers-for-abusing-islam/story-Jvvc1-qObXaJcyYq3diPriN.html>.

99 B.H.B.C. Unity Council, USA monthly newsletter' Dec 2016' received via email January 1, 2017.

100 Id.; Based on information received directly from ISKCON representatives.

created the Facebook post in question and whose death was demanded by Islamists in the region.¹⁰¹

The local police and government officials allowed Islamists to organize public rallies and mobs, which led to the violent attacks on the Hindu community.

Similarly, that same weekend, there were several other incidents of attacks on Hindu temples and homes in Madhabpur, Hathazari, Chhatak, and Gopalganj.¹⁰² And the violence continued into the subsequent week, with Muslim mobs targeting Hindu temples and homes in other parts of the country, including in Netrakona, Jhalakathi, and Sirajganj.¹⁰³

Violence Against Women

Gender and religion often intersect in Bangladesh, with sexual violence frequently used as a weapon to subjugate minorities. This dates back to the 1971 War of Independence, when Islamist militias and the Pakistani army targeted and committed mass atrocities and large-scale sexual violence against Hindu women. The trend has continued to the present day marked by major outbursts of violence against minority women, along with regular incidents of abductions, forced conversions, and sexual assaults.

There were several incidents in 2016, including the following:¹⁰⁴

- A 5 year-old Hindu Dalit girl, Puja, was brutally raped by a Muslim man, Saiful Islam, in October in the village of Takeyapara in Rampur Union of Parbatipur Upazila. Puja disappeared from a field near her home and was found the next day in critical condition.
- Upama Saha, a 16 year-old Hindu girl was kidnapped in November, while on her way home from school in Dhonbari Upazila, Tangail

District. According to a fact-finding investigation by Bangladesh Minority Watch, she was sexually abused and forcefully converted to Islam. Although a case was filed with the police, Upama has not yet been recovered at the time of the writing of this report.

- In August, multiple Muslim assailants entered the home of a Hindu teenage girl in South Aicha PS, while she was at home alone, disguised as women dressed in burkhas (veils covering their entire bodies and faces). The girl was then gang-raped and became unconscious during the course of the attack. Her mother found her lying in a pool of blood and a doctor examining her confirmed that she had been gang-raped.
- In March, Pabna, a 21 year old Hindu college student attending Santhia Edward College was forcefully taken from her home by four Muslim assailants brandishing weapons and gang-raped at a nearby canal. Pabna was leaving her home to join her parents at a Hindu religious event in the neighborhood when the incident took place.

Land Encroachment/Evictions

Land encroachment is another major issue faced by Hindus and tribal communities in Bangladesh and includes the illegal occupation of land, homes, businesses, and temple property. Historically sanctioned by discriminatory property laws, the mass appropriation of Hindu owned land began in the former East Pakistan prior to the country's independence in 1971. Specifically, the Enemy Property Act (EPA), which was initially instituted by the Government of Pakistan in 1965, encompassed a series of discriminatory property laws that designated Hindus as "enemies" and was used to confiscate Hindu-owned land in the

101 "Hindu Americans Shocked by Tragic Riots in Bangladesh on Diwali," HAF, <https://www.hafsite.org/hindu-americans-shocked-tragic-riots-bangladesh-diwali>.

102 Barry, Ellen and Manik, Julfikar Ali, "Hindu Temples and Homes in Bangladesh are Attacked by Muslim Crowds," November 2, 2016, NY Times, https://www.nytimes.com/2016/11/03/world/asia/hindu-muslim-bangladesh.html?smid=tw-share&_r=1.

103 Barry, Ellen and Manik, Julfikar Ali, "Arson and Vandalism Rattle Hindu Communities in Bangladesh," November 6, 2017, NY Times, https://www.nytimes.com/2016/11/07/world/asia/bangladesh-hindu-muslim-nasrinagar.html?smprod=nytcore-ipad&smid=nytcore-ipad-share&_r=0.

104 B.H.B.C. Unity Council, USA monthly newsletter 'Dec 2016' received via email January 1, 2017.

eastern portion of the country (Bangladesh).¹⁰⁵

Subsequently, after the independence of Bangladesh in 1971, the EPA remained in effect and was simply renamed in 1974 as the Vested Property Act (VPA).¹⁰⁶ The EPA and its post-independence version, the Vested Property Act resulted in 60% of the Hindu population becoming landless.¹⁰⁷ Despite the abolishment of the VPA in 2001¹⁰⁸ and the subsequent promulgation of legislation¹⁰⁹ to return seized Hindu owned properties in 2011 and 2012, the illegal appropriation of land continues unabated with the assistance of local officials from all political parties and properties have not been returned to their rightful Hindu owners by the government.¹¹⁰

The non-Bengali indigenous tribes in the Chittagong Hills Tract (CHT) have also endured significant violence and the forced occupation of their land by government authorities and Bengali Muslim settlers. Despite the existence of a treaty between the CHT tribes and the government, the tribes have been powerless in preventing the illegal encroachment of their lands.¹¹¹

Similarly, on November 6, the Santal tribal community in Gobindaganj, Gaibandha was attacked by the police and Awami League workers, who were reportedly supported by AL political official Abul Kalam Azad. During the incident, at least three Santals were killed, while 1,000 Santal families were evicted from their homes and hundreds of makeshift homes were vandalized and set on fire. According to the Santal community, Awami League political officials continue to occupy 1700 acres of their land.¹¹²

CONCLUSION AND RECOMMENDATIONS

2016 was a tumultuous year marked by repeated attacks on religious minorities and atheists and expanding religious intolerance. The recent escalation in violence coincides with the growing power of domestic and international extremist groups, such as Jel, JMB, al-Qaeda, and ISIS. While JMB, al-Qaeda, and ISIS are designated FTOs, Jel has escaped international censure despite a long history of engaging in mass-violence against Hindus and secular Bangladeshis, dating back to the country's struggle for independence from Pakistan in 1971.

Although radical Islamist groups have played a major role in the violence and instability in the country, the Awami League has also contributed to the current situation by subverting democratic processes, suppressing civil liberties, and committing other human rights abuses.

As conditions continue to deteriorate, given Bangladesh's strategic location and importance as a trade partner, its internal security and stability are essential to US national interests in South Asia. Conditions in Bangladesh also have wider regional implications, including the large-scale migration of Bangladeshis into India, along with the increased infiltration of narcotics, arms, and militants across the border.

Consequently, immediate steps are required by both Bangladesh and the US to improve conditions on the ground and alter the country's current trajectory.

105 Chandrakantan, Arvind and Kalra, Samir, "A Legal Analysis of the Enemy Property Act of Bangladesh," Hindu American Foundation, http://www.hafsite.org/sites/default/files/Legal_Analysis_Enemy_Property_Act_Bangladesh.pdf.

106 Id

107 Hasan, Kamrul, "No Hindus will be left after 30 years," November 20, 2016, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2016/11/20/abul-barkat-632-hindus-left-country-day/>.

108 According to a study by Abul Barkat of Dhaka University, nearly 200,000 Hindu families lost or had been robbed of 122,000 bighas of land (one bigha equals 1333.33 sq.meters/1594.65 sq. yards/0.33 acres), between 2001 and 2007.

109 The Vested Properties Return Act was passed in November 2011 and the Vested Property Return (Second Amendment) Act was promulgated in September 2012.

110 Bangladesh, Freedom in the World 2016 Report, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bangladesh>.

111 Id.

112 Sakib, SM Najmus, "Attacks on Santal Community: 'A Crime Against Humanity,'" November 14, 2016, Dhaka Tribune, <http://www.dhakatribune.com/bangladesh/2016/11/14/attacks-santal-community-crime-humanity/>; Reza, Tazul Islam, "Awami League Leader Responsible for Santal Evictions had Settled the Tribespeople," November 12, 2016, BDNews24, <http://bdnews24.com/politics/2016/11/12/awami-league-leader-responsible-for-santal-evictions-had-settled-the-tribespeople>.

Recommendations to the Government of Bangladesh

- The Government of Bangladesh (GoB) must acknowledge and appropriately confront the growing presence and activities of foreign Islamist terror groups, such as ISIS and al Qaeda in the Indian subcontinent, who are coordinating with local Islamist groups. It must also take immediate steps to enforce the rule of law, prosecute those responsible for anti-minority violence, and ensure that religious minorities receive the necessary protection from further attacks.
- The GoB should continue to conduct the war crimes trials while ensuring that they are consistent with due process of law, in order to achieve closure, justice, and accountability for events that occurred during the 1971 War of Independence.
- GoB must undertake legal and constitutional reforms by removing provisions privileging Islam from the Constitution and institute greater safeguards for religious freedom.
- The government must take immediate steps to return previously confiscated properties under discriminatory property laws to their rightful Hindu owners, under the provisions of the Vested Property Return Bill of 2011
- The government should strengthen the National Human Rights Commission to support constitutional guarantees of religious freedom and equal protection and to ensure the protection of minorities.¹¹³

Recommendations to the International Community

- The US should work constructively with the GoB to ensure that attacks on Hindus and other minorities cease, past victims of violence are

fully rehabilitated, and those responsible for attacks are brought to swift justice. US officials should be unequivocal in their condemnation of violence in all public statements. In addition, human rights and civil society activists should be supported.

- Despite its flaws, the US should support the International Crimes Tribunal as a means of achieving justice for the victims of genocide and crimes against humanity and sending a message that war criminals will be held accountable and cannot act with impunity.
- JeI and ICS should be designated as Foreign Terrorist Organizations (FTOs) by the US State Department under Section 219 of the Immigration and Nationality Act and as Specially Designated Global Terrorists under section 1(b) of Executive Order 13224.¹¹⁴
- Under section 212(a)(2)(G) of the Immigration and Nationality Act, the US should deny entry to any officials from JeI that have engaged in particularly severe violations of religious freedom as defined by section 3 of the International Religious Freedom Act.¹¹⁵
- Despite the absence of an extradition treaty, the US should repatriate Ashrafuzzaman Khan and Abdul Jabbar to Bangladesh to face justice for war crimes committed during the 1971 War.¹¹⁶

¹¹³ National Human Rights Commission of Bangladesh, <http://www.nhrc.org.bd/index.html>.

¹¹⁴ Terrorism Designations FAQs, US Department of State, <http://www.state.gov/r/pa/prs/ps/2014/01/219520.htm>.

¹¹⁵ Ineligibilities and Waivers: Laws, Bureau of Consular Affairs -- US Department of State, <http://travel.state.gov/content/visas/english/general/ineligibilities.html>.

¹¹⁶ "Bangladesh War Crimes Trial Proceeds Without ICNA Official." July 24, 2013, Investigative Project on Terrorism, <http://www.investigativeproject.org/4098/bangladesh-war-crimes-trial-proceeds-without-icna>; "Bangladeshis in New York Demand his Deportation," December 24, 2013, The Daily Star, <http://www.thedailystar.net/bangladeshis-in-new-york-demand-his-deportation-3738>.

MALAYSIA

Area 329, 847 sq km

Population 30,949,962 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>.

Religions Muslim (official) 61.3%, Buddhist 19.8%, Christian 9.2%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 1.3%, other 0.4%, none 0.8%, unspecified 1% (2010 est.)

Ethnic Groups Malay 50.1%, Chinese 22.6%, indigenous 11.8%, Indian 6.7%, other 0.7%, non-citizens 8.2% (2010 est.)

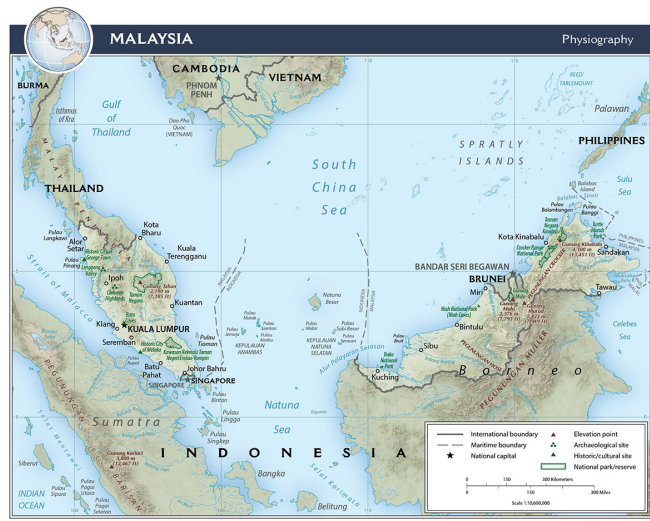
Languages Bahasa Malaysia (official), English, Chinese (Cantonese, Mandarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Punjabi, Thai, several indigenous languages (Iban and Kadazan)

Location Southeastern Asia, peninsula bordering Thailand and northern one-third of the island of Borneo, bordering Indonesia, Brunei and the South China Sea, south of Vietnam

INTRODUCTION

The human rights conditions of ethnic and religious minorities in Malaysia continued to deteriorate in 2016 amidst a worsening climate of repression and intolerance. Ethnic Indians continued to face economic and social marginalization due to the persistence of Bumiputra (sons of the soil) policies favoring the majority Malaysian Muslim community.

Islam also increasingly pervaded government policy and Malaysian society, while high ranking government officials made several statements reflective of a climate of escalating religious intolerance. Simultaneously, cumbersome restrictions on the religious rights of non-Muslims and members of minority-Muslims sects remained in place through 2016. Non-Muslim places of worship were subjected to inequitable treatment, marked by the ongoing



demolition and forced relocation of Hindu temples, often sanctioned by the government. Similarly, non-Muslims continued to be forced to adjudicate family law and “moral” matters in the Shariat (Islamic law) courts, where they faced severe disadvantages.

Despite government crackdowns on extremist groups in recent years, Islamic State (ISIS) ideology has gained traction in Malaysia and other parts of Southeast Asia. On June 27, 2016, ISIS carried out its first attack on Malaysian soil with a bombing of a bar and nightclub outside of Kuala Lumpur.¹¹⁷

Coinciding with the deterioration of religious freedom, there was a sharp decline in respect for basic civil rights and fundamental liberties in Malaysia. This included the repression of free speech and peaceful assembly, discrimination against LGBT activists, and police abuse and arbitrary detentions without trial.

HISTORY/BACKGROUND

Indian influence in the Malay-speaking world dates back to at least the third century BCE when traders arrived at the archipelago. Hinduism and Buddhism were both established in the region by the first century CE. Indian Hindu culture reigned from the seventh century, but by the twelfth century, Islam arrived and supplanted a Hindu empire and led to the conversion of most of the Malay-Indonesian world.¹¹⁸ The 1800s witnessed another influx of

¹¹⁷ Gunaratna, Rohan, “Islamic State’s First Terror Attack in Malaysia,” June 29, 2016, S. Rajaratnam School of International Studies, <http://www.rsis.edu.sg/rsis-publication/icpvtr/co16163-islamic-states-first-terror-attack-in-malaysia/#.WBoUnvkrK02>.

¹¹⁸ Malaysia,” Wikipedia, http://en.wikipedia.org/wiki/History_of_Malaysia.

ethnic Indian Hindus, who were forcibly brought to Malaysia by British colonialists to work as indentured laborers.¹¹⁹

An independent Federation of Malaya was established in 1957 which subsequently became Malaysia in 1963.¹²⁰ Upon their departure, the British left provisions in the constitution that favored Muslims and ethnic Malays, known as the Bumiputra (Sons of the Soil) policies.¹²¹ These provisions, enshrined in the constitution, created a system that left non-Malays as second-class citizens and provided a legal justification for the discrimination and oppression of ethnic and religious minorities.

The practical implications of these provisions led to the departure of nearly 500,000 mostly ethnic Chinese and Indian Malaysians, who were tired of being treated as second-class citizens, from the country between 2007 and 2009.¹²²

After years of suffering discrimination and persecution in silence, Hindus began to challenge the government's discriminatory practices in 2007, when they organized mass peaceful protests. The Malaysian government subsequently began to crack down on the Indian and Hindu communities, arbitrarily detaining and arresting hundreds of Hindus and banning Hindu organizations, such as the Hindu Rights Action Force (Hindraf), also known as Hindraf Makkal Sakthi (the ban was lifted in 2013).¹²³

In recent years, the Malaysian polity has become increasingly Islamized. Islamists have steadily gained influence over the judicial system since the 1990s, with the Federal Constitution amended in 1988 to give official recognition to Shariat. Similarly, the

National Fatwa Council, an organization comprised of Islamic legal experts within the Prime Minister's Office, has issued fatwas (religious edicts) with intensifying frequency and has banned practices it deems un-Islamic, such as yoga and participation in beauty pageants.¹²⁴

Many states have similarly implemented Shariat provisions targeting behavior considered inconsistent with official interpretations of Sunni Islam, including the prohibition of traditional performing arts, Mak Yong and Wayang Kulit, due to their animist and Hindu influences, respectively.¹²⁵

The increasing political reliance on religion has led to greater intolerance of non-Muslims and anti-minority sentiments. The ruling Barisan Nasional (BN) coalition, for example, has pursued policies influenced by Islam in an attempt to pander to its core Muslim Malay constituency.¹²⁶ United Malays National Organization (UMNO), the largest party in the coalition, in particular, has viewed itself as a guardian of Malay-Muslim supremacy, even as its political opponents similarly tout their Muslim "religious credentials."¹²⁷ As a consequence, ethnic and religious minorities have become further politically and socially marginalized and vulnerable to discrimination and violence.

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

Malaysia's Federal Constitution gives explicit preference to Muslims and establishes Islam as the official state religion. Article 3(1), for instance, recognizes that Islam is the official religion of Malaysia, thereby subjecting non-Muslims to an inferior status in the

¹¹⁹ Id.

¹²⁰ Id.

¹²¹ Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>.

¹²² Malott, J. R., "The price of Malaysia's racism," February 8, 2011, The Wall Street Journal, <http://online.wsj.com/article/SB10001424052748704422204576129663620557634.html>.

¹²³ Based on information and documents provided by Waytha Moorthy.

¹²⁴ International Religious Freedom Report for 2013: Malaysia, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹²⁵ Id.

¹²⁶ "Minorities Oppressed in Bid to Lure Malay Votes, Forum Told," February 21, 2014, Malaysia Today, <http://www.malaysia-today.net/minorities-oppressed-in-bid-to-lure-malay-votes-forum-told/>.

¹²⁷ Liow, Joseph Chinyong, "Malaysia's ISIS Conundrum," Brookings, <http://www.brookings.edu/research/opinions/2015/04/21-malaysia-isis-conundrum-liow>.

country.¹²⁸ Furthermore, although Article 11 guarantees the right to practice and profess one's religion and that every religious group may manage its own religious affairs, the Constitution simultaneously places limitations on those rights.¹²⁹ Non-Muslims are prohibited from propagating their religion amongst Muslims, and a non-Muslim must convert to Islam in order to marry a Muslim and have their marriage officially recognized by the state.¹³⁰

The Constitution further establishes a parallel court system with secular civil and criminal courts as well as Shariat courts. The Shariat courts have authority over Muslims in issues such as religion, marriage, divorce, inheritance, apostasy, and religious conversion, where the Federal courts have no jurisdiction. The Shariat courts, however, have exercised jurisdiction over non-Muslims, subjecting them to outright discrimination in intra-family disputes.¹³¹

There have been a number of cases where minor children were converted to Islam by a Muslim parent without the knowledge or consent of the non-Muslim parent. In these instances, the Shariat courts have typically found in favor of the Muslim parent and sanctioned the conversion, thereby violating the non-Muslim's parental rights.¹³²

Government imposed legal regulations also place restrictions on the ability of religious communities to openly practice, assemble, or register their orga-

nizations.¹³³ The Registrar of Societies, for example, enjoys "absolute discretion" to register or declare unlawful an organization or society believed to be a threat to national security or against "public order or morality,"¹³⁴ and requires all registered groups to support Islam as the religion of Malaysia.¹³⁵ A number of "deviant" non-Sunni Muslim sects, including Shiites and Ahmadiyyas, have been proscribed as they allegedly pose a risk to national security and Muslim unity.¹³⁶

Inequitable federal and state government policies in Malaysia similarly favor Muslim places of worship in the distribution of funds and through zoning and building ordinances that selectively impact non-Muslim religious structures. The government has also continued to utilize zoning ordinances to remove or destroy non-Muslim religious structures.¹³⁷

According to Hindu groups, approximately 23,000 Hindu temples/shrines in Malaysia have been denied legal status since independence in 1963, many in existence since the pre-independence era, while Muslim mosques built in the same period have been granted land titles.¹³⁸ The absence of land titles has also facilitated the government's demolition and forced relocation of Hindu temples. Since independence, for instance, 10,000 Hindu temples/shrines have reportedly been demolished, desecrated, or forcibly relocated and appropriated for "public use" under special laws (including

128 Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>.

129 *Id.*

130 Malaysia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

131 *Id.*

132 *Id.*; "Malaysian Lawmakers Struggle to Maintain Harmony," July 17, 2013, DW, <http://www.dw.de/malaysian-lawmakers-struggle-to-maintain-harmony/a-16958185>.

133 Malaysia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

134 "Malaysia 2013 Universal Periodic Review Submission," March 11, 2013, HRW, <http://www.hrw.org/news/2013/03/11/malaysia-2013-universal-periodic-review-submission>.

135 *Id.*

136 Malaysia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

137 *Id.*

138 "All Hindu Temples Denied Land Unlike All Masjids or Suraus," April 11, 2012, Human Rights Party Malaysia, <http://www.humanrightspartymalaysia.com/2012/04/11/all-hindu-temples-denied-land-unlike-all-masjids-suraus-instead-rm-5k-or-rm-10k-given-racist-umno-agenda/>.

private shrines located on plantation estates).¹³⁹

The Malaysian state has also placed burdensome requirements, not required of other religions, on the ability of Hindu temples to bring foreign priests and religious workers into the country.¹⁴⁰

Hindu temples and religious sites have also been subjected to attacks by non-state actors. Three temples, for instance, were broken into and vandalized over a two-month period in June and July in Penang State, and in August, three ISIS militants were arrested for planning an attack on a famous Hindu temple in the Batu Caves.¹⁴¹

Special Focus on Conversions: S. Deepa Case

In April 2013, S. Deepa,¹⁴² a 29-year-old Hindu woman discovered that her estranged husband, Izwan Abdullah, had converted her two children, Sharmila and Mithran (ages five and eight at the time) to Islam without her knowledge or consent. Izwan, who left the family 16 months earlier, took the children from their school in April and had them converted at an Islamic center. When Deepa challenged the conversions, she was told by an officer at the Islamic center that she had to pursue the case in the Shariat courts. Izwan was initially granted custody of the children by a Shariat court, but Deepa challenged it in a civil court and eventually obtained a custody order for both her children at the Seremban state High Court. Izwan subsequently abducted their son from Deepa's home, however, and Deepa was reportedly "dragged along the stone-strewn road outside her

*house until she dropped to the ground, scratched and sobbing, as her ex-husband drove off."*¹⁴³ The police, however, did not act on the Seremban Court's custody order in favor of Deepa due to a conflicting Shariat court order in Izwan's favor still in place, and the kidnapped son, Mithran remained with Izwan.

In January 2015, the Federal Court granted Izwan a stay against the Seremban Court's custody order, allowing Izwan to keep his son until the next hearing date. The Federal Court reconvened to hear the case in February 2016, reversing the Seremban Court's decision in part, by awarding custody of Mithran to Izwan, while awarding custody of their daughter, Sharmila to Deepa.

The Federal Court's decision was heavily criticized by legal experts and human rights activists, terming it an endorsement of Izwan's abduction of Mithran. Although the Federal Court ruled that custody or divorce cases in civil marriages should only be heard by civil courts, unless both parties are Muslims, it failed to speak on cases of unilateral conversions of children to Islam. Moreover, by awarding custody of Mithran to Izwan, it ended up validating the jurisdiction of the Shariat courts in such cases between Muslims and non-Muslims. The Federal Court also disregarded Izwan's history of domestic violence, including the 25 domestic violence police reports filed by Deepa during their marriage, an interim protection order against Izwan in 2013, and Izwan's threats to also kidnap Sharmila.

139 "Malaysian Indian Minority & Human Rights Violations Annual Report 2010," Human Rights Party Malaysia, <http://www.humanrightspartymalaysia.com/books/annualrightsviolations2010.pdf>; "Malaysia: Lawyers and judges face intimidation in 'Allah' case," January 15, 2010, Amnesty International Public Statement, <http://www.amnesty.org/en/library/asset/ASA28/001/2010/en/11666cd9-2e83-44f4-8d03-f8177a47af0b/asa280012010en.pdf>; "Malaysia: State orchestrated destruction of Hindu temples," June 15, 2006, Asian Human Rights Commission Urgent Appeals, <http://www.ahrchk.net/ua/mainfile.php/2006/1781>.

140 Lavendran, G., "Hindus Hit by Shortage of Priests," June 21, 2013, Free Malaysia Today, <http://www.freemalaysiatoday.com/category/nation/2013/06/21/hindus-hit-by-shortage-of-priests/>.

141 Kaur, Balvin, "Third Penang Hindu Temple Attacked in Two Months," July 3, 2-16, New Straight Times, <http://www.nst.com.my/news/2016/07/156549/third-penang-hindu-temple-attacked-two-months>; PTI, "Malaysia: Three ISIS Militants Arrested for Planning Attack on Temple in Batu Caves," August 31, 2016, The Indian Express, <http://indianexpress.com/article/world/world-news/malaysia-three-isis-militants-arrested-for-planning-attack-on-temple-in-batu-caves-3005635/>.

142 "Federal Court Should Have Granted Deepa Custody of Both Children, Malaysian Bar Says," February 22, 2016, The Malay Mail Online, <http://www.themalaymailonline.com/malaysia/article/federal-court-should-have-granted-deepa-custody-of-both-children-malaysian>; "Malaysian Lawmakers Struggle to Maintain Harmony," July 17, 2013, DW, <http://www.dw.de/malaysianlawmakers-struggle-to-maintain-harmony/a-16958185>; "Woman Decries Childrens' Conversion to Islam," June 8, 2013, Free Malaysia Today, <http://www.freemalaysiatoday.com/category/nation/2013/06/08/woman-decrieschildrens-conversion-to-islam/>; "Federal Court Ruling in Deepa Custody Case Violating Non-Muslim Rights, Says Hindraf," January 15, 2015, The Malay Mail Online, <http://www.themalaymailonline.com/malaysia/article/federal-court-ruling-in-deepa-custody-case-violating-non-muslim-rights-says>.

143 Grudgings, Stuart, "In Malaysia, Islam's Legal Advance Divides Families and Nation," July 13, 2014, Reuters, <http://www.reuters.com/article/2014/07/13/us-malaysia-islam-feature-idUSKBN0FI01J20140713>.

Institutional Discrimination

The Bumiputra policies, encompassed in Articles 153 and 160 of the Constitution, collectively relegate ethnic and religious minorities to second-class citizenship not deserving of equal protection under the law.¹⁴⁴ The provisions afford a special status to ethnic Malays by defining “Malay” as a “person who professes the religion of Islam, habitually speaks the Malay language, [and] conforms to Malay custom...”¹⁴⁵

The policies have had far reaching implications for minorities and have resulted in severe economic, social, and educational discrimination. For instance, Muslim Malays are afforded “preferential treatment in areas including property ownership, higher education, civil service jobs, business affairs, and government contracts.”¹⁴⁶

Government projects are primarily given to Malay Bumiputra individuals and organizations, while all government procurement requires the involvement of or outright Malay equity participation in the supplying organization. Furthermore, Malays are disproportionately promoted in the civil service to assure that Malays fill the highest policy-making positions, regardless of objective performance standards.

In addition, minorities have been grossly underrepresented in higher education and account for less than 20 percent of all college admissions, despite comprising one third of the Malaysian population.¹⁴⁷

And in mixed public schools, non-Muslim Malay students frequently face discrimination and harassment from teachers and school administrators. Moreover, Muslim prayers are commonly held to begin school assemblies or programs. Although non-Muslim students are not required to take Islamic studies classes that are compulsory for Muslims, requests for the inclusion of non-Islamic religion classes have been denied by the government.¹⁴⁸

Beyond economic and educational discrimination, state development programs have resulted in the “massive forced displacement” of Indian rubber estate workers without compensation, land, or other economic or employment opportunities. According to the Malaysian Centre for Public Policy Studies, approximately 600,000 Indian estate workers had been displaced throughout the country, while Hindraf has estimated that there were 800,000 displaced Indian workers.¹⁴⁹

A complex set of repressive laws restricting speech, assembly, and giving security forces broad detention powers, have further violated the fundamental civil liberties of Malaysians.¹⁵⁰ Sedition laws have been utilized as a political tool to silence criticism of the government and have also been used to punish perceived insults to Islam.¹⁵¹ Human rights groups also contend that police abuse is widespread, and according to Hindraf, such abuse disproportionately impacts the Indian Hindu community.¹⁵²

144 Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>.

145 Id.

146 Malaysia, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/malaysia>.

147 “Malaysian Ethnic Minorities Missing out on Education Opportunities,” September 2, 2013, BBC News Video, <http://www.bbc.co.uk/news/world-asia-23925344>.

148 Malaysia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

149 Fernandez, Joe, “Waytha Calls for Setting Up of Minority Affairs Ministry,” Mar 30, 2016, Hindraf, <http://www.hindraf.co/index.php/news-statements/1623-0306>; Shankar, Athi, “Hindraf: Pakatan Manifesto a Big Letdown,” February 27, 2012, Free Malaysia Today, <http://www.freemalaysiatoday.com/category/nation/2013/02/27/hindraf-pakatan-manifesto-a-big-letdown/#sthash.fYl3jBB5.dpuf>; “Waytha to Quit Government Posts,” February 8, 2014, Free Malaysia Today, via email from Hindraf.

150 “Detained Without Trial: Abuse of Internal Security Act Detainees in Malaysia,” Human Rights Watch, <http://www.hrw.org/reports/2005/malaysia0905/index.htm>; “Hindraf Declared Illegal,” October 15, 2008, The Star Online, <http://www.thestar.com.my/news/story.asp?file=/2008/10/15/nation/20081015184431&sec=nation>; “Malaysia,” World Report 2014, Human Rights Watch, <http://www.hrw.org/world-report/2014/country-chapters/malaysia?page=3>.

151 Malaysia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights; and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

152 Based on information provided by Waytha Moorthy.

CONCLUSION AND RECOMMENDATIONS

2016 was marked by a progressive erosion of human rights and civil liberties for the Malaysian people. Discriminatory Bumiputra policies benefitting Muslim Malays, restrictions on the religious freedom of non-Muslims and minority Muslim sects, and the silencing of freedom of speech, continued to plague this multi-ethnic and multi-religious Southeast Asian nation. Moreover, the systematic suppression of political dissent continued unabated.

Rather than reform discriminatory policies and repressive laws, the ruling coalition government under Prime Minister Najib Razak has taken steps to solidify its hold on political power and appease hardliners and its core Muslim Malay constituency.

Consequently, there are a number of steps that Malaysia must take to improve human rights conditions for all its citizens.

Recommendations to the Government of Malaysia

- We support the recommendation of Hindraf Makkal Sakthi to create a Minority Affairs Ministry to examine and address the plight of the marginalized non-Malay population.
- Repressive laws should be rescinded or revised to allow for the free exercise of speech, assembly, and association and to end arbitrary detentions and police abuses.
- Religious freedom should be granted to non-Sunni Muslims consistent with those rights granted to their fellow Muslim citizens, including the rights of minority Muslims sects to register their associations and freely practice their religion in public.
- Non-Muslim places of worship, particularly Hindu temples, must be protected from further destruction, desecration, and appropriation by the government and non-state actors. Additionally, non-Muslim religious sites and institutions should be treated on par with Muslim religious institutions.
- The conflict between civil law and Islamic law must be resolved and any matter involving

non-Muslims should be subject to the jurisdiction of the civil courts, regardless if it is a family law dispute with a Muslim.

- The ruling government must uphold its prior commitment to reform Bumiputra laws.

Recommendations to the International Community

- It is also incumbent upon the US and the international community to exert pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and to allow freedom of speech and assembly by amending repressive laws. This can be partially achieved by implementing the recommendations made during Malaysia's UPR by the UN Human Rights Council.
- The US should further revisit its trade ties with Malaysia, as the Barisan National government continues to distribute economic entitlements to the majority Muslim Malay population. These policies not only impact minorities, but also affect the country's economy and the viability of foreign investment. Putting pressure on Malaysia to reform these policies will benefit American investors, while addressing the economic marginalization of the Indian and Chinese minorities.

ISLAMIC REPUBLIC OF PAKISTAN

Area 796,095 sq km

Population 201,995,540 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>.

Religions Islam (official) 96.4% (Sunni 85-90%, Shia 10-15%), other (includes Christians, Hindus¹⁵³ and Sikhs) 3.6% (2010 est.)

Ethnic Groups Punjabi 44.68%, Pashtun (Pathan) 15.42%, Sindhi 14.1%, Saraiki 8.38%, Muhajirs (immigrants from India at the time of Partition and their descendants) 7.57%, Balochi 3.57%, other 6.28%

Languages Punjabi 48%, Sindhi 12%, Saraiki (a Punjabi variant) 10%, Pashto (alternate name, Pash-tu) 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, English (official; lingua franca of Pakistani elite and most government ministries), Burushaski, and other 8%

Location Southern Asia, bordering the Arabian Sea, between India on the east and Iran and Afghanistan on the west and China in the north

INTRODUCTION

Human rights and religious freedom conditions continued to deteriorate at an unprecedented rate in the Islamic Republic of Pakistan in 2016. Pakistan's widespread violation of human rights and its tolerance of human rights violations by non-state actors demonstrate a blatant disregard for international human rights norms and its obligations under human rights treaties and conventions.

The blasphemy laws, restrictions on the Ahmadiyya Muslim faith, and ongoing forced conversions of Hindu and Christian girls continued to plague religious minorities. Moreover, the constitutional preference for Islam, religious identification laws, and negative depiction of non-Muslims in school textbooks institutionalized discrimination and the



second-class status of minorities.

Similarly, Hindus and other minorities have been subjected to the bonded labor system, attacks on religious sites, and other acts of intolerance at the hands of non-state actors with the complicit or implicit support of government officials (or failure to act).

In a rare positive step, the Hindu Marriage Bill was passed in Pakistan's National Assembly and promulgated into law by the President in March 2017, legally recognizing Hindu marriages for the first time in the country's history. The law has not yet been implemented nationwide at the time of the writing of this report, however.

The country was also plagued by large-scale sectarian violence as militant groups operated freely and targeted minorities with impunity. A bomb attack targeting Christians celebrating Easter in Lahore on March 27, 2016 carried out by Jamaat-ul-Ahrar, an offshoot of Tehreek-e-Taliban, resulted in the

¹⁵³ There are no clear statistics on the number of Hindus, but estimates put them anywhere from 1.6% to 5.5%, according to Hindu community groups.

deaths of 72 people and over 300 injured, including both Christians and Muslims.¹⁵⁴

Commenting on the situation facing religious minorities in Pakistan, analyst and author, Farhanaz Ispahani, recently stated: “Officially mandated textbooks reject pluralism and represent minorities, especially Hindus, in an extremely negative light. In recent years Pakistan has witnessed some of the worst organized violence against religious minorities since Partition. From January 2012 until now, at least 450 incidents of sectarian violence have been reported. These incidents led to 3755 casualties, including 1551 deaths.”¹⁵⁵

Beyond religious freedom violations, the government’s suppression of the civil and human rights of ethnic minorities continued unabated. A recent report from the Federal Human Rights Ministry, for instance, found that close to 1,000 dead bodies of Baloch activists and separatists have been recovered in Balochistan province over the past six years, pointing to a pattern of extrajudicial killings and abuses by security forces.¹⁵⁶

Moreover, in Pakistan Occupied Kashmir, the interim constitution places legal restrictions on political rights and freedom of expression by banning parties that do not explicitly endorse Kashmir’s accession to Pakistan. Similarly, government employees are required to express their support for accession.¹⁵⁷

HISTORY/BACKGROUND

The modern Pakistani state was created through the partitioning of the subcontinent in 1947, following the British withdrawal from India. Partition and the accompanying violence forced millions of Hindus

and Sikhs to flee Pakistan for the safety of India. As a result, the number of Hindus declined from 15% in West Pakistan (not including Bangladesh, or the former East Pakistan) at the time of partition to approximately 2% by 1951. In contrast, although many Muslims left India for Pakistan at the time of partition, the percentage of Muslims has continued to increase in post-independence India. According to India’s 1951 census, Muslims accounted for 9.8% of the population, while the 2011 census put them at 14.2%.¹⁵⁸

Similarly, in the city of Karachi, the Hindu population decreased from 51% in 1947 to only 2% in 1951, while the Muslim population in the city went from 42% to 96% during that same period.¹⁵⁹ Notwithstanding its recent decline, Hindu civilization and culture flourished in Pakistan for thousands of years.

There are conflicting figures on the current number of Hindus residing in Pakistan, and the government has not conducted a census since 1998. The 1998 census places the number at 1.6%,¹⁶⁰ although Hindu organizations, such as the Pakistan Hindu Council (PHC), estimates that the Hindu population is actually higher.¹⁶¹

At independence, Pakistan proclaimed itself an Islamic Republic. Since then, Islam has become a central part of the country’s national ideology and legal framework. In the 1980s, the country became increasingly Islamized under Zia-ul-Haq. There has also been a recent proliferation of Islamic schools, or madrasas, in the past 50 years. Current estimates show that there are over 10,000 madrasas in Pakistan, whereas in 1956, there were only 244. Many of these schools teach extreme and intolerant interpretations of Islam to children as young as five years

154 “Timeline of Major Attacks on Minorities in Pakistan,” March 28, 2016, The Express Tribune <http://tribune.com.pk/story/721785/timeline-attacks-on-minorities/>.

155 “Hindu American Foundation Hosts Leading Diplomats, Civil Rights Advocates at Inaugural Policy Conference & 13th Annual DC Advocacy Day,” June 28, 2016, HAF, <https://www.hafsite.org/whats-new/haf-hosts-leading-diplomats-civil-rights-advocates-inaugural-policy-conference-13th-annual>.

156 “Balochistan War: Pakistan Accused Over 1,000 Dumped Bodies,” December 28, 2016, BBC <http://www.bbc.com/news/world-asia-38454483>.

157 Pakistani Kashmir, Freedom in the World 2016 Report, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/pakistani-kashmir>.

158 Office of the Registrar General & Census Commissioner, India, Ministry of Home Affairs, Government of India, <http://censusindia.gov.in/>.

159 A. Hasan, A. Zaidi, M. Younus, “Understanding Karachi: Planning and Reform for the Future,” (1999), City Press.

160 “Census of Pakistan,” Government of Pakistan, http://www.statpak.gov.pk/depts/pco/statistics/other_tables/pop_by_religion.pdf.

161 “Hindu Population,” Pakistan Hindu Council, <http://www.pakistanhinducouncil.org/hindupopulation.asp>.

old.¹⁶² This process of indoctrination has not been limited to madrasas, however, as the public school system similarly teaches hatred for minorities, particularly Hindus, and glorifies violent jihad.

During the last several years, the rights of Pakistani minorities have deteriorated at an alarming rate. I.A. Rehman, Director of the Human Rights Commission of Pakistan (HRCP), associated this erosion with the continued Islamization of the country initiated by former President General Zia-ul-Haq in the 1980s.¹⁶³

Despite rampant human rights violations and war crimes committed by numerous Pakistani regimes, historically, Pakistan's actions have been tolerated by the international community due to the country's strategic location and perceived importance in the region.

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

In Pakistan, the freedom of religion continued to elude religious minorities and members of minority Muslim sects. Although the Constitution guarantees religious freedom to its citizens under Articles 20-22,¹⁶⁴ minorities have been unable to freely practice their faith without fear of attacks or persecution. For example, Article 20 which states, "Every citizen shall have the right to profess, practice and propagate his religion; and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions," has proven meaningless.¹⁶⁵

Furthermore, many of the rights theoretically provided for in the Constitution are subordinated to government regulations and constitutional injunc-

tions shaped by Islamic law, thereby denying equal protection and religious freedom to non-Muslims.

The absence of specific laws protecting the equal rights of all Pakistani citizens is similarly problematic. For instance, until March 2017 there was no law to officially recognize Hindu marriages, resulting in widespread discrimination against Hindu women. The new law still has to be implemented nationwide and without registered marriages, Hindu women face numerous obstacles obtaining identification cards as well as other documents, lack property and divorce rights, and are subject to kidnappings and forced conversions.¹⁶⁶

Moreover, according to Pakistani American comparative law expert, Waris Husain, Pakistan currently lacks effective legislation that clearly defines discrimination, and it fails to provide adequate legal redress to victims of discriminatory acts or violent hate crimes.¹⁶⁷

Discriminatory Provisions in the Legal System

Islam has been institutionalized in the Constitution and pervades all aspects of the legal system. Article 2 of the Constitution proclaims that Islam is "the State religion of Pakistan" and recognizes the Koran and Sunnah as the highest sources of law, not to be contradicted by secular laws, while Article 31 protects and promotes the Islamic way of life and moral standards, among many other provisions.¹⁶⁸

Additionally, Article 203A - J establishes the power and jurisdiction of the Federal Shariat Courts, while Articles 227 - 231 provide that all laws must be in conformity with Islamic injunctions and create an Islamic Council to advise Parliament and Provincial

162 Haqqani, Husain, "Islam's Medieval Outposts," November/December 2002, Foreign Policy, <http://www.husainhaqqani.com/reforming/journal%20articles/1/1.htm>.

163 Baabar, Mariana & Mir, Amir, "Many Hindus are Leaving Pakistan," January 23, 2006, Outlook India, <http://www.outlookindia.com/fullprint.asp?choice=2&fodname=20060123&fname=Cover+Story&sid=1>.

164 "The Constitution of Pakistan and Fundamental Rights," Sustainable Development Policy Institute, http://www.sdpi.org/know_your_rights/know%20you%20rights/The%20Constitution%20of%20Pakistan.htm.

165 The Constitution of the Islamic Republic of Pakistan, <http://www.pakistani.org/pakistan/constitution/>.

166 Based on information received from Ramesh Jaipal, Chairman of the Hare Rama Foundation.

167 Husain, Waris, "A Decree to Counter Discrimination," June 2, 2012, Dawn, <http://dawn.com/2012/06/02/a-decree-to-counter-discrimination/>.

168 The Constitution of the Islamic Republic of Pakistan, <http://www.pakistani.org/pakistan/constitution/>; "Pakistan: The Land of Religious Apartheid and Jackboot Justice," A Report to the UN Committee Against Racial Discrimination, (August 2007), Asian Centre for Human Rights, <http://www.achrweb.org/reports/cerd/Pakistan-CERD2007.pdf>.

Assemblies on whether laws contradict Islamic injunctions.¹⁶⁹

The Pakistani Constitution also lays out explicit restrictions on non-Muslims, such as Article 41(2), which provides that an individual must be Muslim in order to hold the office of President of Pakistan.¹⁷⁰ Similarly, it requires that high office holders must take the oath of office by invoking an Islamic prayer, regardless of whether they are Muslim. The oath starts with, “In the name of Allah, the most Beneficent, the most Merciful,” and ends with “May Allah Almighty help and guide me, (A’meen).”¹⁷¹

Furthermore, freedom of religion is severely limited and “subject to law, public order and morality.”¹⁷² Consequently, actions or speech deemed derogatory to Islam or the Prophet Mohammed are not protected. Moreover, the Constitution requires that laws be consistent with Islam and imposes elements of Koranic law on both Muslims and non-Muslims alike.¹⁷³

And freedom of speech under Article 19 of the Constitution is “subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan.”¹⁷⁴ This constitutional clause provides in part the justification for criminalizing blasphemy under the penal code.

The blasphemy laws codified by Pakistan’s Penal Code (Sections 295B and C, and 298A-C), impose severe punishments for perceived insults to the Prophet Mohammed or desecration of the Koran,¹⁷⁵

and prohibit Ahmadiyyas from using Islamic terminology and symbols and from “preaching their faith or pos[ing] as Muslims.”¹⁷⁶ Punishments range from imprisonment for three years and a fine to life imprisonment and the death penalty.¹⁷⁷

The blasphemy laws have received widespread support from both radical Islamist organizations and purportedly mainstream political parties,¹⁷⁸ and a large majority of the Pakistani people.¹⁷⁹ These archaic laws have harmed all sections of Pakistani society, but have had a disproportionate impact on religious minorities. The laws have emboldened Muslim extremists and in many instances, the mere allegation of blasphemy is used as a pretext to attack and kill minorities.¹⁸⁰

Other statutory provisions, such as religious identification laws, discriminate against minorities, by requiring an individual to identify their religion on legal documents, including in passports and computerized national identity cards.¹⁸¹ These laws have “otherized” religious minorities and left them vulnerable to the denial of government services and jobs.

According to HRCP, discriminatory laws and constitutional injunctions in Pakistan have led to social discrimination and have reduced “religious minorities to second-class citizens whose rights and welfare are easily ignored and violated both by the majority community and the state.”¹⁸²

169 The Constitution of the Islamic Republic of Pakistan, <http://www.pakistani.org/pakistan/constitution/>.

170 Id.

171 Id.

172 Id.

173 Id.

174 Id.

175 Pakistan Penal Code, <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html>.

176 Id.

177 Id.

178 “PML-Q will protest changes in blasphemy laws: Shujaat,” September 20, 2009, Daily Times, http://www.dailytimes.com.pk/default.asp?page=2009%5C09%5C20%5Cstory_20-9-2009_pg7_18.

179 “Q&A: Pakistan’s Controversial Blasphemy Laws,” November 20, 2012, BBC News, <http://www.bbc.co.uk/news/world-south-asia-12621225>.

180 Ahmad, Naveed, “Pakistan Faces Criticism for Harsh Blasphemy Law,” February 19, 2014, Religion News Service, <http://www.religionnews.com/2014/02/19/pakistan-faces-criticism-harsh-blasphemy-law/>.

181 “Religion column in MRPs restored: Rashid,” March 22, 2005, Pak Tribune, <http://www.paktribune.com/news/index.shtml?98755>.

182 “Freedom of Religion 2007,” HRCP, <http://www.hrcp-web.org/pdf/Archives%20Reports/AR2007.pdf>.

Temples/Religious Sites

Pakistan is home to several ancient Hindu temples and pilgrimage sites, but there has been a drastic decline in the number and condition of Hindu temples since the country's partition in 1947. Thousands of temples have been destroyed or converted into mosques in the years since then, particularly in the period following the demolition of the Babri Masjid in India in 1992.

In subsequent years, there have been a number of attacks on temples, pilgrimage sites, and religious leaders. Government authorities and law enforcement have failed to protect temples, and a Sindh provincial government plan to hire 2,000 Hindu and Christian police officers to protect temples and churches has not been implemented.¹⁸³

Many of the existing temples in Pakistan also suffer from decay and neglect and are subject to illegal encroachments or government sanctioned demolition.¹⁸⁴ The problem largely stems from the inability of Hindus to independently control many of their places of worship. Currently, the Evacuee Trust Property Board (ETPB), a government body, is responsible for managing a large number of Hindu and Sikh properties,¹⁸⁵ including temples and crematoriums, left behind by Hindus and Sikhs who fled for India at the time of Partition in 1947.¹⁸⁶ The ETPB lacks Hindu representation and has consistently

failed to consult Hindu organizations.¹⁸⁷ Pakistan Hindu Seva Welfare Trust, a leading NGO for the Hindu community in Sindh, asserts that there are only 20 operational Hindu temples remaining out of 428 in the country, with the remaining leased for commercial or residential purposes.¹⁸⁸

The ETPB's illegal sale of Hindu and Sikh properties has further caused problems in conducting cremations, (cremation is an integral last rite in Hinduism and Sikhism) and many Hindus and Sikhs have been forced to bury their dead.¹⁸⁹

In Khyber Pakhtunkhwa province, for example, only a handful of the approximately 1,250 Hindu families are able to arrange for cremation rites for deceased family members. Haroon Sarbdiyal, Chairman of the All Pakistan Hindu Rights Movement, recently noted that there are not enough shamshan ghats (cremation grounds) for Hindus in the province and most are too far to travel, forcing many Hindus to bury their dead in graveyards.¹⁹⁰

Islamic Extremism

According to a recent US Department of Defense briefing, approximately 20 percent of the 98 US designated terrorist organizations in the world are based in the AfPak region.¹⁹¹ And data from the South Asia Terrorism Portal (SATP) indicates that there were 1,803 terrorism related deaths in Pakistan in

183 Latif, Aamir, "Pakistani to Recruit 2,000 Christian, Hindu Policemen," March 25, 2015, <http://www.aa.com.tr/en/world/483830--pakistan-to-recruit-2-000-christian-hindu-policemen>.

184 Ali, Tahir, "Pak's Hindu temples turned into picnic spots, hotels," February 24, 2011, Rediff India Abroad, <http://www.rediff.com/news/slide---show/slide---show---1---paks---hindu---temples---turned---into---picnic---spots---hotels/20110224.htm>; Qaswar, Abbas, "Soft Target in Pakistan," May 30, 2011, India Today, <http://indiatoday.intoday.in/site/story/hindus-in-pakistan-victims-of-abduction-forced-conversions-and-oppression/1/138751.html>; Thomas, Antony, "Hindu and Sikh Temples Targeted in Pakistan," April 9, 2010, The Chakra, <http://www.chakranews.com/hindu-and-sikh-temples-targeted-in-pakistan/710>.

185 The ETPB also controls 135,000 acres of land belonging to Hindu farmers, of which 125,000 acres are fertile land suitable for cultivation.

186 "Life at Risk: Report of HRCF Working Group on Communities Vulnerable because of their Beliefs," Human Rights Commission of Pakistan, <http://www.hrcp-web.org/pdf/Life%20at%20risk.pdf>; Ali, Tahir, "Pak's Hindu temples turned into picnic spots, hotels," February 24, 2011, Rediff India Abroad, <http://www.rediff.com/news/slide---show/slide---show---1---paks---hindu---temples---turned---into---picnic---spots---hotels/20110224.htm>.

187 Rana, Yudhvair, "100-Yr-old Temple in Pak Being Used as Auto Workshop," May 7, 2008, Times of India, http://www1.timesofindia.indiatimes.com/100-yr-old_temple_in_Pak_being_used_as_auto_workshop/articleshow/3016680.cms; Ali, Tahir, "Pak's Hindu temples turned into picnic spots, hotels," February 24, 2011, Rediff India Abroad, <http://www.rediff.com/news/slide---show/slide---show---1---paks---hindu---temples---turned---into---picnic---spots---hotels/20110224.htm>.

188 Based on information received directly from Pakistan Hindu Seva Welfare Trust.

189 Shinwari, Sher Alam, "Many Sacred Buildings Lost to Mafias: Hindus, Sikhs in KP Without Cremation Sites," December 2, 2012, Dawn, <http://dawn.com/2012/12/02/many-sacred-buildings-lost-to-mafias-hindus-sikhs-in-kp-without-cremation-sites/>.

190 "Hindus Forced to Bury Their Dead with Fe and Far Crematoriums," Rani, Saba, February 27, 2016, The Express Tribune, <http://tribune.com.pk/story/1055169/not-a-place-to-die-hindus-forced-to-bury-their-dead-with-few-and-far-crematoriums/>.

191 "Department of Defense Press Briefing by General Nicholson in the Pentagon Briefing Room," December 2, 2016, News Transcript, US Department of Defense <https://www.defense.gov/News/Transcripts/Transcript-View/Article/1019029/departement-of-defense-press-briefing-by-general-nicholson-in-the-pentagon-brief>.

2016, including 612 civilians, 293 security personnel, and 898 terrorists/militants.¹⁹²

The Pakistani military establishment has long utilized many of these terrorist/militant groups to pursue its perceived foreign policy interests vis-à-vis India and Afghanistan, as well as in support of its domestic priorities.¹⁹³ Pakistan's ISI, for instance, has engaged in a proxy war in India's state of Jammu and Kashmir since the late 1980s by supporting terrorist groups there. In addition, it has supported Khalistan militants seeking to create an independent Sikh nation in the Indian state of Punjab.¹⁹⁴

Moreover, there are a number of groups operating freely throughout the country, who promote Islamic rule, violent jihad (holy war), and hatred towards non-Muslims. These include the Sunni sectarian Lashkar-e-Jhangvi (LeJ) and Lashkar-e-Taiba (LeT), which carried out the Mumbai terrorist attacks. Other major groups include the Lashkar-e-Omar (a loose coalition of several militant groups), Tehreek-e-Nafaz-e-Shariat-e-Mohammadi, Muslim United Army (an umbrella organization consisting of several extremist groups), Hizb-ul-Mujahideen and Jaish-e-Mohammed (anti-Indian groups operating in Kashmir), and Afghan Taliban groups (ex: Quetta Shura and the Haqqani Network).¹⁹⁵

These organizations have enjoyed a varying degree of support from the military and ISI, even though some, such as Tehreek-e-Taliban (Pakistani Taliban), have launched attacks on the Pakistani state. Al Qaeda also maintains several bases in Pakistan and functions with the tacit assistance of the Pakistani military establishment.¹⁹⁶ ISIS has similarly been

significantly expanding its reach in Pakistan, due in part to the recruitment of former Pakistani Taliban members. Other militant groups, such as Jundallah and Tehreek-e-Khilafat, have pledged allegiance to the Islamic State.¹⁹⁷

In 2016, ISIS claimed responsibility for a number of attacks, including the August 8 suicide attack on the Quetta Civil Hospital that killed over 97 people. The attack was a joint operation between ISIS and Jamaat-ul-Ahrar, a splinter group of the Pakistani Taliban. According to Pakistani author and analyst, Mehwish Rani, "ISIS has spread in a manner similar to a corporate franchise: drawing weaker local players under its 'brand' and into a loosely constituted network of radical actors."¹⁹⁸

Beyond the military and ISI's connections to extremist groups, civilian government officials, including Prime Minister Nawaz Sharif and his Pakistan Muslim League-Nawaz (PML-N) party have enjoyed extensive links with radical groups, particularly in their home base of Punjab. Sharif's brother, Shahbaz who is the Chief Minister of Punjab province, has distributed state funds to organizations such as Jamaat-ud-Dawa (JuD), the charitable front for LeT.¹⁹⁹

Islamists have also increasingly created an intolerant and repressive atmosphere, and exerted extensive influence over government officials and policies. Furthermore, Islamist radical groups have imposed Islamic law in areas under their control, particularly in Khyber Pakhtunkhwa and the tribal areas. Militants in the tribal areas, including Khyber Agency, have forced Hindus and Sikhs to pay a punitive tax known as jizya (a tax historically imposed on

192 "Fatalities in Terrorist Violence in Pakistan, 2003-2017, SATP, <http://www.satp.org/satporgtp/countries/Pakistan/database/casualties.htm>.

193 "Pakistan's New Generation of Terrorists," Laub, Zachary, November 18, 2013, CFR Backgrounder, <http://www.cfr.org/pakistan/pakistan-new-generation-terrorists/p15422>.

194 "Pro-Khalistani Terrorists Residing in Pakistan," SATP, http://www.satp.org/satporgtp/countries/india/document/papers/pakistan_report/anex_h.htm.

195 SATP, <http://www.satp.org/satporgtp/countries/pakistan/terroristoutfits/index.html>.

196 Id.

197 "Taliban Splinter Group in Pakistan Vows Allegiance to ISIS," November 18, 2014, Al Akhbar, <http://english.al-akhbar.com/content/taliban-splinter-group-pakistan-vows-allegiance-isis>; Zavadski, Katie, "ISIS now has Military Allies in 11 Countries Around the World," November 23, 2014, NY Mag, <http://nymag.com/daily/intelligencer/2014/11/isis-now-has-military-allies-in-11-countries.html>.

198 Rani, Mehwish, "The Marketplace of Terrorist Ideas," Foreign Affairs, https://www.foreignaffairs.com/articles/pakistan/2016-08-31/market-place-terrorist-ideas?cid=nlc-fatoday-20160901&sp_mid=52208868&sp_rid=c2FtaXJAAaGFmc2I0ZS5vcmcS1&spMailingID=52208868&spUse-rid=MjE5MDA4NDI0MDMzMzS0&spJobID=1000335585&spReportId=MTAwMDMzNTU4NQs2.

199 Sharma, Vidya S., "Pakistan's New Prime Minister Shows Extremism Wins Elections," June 28, 2013, East Asia Forum, <http://www.eastasiaforum.org/2013/06/28/pakistans-new-prime-minister-shows-extremism-wins-elections/>.

non-Muslims living under Islamic rule) in return for their protection.²⁰⁰

In Karachi, the Taliban has firmly established roots and created a “lucrative criminal enterprise.”²⁰¹ With its expanding influence on the peripheries of the city, the Taliban has started implementing Sharia law in areas under its control. For instance, it has started hearing complaints and administering Sharia based punishments for a range of crimes, including public lashes for an alleged theft.²⁰² Moreover, the South Asia Terrorism Portal indicates that LeT and JuD founder, Hafiz Muhammad Saeed, had reportedly created an extrajudicial Islamic law court in Lahore to adjudicate claims and force citizens to comply with its summons.²⁰³ Saeed was placed under house arrest at the beginning of 2017.

Religiously Motivated Violence

There were multiple attacks on religious minorities in 2016, including the Easter bombing targeting Christians in March and a mob attack by 2,000 Islamist radicals on an Ahmadiyya mosque in Chakwal, Punjab in December.²⁰⁴

Beyond high-profile attacks by militants, minorities were harassed, threatened, intimidated, and attacked on a routine basis throughout the year. Hindus were particularly vulnerable to violence, and police and local government officials did little to protect the community or investigate specific incidents.

In June, an elderly Hindu man, Gokal Das, was brutally assaulted by a police official, Ali Hassan Haidrani, and his brother in a village in Ghotki,

Sindh for publicly eating during the Muslim fast of Ramazan. The eighty-year old Das was eating food he received through a charity. Although Haidrani was initially arrested, local police reportedly helped him escape police custody.²⁰⁵

The following month, two young Hindu boys were shot by members of a mob at a tea stall in Mirpur Mathelo, in the Ghotki district of Pakistan’s Sindh province. Kumar Satish Dewan, age 17, succumbed to his injuries, while his friend Avinash (full name not disclosed) was in critical condition following the attack. The incident occurred shortly after Amar Lal, a Hindu male from the area, who is said to have converted to Islam a few months prior, was handed over to authorities by a mob for allegedly burning pages of the Quran. His mental condition was described to local media outlets by locals as “unstable.” Police failed to stop mobs throughout the district from ransacking Hindu-owned businesses and shops, as well as destroying public property in the area.²⁰⁶

And in August, at least four Hindus were killed in individual incidents in what were described as religiously motivated attacks.

The frequent abductions of Hindus for ransom or forced conversions was also an ongoing concern for the Hindu community, which remained in a continuous state of insecurity. The failure of government authorities to protect Hindus has forced many to pay local gangs “protection money” to avoid being kidnapped for ransom. Often times, however, a family is unable to pay “protection money” and cannot afford the demanded ransom, resulting in

200 “FIDH-HRCF Workshop Seeks Urgent Steps to End Faith-Based Violence,” January 29, 2014, HRCF, <http://hrcf-web.org/hrcfweb/fidh-hrcf-workshop-seeks-urgent-steps-to-end-faith-based-violence/>; “Advani airs concern at jizya on Hindus, Sikhs in Pakistan,” July 1, 2009, The Daily Pioneer, <http://www.dailypioneer.com/186316/Advani-airs-concern-at-jizya-on-Hindus-Sikhs-in-Pakistan.html>.

201 “Pakistan’s New Generation of Terrorists,” Laub, Zachary, November 18, 2013, CFR Backgrounder, <http://www.cfr.org/pakistan/pakistan-new-generation-terrorists/p15422>.

202 “At Least Three Taliban Militants Shot Dead in Karachi,” November 13, 2013, BBC News, <http://www.bbc.co.uk/news/world-asia-24922932>; “How the Taliban Gripped Karachi,” March 20, 2013, BBC News, <http://www.bbc.co.uk/news/world-asia-21343397>.

203 Pakistan Assessment 2016,” SATP, <http://www.satp.org/satporgtp/countries/pakistan/index.htm>.

204 Shams, Shamil, “The Persecution of Ahmadis in Pakistan and Beyond,” December 13, 2016, DW, <http://www.dw.com/en/the-persecution-of-ahmadis-in-pakistan-and-beyond/a-36748924>.

205 “Hindu Man Beaten for Eating in Ramazan,” June 12, 2016, The Express Tribune, <http://tribune.com.pk/story/1121012/hindu-man-beaten-eating-ramazan/>.

206 “Blasphemy Law Leaves Hindu Boy Shot Dead, Another in Critical Condition,” July 27, 2016, Hindu American Foundation, <https://www.hafsite.org/pakistan%E2%80%99s-blasphemy-law-leaves-hindu-boy-shot-dead-another-critical-condition>.

the abducted victim being murdered.²⁰⁷ Moreover, those that have resisted kidnapping attempts have been killed.²⁰⁸ Hindu community leaders claim that kidnappings have become common and that “highwaymen and kidnappers” have been given a “free hand.” They further allege that police and other law enforcement agencies are patronizing the kidnappers.²⁰⁹

Kidnapping/Forced Conversions

Minority women in Pakistan are particularly vulnerable to violence and have been subject to discrimination, harassment, and sexual assaults. Abductions and forced conversions, in particular, are the most serious problem facing Hindu and Christian women and girls. Often, after being abducted, these girls are forcibly married to unknown men, raped, sold off, or forced into prostitution.

Several Islamic seminaries in Sindh incite their Muslim students to convert Hindu girls, telling them that it is the equivalent of Haj-e-Akbari, or the greatest religious duty for Muslims.²¹⁰ These seminaries, or madrasas, hold the kidnapped Hindu girls against their will, convert them to Islam, and subsequently force them to marry Muslims.²¹¹ Threatened into silence and fearful for the safety of their families, the girls are then taken to a local court by their abductors, where the judge usually sanctions the legality of the marriage and conversion.²¹² Furthermore, many of the girls are between the ages of 12 and 18, well below the legal age for marriage (16 years for girls) and unable to comprehend the process. In some cases, courts order the girls to be sent to

Darul Amans (Islamic women’s shelters), where they have been further threatened and harassed and are unable to meet their parents.²¹³

Although there are no definitive statistics on the number of incidents, many NGOs and human rights groups, including Global Human Rights Defence (GHRD) and the Movement for Solidarity and Peace, have estimated that more than 1,000 Hindu and Christian girls are kidnapped and forced to convert to Islam annually.²¹⁴ Similarly, the Human Rights Commission of Pakistan (HRCP) has asserted that as many as 20 to 25 girls from the Hindu community in Pakistan are abducted every month and converted forcibly to Islam.²¹⁵ The actual numbers are likely much higher as many incidents have not been publicized or reported due to fear or other factors.²¹⁶ Hindu community groups indicate that poor Hindu girls in rural communities are the most vulnerable to abductions and conversions, as powerful landlords are able to exert their will without consequences.

Reports received from Hindu human rights activists and NGOs in Pakistan, as well as from community organizations working with Pakistani Hindu refugees in India have confirmed the extensive nature of this trend to HAF.

Moreover, a recent documentary film, *Thrust into Heaven*, details the process often utilized to convert Hindu girls in Sindh and identifies Mian Mithoo of Ghotki and Pir Sarhandi of Umerkot as two of the most powerful clerics that have been responsible for facilitating the conversions of hundreds of Hindu girls. The film looks at both forced conversions and

207 “Pakistan: The Land of Religious Apartheid and Jackboot Justice,” A Report to the UN Committee Against Racial Discrimination, August 2007, Asian Centre for Human Rights, <http://www.achrweb.org/reports/cerd/Pakistan-CERD2007.pdf>.

208 “Balochistan: Blinkered slide into chaos,” June, 2011, HRCP, https://docs.google.com/viewer?url=http%3A%2F%2Fwww.hrcpweb.org%2Fpdf%2Fbalochistan_report_2011.pdf.

209 Press Trust of India, “Hindu spiritual leader kidnapped; protests across Balochistan,” December 26, 2010, Deccan Herald, <http://www.deccanherald.com/content/123065/hindu-spiritual-leader-kidnapped-protests.html>.

210 “Pakistan: Another Hindu Girl Forcibly Converted to Islam After Being Abducted,” January 9, 2007, Asian Human Rights Commission, <http://www.ahrchk.net/ua/mainfile.php/2007/2158/>.

211 “Minority Rights: Hindu Members Suggest Interfaith Marriage Body,” May 22, 2012, The Express Tribune with The International New York Times, <http://tribune.com.pk/story/382232/minority-rights-hindu-members-suggest-interfaith-marriage-body/>.

212 Rodriguez, Alex, “Hindus in Pakistan Accuse Muslims of Kidnappings Teens as Wives,” April 22, 2012, Los Angeles Times, <http://www.latimes.com/news/nationworld/world/la-fg-pakistan-hindu-conversions-20120423,0,4186272.story>.

213 Based on information received from International Sindhi Women’s Organization.

214 Global Human Rights Defence, <http://www.ghrd.org/home/>; Javaid, Maham, “Forced Conversions Torment Pakistan’s Hindus,” August 18, 2014, Al Jazeera, <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>.

215 Javaid, Maham, “Forced Conversions Torment Pakistan’s Hindus,” August 18, 2014, Al Jazeera, <http://www.aljazeera.com/indepth/features/2014/08/forced-conversions-torment-pakistan-hindus-201481795524630505.html>.

216 Id.

conversions that prey on poor Hindu girls and offer them money to convert.²¹⁷ Sarhandi claimed that converted girls are free to go home if they changed their minds, but acknowledged that anyone that left Islam would be considered an apostate under Islamic law, which accords the death penalty for apostasy.²¹⁸

As in previous years, there were a number of incidents in 2016, including the following examples.

14 year-old Jeevti, the daughter of Hindu bonded laborers, was abducted in the middle of the night by the family's landlord. The landlord took Jeevti, converted her to Islam and made her his second wife, because he claimed the family owed him \$1,000. Jeevti's mother, Ameri Kashi Kohli, said the police and local court failed to take any action against the landowner.²¹⁹

Similarly, on April 9, three teenage Hindu girls, Pirma Bheel, Kiran Meghwar, and Leelan Jogi, disappeared from their villages in Sindh. Hindu community leaders, including Rameksh Kumar Vankwani, head of the Pakistan Hindu Council and Member of Pakistan's National Assembly, alleges that the three girls were kidnapped and forcibly converted to Islam by powerful local Muslims. One of the abductors was reportedly supported by Faqir Sher Mohammad, a member of Pakistan's Lower House. The girls remain missing.²²⁰

Special Focus: Harya

Harya, a young Hindu girl and the oldest of five children, went missing from her village in Umerkot, Sindh in early 2016, after going out to retrieve water from a nearby well. Harya's family followed her footsteps to the home of a powerful villager. After being told she was not there, the family contacted the police, but to no avail.

The following week, Harya's family found out from

other villagers that Harya had been in fact abducted, forcibly converted to Islam, married off, and was being kept at the home of that powerful villager. She was subsequently taken to court where the judge said she was now a Muslim and legally married to the man that abducted her.

False documents and statements are often produced and accepted in court in such cases, showing that the girl was legally married and converted voluntarily. Judges routinely ignore the girl's age and whether force, threats, or coercion was used.

Harya's family challenged the court's decision, exhausting all of their money and possessions to bring her home, and was eventually successful when a higher court reversed the decision and ordered her returned to her family. Favorable decisions are rare in these types of cases and in most instances the girls never return home.

Fortunately, Harya was released after spending more than a month with her abductors and alleged that she had been beaten and assaulted by her husband/abductor. She also alleged that, "A female police officer gave me some kind of an injection. Both the judge and the police were bribed..They told me I was married. They also told me I was now a Muslim."

In order to protect themselves, Harya and her family fled to another village and sheltered Harya inside the home. They had been only one of two Hindu families in their old village.²²¹

In an attempt to address the issue, the Sindh provincial legislature adopted the Sindh Criminal Law (Protection of Minorities) Bill in November to criminalize forced conversions. The bill makes it a punishable offense for anyone to force a child under 18 years of age to change their religion and enter into a marriage. The Protection of Minorities Bill is designed to protect the rights of vulnerable girls

217 Thrust into Heaven, 2016, Being in the World Productions, <http://www.beingintheworld.eu/?q=trust>.

218 Tanzeem, Ayesha, "Pakistani Hindus Complain of Forced Conversion of Teenage Girls," March 18, 2016, Voice of America, <http://www.voanews.com/a/pakistani-hindus-complain-of-forced-conversion-of-teenage-girls/3243234.html>.

219 "They Always Choose the Prettiest": How Girls are Enslaved for Debt Payment in Pakistan," December 23, 2016, Times of India, http://timesofindia.indiatimes.com/world/pakistan/they-always-choose-the-prettiest-how-girls-are-enslaved-for-debt-payment-in-pakistan/articleshow/56137395.cms?utm_source=toimobile&utm_medium=Twitter&utm_campaign=referral.

220 "Anger Over Kidnappings, Forced Conversions of Hindus in Pakistan," April 25, 2016, India Today, <http://indiatoday.intoday.in/story/pakistan-kidnaps-forcibly-converts-teenage-girls-of-hindu-minority-in-sindh/1/650629.html>.

221 Tanzeem, Ayesha, "Pakistani Hindus Complain of Forced Conversion of Teenage Girls," March 18, 2016, Voice of America, <http://www.voanews.com/a/pakistani-hindus-complain-of-forced-conversion-of-teenage-girls/3243234.html>.

by prosecuting those that use threats, violence, or duress to forcibly convert girls and force them into marriage.²²²

HRCF, along with many other human rights and minority rights groups welcomed the legislation stating: “In adopting Sindh Criminal Law (Protection of Minorities) Bill the Sindh Assembly has responded to an oft-voiced concern of members of religious minority communities, especially Hindus, against forced conversion, mainly of girls and young women in the province.”²²³

Soon after it was passed, however, the legislation came under attack from religious extremist parties, who demanded its reversal. By January 2017, the Sindh Governor returned the Bill to the Sindh Assembly without ratifying it and asked them to reconsider a new version of it, due to pressure from Islamist parties.

HAF, along with a coalition of international and Pakistan-based human rights groups, and religious freedom advocates, wrote to Pakistani government officials in support of the bill and called on the government not to make any amendments that would undermine its original intention and protections for minority girls.

Institutional Discrimination & Social Prejudice

Hindus, along with other religious and ethnic minorities, face systemic economic, political, and educational discrimination in Pakistan. Discrimination and societal prejudice has impacted Hindus across the country and regardless of socioeconomic status, though poor landless Hindus have been particularly vulnerable to persecution.

In a positive move, the Hindu Marriage Bill was passed in Pakistan’s National Assembly and promulgated into law by the President in March 2017. The bill, which officially recognizes Hindu marriages for the first time in the country’s history, was tabled by the country’s Human Rights Minister, Mr. Kamran Michael, and agreed upon by all political parties after several months of deliberation, along with consultation with civil society groups.²²⁴

The Hindu Marriage Act is viewed as an attempt to bring legitimacy to marriages occurring within the Hindu population, which had previously not been officially recognized. There were reportedly some concerns about specific provisions in the bill that allow the annulment of Hindu marriages by either husband or wife, which may result in forced conversions of women to Islam.²²⁵

Religious minorities are also politically disenfranchised, have been intentionally excluded from voter lists, and are severely underrepresented in the federal and provincial legislatures. At the federal level, there are only ten reserved seats for minorities out of 342 total seats in the National Assembly and political parties make decisions on who to nominate for those positions, leaving non-Muslim voters with little say in who represents them.²²⁶

Similarly, minorities are underrepresented in government services according to a recent census of federal civil servants. Hindus, for instance, held only 0.21% of available civil service positions, well below their population of 1.6%.²²⁷ Hindus were not even allowed to join the armed forces until the year 2000 and remain severely underrepresented.²²⁸

Beyond political discrimination, most Hindus in Pakistan are poor and economically marginalized, with large

222 “Pakistan: Sindh Provincial Assembly Passes New Law Prohibiting Forced Religious Conversion,” December 22, 2016, Global Legal Monitor, The Law Library of Congress, <http://www.loc.gov/law/foreign-news/article/pakistan-sindh-provincial-assembly-passes-new-law-prohibiting-forced-religious-conversion/>.

223 “HRCF Praises Law on Conversions, Urges Enforcement,” November 30, 2016, Human Rights Commission of Pakistan, <http://hrfp-web.org/hrfpweb/hrfp-praises-law-on-conversions-urges-enforcement/>.

224 “President Mamnoon Promulgates Hindu Marriage Bill into Law,” March 19, 2017, Dawn, <https://www.dawn.com/news/1321498>.

225 “Hindu Americans Laud Passage of Pakistan National Assembly’s Hindu Marriage Act,” September 27, 2016, Hindu American Foundation, <https://www.hafsite.org/hindu-americans-laud-passage-pakistan-national-assembly%E2%80%99s-hindu-marriage-act>.

226 Pakistan, Freedom in the World 2015, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/pakistan#.VZSkqfm6fIU>.

227 “Pakistan: The Land of Religious Apartheid and Jackboot Justice,” A Report to the UN Committee Against Racial Discrimination, August 2007, Asian Centre for Human Rights, <http://www.achrweb.org/reports/cerd/Pakistan-CERD2007.pdf>.

228 “I am a Hindu—and a Proud Pakistani,” Quartz India, <http://qz.com/435699/i-am-a-hindu-and-a-proud-pakistani/>.

numbers enslaved by the debt bonded labor system.

HRCP estimates that there are between three and eight million bonded laborers across the country, primarily in Sindh and Punjab provinces.²²⁹ Hindu bonded laborers work in a number of sectors, such as agriculture, brick kilns, mining, and domestic households, according to Pakistani Hindu refugees in India.²³⁰ Hindu bonded laborers have also reportedly been induced into converting to Islam by mosques and Islamic organizations who pay off their debt in return for their conversion.²³¹ Federal laws and provincial legislation have been ineffective in addressing the issue, while local police and government authorities have perpetuated the problem by refusing to register complaints against abusive landowners.

Furthermore, the education system continues to teach hatred towards religious minorities and promote violent jihad. Despite recent promises by federal and provincial government officials to improve the educational system, Pakistan's public school and madrasa textbooks indoctrinate students with prejudicial and intolerant views. A 2016 study conducted by the Pakistan-based NGO Peace and Education Foundation (PEF), *Teaching Intolerance in Pakistan: Religious Bias in Public School Textbooks*, notes that religious minorities are consistently described as "untrustworthy, religiously inferior, and ideologically scheming" across textbooks.²³²

The following extracts from textbooks provide a few specific examples of the inflammatory content taught in Pakistani public schools.²³³

- "Because the Muslim religion, culture and social system are different from non-Muslims, it is impossible to cooperate with Hindus." (Sindh/

Punjab Province Tenth Grade Urdu Textbook)

- "There were two enemies of Muslims, the Englishmen and Hindus. Both of these were against the formation of Pakistan. On one hand, the Englishmen renounced the division plan of Hindustan, while on the other hand, Hindus were planning to occupy the entire Hindustan and enslave Muslims..." (Sindh Province Seventh grade Urdu Textbook)
- "Christians learned tolerance and kind heartedness from Muslims. The fair treatment and good governance of Muslims improved the living standard of the region. They started to live prosperous and peaceful lives under the patronage of Muslims." (Punjab Province Sixth Grade Islamic Studies Textbook)
- "Prophet (PBUH) said that 'Jihad will continue till the end of times'. Jihad is going on in different parts of the world. Many Mujahidins of Islam are participating in Jihad for sake of Allah, for protection of their religion, to help their oppressed brothers, and to get freedom from tyranny," it read. "As a student if you cannot practically participate in Jihad you can at least financially help in preparation of Jihad." (KP Eighth Grade Islamic Studies Textbook)

Non-Muslims have also been forced to take Islamiyat classes for years without any options for studying their own religion in schools. In January 2016, however, the Sindh Textbook Board finally took steps to introduce an ethics course book for all seventh grade classes in government schools that provides information about all religions and is aimed at preventing non-Muslim students from being forced to take Islamiyat classes.²³⁴

Equally troubling is the societal intolerance and prejudice towards religious minorities and attempts by religious groups to erase all aspects of non-Mus-

229 "Three to Eight Million People Work as Bonded Labour in Pakistan," January 2, 2012, The Express Tribune with The International New York Times, <http://tribune.com.pk/story/315246/debt-bondage-three-to-eight-million-people-work-as-bonded-labour-in-pakistan/>.

230 Based on several interviews of Pakistani Hindu Refugees in Jodhpur, India, January 15 – 17, 2013.

231 Mandhro, Sameer, "Mass conversions: For Matli's poor Hindus, 'lakshmi' lies in another religion," January 21, 2012, The Express Tribune, <http://tribune.com.pk/story/324799/mass-conversions-for-matli-s-poor-hindus-lakshmi-lies-in-another-religion/>.

232 Brown, Laretta, "Study: Public School Textbooks in Pakistan Teach Intolerance of Non-Muslims," April 14, 2016, CSN News, <http://www.csn-news.com/news/article/laretta-brown/study-public-school-textbooks-pakistan-teach-intolerance-non-muslims>.

233 Id.; Andrei, Mihai, "Study: Pakistan's public school textbooks portray non-Muslim citizens as 'religiously inferior, scheming and intolerant'" April 18, 2016, ZME Science, <http://www.zmescience.com/science/news-science/pakistan-religion-17042016/>

234 Salim, Yusra, "Multifaceted Learning: Non-Muslim Students Across Sindh to Study 'Ethics' from April 1," January 26, 2017, The Express Tribune, <https://tribune.com.pk/story/1034710/multifaceted-learning-non-muslim-students-across-sindh-to-study-ethics-from-april-1/>.

lim culture from Pakistani life. This includes shared Indian and Pakistani cultural festivals, such as the spring festival of Basant, recently banned by the Punjab provincial government due to its Hindu roots. Even seemingly mainstream groups and institutions have resisted the public recognition of Hindu culture and religious festivals, as exemplified by organized opposition to an announcement by the Sindh government to declare Holi as a public holiday.

The Chairman of the Pakistan Schools Management Association, Sharafuz Zaman, for instance, stated, "Today we are announcing a public holiday for Holi, tomorrow we will be telling everyone to read Ramayana!" Zaman added that he believed having a holiday for Holi will have "a negative impact on the young and innocent children" and further noted, "What do we tell them? Do we tell them it's a festival where people throw colours, drink bhang, and dance? If someone wants to go play holi, they can go ahead...But by declaring it a public holiday, we have advertised it in every home."²³⁵

There has also been a burgeoning popularity of Islamic themed television shows and "Islamic TV evangelist[s]" that preach religious intolerance.²³⁶ Private TV channels have similarly featured derogatory content targeting minorities. A recent performer, for instance, referred to Hindus as dogs and was greeted with laughter from the audience, thereby normalizing the dehumanization and inferiority of Hindus.²³⁷

Refugees

Over the past several years, there has been a significant upsurge in the migration of Pakistani Hindus

to India, in an attempt to escape rampant economic and social discrimination and escalating violence. Between 2009 and 2012, an estimated 11,000 refugees fled from Balochistan province to India,²³⁸ in addition to thousands of others from Sindh and southern Punjab province.

And in May 2014, a Hindu politician from the Pakistan Muslim League-Nawaz claimed that approximately 5,000 Hindus flee Pakistan annually to escape discrimination and forced conversions.²³⁹ Similarly, community organizations working with the refugees in India have confirmed the large scale migration.²⁴⁰

In India, the majority of refugees have settled in Rajasthan²⁴¹ in approximately 400 camps, with an estimated 1,500–2,000 Pakistani Hindus settling there annually, based on information received from Universal Just Action Society, the primary NGO working with the refugees in Jodhpur, Rajasthan. Additionally, there are significant numbers in Punjab, Haryana, Gujarat, Madhya Pradesh, and the capital of New Delhi.²⁴² In Madhya Pradesh, for instance, there are 35,000 Pakistani Hindus according to the All India Sindhi-Hindu Society.

There are now an estimated 200,000 refugees from Afghanistan, Bangladesh, and Pakistan living in India, the majority of whom are Hindus and Sikhs.²⁴³

Starting in 2014, the Indian government began taking several steps to address the influx of Pakistani Hindu refugees, including relaxing citizenship requirements and providing long-term visas. Statistics from 2015 show that nearly 19,000 Pakistani Hindus had been given long-term visas in Madhya Pradesh, 11,000 in

235 Khatri, Sadia, "How the Public Holiday on Holi Underscores Bigotry in Pakistan," May 12, 2016, Dawn, <http://www.dawn.com/news/1247663/how-the-public-holiday-on-holi-underscores-bigotry-in-pakistan>.

236 Azhar, Mobeen, "The Rise of Pakistan's Televangelists," July 13, 2012, BBC News, <http://www.bbc.co.uk/news/magazine-18729683>.

237 "Don't Target Hindus Says Pakistani Daily," April 17, 2016, Business Standard, http://www.business-standard.com/article/news-ians/don-t-target-hindus-says-pakistani-daily-116041700388_1.html#.

238 Gannon, Kathy, "Pakistan's Minorities Have no Faith in Democracy," May 7, 2013, Boston.com, <http://www.boston.com/2013/05/07/entry-cont/QMAoh8LOT0FCmZ1k4nZyFI/story.html>.

239 Pakistan, Freedom in the World 2015, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/pakistan#.VZSkqfm6fIU>.

240 Based on discussions with Hindu Singh Sodha and other SLS volunteers in Jodhpur, January 15-17, 2013.

241 Id.

242 Jha, Bhagish K., "1,000 Pak Hindus Migrate to Indore," December 13, 2012, The Times of India, http://articles.timesofindia.indiatimes.com/2012-12-13/indore/35796154_1_pakistani-hindus-bjp-citizenship.

243 "Pakistan Assessment 2016, SATP, <http://www.satp.org/satporgtp/countries/pakistan/index.htm>.

Rajasthan, and 4,000 in Gujarat.²⁴⁴

In July of 2016, the Citizenship (Amendment) Bill, 2016 was introduced in the Lok Sabha (Lower House of Parliament) to ease citizenship requirements for Hindus, Christians, Sikhs, Jains, and Parsis fleeing religious persecution in Afghanistan, Bangladesh, and Pakistan. Specifically, it would allow these religious refugees to be eligible for citizenship, regardless of whether they were in India illegally and would reduce the Indian residency requirements from 11 years to six years, among other provisions.²⁴⁵

Despite these positive developments, information received from the refugee camps and NGOs in India indicate that Pakistani Hindu refugees are still struggling with health issues and socio-economic conditions, and many of the camps lack rudimentary facilities.

In addition to Pakistani minorities fleeing to India in large numbers, approximately 11,500 Pakistanis (mainly Christians) have pending asylum claims in Thailand and are starting to receive identity cards from the UN High Commissioner for Refugees.²⁴⁶ And an estimated 10,000 Ahmadiyyas have sought asylum in Germany, UK, and the US over the past year, and have accounted for the largest group of Pakistani filing for asylum in the US.²⁴⁷

CONCLUSION AND RECOMMENDATIONS

Religious minorities continued to suffer at an alarming rate in 2016, with several high-profile targeted bombings of minority communities and attacks on places of worship. Much of this extremist violence can be traced back to the education system and textbooks that promote religious intolerance and glorify violent jihad.

Women of minority faiths, in particular, endured violence and discrimination on account of both

their gender and religious identity. Hindu and Christian girls, for instance, were systematically kidnapped, forcibly converted to Islam, and married to Muslim men. Furthermore, while the passage of the Hindu Marriage Act is a positive step, until it is implemented throughout the country Hindu women will continue to be denied their basic right to vote, obtain property and family rights, and access government services.

The blasphemy laws, restrictions on Ahmadiyyas' religious practices, and government interference with Hindu and Sikh places of worship, also posed significant challenges for religious minorities.

The subsequent sections, therefore, put forth recommendations for both the Government of Pakistan and the international community to improve religious freedom and human rights conditions in the country.

Recommendations to the Government of Pakistan

- The ETPB should transfer control over Hindu temples and crematoriums to representatives of the Hindu community or alternatively, Hindus should be appointed to lead the ETPB to prevent the illegal sales and encroachment of Hindu religious sites.
- Provide adequate security to places of worship, including full implementation of the plan to hire 2,000 Hindu and Christian policemen to guard religious sites.
- The number of reserved seats for religious minorities in both federal and provincial legislatures should be increased to afford them adequate political representation.
- Closely monitor schools to ensure that non-Muslims are not forced to take Islamiyat classes and strictly enforce the provision of

244 Tripathi, Rahul, "Steep Rise in Citizenship to Hindus and Sikhs from Pakistan and Afghanistan Under PM-Modi Led Government," May 21, 2015, The Economic Times, http://articles.economicstimes.indiatimes.com/2015-05-21/news/62459829_1_indian-citizenship-citizenship-requests-citizenship-act.

245 "The Citizenship (Amendment) Bill, 2016, PRS Legislative Research, <http://www.prsindia.org/billtrack/the-citizenship-amendment-bill-2016-4348/>.

246 "Pakistan Assessment 2016, SATP, <http://www.satp.org/satporgtp/countries/pakistan/index.htm>.

247 "Thousands of Ahmadi Fleeing Persecution in Pakistan and Seeking Asylum Overseas," September 4, 2016, Rabwah Times, <https://www.rabwah.net/thousands-of-ahmadis-fleeing-persecution-in-pakistan-and-seeking-asylum-overseas/>.

separate ethics courses for minorities.

- Enforce current laws prohibiting bonded labor and provide increased training and funding to police at the local level to combat the practice.
- Hindu marriage laws should be enforced in all provinces across the country.
- Repeal and/or revise discriminatory and inequitable laws and constitutional provisions. Furthermore, create an administrative agency to adjudicate claims of discrimination by state actors and provide legal redress to victims of hate violence.
- Train local law enforcement to better deal with vigilante justice and mob attacks on individuals accused of committing blasphemy.
- Train local law enforcement on how to deal with kidnappings, forced conversions, and involuntary marriages of Hindu and Christian girls. Police must also crack down on mosques that promote such activities and ensure the safety of girls and their families.
- Pass the Sindh Criminal Law (Protection of Minorities) Bill to criminalize forced conversions and protect the rights of Hindu (and other non-Muslim) girls, without making amendments or watering down its provisions.

Recommendations to the International Community

- The United Nations Human Rights Council (UNHRC) and General Assembly should censure Pakistan for its human rights record through resolutions. While these resolutions are non-binding, they would keep attention focused on Pakistan's human rights record.
- The International Monetary Fund and the World Bank should apply economic pressure on Pakistan by placing preconditions on future loans requiring the government to meet certain democratic and human rights indices.
- Those fleeing or those that have fled Pakistan on account of religious persecution and who meet the requirements of the Geneva Convention should be accorded "refugee" status by UNHCR in accordance with international law.

- India should take all necessary steps to provide long-term legal status and ease citizenship requirements for Pakistani Hindus that have fled religious persecution. Accordingly, the government should adopt and implement the Citizenship (Amendment) Bill, 2016 to assist refugees from Pakistan, Afghanistan, and Bangladesh.
- The central Indian government and relevant state governments should address the basic socio-economic needs of newly arriving refugees.

Recommendations to the US Government

- The US Department of State should classify Pakistan as a Country of Particular Concern (CPC) due to its blatant disregard for human rights and religious freedom. This would place international attention on Pakistan's human rights record and enable the US to leverage sanctions on Pakistan, if necessary.
- The US should designate and block the assets of any Pakistani entities, political parties, or individuals that commit or pose a risk of committing terrorist acts, or provide material and financial support to terrorist organizations under Executive Order 13224.
- The US should shift its relationship from a military centric one to one based on supporting civil society, democracy, and human rights. Moreover, military aid should be limited and require strict accounting for every dollar Pakistan receives to prevent funds from being diverted to destabilize India or Afghanistan.
- Civilian assistance should be focused on meaningful constitutional and legal reform to provide equality and religious freedom for minorities. Alternatively, humanitarian and economic assistance should be provided for the benefit of the country's marginalized minorities.
- Current USAID teacher training programs should incorporate sensitivity training to address discriminatory attitudes towards religious minorities and support for violent extremism among many teachers.

COUNTRIES OF SERIOUS CONCERN

Countries labelled as Serious Concern have committed severe human rights violations against their Hindu minority, but not rising to the level of Egregious Violators. These countries or regions include the following: **Kingdom of Bhutan**, the **Indian state of Jammu and Kashmir** (this designation is based only on the treatment of the Hindu minority in this particular state and is not a comment on the state of human rights in general in India), and the **Democratic Socialist Republic of Sri Lanka**.

KINGDOM OF BHUTAN

Area 38,394 sq km

Population 750,125 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>.

Religion Lamaistic Buddhist 75.3%, Indian and Nepalese-influenced Hinduism 22.1% (estimates on the number of Hindus vary according to Hindu groups), other 2.6%

Ethnicity Ngalop (also known as Bhote) 50%, ethnic Nepalese 35% (includes Lhotsampas, one of several Nepalese ethnic groups), indigenous or migrant tribes 15%

Languages Sharchhopka 28%, Dzongkha (official) 24%, Lhotshamkha 22%, other 26%

Location Southern Asia, landlocked, between China and India

INTRODUCTION

Bhutan has undergone significant changes in recent years as it transitions to a democracy, but little progress has been made on implementing human rights reforms. Bhutan's continued use of nationalist policies and discriminatory laws violate basic norms of international law.

Specifically, the government suppresses the civil liberties of its people by placing arbitrary restrictions on religious freedom, creating obstacles for the construction of non-Buddhist places of worship,



repressing minority linguistic and cultural rights, denying citizenship rights to thousands of residents, and strictly limiting political activity.

The longstanding refugee issue also remains unresolved as the government continues to refuse to repatriate any of the expelled Nepali, primarily Hindu, refugees. These ethnic Nepalis, known as Lhotshampas, were exiled and ethnically cleansed from the country in large numbers more than 20 years ago under discriminatory citizenship laws and the "One Nation, One People" policy aimed at forced ethnic and religious cohesion.

At the same time, though the conditions of resettled Bhutanese refugees in the US have improved, the community still faces many challenges, including a high incidence of mental illness and suicide, language barriers, difficulty obtaining employment, and difficulty retaining their cultural and religious traditions in the face of aggressive and predatory Christian missionaries.

HISTORY/BACKGROUND

Bhutan is a multi-ethnic, multi-lingual country home to a number of ethnic and religious groups, including Drukpa Buddhists and Lhotshampas, the overwhelming majority of whom are Hindu, but also include Tamang and Gurung who are Buddhist, and Kirati who are animists. Although Drukpa Buddhists are politically and religiously dominant, Lhotshampas comprise a substantial minority. The Lhotshampas are descendants of Nepalese who have lived in

Bhutan for centuries, with increased immigration to the southern lowlands of Bhutan in the nineteenth century.²⁴⁸

During the 1980s, the Bhutanese authorities adopted a series of nationalist policies that sought to undermine the influence of the ethnic Nepalis, including citizenship laws that disenfranchised many ethnic Nepalis by declaring them “illegal immigrants.”²⁴⁹

In the name of national integration, the government implemented various ethnically, religiously, and linguistically discriminatory policies such as the “One Nation, One People” policy, aimed at forced homogenization of a multi-ethnic society. This policy was designed to annihilate the culture, religion, and language of Lhotshampas and other minority ethnic, religious, and linguistic groups. Under its regulations, all other ethnic and minority groups were required to disregard their distinct social and cultural identities, and conform to the socio-religious framework created by the politically and economically dominant Drukpa Kargyudpa, to which the royal family belongs.²⁵⁰ This resulted in the banning of the Nepali language (spoken by Lhotshampas) in schools, for instance.

In order to enforce these policies, the government pursued a violent pogrom of intimidation of the Lhotshampas in southern Bhutan. Their property was destroyed, and activists were arbitrarily detained and tortured. Individuals were forced to sign “voluntary migration certificates” before being expelled from the country.²⁵¹ In December 1990, the authorities announced that Lhotshampas, who could not prove that they were residents of the country before 1958, must leave the country. The lack of official identity documents for many Lhotshampas, despite having roots in the country for generations, made proving

residency virtually impossible. This made tens of thousands of Lhotshampas stateless, forcing them to flee to Nepal and the Indian state of West Bengal. It is estimated that more than 100,000 Bhutanese citizens, approximately one-sixth of the kingdom’s total population of 700,000, were forced to leave.²⁵²

Following the crackdown, the government severely curtailed the basic religious rights of the remaining Hindu community, including closing Hindu temples in Lamidara, Surey, Sharbang, and Dagapela, while turning the Sanskrit Pathshalas (schools) in Lami-dara, Surey, and Dagapela into army barracks. This state suppression of the Hindu community in Bhutan continued for more than two decades.²⁵³

Additionally, Bhutanese American community leaders assert that the government then began “resettling” Bhutanese from the Northern, Eastern, and Western parts of the country into the South and onto the lands of the exiled Lhotshampas, even changing the traditional Nepali names of villages and landmarks to Drukpa Buddhist names.²⁵⁴

The refugees that sought shelter in India (approximately 18,000) were not granted formal refugee status and have been forced to work as manual laborers to survive and live on the margins of Indian society.²⁵⁵ In Nepal, on the other hand, the United Nations High Commission for Refugees (UNHCR) set up camps to accommodate the Bhutanese refugees, which swelled to an estimated 108,000. Many of the refugees that did not live in the camps assimilated into Nepali society.

Bhutan’s refusal to repatriate any of the refugees led to the “resettlement movement” beginning in 2007, whereby the refugees were resettled from Nepal to third-party countries. To date, over 100,000 refugees

248 Leech, Garry, “Happiness and Human Rights in Shangri La,” March 25, 2013, Critical Legal Thinking, <http://criticallegalthinking.com/2013/03/25/happiness-and-human-rights-in-shangri-la/>.

249 Id.

250 Id.

251 Amnesty International Press Release on Bhutan, March 17, 2008, <http://www.amnesty.org.au/refugees/comments/10628/>.

252 Id.

253 Based on information received directly from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party.

254 Based on information received from Bhutanese refugee community members.

255 Mahalingam, Dr. M., “Imbroglio of Bhutanese Hindu Diaspora: An Indian Perspective,” August 3, 2012, Bhutan News Service, <http://www.bhutannewsservice.com/column-opinion/opinion/imbroglio-of-bhutanese-hindu-diaspora-an-indian-perspective/>.

have been resettled in third countries, including approximately 90,000 in the United States. There are now only around 10,000 registered refugees remaining in two camps in Nepal.

Although the former monarchy is now seemingly transitioning to a democracy, with two consecutive elections in 2008 and 2013, many of the discriminatory policies favoring Buddhists and Drukpa culture remain in place. The Election Commission, for example, utilized discriminatory rules during the 2013 elections that limited the voting rights and participation of Lhotshampa Hindus.²⁵⁶ In fact, international monitors asserted that Nepali speakers were turned away from voting in the 2013 elections.²⁵⁷

Finally, there were reports of societal discrimination against non-Buddhists, particularly in rural areas, and subtle pressure on non-Buddhists to conform to Buddhist Drukpa norms in school.²⁵⁸

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

Contradictory provisions in Bhutan's Constitution have rendered protections for religious freedom and equality under the law largely ineffective. For instance, although Article 7, section 4 guarantees Bhutanese citizens "the right to freedom of thought, conscience and religion" and assures that "no person shall be compelled to belong to another faith by means of coercion or inducement,"²⁵⁹ the Constitution simultaneously expresses official preference for Buddhism in multiple provisions.

Article 3 specifically provides that "Buddhism is the spiritual heritage of Bhutan" and states that it is "the responsibility of all religious institutions and personalities to promote the spiritual heritage of the country."²⁶⁰ Moreover, the Constitution requires that the King must be a Buddhist and is the protector of all religions in Bhutan.²⁶¹ The Constitution further explains that preserving the state's Buddhist heritage is important and that Bhutanese society is "rooted in Buddhism."²⁶²

This official recognition of Buddhism in the Constitution relegates Hinduism and other religions to inferior status and subject to discriminatory policies. In particular, the state preference for Buddhism provides the justification for the government's official support of Buddhist temples, monasteries, and institutions, and the provision of financial aid to large numbers of the country's Buddhist monks and nuns. On the other hand, non-Buddhist religious leaders and places of worship have not received comparable financial assistance from the government.²⁶³

Similarly, despite a constitutional injunction in Article 15 that "[n]o one shall be discriminated against on the grounds of race, sex, language, religion, politics, or other status,"²⁶⁴ in practice, the government's policies actively discriminate against non-Buddhist minorities, including the Hindu Lhotshampas.²⁶⁵ The construction of non-Buddhist religious buildings is reportedly restricted and government authorization is necessary to build places of worship.²⁶⁶ Moreover, reports from non-governmental organizations indicate that Hindus are routinely denied permission to

256 Bertelsmann Stiftung, BTI 2014 – Bhutan Country Report, Gutersloh: Bertelsmann Stiftung, 2014, http://www.bti-project.de/uploads/tx_jp-downloads/BTI_2014_Bhutan.pdf; Mishra, TP, "Bhutan: An Exile's View of the Parliamentary Elections," July 12, 2013, Global Post, <http://www.globalpost.com/dispatches/globalpost-blogs/commentary/bhutan-parliament-elections-druk-national-congress>.

257 Bhutan, Freedom in the World 2014, Freedom House, <https://freedomhouse.org/report/freedom-world/2014/bhutan#.VVPBgvm6fIU>.

258 Id.

259 The Constitution of Bhutan, <http://www.constitution.bt/index.htm>.

260 Id.

261 Id.

262 Id.

263 2011 Report on International Religious Freedom – Bhutan, United States Department of State, 30 July 2012, available at: <http://www.unhcr.org/refworld/docid/502105d8c.html>.

264 The Constitution of Bhutan, <http://www.constitution.bt/index.htm>.

265 Id.

266 Bertelsmann Stiftung, BTI 2014 – Bhutan Country Report, Gutersloh: Bertelsmann Stiftung, 2014, http://www.bti-project.de/uploads/tx_jp-downloads/BTI_2014_Bhutan.pdf.

build new temples and permits for construction of temples are difficult to obtain.²⁶⁷

With growing pressure, the government has built two temples in Bhutan. The fifth king Jigme Khesar Namgyal Wangchuck has built a Hindu temple in Samchi block of Samchi Dzongkhag. The other temple is built in Thimphu, the capital city, in addition to a cremation ground in Khasadapchu, though the government has continued to restrict the construction of new temples in rural areas. Similarly, many of the temples previously closed by the government remain in disrepair and are not functioning.²⁶⁸

There are two other Hindu temples in the country. One in Maogaun block of Sarbhang Dzongkhag which was constructed by the Hindu community in the 1970s. The other was built in Lamidara village in the 1930s. The government has subsidized a priest for worship at this temple, but there are hardly any devotees since large numbers of Hindus were evicted from Bhutan.²⁶⁹

In addition, in order to protect the country's Drukpa Buddhist identity or to purportedly ensure stability, the government retains the power to arbitrarily restrict the freedom of religion, including the registration of religious organizations. The Commission for Religious Organizations (CRO) is responsible for registering religious groups and ensuring that all religious institutions promote the country's Buddhist ethos and do not contravene its spiritual heritage of Buddhism.²⁷⁰

There are 95 registered Buddhist organizations, but only one registered umbrella Hindu organization, Hindu Dharma Samudaya, in the country, despite comprising 22% of the country's population. Unreg-

istered groups are not recognized by the government and they are unable to "organize publicly, own property, raise funds, conduct outreach activities, or import literature."²⁷¹

Finally, there have been several reports of societal prejudice and harassment of non-Buddhists and pressure to participate in Buddhist prayers/rituals, including in schools, rural areas, and other sectors.²⁷²

Institutional Discrimination

Institutional discrimination remains pervasive in Bhutan, with conformity to the state's cultural and religious identity required of all citizens. The country's official policies have led to inequality for ethnic, linguistic, and religious minorities. Though the strict Drukpa dress code has been relaxed in recent years, Drukpa dress is still required in government offices, schools, monasteries and during official public functions.

Moreover, the government continues to prohibit the teaching of the Nepali and Sanskrit languages in schools, and restricts the cultural and religious practices of ethnic minorities in rural areas.²⁷³

The Nepali language, which was taught in schools until 1988, was dropped from the school curriculum and never reinstated. There is no provision for ethnic Nepalis to study the Nepali language. In the 1960s and 70s, the Nepali language was also used in government offices in south Bhutan, but was stopped in the early 1980s.

The premier Sanskrit (the sacred language of Hinduism) pathsala (school) that had been in existence since the 1930s at Lamidara village has been

267 Bhutan, Freedom in the World 2014, Freedom House, <https://freedomhouse.org/report/freedom-world/2014/bhutan#.VVPBgvm6fIU>.

268 Based on information received directly from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party.

269 Id.

270 Bhutan, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2015&dliid=256303>.

271 Bhutan, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2015&dliid=256303>.

272 Id.

273 Bhutan, Freedom in the World 2014, Freedom House, <https://freedomhouse.org/report/freedom-world/2014/bhutan#.VVPBgvm6fIU>; Based on information received directly from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party; Bhutan, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bhutan>; "Bhutan 2015 Human Rights Report," US Department of State, <http://www.state.gov/documents/organization/253173.pdf>.

completely destroyed and no trace of it remains. The name of the village was changed from its traditional Sanskrit name, Lamidara, to Mandeygang. Moreover, since the village served as a cradle of Nepali culture in Bhutan, most of the ethnic Nepali villagers were forced to leave the country. The other Sanskrit pathsala that was operating then in Dagapela Sub-division of Daga Dzongkhag was closed and has not been re-opened by the government. The only Sanskrit pathsala the government has opened is in Suray block of Gylemphug subdivision, where the participation of students has been minimal, and no facilities have been provided for housing students.²⁷⁴

These steps have been perceived as a part of a decades long drive to destroy the culture and language of Nepalis in Bhutan.²⁷⁵

Basic civil liberties and fundamental freedoms are similarly repressed by the government, including political activity and the ability to form political parties and hold peaceful rallies or organize conferences and seminars.

The Lhotshampa population living in the country lacks any political parties to represent its interests, while political parties established by the exiled refugees, including the Bhutan National Democratic Party and the Druk National Party, have been banned and are prohibited from participating in elections.²⁷⁶ And in previous elections, there were reports of Nepali-speaking Hindus being prevented from voting.²⁷⁷ NGOs working on ethnic Nepali issues have similarly been banned from Bhutan, while Bhutanese refugees that have gone to Bhutan from Nepal to protest for their right of repatriation

have been arrested. Reportedly, only those NGOs managed by members of the royal family are allowed to operate in the country and are tightly controlled by and serve the interests of the government.²⁷⁸

Speech is also restricted through the Security Act, 1992, which criminalizes “words either spoken or written that undermine or attempt to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people.”²⁷⁹

Furthermore, there are continued reports of human rights abuses by the police and arbitrary arrests of Lhotshampas suspected of involvement with violent anti-government activities.²⁸⁰ There are also reportedly over 100 political prisoners facing treason charges in Bhutanese jails for their outspoken criticism of the government and activism for democratic reforms, in violation of constitutional guarantees of freedom of speech.²⁸¹

The country’s discriminatory citizenship policies have disenfranchised the ethnic Nepali population in South Bhutan, rendering thousands virtually stateless. There are currently approximately 40,000 ethnic Nepalis born in Bhutan awaiting the government’s approval for citizenship status in Bhutan. Although they have been provided with conditional documents authorizing them to live and work in Bhutan, if their requests to renew the documents are denied, they will be forced to leave the country.²⁸²

Similarly, relatives of the resettled Bhutanese were issued national identification cards for 10 years, which is set to expire on January 19 of 2017. If the

274 Based on a report received from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party.

275 Based on a report received from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party.

276 *Id.*; Bhutan, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bhutan>; Bertelsmann Stiftung, BTI 2014 – Bhutan Country Report, Gutersloh: Bertelsmann Stiftung, 2014, http://www.bti-project.de/uploads/tx_jpdownloads/BTI_2014_Bhutan.pdf.

277 Bhutan, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/bhutan>.

278 *Id.*

279 *Id.*

280 “Human Rights and Justice in Bhutan,” http://www.apfanews.com/media/upload/final_report.pdf

281 “Bhutan at a Glance,” Bhutanese Community of New Hampshire, <http://www.bhutanesecommunitynh.org/BhutanAtaGlance.aspx>; The Constitution of Bhutan, <http://www.constitution.bt/index.htm>.

282 Based on information received directly from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party.

identification cards are not renewed, they will be compelled to leave the country.²⁸³

If the 40,000 ethnic Nepalis awaiting citizenship are granted citizenship status, the country's Nepali population will increase from 22 percent to 30 percent.²⁸⁴

Moreover, Bhutan has still not rectified the flaws in the system of birth registration for children born after 1990, which requires that both parents must be of Bhutanese nationality.²⁸⁵ And nationality is difficult to prove for many Lhotshampas that do not have official documents. These laws have resulted in problems accessing education and health services for minority children.

As a result of these discriminatory policies, "some Nepali-speaking Bhutanese citizens could not obtain security clearances for government jobs, enroll in higher education, or obtain licenses to run private businesses."²⁸⁶ They have also confronted inequality in employment opportunities.

Refugee Resettlement

In 2007, the UNHCR in conjunction with third party countries began to resettle the Bhutanese refugees living in seven camps in Nepal. Only two camps now remain and more than 100,000 have been resettled in the following countries: Australia, Canada, Denmark, New Zealand, the Netherlands, Norway, the United Kingdom, and the United States of America,²⁸⁷ which has resettled approximately 90,000 refugees.

As the third-country resettlement program concluded at the end of 2016, UNHCR projected that almost 115,000 refugees will be resettled. The

UNHCR announced plans to exit from the remaining refugee camps by 2019.²⁸⁸

According to Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party, there are approximately 10,000 refugees still in the camps who are either not qualified for third-country resettlement or have decided to wait for repatriation to Bhutan. Despite the bilateral agreement between Bhutan and Nepal, not even a single refugee has returned to Bhutan. Similarly, according to community sources, the Bhutanese government has even prohibited resettled refugees from visiting Bhutan.

Dr. Dhakal adds that the international community led by the US has not yet put adequate pressure on Bhutan to begin the repatriation process or encourage Nepal and Bhutan to conduct meaningful negotiations.

The refugees that have been resettled to the US and other countries, as well as those still remaining in the camps, have faced a number of challenges, particularly mental health issues and a high incidence of suicide. The overall suicide rate amongst Bhutanese refugees is 20.3 per 100,000 people in the resettled population and 20.7 among those refugees in the camps, well above the global average of 16 per 100,000.²⁸⁹

In the US, the refugees have been resettled in all 50 states, with particularly high concentrations in Texas, Pennsylvania, Ohio, and Arizona.²⁹⁰ In the greater Columbus area in Ohio, for instance,

²⁸³ Id.

²⁸⁴ Id.

²⁸⁵ "Convention on the Rights of the Child," Office of the High Commissioner for Human Rights, <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

²⁸⁶ "Bhutan 2015 Human Rights Report," US Department of State, <http://www.state.gov/documents/organization/253173.pdf>.

²⁸⁷ Shrestha, Deepesh Das, "Resettlement of Bhutanese Refugees Surpasses 100,000 Mark," November 19, 2015, UNHCR, <http://www.unhcr.org/en-us/news/latest/2015/11/564dded46/resettlement-bhutanese-refugees-surpasses-100000-mark.html>.

²⁸⁸ "UNHCR to Exit Bhutanese Refugee Camps by 2019," August 18, 2016, Kathmandu Post, <http://kathmandupost.ekantipur.com/news/2016-08-18/unhcr-to-exit-bhutanese-refugee-camps-by-2019.html>.

²⁸⁹ Das, Bijoyeta, "In Pictures: Nepal's Bhutanese Refugees," January 28, 2014 Al Jazeera, <http://www.aljazeera.com/indepth/inpictures/2014/01/pictures-nepal-bhutanese-refug-2014127134634213108.html>; Preiss, Danielle, "Bhutanese Refugees are Killing Themselves at an Astonishing Rate," April 13, 2013, The Atlantic, <http://www.theatlantic.com/international/archive/2013/04/bhutanese-refugees-are-killing-themselves-at-an-astonishing-rate/274959/>.

²⁹⁰ 2013 UNHCR Country Operations Profile – Nepal, <http://www.unhcr.org/pages/49e487856.html>; "Invisible Newcomers: Refugees from Burma/Myanmar and Bhutan in the United States," 2014, Asian & Pacific Islander American Scholarship Fund, http://www.apiasef.org/CAREreport/APIASF_Burma_Bhutan_Report.pdf.

there are approximately 18,000–20,000 resettled Bhutanese refugees. While the Bhutanese refugee community is making progress, there are still significant challenges assimilating into American life. As noted above, mental health issues and suicide remain amongst the most pressing problems, and community groups have estimated anywhere from 57 to 70 cases of suicides amongst the Bhutanese refugee population. In New Hampshire, there have reportedly been 37 cases of suicide attempts and three suicides.²⁹¹

A CDC study found that the rate of suicides amongst the Bhutanese population since 2011 is twice the national rate (23/1000).²⁹²

At the same time, the rate of depression within the Bhutanese community is estimated at 21% or three times the general US population of 6.7%.²⁹³ Economic problems, social isolation, linguistic barriers, the high incidence of depression, and the inability to maintain cultural and religious traditions were cited as significant motivations for suicide, suicidal ideation, or mental health issues.

Furthermore, pressure to convert to Christianity by Christian groups providing aid to the refugees has been a significant source of tension and mental stress within the community and has disrupted family and social ties. According to community sources, in Western Michigan, for instance, 25% of the estimated 3,000 strong Bhutanese population have now converted to Christianity. This pressure to convert might be one possible indicator as to why approximately 92% of the suicide victims were from Hindus families, while only one was a Christian, according to community sources.

CONCLUSION AND RECOMMENDATIONS

Bhutan continues to escape international censure for its human rights record and its historic role in the ethnic cleansing of over 100,000 members of the Lhotshampa minority. The ongoing preference

for Mahayana Buddhism and the Drukpa cultural identity has continued to marginalize the Lhotshampa minority living within the country. From the suppression of linguistic and political rights to a lack of economic and educational opportunities to inequitable treatment of non-Buddhist places of worship, the remaining Hindu Lhotshampas (ethnic Nepalis) have been relegated to the status of second-class citizens.

The following sections provide brief recommendations to the Government of Bhutan and the International Community to improve human rights conditions in the country.

Recommendations to the Government of Bhutan

- HAF calls on the Bhutanese government to remove or revise any preferential language for Buddhism in Bhutan's constitution and legal framework and for the government to treat all religions equitably. If the government chooses to continue subsidizing religious institutions, it must do so without making any distinction between Buddhist and non-Buddhist religions. Moreover, non-Buddhist communities should be accorded the right to build new places of worship and register religious organizations free of cumbersome and arbitrary restrictions.
- In addition, continued attempts to forcibly homogenize the cultural identity of the country, including limiting minority linguistic rights and other restrictive policies targeting the Lhotshampa community must end. Moreover, exiled and banned political parties should be allowed to operate freely in Bhutan and participate in elections, while human rights organizations representing the interests of the refugees and the broader Lhotshampa community should similarly be free to operate in the country.
- HAF further urges Bhutan to accept and repa-

291 Glionna, John M., "Immigrant Keeps Suicide Watch Over Fellow Refugees from Bhutan," October 8, 2014, L.A. Times, <http://www.latimes.com/nation/la-na-c1-bhutanese-suicides-20141008-story.html#page=1>.

292 Based on information received from Bhutanese Hindu non-governmental community organizations in the US

293 Preiss, Danielle, "Bhutanese Refugees are Killing Themselves at an Astonishing Rate," April 13, 2013, The Atlantic, <http://www.theatlantic.com/international/archive/2013/04/bhutanese-refugees-are-killing-themselves-at-an-astonishing-rate/274959/>; Bhutanese community sources across the country have also cited these factors as causes for the high incidence of mental illness and suicide.

triate all those refugees remaining in the camps or elsewhere who wish to return and are able to prove their nationality through reasonable means, while Nepal should make a similar offer to integrate some refugees. If any refugees are in fact repatriated to Bhutan, they should be afforded full citizenship rights and basic human rights protections. Finally, Bhutanese refugees should be allowed to visit Bhutan and accorded non-resident Bhutanese status.

Recommendations to the International Community

- International donors, the United Nations, India, and the United States should work constructively with Bhutan to implement additional democratic reforms, put pressure on Bhutan to accept the return of exiled ethnic Nepali Hindus and any other exiled communities that wish to return, and ensure that all residents living in Bhutan enjoy equal protection under the law and religious freedom. Moreover, those Bhutanese Hindus living in India should be accorded official refugee status and provided with basic government assistance.
- The resettled population, particularly in the US, should be given greater support in acclimating to their new environment. While government resettlement agencies in the US have provided considerable assistance to the Bhutanese refugees, greater attention needs to be focused on addressing their mental health needs, overcoming linguistic barriers, and job skills training. Finally, the government resettlement agencies should monitor any faith based partner organizations to ensure that they are not conditioning aid on converting to Christianity or violating laws that prohibit proselytizing by organizations that receive federal funds.

INDIAN STATE OF JAMMU & KASHMIR

Area 141,338 sq km (222,237 sq km, including territory occupied by China and Pakistan)

Population 12,541,302 (2011 estimate) The above statistics are based on information from the official 2011 Indian government census, <http://www.census2011.co.in/census/state/jammu+and+kashmir.html>. These statistics are for the Indian part of Jammu and Kashmir only and do not include Pakistan Occupied Kashmir or the areas occupied by China.

Religions Islam (68.31%), Hinduism (28.44%), Sikhism (1.87%), Buddhism (0.9%), Christianity (0.28%), Not available (0.16%), Jainism (0.02%) and others (0.01%) (2011 estimate); Many forcibly displaced Hindus and Sikhs from Kashmir now live in other parts of India.

Languages Kashmiri, Urdu, Gojri, Dadri, Dogri, Pahari, Balti, Ladakhi, Punjabi



INTRODUCTION

In 2016, violence and unrest returned to the Kashmir Valley in India's state of Jammu and Kashmir, sparked by the death of Hizbul Mujahideen (HM) commander, Burhan Wahi, who was killed in a gunbattle with Indian security forces on July 8. HM has been designated a terrorist group by the European Union and India²⁹⁴ and is one of many militant organizations operating in Kashmir sponsored by Pakistan's military and ISI.

294 EU Terror List, European Council, Council of the European Union, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX-32016D1136&qid=1474969819578&from=EN>; Banned Organizations, Ministry of Home Affairs, Government of India, <http://mha.nic.in/bo>.

The unrest which followed Wani's death was the worst in six years, leaving 82 people dead and more than 11,000 (7,000 civilians and 4,000 security personnel) injured in clashes between protesters, led by separatist groups, and security forces. By late September, the situation began to improve enough to start lifting statewide curfews,²⁹⁵ though unrest continued. Schools in the Valley, for instance, remained closed with two million students prevented from attending school as part of a forced shut-down by separatists. Additionally, at least 20 schools were set on fire by mobs of protestors,²⁹⁶ while Kashmiri Hindu transit migrant camps were also attacked.

While media attention has been focused on India's state of Jammu and Kashmir, Kashmiris recently held protests in Pakistan Occupied Kashmir (PoK) against alleged human rights violations by Pakistan's military and ISI, including the extrajudicial killings of at least 100 Kashmiri activists in the past two years, rigged elections, and the repression of Kashmiri political activists. The US State Department also raised concerns over human rights violations in PoK, which have been occurring for years.²⁹⁷

The Pakistani military and ISI continued to sponsor cross-border terrorism in Indian Kashmir (and other parts of the country) throughout 2016, in violation of UN Covenants governing terrorism.²⁹⁸ There was a slight spike in terrorist violence in the state in 2016 (based on data through October 2), resulting in the deaths of 207 people, of which 10 were civilians, 69 security personnel, and 128 terrorists.²⁹⁹

Most notably, on September 18, US designated Foreign Terrorist Organization (FTO) Jaish-e-Mohammed (JeM)³⁰⁰ attacked an army base in Uri, killing 17 soldiers and injuring 19, and further escalating tensions between India and Pakistan.³⁰¹

Furthermore, Hindus and other minorities faced ongoing challenges throughout Jammu and Kashmir, including discrimination, lack of religious freedom, and ongoing security threats. The unrest following Wani's death led to several suspensions of the Amarnath Yatra (the annual pilgrimage to a sacred site dedicated to the Hindu deity Shiva) due to security concerns and violent attacks on the few Kashmiri Pandits living in the Valley.

In addition, thousands of displaced Kashmiri Hindu Pandits still live in squalid refugee camps and are socially, economically, and politically disenfranchised, more than 26 years after they were ethnically cleansed from their homeland in the Kashmir Valley. Similarly, they suffer from ongoing mental and emotional trauma, including high rates of dementia, insomnia, depression, and hypertension.³⁰² Though rehabilitation plans have recently been proposed by the central and state governments, Pandits have largely been unable to safely return to the Valley.

HISTORY/BACKGROUND

Kashmir has historically been inhabited by Hindus and Buddhists and had a majority Hindu population until the 14th century when Islamic invaders entered the region. Ancient Kashmir was renowned as a center for Hindu and Buddhist learning and was ruled by Hindu kings until 1339. Hindus indigenous

295 IANS, "Kashmir Continues to Seethe on 50th Day of Unrest," The Pioneer, <http://www.dailypioneer.com/top-stories/kashmir-continues-to-seethe-on-50th-day-of-unrest.html>; PTL, "Curfew Lifted from All Parts of Kashmir," September 25, 2016 The Pioneer, <http://www.dailypioneer.com/top-stories/curfew-lifted-from-all-parts-of-kashmir.html>.

296 Pandit, Saleem, "Valley Edu Falls to Taliban Type Attacks," October 27, 2016, Times of India, <http://epaperbeta.timesofindia.com/Article.aspx?eid=31812&articlexml=Valley-edu-falls-to-Taliban-type-attacks-27102016008030>.

297 Pakistan, Country Reports on Human Rights Practices for 2015, April 14, 2016, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>; ANI, "In Kotli, Pakistan-Occupied-Kashmir Residents Take to Streets Against Atrocities by ISI and Pakistan Army," October 2, 2016, Times of India, <http://timesofindia.indiatimes.com/world/pakistan/In-Kotli-Pakistan-occupied-Kashmir-residents-take-to-streets-against-atrocities-by-ISI-and-Pakistani-army/articleshow/54637452.cms>.

298 "International Convention for the Suppression of Terrorist Bombing," G.A. Res. 164, U.N. (1998), University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/instree/terroristbombing.html>; "International Convention for the Suppression of the Financing of Terrorism," G.A. Res. 109, U.N., (1999), University of Minnesota Human Rights Library, <http://www1.umn.edu/humanrts/instree/financingterrorism.html>.

299 "Jammu and Kashmir Data Sheets," SATP, http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/index.html.

300 Foreign Terrorist Organizations, US Department of State, <http://www.state.gov/j/ct/rls/other/des/123085.htm>.

301 "Uri Terror Attack: 17 Soldiers Killed, 19 Injured in Strike on Army Camp," September 30, 2016, The Times of India, <http://timesofindia.indiatimes.com/India/Uri-terror-attack-Indian-Army-camp-attacked-in-Jammu-and-Kashmir-17-killed-19-injured/articleshow/54389451.cms>.

302 Jammu, A. K., "Kashmiri Pandits: Will their scars ever heal?" November 12, 2011, Hard News, <http://www.hardnewsmedia.com/2009/03/2679>.

to the Kashmir Valley, known as Kashmiri Pandits, are the original inhabitants of Kashmir and have a unique ethno-religious culture that dates back more than 5,000 years.³⁰³

Following waves of Islamic invasions, numerous foreign origin Muslim rulers occupied Kashmir until 1819. Under Muslim rule, Hindus faced periods of persecution resulting in several mass migrations from Kashmir.³⁰⁴ Sikhs gained control over the region in 1819 and ruled Kashmir until 1846, followed by the Hindu Dogra (an ethnic group native to the Jammu region in the state) reign from 1846 to 1947.³⁰⁵

Kashmir's Accession to India

The Princely State of Kashmir, which was ruled by the Dogra king Hari Singh at the time of partition in 1947, joined the Indian Union after Pakistan's armed forces orchestrated an invasion of Kashmir using Pashtun "tribesmen" and regular military personnel. Following the Pakistani offensive, Hari Singh signed the Instrument of Accession³⁰⁶ formalizing Kashmir's legal accession to India.³⁰⁷

The accession was also approved by the largest and most popular Kashmiri political party, the All Jammu and Kashmir National Conference, led by Sheikh Mohammed Abdullah. Once Kashmir legally joined India, Indian forces were deployed to stop the advancing Pakistani military, leading to a full-scale war between the two countries.³⁰⁸

India then sought the intervention of the United Nations (UN), and in April 1948, the UN Security

Council passed Resolution 47 which required Pakistan to first withdraw all its military personnel and "tribesmen" from the state as a necessary pre-condition to holding a plebiscite.³⁰⁹ In August 1948, however, the UN Commission on India and Pakistan (UNCIP) found that Pakistan had instead increased its military presence in Kashmir.³¹⁰

After a ceasefire in January 1949, Pakistan remained in control of approximately one-third of the state while the remaining two-thirds were incorporated into India under Article 370 of India's Constitution, which granted a special status to the state.³¹¹ Specifically, it restricted the Indian Parliament's legislative power over Jammu and Kashmir to defense, foreign affairs, and communications, and it also placed a restriction on people moving from other parts of India to the state.³¹²

Subsequently, local elections were held in Indian Kashmir in 1951 where Sheikh Abdullah's National Conference won a resounding victory. And in 1956, the Jammu and Kashmir Constituent Assembly voted to approve the merger of Kashmir with India.³¹³

Demographics/Geography

The former princely state of Jammu & Kashmir has a total area of 85,806 sq. miles and is now divided between three countries. Pakistan occupies approximately 30,160 sq. miles, known as Pakistan occupied Kashmir (PoK) and the Northern Areas. There are no Hindus remaining in PoK. China controls 16,500 sq. miles of Kashmir (through a boundary settlement with Pakistan and occupation of land during the

303 Kak, Subhash, "The Poplar and the Chinar: Kashmir in a Historical Outline," *International Journal of Indian Studies*, Vol 3, (1993), pp. 33-61, reproduced at Kashmir News Network, <http://www.ikashmir.net/subhashkak/poplar.html>.

304 Id.

305 Id.

306 The Instrument of Accession was the standard legal mechanism used by the Princely States of British India to join either India or Pakistan at the time of independence in 1947.

307 Haqqani, Husain, "Pakistan's Endgame in Kashmir," *Carnegie Endowment for International Peace*, July 2003, <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=1427>.

308 Id.

309 Subbiah, Sumathi, "Security Council Mediation and the Kashmir Dispute: Reflections on its Failures and Possibilities for Renewal," (Winter 2004), *Boston College International and Comparative Law Review*.

310 Id.

311 Fotedar, Sunil, Atal, Subodh, and Koul, Lalit, "Living under the shadow of Article 370," January 2002, *Kashmir Herald*, Volume 1, No. 8, <http://kashmirherald.com/featuredarticle/article370.html>.

312 "Article 370: Law and politics," September 16, 2000, *Frontline*, <http://www.hinduonnet.com/fline/fl1719/-17190890.htm>

313 Ganguly, Rajat, "India, Pakistan, and the Kashmir Dispute," *Asian Studies Institute and Centre for Strategic Studies*, <http://www.victoria.ac.nz/slc/asi/publications/01-other-india-pakistan-kashmir-dispute.pdf>.

1962 Indo-China War), while the remaining territory forms the Indian state of Jammu and Kashmir.

The Indian state of Jammu and Kashmir is divided into three parts: Kashmir Valley, Jammu, and Ladakh.

The total population is 12,541,302 (Muslims: 68.31%; Hindus: 28.44%; Sikhs: 1.87%; Buddhists: 0.9%, Christians: 0.28%.

- Kashmir Valley Population: 5,350,811 (Muslims: 97.16%; Hindus: 1.84%; Sikhs: 0.88%; Buddhists/Others: 0.11%);
- Jammu Population: 6,907,623 (Muslims: 31%; Hindus: 65.23%; Sikhs: 3.57%; Buddhists/Others: 0.51%);
- Ladakh Population: 290,492 (Muslims: 47.40%; Hindus: 6.22%; Buddhists: 45.87%.³¹⁴

Despite significant populations in the Jammu and Ladakh regions, Hindus and Buddhists have historically been politically marginalized and severely underrepresented in government positions at the state level.³¹⁵ Redistricting and the previous creation of Muslim majority constituencies in Jammu and Ladakh resulted in further dilution of Hindu and Buddhist votes, which Buddhists viewed as an attempt to alter the religious balance in Ladakh.³¹⁶

Pakistan's Proxy War in Kashmir

Starting in 1989, Islamic terrorism, funded and supported by Pakistan's military and powerful Inter-Services Intelligence (ISI) agency, engulfed the Kashmir Valley. Although the violence initially targeted Kashmiri Pandits in the Valley, Islamic mili-

itants subsequently expanded their operations to attack Hindu, Sikh, and Muslim civilians throughout the state.

According to South Asia scholar and former Pakistani ambassador to the US, Husain Haqqani, the ISI supported jihad in Kashmir as an instrument of state policy and the violence was "rooted in the ideology of Pakistani Islamists, carefully nurtured for decades by the Pakistani military."³¹⁷ Given this shared Islamist ideology, Kashmiri terrorists enjoyed ties with the broader militant network in South Asia.³¹⁸ Militant groups active in Kashmir, such as Lashkar-e-Taiba (LeT) and JeM, have been designated as Foreign Terrorist Organizations by the United States and have launched terror attacks in other parts of India. LeT was responsible for the 2008 Mumbai attacks, amongst many others, and JeM was responsible for the September 18, 2016 Uri attack noted above.

The Pakistan sponsored insurgency included plans to complete a "communal cleansing" of Kashmir by attacking non-Muslim indigenous Kashmiris, in order to change the demographics and create a minority free Kashmir.³¹⁹ Between 1988 and 2003, for instance, approximately 1,490 Hindus were killed across the state (including Kashmiri Pandits and other Hindu civilians), although some estimate that the numbers are much higher.³²⁰ Moreover, there were several subsequent attacks and massacres of Hindus throughout the state. The abduction and rape of both Hindu and Muslim women was also a common tactic used by terrorist groups during the early years of militancy.³²¹ Nearly 15,000 civilians have been killed in militant related violence in Kashmir.³²² It should be noted that the Indian army and state police have also committed abuses.

314 Jammu and Kashmir Population Census Data 2011, <http://www.census2011.co.in/census/state/jammu+and+kashmir.html>; Jammu and Kashmir Division, Ministry of Home Affairs, Government of India, <http://www.mha.nic.in/more3>; Comprehensive SVEEP Plan of J&K State 2014, Election Commission of India (pdf download).

315 R. Upadhayay, "J & K Trifurcation," June 2002, The Kashmir Telegraph, <http://host.kashmirtelegraph.com/trifur.htm>.

316 Id.

317 Haqqani, Husain, "Pakistan: Between Mosque and Military," (2005), Carnegie Endowment for International Peace

318 Rohde, David, "Concern rises in Pakistan of a War without End," November 1, 2004, The New York Times, <http://www.nytimes.com/2004/11/01/international/asia/01pakistan.html>; Haqqani, "Pakistan: Between Mosque and Military," (2005), <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=16651>.

319 Haqqani, Husain, "Pakistan: Between Mosque and Military," (2005), p. 235, Carnegie Endowment for International Peace.

320 "Jammu and Kashmir: Religious Identity of Civilians Killed in Militancy," South Asian Terrorism Portal, http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/religious_identity_civilians_killed_in_militancy.htm.

321 "Terrorist Atrocities on Women and Children in J&K, 1990-2004, SATP, http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/atrocities_women.htm.

322 Fatalities in Terrorist Violence 1988-2016, Jammu and Kashmir, South Asia Terrorism Portal (SATP), http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/annual_casualties.htm.

Despite Pakistan's support for terrorism in Kashmir, militant violence drastically declined after reaching a peak in 2001. This led to an upsurge in tourism with an estimated 1.5 million tourists visiting Kashmir in 2012 alone. At the same time, support for the insurgency started waning, as voter participation in Panchayat (village councils) and statewide elections significantly increased. Many former militants were rehabilitated and reintegrated into society, with some entering politics, such as Farooq Ahmed Dar, known as Bitta Karate or the Butcher of Pandits, for massacring several Pandits.³²³

In addition to direct involvement in the militancy, Pakistan has actively waged a propaganda war on the Kashmir issue in an attempt to manipulate US and international policy makers. The executive director of the Kashmiri American Council (KAC), Syed Ghulam Nabi Fai, for instance, was convicted of engaging in illegal lobbying activities on behalf of Pakistan's ISI and served two years in prison. He is also being sought by the Indian government for his connection to militancy in the state.³²⁴

Ethnic Cleansing of Kashmiri Pandits

Between 1989 and 1991, more than 300,000 Kashmiri Hindu Pandits³²⁵ (95% of the Valley's Hindu population) were ethnically cleansed from the Valley by Muslim extremists.³²⁶

The forced displacement was accompanied by a

campaign of violence and destruction in the Valley. Kashmiri Pandit groups estimate that since 1989, nearly 105 educational institutions run by Kashmiri Hindus have been burned down or destroyed, hundreds of temples and religious sites damaged or demolished, 14,430 businesses and shops destroyed, and more than 20,000 Kashmiri Hindu homes destroyed, looted, or occupied.³²⁷

Selective killings, aimed at intimidating the community and forcing them to leave, led to the murder of nearly 400 Kashmiri Pandits, with 302 killed in 1990 alone, according to Pandit groups.³²⁸ While India's National Human Rights Commission (NHRC) stopped short of calling the cleansing of Kashmiri Hindus a genocide, they observed that the crimes amounted to near genocide.³²⁹

The violent campaign targeting Hindus in Kashmir was organized and systematic, and included massacres, rape, threats, and intimidation. Public announcements were placed in newspapers, sermons made in mosques, and posters hung on houses ordering all Kashmiri Hindus to leave the Valley, threatening violence if they did not and calling on Muslims to take up jihad against non-Muslims.³³⁰ Letters were sent to Pandit homes stating, 'We order you to leave Kashmir immediately, otherwise your children will be harmed—we are not scaring you but this land is only for Muslims, and is the land of Allah. Sikhs and Hindus cannot stay here.' The threatening note ended with a warning, 'If you do not obey, we will start with your children. Kashmir Liberation, Zindabad.'³³¹

323 Hassan, Ishfaq-ul, "Butcher of Pandits' Back in Kashmir Hometown," October 27, 2006, DNA India, <http://www.dnaindia.com/india/report-butch-er-of-pandits-back-in-kashmir-hometown-1060576>; Fatalities in Terrorist Violence 1988-2016, Jammu and Kashmir, SATP, http://www.satp.org/satporgtp/countries/india/states/jandk/data_sheets/annual_casualties.htm; Jammu and Kashmir Assessment - Year 2012, SATP, <http://www.satp.org/satporgtp/countries/india/states/jandk/index.html>.

324 ul-Hassan, Ishfaq, "J&K Wants Red Corner Notice For Fai, Saeed," April 8, 2012, DNA India, http://www.dnaindia.com/india/report_j-and-k-wants-red-corner-notice-for-fai-saeed_1672970.

325 Some estimates put the figure at closer to 400,000.

326 "Panun Kashmir: A Homeland for Kashmiri Pandits," December 28, 1991, Panun Kashmir, <http://www.panunkashmir.org/margdarshan.html>.

327 "Political history of Kashmir: Islamic terrorism and genocide of Kashmiri Pandits," Kashmir News Network, <http://ikashmir.net/history/genocide.html>.

328 Sharma, Varad, "24 Years on, Nothing has Changed for the Exiled Kashmiri Pandits," January 19, 2014, Rediff News, <http://www.rediff.com/news/column/24-years-on-nothing-has-changed-for-the-exiled-kashmiri-pandits/20140119.htm>.

329 "24 Years on Nothing has Changed for the Exiled Kashmiri Pandits," January 19, 2014, Rediff News, <http://www.rediff.com/news/column/24-years-on-nothing-has-changed-for-the-exiled-kashmiri-pandits/20140119.htm>.

330 K.P.S Gill, "The Kashmiri Pandits: An Ethnic Cleansing the World Forgot," South Asia Terrorism Portal, <http://www.satp.org/satporgtp/kps-gill/2003/chapter9.htm>; "India: Large Numbers of IDPs are Unassisted and in Need of Protection," Internal Displacement Monitoring Centre, <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/IDMC2India40.pdf>; Gupta, Kanchan, "19/01/90: When Kashmiri Pandits Fled Islamic Terror," January 19, 2005, Rediff India Abroad, <http://in.rediff.com/news/2005/jan/19kanch.htm>; Tikoo, Col. Tej Kumar, "Kashmiri Pandits Offered Three Choices by Radical Islamists," November 22, 2012, India Defence Review, <http://www.indiandefencereview.com/news/kashmiri-pandits-offered-three-choices-by-radical-islamists/>.

331 Tikoo, Col. Tej Kumar, "Kashmiri Pandits Offered Three Choices by Radical Islamists," November 22, 2012, Indian Defence Review, <http://www.indiandefencereview.com/news/kashmiri-pandits-offered-three-choices-by-radical-islamists/>.

Similarly, according to American journalist Hillary Brenhouse, Kashmiri Pandits became easy targets for Islamist militants, and “[a]nti-Hindu rhetoric was broadcast at weekly prayers, [while] dozens were murdered.”³³² In addition, mobs of tens of thousands of Kashmiri Muslims took to the streets chanting slogans, including death to Kafirs (non-Muslims or non-believers), and armed members of militant groups marched publicly to intimidate the Pandit community.³³³ Noted journalist Rahul Pandita asserted that along with Islamists, many ordinary Kashmiri Muslims participated in the ethnic cleansing of the Pandits.³³⁴

One elderly Kashmiri Hindu recently recounted, “Our people were killed. I saw a girl tortured with cigarette butts. Another man had his eyes pulled out and his body hung on a tree. The armed separatists used a chainsaw to cut our bodies into pieces...”³³⁵

In order to accommodate the large numbers of Hindus fleeing the Valley, the Indian government set up semi-permanent camps for the displaced in Jammu and New Delhi. Despite being forcibly displaced from the Kashmir Valley, Kashmiri Pandits continue to be labeled as “migrants”³³⁶ by the Indian government, instead of Internally Displaced Persons (IDPs). The term “migrant” is problematic as it confers fewer rights, protections, and benefits under international law compared to those given to IDPs. It also implies that Hindus left Kashmir of their own volition rather than being forced to flee due to violence, threats, and intimidation.³³⁷

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom/Anti-Minority Violence

Hindus in Jammu and Kashmir have been denied religious freedom and have frequently come under attack from Islamist extremists. The Hindu Pandit community also lacks the right to exercise independent control over its religious institutions that they were forced to abandon when fleeing the Valley between 1989 and 1991.

According to official statistics from the state government, 208 Hindu temples have been destroyed or damaged since the start of the violence in 1989. Other estimates assert that the numbers are much higher. A recent survey of Hindu shrines in Kashmir found that 347 Hindu religious sites were destroyed or damaged, while another organization asserts that 550 temples were destroyed or damaged.³³⁸

Temples in Jammu region of the state have also come under attack, most notably high profile militant attacks on the Raghunath temple in March and November 2002, each time killing at least ten people.³³⁹ And in June 2016, two Hindu temples in Jammu were desecrated and vandalized over a span of two days, although it is not clear whether the incidents were religiously motivated. In the first incident, the Aap Shambhu temple was desecrated by a Muslim man, Yasir Alfaz, who was mentally impaired according to some reports. And in the second incident, a Shiv temple in Nanak Nagar was desecrated by a former police constable, Gurbachan Singh, who was reportedly a drug addict.³⁴⁰

332 Brenhouse, Hilary, “Hindus Moving Back to the Kashmir Valley,” January 16, 2013, PRI’s The World, <http://www.theworld.org/2013/01/hindus-moving-back-to-kashmir/>.

333 Id.

334 Raina, Pamposh, “A Conversation With: Journalist and Author Rahul Pandita,” February 19, 2013, New York Times India Ink, <http://india.blogs.nytimes.com/2013/02/19/a-conversation-with-journalist-and-author-rahul-pandita/>.

335 Sharma, Shivani, “Paradise Lost – The Kashmiri Pandits,” BBC News, http://www.bbc.co.uk/worldservice/specials/1246_land/page9.shtml.

336 “Jammu and Kashmir,” September 2, 2010, Internal Displacement Monitoring Centre, [http://www.internaldisplacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/7C4ACF1BFD3AC477C125779000281FFC?OpenDocument#expand](http://www.internaldisplacement.org/idmc/website/countries.nsf/(httpEnvelopes)/7C4ACF1BFD3AC477C125779000281FFC?OpenDocument#expand).

337 “Panun Kashmir: A Homeland for Kashmiri Pandits,” Panun Kashmir, <http://www.panunkashmir.org/>

338 “975 Temples, 428 Hindu Religious Places Crying for Protection: PNBMT,” April 20, 2015, State Times, <http://news.statetimes.in/975-temples-428-hindu-religious-places-crying-for-protection-pnbmt/>; Ashiq, Peerzada, “208 Temples Damaged in Kashmir in Last Two Decades: Kashmir Govt,” October 4, 2012, Hindustan Times, <http://www.hindustantimes.com/india-news/208-temples-damaged-in-kashmir-in-last-two-decades--kashmir-govt/article1-939793.aspx>.

339 “10 Killed in Attack on Temple in Kashmir,” November 25, 2002, New York Times, <http://www.nytimes.com/2002/11/25/world/10-killed-in-attack-on-temple-in-kashmir.html>.

340 Sharma, Arun, “Communal Tension in Jammu After Temple ‘Desecration’” June 16, 2016, The Indian Express, <http://indianexpress.com/article/india/india-news-india/tension-in-jammu-after-temple-desecration-2853413/>; Sharma, Arun, “J&K: Another Temple ‘Sacrilege’ in Jammu, One Held,” June 17, 2016, The Indian Express, <http://indianexpress.com/article/india/india-news-india/jk-temple-shiva-idol-constable-kick-2856998/>.

Pilgrims and ancient pilgrimage sites located throughout the state have also come under attack by Islamic extremists, including the famous Vaishno Devi and Amarnath shrine, visited by millions of devotees every year. In July 2016, during the unrest following the death of HM commander, Burhan Wani, the Amarnath Yatra was suspended for a third time over a ten-day period due to security concerns. The closures led to up to 25,000 people being forced to halt their journey.³⁴¹

Moreover, following the mass exodus of Hindus from the Kashmir Valley in 1989–1990, local Muslims had illegally occupied more than 100 religious sites, according to a fact-finding mission by Kashmiri Pandit groups.³⁴²

In addition, those Pandits that returned to the Valley under rehabilitation plans in the past few years have been unable to live openly and practice their religion freely without harassment and threats. Migrant transitional camps, for instance, have been frequently pelted with stones during Hindu religious festivals, and at other times.³⁴³ These transitional camps had been set up for the approximately 2,000 Pandits that returned to the Valley under a government rehabilitation plan.

During the unrest following the death of HM commander Burhan Wani, rampaging mobs also attacked Kashmiri Pandit migrant camps in six cities in the Valley: Vessu, Mattan, Nutnasu, Baramulla, Haal, and Sheikhpora. At the Haal camp, Muslim villagers surrounded the camp from three sides and

continuously threw heavy stones, while attempting to break into the camp. Along with the targeted attacks, public threats and posters also appeared warning Pandits to leave the Valley or “face death”. These incidents caused significant fear amongst the Pandits in the Valley and led 1,600 Pandits employed by the government to flee for the safety of Jammu and refuse to return.³⁴⁴

Current Conditions Facing Displaced Pandits

SOCIO-ECONOMIC MARGINALIZATION

There are currently 60,500 registered displaced Kashmiri families, or approximately 350,600 individuals (the vast majority of whom are Pandits, with small numbers of Sikhs and Muslims), according to statistics from the Internal Displacement Monitoring Centre. 38,100 of the displaced families live in Jammu, 19,300 reside in Delhi, and the remainder are scattered in other states.³⁴⁵ Indian Ministry of Home Affairs statistics put the numbers at 62,000 total displaced Kashmiri families, of which 40,000 are in Jammu; 20,000 in Delhi, and 2,000 in other parts of the country.³⁴⁶

Along with their physical displacement, the Kashmiri Pandits and refugees from PoK lack adequate representation in the State Assembly and have been deprived of a political voice. While thousands of displaced Kashmiri Pandits had been systematically disenfranchised and prevented from voting in the past,³⁴⁷ access to voting has recently been expanded for displaced Pandits.³⁴⁸

341 PTI, “Amarnath Yatra Suspended for third time from Jammu,” July 19, 2016, Times of India, <http://timesofindia.indiatimes.com/india/amar-nath-yatra-suspended-for-third-time-from-jammu/articleshow/53281763.cms>.

342 “We are Losing Our Property in Kashmir: Pandits,” May 30, 2007, Rediff India Abroad, <http://www.rediff.com/news/2007/may/30kashmir.htm>; “Temples Destroyed in Kashmir by Islamic Militancy to be Reconstructed,” July 25, 2006, Hindu Press International, <http://www.hinduismtoday.com/blogs-news/0,0,5.html>.

343 “Sick of the Violence, Kashmiri Pandits are Leaving Kashmir,” July 19, 2016, The Huffington Post, <http://www.huffingtonpost.in/2016/07/18/cought-in-the-violence-kashmiri-pandits-are-leaving-kashmir/>

344 Hakhoo, Sumit, “Mob Attacks on Transit Camps Rattle Pandits,” July 11, 2016, The Tribune, <http://www.tribuneindia.com/news/jammu-kashmir/mob-attacks-on-transit-camps-rattle-pandits/264092.html>; PTI, “BJP MLC demands probe into attack on Kashmiri Pandit colony in Kupwara,” September 1, 2016, Deccan Herald, <http://www.deccanchronicle.com/nation/current-affairs/010916/bjp-mlc-demands-probe-into-attack-on-kashmiri-pandit-colony-in-kupwara.html>; Rashid, Toufiq, “Posters Warn Kashmiri Pandits to Leave Valley or Face Death,” August 7, 2016, Hindustan Times, <http://www.hindustantimes.com/india-news/posters-warn-kashmiri-pandits-to-leave-valley-or-face-death/story-IJQRQNT4jvc9ceHkfeGqoN.html>.

345 India IDP Figures Analysis, April 2015, Internal Displacement Monitoring Centre, <http://www.internal-displacement.org/south-and-south-east-asia/india/figures-analysis>.

346 Migration of Kashmiri Pandits, Ministry of Home Affairs, Government of India, August 9, 2016, <http://mha1.nic.in/par2013/par2016-pdfs/Is-090816/332%20E.pdf>.

347 Soffi, Abid, “J&K Polls: Fourth Phase Records 49 PC Polling, Only 16 PC Kashmiri Pandit Exercise their Franchise,” December 14, 2014, IBN Live, <http://www.ibnlive.com/news/politics/jk-polls-fourth-phase-records-49-pc-polling-only-16-pc-kashmiri-pandit-exercise-their-franchise-731248.html>.

348 “26 Polling Booths Created for 92,000 Migrant Voters,” November 3, 2014, Daily Excelsior, <http://www.dailyexcelsior.com/26-polling-booths-created-92000-migrant-voters/>.

Additionally, the Pandits have lost all rights to the properties they left behind when they fled the Valley, with the illegal occupation and sale of their lands over the past several years.³⁴⁹

Although the central government has provided financial assistance, as well as educational and employment quotas to the displaced Pandits, they still face several challenges, including inhumane camp conditions. These camps are overcrowded and lack adequate facilities and basic necessities. There is no regular supply of clean drinking water, a shortage of medicine, and poor sanitation. As a result of the substandard conditions, many Kashmiri Pandits have serious health problems, including high incidence of disease, depression, stress-related problems, and a high death rate.³⁵⁰

A 2014 study examining the socio-economic conditions facing displaced Pandits in both camp (Nagrota) and non-camp (Durga Nagar) areas of Jammu district found that 78.57 percent of the households interviewed endured some type of health problems, such as diabetes, high blood pressure, asthma, and jaundice. And specifically in the Nagrota camp, 82.85 percent of those surveyed faced health issues.³⁵¹ Moreover, the study indicated that adult camp residents lack employment opportunities, while the children face difficulties accessing schools and an education.³⁵²

In addition to Pandits from the Valley, thousands of Hindus from remote mountainous villages in Jammu region have been displaced by Islamist violence and forced to live in camps near larger cities.³⁵³ Many of the IDPs from Jammu have complained of neglect from both the central and state governments, and

live in miserable conditions in overcrowded camps.³⁵⁴

Similarly, there are 36,348 families that fled from PoK in 1947, 1965, and 1971. These refugees have been resettled in Jammu, Kathua and Rajouri districts of Jammu region, do not have permanent resident status in India and are not allowed to vote in state assembly elections, but can participate in national elections. In a positive step, in August 2016, the central government announced a 2,000 crore rupees financial assistance package for these displaced families.³⁵⁵

REHABILITATION/RESETTLEMENT OF KASHMIRI HINDUS

Although the central Indian government and the state government in Kashmir have created plans to rehabilitate the displaced Pandits to the Valley, they have thus far been ill conceived, poorly implemented, and slow to take effect.

The few Pandits that have returned to the Valley under rehabilitation packages now live in “ghetto-like camps” under constant police protection and rarely leave the camps. There have been many attacks on these transition camps, as noted above, and the returnees have faced daily harassment when they venture outside the camps.³⁵⁶ Moreover, according to information received from Kashmiri Pandits, at least seven Kashmir Hindus have converted to Islam after accepting employment packages to return to Kashmir (mostly women).³⁵⁷

Pandit leaders have been weary of rehabilitation plans as they have failed to involve community members in discussions on resettlement and they

349 ET Bureau, “What have you done for Pandits: SC asks J&K,” January 18, 2011, The Economic Times, http://articles.economictimes.indiatimes.com/2011-01-18/news/28425094_1_kashmiri-pandits-special-package-jammu-and-kashmir.

350 “Kashmiri Pandits face serious health problems after many years of displacement (2001-2003),” Internal Displacement Monitoring Centre, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/DBD443789A5769BF802570B5004734C6/\\$file/India+-October+2003.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/DBD443789A5769BF802570B5004734C6/$file/India+-October+2003.pdf).

351 An Overview of the Problems Faced by the Migrant Kashmiri Pandits in Jammu District and Possible Solutions, International Journal of Research in Humanities, Arts, and Literature, Vol. 2, Issue 9, September 2014, Impact Journals, <http://www.impactjournals.us/>.

352 Id.

353 “Why Differ Between Migrants from Kashmir and Jammu?” February 22, 2013, ANI News, <http://www.aninews.in/newsdetail2/story100425/why-differ-between-migrants-from-kashmir-and-jammu-.html>.

354 Id.

355 TNN, “Govt plans Rs 2000 crore package for people displaced from PoK,” August 29, 2016, Times of India, <http://timesofindia.indiatimes.com/india/Govt-plans-Rs-2000-crore-package-for-people-displaced-from-PoK/articleshow/53903593.cms>.

356 Pandita, Rahul, “Why the Return of Kashmiri Pandits is Still a Distant Dream,” June 3, 2013, India Ink, The New York Times, http://india.blogs.nytimes.com/2013/06/03/why-the-return-of-kashmiri-pandits-is-still-a-distant-dream/?_php=true&_type=blogs&_r=0.

357 Based on a report received from Rajiv Pandit, a Kashmiri Pandit leader in the US and formerly affiliated with the Indo American Kashmir Forum.

remain skeptical of the government's ability to protect Hindus upon their return. This is due in part to the ongoing threats from militant groups and the fear and insecurity Pandits who returned to the Valley continue to face. Pandit leaders, such as Shadi Lal, head of the Jagti Township Tenement Committee in Jammu, view the prospect of returning to their old neighborhoods or in mixed neighborhoods as untenable due to fear for their safety and security.³⁵⁸

Moreover, there is considerable disagreement amongst Pandit groups as to the best solution for their resettlement, with some advocating for separate townships in the Valley to others arguing for a separate Union Territory for the displaced Pandits.

CONCLUSION AND RECOMMENDATIONS

More than 25 years after Pakistani sponsored militants launched a violent insurgency in the Kashmir Valley, the security and safety of ordinary Kashmiris remains a concern. While there has been a drastic decline in militant violence since its peak in 2001, as long as the Pakistani military is unwilling to give up its policy of utilizing terror groups to foment violence in Indian Kashmir, violence will continue in the state for the foreseeable future.

Moreover, given the tenuous security situation, the displaced Kashmiri Pandits have been unable to return to the Valley, with thousands still living in decrepit refugee camps in Jammu and New Delhi. Rehabilitation and resettlement plans have thus far proven ineffective and a long-term durable solution for the Kashmiri Pandits remains elusive. Those Pandits that have returned to the Kashmir Valley under government rehabilitation and employment programs have faced numerous hardships, including harassment from their Muslim colleagues and attacks on transition camps, a lack of basic accommodations, and a general fear for their safety.

Whether living in camps or elsewhere in the state, the Pandits and other Hindus, Sikhs, and Buddhists face economic, political, and social marginalization. Additionally, many Hindu shrines and temples in the Valley remain unprotected, many of which have

been illegally encroached upon or have fallen into disrepair.

Consequently, HAF offers the following recommendations for the Government of India and the international community.

Recommendations to the Government of India

- Officially recognize Kashmiri Pandits as IDPs to acknowledge their historical experience and provide them with their rights and protections under international law.
- Abrogate Article 370 of the Constitution, which has allowed the State's residents to live under a separate set of laws and discriminated against the state's religious minorities.
- The central and state governments should improve basic conditions for Pandits living in camps in Jammu and New Delhi and register all the refugees that fled PoK.
- The central and state governments must implement comprehensive resettlement plans for displaced Pandits that ensure: (1) security for those returning; (2) returning Pandits are integrated into the normal economic development of the state; (3) proper accommodations to resettling Pandits; and (4) basic freedoms for returning Pandits.
- The state government must provide for the protection of vulnerable Hindu shrines and allow Kashmiri Pandits to control their religious sites in the Valley. It must further provide full protection and accommodation to Hindu pilgrims visiting shrines in the state.
- Any dialogue on the political future of the state must include Kashmiri Hindu representatives and promote the views of secular Kashmiri Muslims in the Valley.

Recommendations to the International Community

- The Kashmir issue must remain a bilateral one

358 "Pain and Gain of Displaced Kashmiri Pandits," May 16, 2015, New Indian Express, <http://www.newindianexpress.com/magazine/Pain-and-Gain-of-Displaced-Kashmiri-Pandits/2015/05/16/article2814286.ece>.

between India and Pakistan and between the Indian government and its citizens in the state. US policy makers and the international community must exert economic and diplomatic pressure on Pakistan to end its use of terrorism as an instrument of state policy, leveraging the large amount of financial assistance provided to the country.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Area 65,610 sq km

Population 22.235 million (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>.

Ethnic Groups Sinhalese 74.9%, Tamil 15.4% (Sri Lankan Tamil 11.2%, Indian Tamil 4.2%) Sri Lankan Moors 9.2%,³⁵⁹ other 0.5% (2012 est.)

Religions Buddhist (official) 70.2%, Hindu 12.6%, Muslim 9.7%, Roman Catholic 6.1%, other Christian 1.3%, other 0.05% (2012 est.)

Languages Sinhala (official/national language) 74%, Tamil (national language) 18%, other 8%. English, spoken competently by about 10% of the population, is commonly used in government and is referred to as the link language in the constitution.

Location Southern Asia, island in the Indian Ocean, south of India

INTRODUCTION

Despite promises of reform, there was little significant change in human rights conditions in Sri Lanka in 2016. Most notably, the government failed to take meaningful steps to address alleged war crimes stemming from the civil war between the Sinhalese dominated government and the Liberation Tigers of Tamil Eelam (LTTE), an ethnic Tamil separatist group,



that ended in 2009. Specifically, the government attempted to avoid its obligations under a September 2015 United Nations Human Rights Council (UNHRC) resolution that required the Sri Lankan government to implement mechanisms to investigate the civil war and involve international judges.

At a UNHRC meeting in June 2016, the High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, stated that the Sri Lankan government had not implemented a "comprehensive traditional justice agenda."³⁶⁰ The UNHRC's annual report further called on Sri Lanka to "rein in its military forces, prosecute war crimes and win the confidence of the Tamil minority" and reiterated the importance of utilizing international judges in any transitional justice tribunal.³⁶¹

In addition to the lack of post-conflict justice, the military continued to exercise widespread control, and commit torture and sexual abuse, in high security zones in the north and east, while militant Buddhist groups fostered an atmosphere of intol-

³⁵⁹ Sri Lankan Moors is the official term used for those Sri Lankans that are Muslims. Some sources indicate that they are the descendants of Arab traders that settled in Sri Lanka between the 8th and 15th centuries, while others state that they are Muslim Tamils that speak Tamil.

³⁶⁰ "Human Rights Council Discusses Human Rights Situation in Sri Lanka and Myanmar," June 29, 2016, Office of the High Commissioner, United Nations, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20207&LangID=E>.

³⁶¹ "US Acknowledges Complications in Sri Lanka War Crimes Investigation," July 15, 2016, Reuters, <http://www.reuters.com/article/us-sri-lanka-rights-usa-idUSKCN0ZV0SU?il=0>.

erance and attacked non-Buddhist individuals and religious sites. The displacement of thousands of Tamils also continued unabated, and Hindus and other religious minorities were denied equal rights under the constitution.

HISTORY/BACKGROUND

Sri Lanka's complex political, religious, and ethno-linguistic dynamics can be traced back thousands of years to this island nation's early history. An aboriginal group, known as the Veddahs, are believed to be the indigenous inhabitants of Sri Lanka. The ethnic Sinhalese migrated to the country from northern and/or eastern India in the fifth or sixth century BCE, followed by Tamils from southern India in the third century BCE.³⁶² A subsequent influx of Tamils from south India arrived in 1815 as indentured laborers to work in tea, coffee, and coconut plantations.³⁶³

The south, west, and central regions of the island are primarily inhabited by the Sinhalese, while the Tamils reside in the north, east, and plantations in the central hills. The Tamil northeast covers an estimated 7,500 square miles. The Sinhalese majority is Buddhist, while most Tamils are Hindus, with Christian and Muslim minorities.

The foundation for the present divide between the primarily Buddhist Sinhalese and Tamil Hindus (and to a lesser extent other minorities) can be found in part in a Sinhala-Buddhist document written in the sixth century CE, known as the Mahavamsa. This historical narrative on Sri Lanka lends credence to the idea that only the Sinhala-Buddhist people are the rightful heirs to the island nation,³⁶⁴ and religious

and ethnic minorities are only "guests,"³⁶⁵ and has fueled Sinhala-Buddhist nationalism.³⁶⁶

British policies that favored the Tamil minority further fueled Sinhala-Buddhist revivalism and nationalism, which was supported by rising Sinhala Buddhist middle classes and businessmen. When the British departed in 1948, power was transferred to the Sinhala majority, and subsequent governments in 1949, 1962, and 1965 stripped hundreds of thousands of Tamils, who worked in plantation estates, of their citizenship. Many of these Tamils were not granted full citizenship rights until 2003.³⁶⁷ Similarly, successive post-independence governments pursued resettlement policies, bringing Sinhalese from the south and settling them into Tamil areas in the north and east.

Simultaneously, in the post-independence period, Sinhala-Buddhist nationalists came to dominate the government and implemented policies and laws that favored Sinhalese and Buddhism and marginalized the Tamil minority.³⁶⁸ This included refusing to allow Tamil as an administrative language in the Tamil majority northern and eastern regions of the country, leading to Sinhala-Tamil riots in 1958.³⁶⁹ The government continued to suppress Tamil culture and political organizations, leading to the alienation of large segments of the Tamil population and the idea of a separate Tamil nation in 1972.³⁷⁰

In 1983, the "Black July" riots led to the killing of between 1,000 and 3,000 Tamils by Sinhala extremists. More than 18,000 homes and numerous commercial establishments were destroyed, and hundreds of thousands of Tamils fled the country

362 "Sri Lanka Profile," November 5, 2013, BBC News, <http://www.bbc.com/news/world-south-asia-12004081>.

363 Id.

364 Ramachandran, Sudha, "Sri Lankan Monks Join Rampaging Mob," May 2, 2012, Online Asia Times, http://www.atimes.com/atimes/South_Asia/NE02Df03.html.

365 Id.

366 Id.

367 "Country Study: Sri Lanka," The Library of Congress, <http://lcweb2.loc.gov/frd/cs/lktoc.html>; "Sri Lanka," Wikipedia, http://en.wikipedia.org/wiki/Sri_Lanka; "History of Sri Lanka," Wikipedia, http://en.wikipedia.org/wiki/History_of_Sri_Lanka#Independence

368 Ramachandran, Sudha, "Sri Lankan Monks Join Rampaging Mob," May 2, 2012, Online Asia Times, http://www.atimes.com/atimes/South_Asia/NE02Df03.html; "Sri Lanka Profile," November 5, 2013, BBC News, <http://www.bbc.com/news/world-south-asia-12004081>.

369 Id.

370 "Sri Lankan riots of 1958," Wikipedia, http://en.wikipedia.org/wiki/Sri_Lankan_riots_of_1958.

to India, Europe, Australia, and Canada.³⁷¹ The widespread violence led thousands of Tamil youths to join various Tamil militant groups, including the LTTE, and ushered in decades of brutal conflict.

Tamil militant groups, particularly the LTTE, fought to create an independent state (Tamil Eelam) in the north and east regions of the island nation, utilizing both terrorism and conventional military warfare. The decades long civil war with the Sinhala-majority government and state sponsored paramilitary groups ended in 2009, with the defeat of the Tamil Tigers. Militant Buddhism was considered a major driving force in fueling and extending the war, and extremist Buddhist monks often undermined attempts to reach peace settlements with the Tamil Tigers.³⁷²

The civil war took a heavy toll on this island nation, with nearly 100,000 fatalities in the three decades of conflict. Moreover, the fighting left hundreds of thousands of civilians, primarily Tamils, displaced from their homes. More than 100,000 were forced to flee in March 2007 alone.³⁷³ The 300,000 internally displaced persons (IDPs) at the end of the final battle in 2009 were put in military camps that some termed “internment camps,” although the Sri Lankan government claimed that they were refugee camps.³⁷⁴

According to human rights groups and the United Nations, both the government and LTTE were guilty of mass atrocities and war crimes, as thousands of Tamil civilians were killed, seriously injured, or displaced. The systematic recruitment or abduction of young child soldiers, some as young as 12, was a

common practice employed by government forces, pro-government militias, and Tamil rebel groups alike.³⁷⁵

Moreover, a large number of Hindu temples and religious institutions were reportedly destroyed during the course of the war.

Sri Lanka’s final military offensive against the LTTE in the closing months of the war in 2009 resulted in up to 40,000 civilian deaths, according to the UN, two-thirds of which allegedly occurred in purported safe zones created by the government.³⁷⁶ A British news documentary, “Sri Lanka’s Killing Fields”, human rights groups, and the UN further allege that the military engaged in extrajudicial killings of large numbers of LTTE prisoners in their captivity.³⁷⁷ Some reports say that up to 70,000 Tamils were killed during that final phase of the war.

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

The Constitution of Sri Lanka accords Buddhism “the foremost place” and states that “it shall be the duty of the State to protect and foster the Buddha Sasana [religion],”³⁷⁸ while dedicating an entire chapter of the Constitution to Buddhism (Chapter II).³⁷⁹ This language affords a privileged status to Buddhists and implicitly relegates other religions to an inferior status by demonstrating government preference for one religion over others.

371 “Banning of Tamil Language,” Wikipedia, http://en.wikipedia.org/wiki/Banning_of_Tamil_language_media_importation.

372 McGowan, William, “Buddhists Behaving Badly: What Zealotry is Doing to Sri Lanka,” August 2, 2012, Foreign Affairs, <http://www.foreignaffairs.com/articles/137812/william-mcgowan/buddhists-behaving-badly>.

373 “S Lanka truce end worries Norway,” January 3, 2008, BBC, http://news.bbc.co.uk/2/hi/south_asia/7169145.stm; “Recurring Nightmare: State Responsibility for ‘Disappearances’ and Abductions in Sri Lanka,” March 2008, Human Rights Watch, <http://www.reliefweb.int/rw/RWB.NSF/db-900SID/MMAH-7CG97W?OpenDocument>; “Sri Lanka: Testimony Before the European Parliament Committee on Development,” June 5, 2007, Human Rights Watch, <http://www.hrw.org/en/news/2007/06/04/sri-lanka-testimony-european-parliament-committee-development>.

374 “Sri Lanka defends internment camps,” October 12, 2009, Al Jazeera, <http://english.aljazeera.net/news/asia/2009/10/2009101215511819527.html>.

375 “Outrage over child soldiers in Sri Lanka,” November 29, 2006, The Christian Science Monitor, <http://www.csmonitor.com/2006/1129/p07s02-wosc.html>; “Sri Lanka: Karuna Group Abducts Children for Combat,” January 24, 2007, Human Rights Watch, <http://hrw.org/english/docs/2007/01/24/slanka15141.htm>.

376 “Sri Lanka Authoritarian Turn: The Need for International Action,” February 20, 2013, International Crisis Group, [http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/243-sri-lankas-authoritarian-turn-the-need-for-international-action.pdf](http://www.crisisgroup.org/~/media/Files/asia/south-asia/sri-lanka/243-sri-lankas-authoritarian-turn-the-need-for-international-action.pdf).

377 McGowan, William, “Buddhists Behaving Badly: What Zealotry is Doing to Sri Lanka,” August 2, 2012, Foreign Affairs, <http://www.foreignaffairs.com/articles/137812/william-mcgowan/buddhists-behaving-badly>.

378 Sri Lanka’s Constitution at <http://www.priu.gov.lk/Cons/1978Constitution/Introduction.htm>.

379 2009 Report on International Religious Freedom -- Sri Lanka, UNHCR, <http://www.unhcr.org/refworld/topic,464db4f52,46b86df-b2,4ae8610869,0.html>.

It further undermines Articles 10 and 14 of the Constitution, which respectively provide “freedom of thought, conscience and religion” and the freedom “to manifest his religion or belief in worship, observance, practice or teaching.”³⁸⁰

The Constitution’s deference to Buddhism has also been accompanied by a perception that the ruling government is the protector of Buddhism and distributes state largess to Buddhist institutions, shrines, and monks, which are unavailable to other religious communities.³⁸¹

Similarly, despite the existence of separate Ministry of Religious Affairs departments for each religious tradition (Buddhism, Hinduism, Islam, and Christianity),³⁸² in practice, non-Buddhist faiths do not enjoy equitable treatment. In addition, the substantial involvement of Buddhist religious clergy in the affairs of the state has resulted in the influence of Buddhist conceptions of morality on all aspects of public life, thereby impinging on the rights of religious minorities. Consequently, Buddhism and Buddhists get preferential treatment in all government and societal spheres.

In early 2016, there were calls to afford equal status to Hinduism and all other religions in the new draft constitution, on par with Buddhism.³⁸³

The elevation of Buddhism in the state’s legal framework and national polity has also provided justification for the belief that Sri Lanka is only for Buddhists and the tacit endorsement of Sinhala-Buddhist nationalism, often resulting in discrimination and

violence against religious minorities.

The assertion of Sinhala-Buddhist nationalism has led to “cultural and demographic Sinhalisation” in historic Tamil areas and has been accompanied by the destruction of Hindu, Christian, and Muslim religious sites. Tamil sources allege that there have been a series of attacks on Hindu religious sites and priests and the destruction of several temples in the northeast region of the country.³⁸⁴ In many instances, Hindu temples have been destroyed under the pretext of development projects or due to their location within a Buddhist sacred zone.³⁸⁵

In addition, despite demands by groups such as the Tamil National Alliance (TNA), the government has not rebuilt a number of Hindu temples and Christian churches that were targeted and destroyed during the course of the civil war. Some groups estimate that approximately 2500 Hindu temples/sites and 400 churches were destroyed during the course of the war.³⁸⁶

The promotion of an exclusivist Sinhala Buddhist identity has further manifested itself in increasing Sinhalization of signboards and village and street names, as well as in the proliferation of Buddha statues and Buddhist temples. A recent report by the International Crisis Group (ICG), for example, stated that Buddhist temples are being built near military installations, but also “without permission on private land.” “New constructions” are emerging over destroyed Hindu temples.³⁸⁷ According to

380 Id.

381 Ramachandran, Sudha, “Sri Lanka’s Muslims in the Cross-Hairs,” September 11, 2013, *The Diplomat*, <http://thediplomat.com/2013/09/sri-lankas-muslims-in-the-cross-hairs/?allpages=yes>.

382 “2009 Report on International Religious Freedom -- Sri Lanka,” UNHCR, <http://www.unhcr.org/refworld/topic,464db4f52,46b86df-b2,4ae8610869,0.html>.

383 “As Sri Lankan Leader Celebrate Hindu Festival - Calls to Give Hinduism Equal Status as Buddhism in the New Constitution,” January 12, 2016, *EINPresswire.com*, http://world.einnews.com/pr_news/306172914/as-sri-lankan-leader-celebrate-hindu-festival-calls-to-give-hinduism-equal-status-as-buddhism-in-the-new-constitution.

384 “Attacks on Hindu Temples Escalate,” May 17, 2012, *Tamil Guardian*, <http://www.tamilguardian.com/article.asp?articleid=4839>; Ramachandran, Sudha, “Sri Lanka’s Muslims in the Cross-Hairs,” September 11, 2013, *The Diplomat*, <http://thediplomat.com/2013/09/sri-lankas-muslims-in-the-cross-hairs/?allpages=yes>.

385 Ramachandran, Sudha. “Sri Lankan monks join rampaging mob,” May 2, 2012, *Online Asia Times*. http://www.atimes.com/atimes/South_Asia/NE02Df03.html; “Dambulla, Sri Lanka: Mosque, Hindu Temple to be Demolished,” April 29, 2012, *The Olympian*, <http://www.theolympian.com/2012/04/28/2085360/dambulla-sri-lanka-mosque-hindu.html#storylink=cpy>.

386 “Continuous Genocide of Hindu Tamils in a Fatal Sinhala Slaughter House in Sri Lanka,” HRDI, <http://www.hrdi.in/?p=1221>; “Sri Lankan Civil War Caused the Damage of 500 Hindu Temples,” August 15, 2010, *Chakra News*, <http://www.chakranews.com/war-with-ltte-caused-500-hindu-temples-to-be-damaged/851>.

387 “Sri Lanka Authoritarian Turn: The Need for International Action,” February 20, 2013, *International Crisis Group*, <http://www.crisisgroup.org/~media/Files/asia/south-asia/sri-lanka/243-sri-lankas-authoritarian-turn-the-need-for-international-action.pdf>.

Tamil sources, at least 27 Buddhist shrines had been erected in Kilinochchi, Mullaitivu, Mannar and Jaffna districts, which are Tamil majority districts.³⁸⁸

Tamil groups further contend that the establishment of these new Buddhist temples in close proximity to Hindu shrines or destroyed Hindu temples has been explicitly sanctioned by the military and often occurs with its assistance. Additionally, the military has permitted Buddhist monks to illegally occupy Tamil land near military cantonments for their own use.³⁸⁹

In September 2016, thousands of Tamils held a peaceful rally in Jaffna to protest the continued construction of hundreds of Buddhist temples on historic Tamil lands, perceived as a way to increase the settlement of Sinhalese and change the demographics of majority Tamil areas.³⁹⁰

Sinhala-Buddhist nationalist groups, such as the militant Buddhist Bodu Bala Sena (BBS), have increasingly attacked Christians and Muslims and their religious institutions in recent years.

In response to challenges faced from Christians, Muslims, and Buddhists in Sri Lanka, a group of Tamil Hindu leaders recently formed the Siva Senai (Siva's Army). The organization's leader is former UN official and Tamil nationalist, Maravanpulavu Sachchithananthan.³⁹¹

According to Sachchithananthan, "Our first objective is to stop conversion. We are for safeguarding Hindu temples from encroachments by other religions. For instance there is a huge church in front of the

ancient Thiruketheeswaram temple in violation of an agreement entered into in the 1960s. In Mannar and Mullaitivu we face challenges from the Catholics and in Vavuniya it is from the Buddhists who are colonizing through the imposition of Buddhism. In the Eastern Province the Hindus face threats from Muslims."³⁹²

Sachchithananthan added that the leadership of the Tamil movement and Tamil political parties have been dominated by Christians for the past 60 years and that Hindus needed a place in these parties.³⁹³

Institutional Violence and Discrimination

The ongoing militarization of the northern and eastern provinces has led to systematic state repression of the Tamil minority.³⁹⁴ Moreover, the military continued to occupy approximately 58.73 acres of privately owned Tamil land in and around Jaffna outside of military security zones. This is in addition to 86.22 acres of state land utilized by the military.³⁹⁵

As a consequence of this militarization, Tamil civilians, mostly Hindus and Christians, routinely reported harassment and intimidation by the military, in addition to widespread discrimination and infringements on basic freedoms.³⁹⁶ Specifically, the military has used repressive tactics to quell dissent amongst Tamils and members of civil society and restrict peaceful political expression in violation of constitutional guarantees of freedom of speech, peaceful assembly, and association.

In 2016, there were repeated accusations against the security forces of committing abuses, torture,

388 Id.

389 Id.; McGowan, William, "Buddhists Behaving Badly: What Zealotry is Doing to Sri Lanka," August 2, 2012, Foreign Affairs, <http://www.foreignaffairs.com/articles/137812/william-mcgowan/buddhists-behaving-badly>.

390 "Massive Rally by Tamils in Sri Lanka to Protest Building of Buddhist Temples Call for Int'l War Crime Investigation," September 26, 2016, EIN-Presswire.com, http://world.einnews.com/pr_news/346610255/massive-rally-by-tamils-in-sri-lanka-to-protest-building-of-buddhist-temples-call-for-int-l-war-crime-investigation.

391 Balachandran, PK, "Siva Senai Formed in Sri Lanka to Enable Hindus to Face Threats From Other Religions," October 12, 2016, New India Express, <http://www.newindianexpress.com/world/2016/oct/12/siva-senai-formed-in-sri-lanka-to-enable-hindus-to-face-threats-from-other-religions-1527283.html?pm=331>.

392 Id.

393 Id.

394 "Waiting to Return Home: Continued Plight of the IDPs in Post-War Sri Lanka," 2016, Oakland Institute, https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/SriLanka_Return_Home_final_web.pdf.

395 "Alleged War Crimes: PM Announces Probe will be Domestic no Foreign Judges," May 29, 2016, The Sunday Times, <http://www.sundaytimes.lk/160529/columns/alleged-war-crimes-pm-announces-probe-will-be-domestic-no-foreign-judges-195284.html>.

396 Id.

and sexual assault. The Tamil Lawyers Forum, for instance, called on the UN to investigate the mysterious deaths of over 100 recently released LTTE prisoners, alleging that they were administered with poisonous and chemical substances while held at rehabilitation centers for former LTTE cadres.³⁹⁷ Similarly, in February, the All Ceylon Hindu Congress wrote to President Sirisena requesting the release of Tamil political prisoners, including a Hindu priest who had been sentenced to prison for 300 years based on a confession allegedly obtained under harassment and duress.³⁹⁸

In December, the UN Committee Against Torture on Sri Lanka released a new report detailing the ongoing unlawful detention, torture, and sexual violence of Tamils by security forces. In its report, the UN Committee Against Torture called for an independent mechanism to investigate incidents of torture and sexual violence by security forces.³⁹⁹

The ongoing displacement of thousands of Tamils also remained a major unresolved issue. According to the Internal Displacement Monitoring Centre, “the majority of internally displaced persons (IDPs) had returned to their places of origin, but there were still over 40,000 IDPs in the country (some 3,000 in welfare centres in the Jaffna district), and more than 100,000 Sri Lankan refugees in India and elsewhere. There were also communities who had been officially resettled but remained in a highly vulnerable situation and continued to struggle to find durable solutions.”⁴⁰⁰

At the same time, in 2016, the Sirisena government was in the process of creating a new constitution

to replace the 1978 constitution. The government claimed that the constitution would bring communal harmony to the country and would protect the rights of all Sri Lankans. The draft constitution is expected to implement the 13th amendment to devolve power to the provinces and add a Second Chamber in parliament in order to provide greater representation to the Tamil community and other minorities at the national level. It will not, however, create a new province merging the Northern and Eastern provinces (the traditional Tamil homelands), despite demands from the Tamils. A final draft constitution is expected to be voted on by April 2017.⁴⁰¹

Post-Conflict Justice

The Sri Lankan government failed to take any meaningful steps in 2016 towards achieving accountability and justice for the victims of the civil war. A consensus resolution, ‘Promoting Reconciliation, Accountability and Human Rights in Sri Lanka,’ was adopted by the UNHRC in September 2015, and required Sri Lanka to establish a domestic truth, justice, and reconciliation commission utilizing foreign judges to investigate and prosecute war crimes and violations of international law by all sides in the civil war.⁴⁰²

The Sri Lankan government however, began to backtrack on its promises to the UNHRC after increased domestic pressure by Sinhala hard-line groups. In May 2016, for instance, Prime Minister Ranil Wickremesinghe informed senior military officials that the tribunal would not utilize any foreign judges and would instead be entirely domestic in nature.⁴⁰³ In November, President Maithrapala Sirisena reached

397 “Sri Lanka: Tamil Lawyers Forum Urges UN Rights Chief to Investigate Suspicious Deaths of Released Tamil Detainees,” September 12, 2016, EINPresswire.com, http://world.einnews.com/pr_news/344309282/sri-lanka-tamil-lawyers-forum-urges-un-rights-chief-to-investigate-suspicious-deaths-of-released-tamil-detainees.

398 Urgent Appeal to His Excellency President, All Ceylon Hindu Congress, received via email.

399 “Torture is ‘Common Practice’ in Sri Lanka, U.N. Panel Finds,” December 7, 2016, New York Times, https://www.nytimes.com/2016/12/07/world/asia/sri-lanka-torture.html?_r=1.

400 “New Policy on Durable Solutions in Sri Lanka: The Challenge of Implementation,” September 2, 2016, Internal Displacement Monitoring Centre, <http://internal-displacement.org/blog/2016/new-policy-on-durable-solutions-in-sri-lanka-the-challenge-of-implementation>.

401 Balachandran, PK, “Sri Lanka’s Draft Constitution Unlikely to Merge Tamil-Speaking Northern, Eastern Provinces,” November 6, 2016, New Indian Express, <http://www.newindianexpress.com/world/2016/nov/06/sri-lankas-draft-constitution-unlikely-to-merge-tamil-speaking-northern-eastern-provinces-1535657--1.html>; “Massive Rally by Tamils in Sri Lanka to Protest Building of Buddhist Temples Call for Int’l War Crime Investigation,” September 26, 2016, EINPresswire.com, http://world.einnews.com/pr_news/346610255/massive-rally-by-tamils-in-sri-lanka-to-protest-building-of-buddhist-temples-call-for-int-l-war-crime-investigation.

402 Sri Lanka, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/sri-lanka>.

403 “Alleged War Crimes: PM Announces Probe will be Domestic no Foreign Judges,” May 29, 2016, The Sunday Times, <http://www.sundaytimes.lk/160529/columns/alleged-war-crimes-pm-announces-probe-will-be-domestic-no-foreign-judges-195284.html>.

out to US President-elect Donald Trump requesting release of any obligations under the UNHRC resolution. Sirisena also indicated that he would approach the new UN Secretary General Antonio Guterres.⁴⁰⁴

The UN Committee Against Torture on Sri Lanka also criticized the government for its failure to adequately investigate and prosecute war crimes committed during the civil war in its recent report.⁴⁰⁵

On a positive note, the government did create a new Office of Missing Persons to investigate the cases of more than 20,000 people that disappeared during the civil war and provide legal recourse and compensation to families of victims.⁴⁰⁶ Given the government's track record in transitional justice measures, however, it is unclear whether the Office will operate effectively and according to its mandate.

CONCLUSION AND RECOMMENDATIONS

After coming to power on a platform of change and reform, the Sirisena government has failed to address a number of outstanding human rights issues in Sri Lanka.

The ongoing militarization in the former conflict zones of the north and east and unwillingness to end impunity for abuses by security forces continue to prevent true reconciliation with the Tamil minority. Similarly, the need to resettle thousands of displaced Tamils, return occupied lands, and confront Sinhala-Buddhist nationalists is long overdue. Moreover, non-Buddhist places of worship need to be protected from illegal encroachments and destruction, while legal reforms are necessary to provide equal protection under the law to all citizens. Perhaps, most importantly, meaningful transitional justice and the investigation of war crimes and human rights abuses committed during the decades-long civil war has still not been achieved.

The following are recommendations to the Government of Sri Lanka and the international community.

Recommendations to the Government of Sri Lanka

- HAF calls on the Sri Lankan government to uphold its commitments as outlined in the September 2015 UNHRC resolution to effectively investigate the war crimes committed by all sides during the civil war.
- Similarly, demilitarization of the north and eastern sections of the country is necessary to build the trust of the minority Tamil population. The number of military personnel operating in these areas must be reduced to only that which is necessary for the security and protection of civilians. Arbitrary arrests and detentions, torture, and sexual abuse must end. Additionally, security forces should refrain from interfering in the daily lives of Tamil civilians, return occupied lands, and respect their freedom of speech and association. Moreover, those civilians still displaced from the war must be resettled and rehabilitated in a timely manner.
- It is further incumbent upon the federal government to remove preference for Buddhism from the Constitution and fully devolve political power to the Northern Provincial Council as guaranteed by the 13th Amendment to the Constitution. Finally, the government must confront Sinhala-Buddhist nationalists and do more to protect ethnic and religious minorities and minority places of worship from communal violence.

Recommendations to the International Community

- The international community, including the UN, India, and the US must continue to support human rights and democratic process in the country, and pressure Sri Lanka to conduct an

404 Mallawarachchi, Bharatha, "Sri Lanka Leader Asks Trump to Help Drop War crime Charges," November 29, 2016, Associated Press, reproduced in Washington Post, https://www.washingtonpost.com/world/asia_pacific/sri-lanka-leader-asks-trumps-help-to-drop-war-crime-charges/2016/11/29/1ee707f6-b5fe-11e6-939c-91749443c5e5_story.html?utm_term=.58d73b706efb.

405 "Torture is 'Common Practice' in Sri Lanka, U.N. Panel Finds," December 7, 2016, New York Times, https://www.nytimes.com/2016/12/07/world/asia/sri-lanka-torture.html?_r=1.

406 "Sri Lanka Office to Search for Civil Conflict's Missing People," May 26 2016, Daily Brief, Council on Foreign Relations, via email.

investigation into the civil war in accordance with the UNHRC resolution in order to achieve political reconciliation and create a stable country.

- At the same time, the Tamil diaspora must play a constructive role in the rehabilitation of Tamils in Sri Lanka, the welfare of the Tamil minority in particular, and the Sri Lankan state in general. The Diaspora must end any attempts to reorganize the LTTE or foment conflict and instead support engagement with the ruling coalition.

MONITORED COUNTRIES

Monitored Countries have a history of violations against the Hindu community, but conditions have improved in recent years. The one exception is Saudi Arabia, which has a small population of Hindu migrant workers and a lack of available data on violations against Hindus. Consequently, Monitored Countries in 2016 are the following: **Republic of the Fiji Islands, Saudi Arabia, and Trinidad and Tobago.**

REPUBLIC OF THE FIJI ISLANDS

Area 18,274 sq km

Population 915,303 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/fj.html>.

Religions Protestant 45% (Methodist 34.6%, Assembly of God 5.7%, Seventh Day Adventist 3.9%, and Anglican 0.8%), Hindu 27.9%, other Christian 10.4%, Roman Catholic 9.1%, Muslim 6.3%, Sikh 0.3%, other 0.3%, none 0.8% (2007 est.)

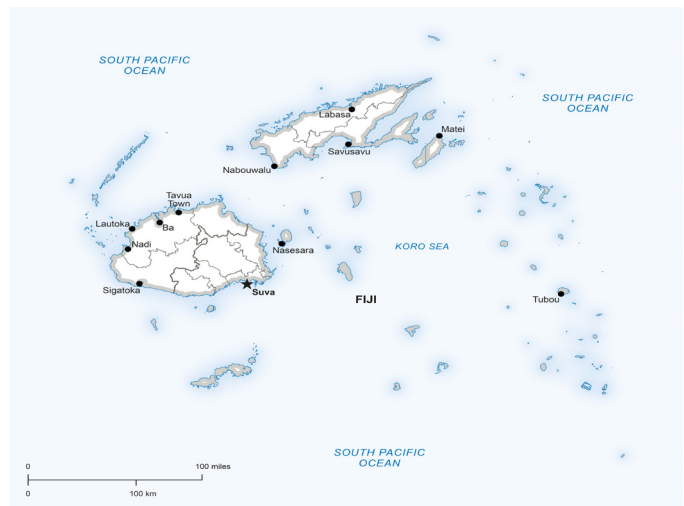
Languages English (official), Fijian, Hindustani

Ethnic Groups iTaukei 56.8% (iTaukei is now used to refer to native Fijians and is predominantly Melanesian with a Polynesian admixture), Indian 37.5%, Rotuman 1.2%, other 4.5% (European, part European, other Pacific Islanders, Chinese)

Location Oceania, island group in the South Pacific Ocean, about two-thirds of the way from Hawaii to New Zealand

INTRODUCTION

Fiji's human rights record continued to come under scrutiny from human rights groups and the international community in 2016 for restrictions on the media and repression of the freedoms of expression, association, and assembly. In September 2016, opposition party leaders, Biman Prasad (National Federation Party) and Sitiveni Rabuka (Sodelpa),



and a high-profile trade union leader, Attar Singh, were arrested for organizing a public meeting about the 2013 Constitution without a permit under the Public Order Amendment Decree.⁴⁰⁷

While the Constitution protects basic civil liberties, it simultaneously allows for the arbitrary restriction of the freedoms of expression, association, and assembly in the interest of national security.

In addition, concerns over allegations of torture and abuse by security forces, gender-based violence, and the violation of worker's rights persist.

The Indian-Hindu minority faces ongoing racial prejudice and inequitable treatment in many sectors, while longstanding ethnic tensions between the iTaukei (indigenous Fijian) population and Indo-Fijians continues to plague the country. The government, however, has taken several significant steps to confront discrimination and reduce ethnic tensions in recent years. Ethnic and religiously motivated violence targeting the Indian-Hindu minority has also drastically declined.

HISTORY/BACKGROUND

Fiji is home to a diverse multi-ethnic and multi-religious population. The population is split primarily between two main ethnic groups: iTaukei (indigenous Fijians), who constitute 56.8%, and Indo-Fijians, who make up an estimated 37.5% of the population. Religious identity is closely correlated with ethnic-

407 Tahana, Jamie, "Human Rights Fears as Fiji Opposition Leaders Remain in Custody," September 11, 2016, RNZ International, <http://www.radionz.co.nz/international/pacific-news/312994/human-rights-fears-as-fiji-opposition-leaders-remain-in-custody>.

ity, as most Indo-Fijians are Hindu (27.9% of the total population and 76% of the Indian community), while indigenous Fijians are primarily Christian (all Christian denominations collectively comprise 64.5% of the total population).⁴⁰⁸

Hindus were initially brought to Fiji from India in 1879 by the British colonists as part of the indentured labor system to work on sugarcane plantations.⁴⁰⁹ This brutal practice, akin to slavery, was finally abolished in 1916, but discrimination against Hindus continued, abetted by the state.

During colonial rule, the British pursued a policy of separate communal developments to prevent Indian laborers and indigenous Fijians from becoming a unified community, thereby posing a threat to colonial rule. When the British departed, political power and the vast majority of land (87% of land) was left in the hands of indigenous Fijians, who dominated politics at the expense of the Indo-Fijian community, which comprised 40% of the population at that time.⁴¹⁰

Since Fiji's independence in 1970, the country has experienced three coups. The first military coup in May 1987 by Lt. Colonel Rabuka removed Prime Minister Timoci Bavadra and a government supported by Indo-Fijians. The coup was justified by assertions that the government was dominated by Indo-Fijians, although it was the first time that the community held political power in 17 years.⁴¹¹ Lt. Colonel Rabuka then orchestrated a second coup in September of the same year after negotiations with the Governor-General (the Governor-General represented the British monarchy's interests in Fiji until 1987 when Fiji became a republic), failed to reach a settlement. During the unrest of 1987, over 12,000 Indo-Fijians and other minorities fled the country.⁴¹²

Indo-Fijians have historically faced ethnic discrimi-

nation and religious intolerance, especially since the unrest in 1987, when large-scale violence targeted the Indian community. The Reverend Akuila Yabaki, Head of Fiji's Citizens Constitutional Forum, recently noted:

"There is a general feeling amongst the indigenous people that they have a superior religion, and I think that tends to be at the root of sacrilege. In times of political instability, this sense of superiority comes to the fore, or when this is a standoff between Indo-Fijians and indigenous Fijians, the feelings of superiority are shown up in the burning of temples and mosques, desecration of holy books of Hinduism and Islam. And this has become common expression of religious intolerance since 1987."⁴¹³

Rabuka promulgated a new constitution in 1990, which effectively ensured political dominance for the ethnic iTaukei Fijians and explicitly discriminated against Indian Hindus by creating a "race-based political system in which the majority of seats in both Houses were allocated to Fijians,"⁴¹⁴ leading large numbers of Indians to leave the island nation. International pressure and domestic unrest, however, resulted in amendments to the constitution in 1997, making it more equitable and removing discriminatory provisions.⁴¹⁵

Elections in 1999 saw the emergence of the first Hindu Prime Minister, Mahendra Chaudhary, who was overthrown a year later by a Fijian extremist and US-educated businessman, George Speight. Subsequently, violence against Hindus increased and threatened their fundamental right to practice their faith.

The third coup occurred in 2006, when the democratically elected Prime Minister, Laisenia Qarase, was deposed by the military led by Commodore

408 Fiji, Central Intelligence Agency World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/fj.html>.

409 "Hinduism in Fiji," Wikipedia, http://en.wikipedia.org/wiki/Hinduism_in_Fiji.

410 "Fiji Profile," November 8, 2013, BBC News, <http://www.bbc.com/news/world-asia-pacific-14919688>.

411 Id.

412 "Fiji: History," Global Edge, Michigan State University, <http://globaledge.msu.edu/countries/fiji/history>.

413 "A look at the issue of sacrilege in Fiji," January 27, 2011, ABC Radio Australia, <http://www.radioaustralia.net.au/pacbeat/stories/201101/s3123417.htm>.

414 "Fiji Islands Overview," Minority Rights.org, <http://www.minorityrights.org/?lid=4371>.

415 "Fiji Profile," November 8, 2013, BBC News, <http://www.bbc.com/news/world-asia-pacific-14919688>.

Frank Bainimarama, who justified the coup as an attempt to curb state sponsored racism against Indians and Hindus, and stem widespread political corruption.⁴¹⁶ Discrimination and violence targeting the Indian-Hindu minority declined drastically since Bainimarama came to power in 2006, and conditions for the community have generally improved.

In September 2014, Fiji held democratic elections that were considered credible by international observers, and Bainimarama's Fiji First Party won a majority of seats in the Parliament and he was appointed Prime Minister.

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

The Fijian government has generally supported the free practice of religion in accordance with the Constitution adopted in 2013, which "guarantees religious freedom and establishes a secular state, in which all religions are equal."⁴¹⁷

The Constitutional framework further protects religious freedom through provisions that ensure that "the State and all persons holding public office must treat all religions [e]qually" and that "the State and all persons holding public office must not prefer or advance, by any means, any particular religion, religious denomination, religious belief, or religious practice over another, or over any non-religious belief."⁴¹⁸

In addition, Section 22 provides that every individual "has the right to freedom of religion, conscience and belief" and has the right to freely manifest or practice his religion in public or private.⁴¹⁹

Despite these protections for religious freedom,

government and police officials routinely used their positions of power to promote their Christian beliefs. Bainimarama's government, however, has issued directives in recent years to end this practice. Additionally, the government observes the religious holidays of the three main religions in Fiji as national holidays, including the Hindu festival of Diwali, several Christian holidays, and the birth of the Prophet Mohammed.

Although the government has taken steps to stem religious intolerance and promote equality, private religious institutions have pushed to erase the line separating politics and religion. Fiji's Methodist Church openly advocated for Fiji to officially become a Christian state, claiming that "Fiji was given to God...When we say that Fiji is a Christian state we say it was decided by our chiefs who ceded Fiji to Great Britain that Fiji be a Christian country...When it was given to God, it has already established its covenant relationship with God, and that covenant relationship is eternal - it cannot be withdrawn."⁴²⁰ The majority of Fiji's Christian population is Methodist and the Church wields considerable influence and power in the island nation.

Moreover, while there has been a significant reduction in religiously motivated violence against Hindus and their places of worship, there have been a number of attacks in the past few years. In June 2016, there were a string of racially and religiously motivated break-ins targeting the Indian-Hindu community. The Lovu Sangam School on the outskirts of Lautoka and an adjacent Hindu temple, for instance, were vandalized multiple times, and Hindu symbols and sacred items desecrated. The vandals also wrote messages taunting the school that serves 500 Indian students.⁴²¹ Similarly, in April 2014, there was an incident of vandalism and dese-

416 "Fiji's Ruler Clears Path to Elections on Own Terms," December 5, 2013, San Jose Mercury News, http://www.mercurynews.com/nation-world/ci_24667696/fijis-ruler-clears-path-elections-own-terms.

417 Pratibha, Jyoti, "PM: Religion can Unify," (January 14, 2014), Fiji Sun, <http://www.fijisun.com.fj/2014/01/14/pm-religion-can-unify/>.

418 Constitution of the Republic of Fiji, <http://www.fiji.gov.fj/getattachment/8e981ca2-1757-4e27-88e0-f87e3b3b844e/Click-here-to-download-the-Fiji-Constitution.aspx>.

419 Id.

420 "Fiji Hindu group rejects Christian state calls," (September 6, 2012), Australian Network News, <http://www.abc.net.au/news/2012-09-06/an-fiji-hindus-reject-christian-state-calls/4247214>.

421 Chaudhary, Felix, "School: Racially-Motivated Burglaries," June 14, 2016, The Fiji Times Online, <http://www.fijitimes.com/story.aspx?id=357976>; "Respect for Fiji's Multicultural Identity," June 16, 2016, Citizens' Constitutional Forum, <http://news.ccf.org.fj/respect-for-fijis-multicultural-identity/>.

cration of religious items at the Nadi Arya Samaj Primary School, a Hindu religious school.⁴²²

Institutional Discrimination

Historically, discrimination had been a significant issue in Fiji, leading an estimated 250,000 people, including many ethnic Indians, to leave the country in the past 25 years. Political leaders pursued policies and laws that led to the “Fijianizing” of the “public service, public enterprises, police, judiciary and military.”

Upon coming to power in 2006, Bainimarama’s military regime ended these ethnically based preferential policies and took considerable steps to improve the conditions of the Indian-Hindu population and reduce reliance on ethnic based politics. Bainimarama has continued these policies since his political party won democratic elections in 2014.⁴²³

According to Freedom House, “Indigenous Fijians previously enjoyed special consideration in many areas of education and political representation. However, the interim government removed many of these privileges in a bid to foster a sense of national unity, a policy also being pursued by the current administration.”⁴²⁴

Despite confronting ethnic and religious discrimination in Fiji in many sectors, land ownership regulations remain inequitable and continue to marginalize Indo-Fijian farmers. The majority of land in Fiji is still concentrated in the hands of iTaukei Fijians with restrictions on the ability of Indo-Fijians farmers to purchase land under discriminatory land tenure legislation. While a recent land use decree has increased access to land and extended lease periods to up to 99 years (from 30 years), Indo-Fijian farmers are still dependent on leased lands.⁴²⁵

CONCLUSION AND RECOMMENDATIONS

Human rights abuses by the government and security forces remain prevalent in Fiji despite the recent democratic transition. Additionally, limitations on fundamental civil rights included in the constitution are concerning. The Fijian government should take steps to amend the constitution to provide broader protections for the freedoms of expression, association, and assembly. Bainimarama’s government should also end its suppression of free speech and the right to assembly by those critical of its policies, while security forces should refrain from the continued use of arbitrary arrests and detentions.

The government must continue to pursue policies that treat all ethnic and religious groups equally, including further reforming land ownership legislation to provide equal ownership rights to Indo-Fijians. Furthermore, the government must take the necessary steps to stem discrimination and religious intolerance by non-state actors. Finally, law enforcement should continue to protect Hindus from violent attacks, closely monitor hate speech, and institute permanent safeguards to protect Hindu temples and institutions.

KINGDOM OF SAUDI ARABIA

Area 2,149,690 sq km

Population 28,160,273 (July 2016 est.). Demographic information is based on the Central Intelligence Agency’s World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/sa.html>. More than 30% of the population includes non-national immigrants (based on 2015 UN data)

Religions Islam (official; citizens are 85-90% Sunni and 10-15% Shia), other (includes Eastern Orthodox, Protestant, Roman Catholic, Jewish, Hindu, Buddhist, and Sikh) (2012 est.); Non-Muslims are not accorded Saudi citizenship.

Ethnicity 90% ethnic Arab, 10% Afro-Asian. This

422 Devi, Shayal, “Plea to Respect Religion,” April 21, 2014, The Fiji Times, <http://www.fijitimes.com/story.aspx?id=266224>; “Sabha Upset with School Break-In,” April 22, 2014, Fiji Sun Online, <http://fijisun.com.fj/2014/04/22/sabha-upset-with-school-break-in/>.

423 Ratuva, Steven, “Positive Discrimination: The Case of Fiji,” April 19, 2016, World Policy Blog, <http://www.worldpolicy.org/blog/2016/04/19/positive-discrimination-case-fiji>; Fiji, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/fiji>.

424 Fiji, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/fiji>.

425 Fiji, Country Reports on Human Rights Practices for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>.

does not include migrant workers who are predominantly from Asia.

Languages Arabic (official)

Location Middle East, bordering the Persian Gulf and the Red Sea, north of Yemen

INTRODUCTION

Saudi citizens and non-resident migrant workers continued to be deprived of fundamental freedoms and basic civil liberties throughout 2016. Religious freedom was systematically denied to both Muslims and non-Muslims alike, as the Kingdom continued to enforce its strict interpretation of Sunni Islam, outlawing other public forms of religion. At the same time, religious minorities, including Hindu migrant workers, suffered ongoing persecution, slave-like conditions, and severe restrictions on their religious freedom. Similarly, activists from the Shiite minority have been frequently repressed and targeted by security forces, and well known Shiite cleric, Sheikh Nimr Bakir al-Nimr,⁴²⁶ was executed in early 2016.⁴²⁷

Despite some minimal advances in women's rights in recent years, systematic gender discrimination continued to plague the country. Sharia based laws treat women inequitably and empowered the religious police to enforce the strict segregation of men and women in public (unless a woman was with a male guardian).⁴²⁸

Furthermore, Saudi Arabia remains a major exporter of Wahhabi Islam, supporting mosques, madrasas, and Islamic centers abroad. Many of these institutions have radicalized Muslims in various parts of the world and fomented conflict and instability.⁴²⁹

HISTORY/BACKGROUND

In the late eighteenth century, Saudi tribal ruler Muhammad bin Saud and Wahhabi cleric Muham-



mad Abd Al-Wahhab merged to form a new political union on the Arabian Peninsula, eventually leading to the establishment of the Kingdom of Saudi Arabia in 1932.⁴³⁰ The relationship between the US and Saudi Arabia dates back to 1940, when the US helped develop Saudi Arabia's vast oil reserves, a relationship that persists till today.

The Saud family and the Wahhabi clerical establishment created an Islamic monarchy with a legal system based on the Koran and Sharia (Islamic law). The monarch is the head of all the branches of the government. He appoints the two legislative bodies, including the Council of Ministers, the Majlis-al-Shura (Consultative Council), and the judicial branch. The king also appoints emirs to administer the state's regions. Political parties are forbidden, and traditionally, neither men nor women possessed the right to vote.⁴³¹

426 AF joined multiple coalition letters through the International Religious Freedom Roundtable in Washington, D.C. in support of Sheikh Nimr prior to his execution.

427 "US and GCC Should Discuss Human Rights at Upcoming Summit," April 18, 2016, Freedom House, <https://freedomhouse.org/article/us-and-gcc-should-discuss-human-rights-upcoming-summit>.

428 Saudi Arabia, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

429 Choksy, Carol E.B. and Choksy, Jamsheed K., "The Saudi Connection: Wahhabism and Global Jihad," May/June 2015, World Affairs Journal, <http://www.worldaffairsjournal.org/article/saudi-connection-wahhabism-and-global-jihad>.

430 "Saudi Arabia Profile," October 22, 2013, BBC News, <http://www.bbc.com/news/world-middle-east-14702705>.

431 The Basic Law of Governance, Saudi Arabia, http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx; Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

The monarchy held municipal council elections nationwide in 2005 and 2011, but political parties were banned and women prohibited from voting,⁴³² rendering the elections effectively meaningless. While political parties remained banned, women were allowed to vote and run for office for the first time in municipal elections in December 2015.⁴³³

Saudi Arabia's economy is heavily reliant on foreign workers, resulting in a dramatic demographic transformation in the past few decades, after the kingdom abolished slavery in 1962.⁴³⁴ Though the vast majority of Saudis are still ethnically Arab and Muslim, there are now an estimated eight to ten million migrant workers, primarily from Asia and Africa, two million of whom are non-Muslims.⁴³⁵

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

Saudi Arabia's constitution proclaims the kingdom to be "a sovereign Arab Islamic state with Islam as its religion" and "God's Book and the Sunnah of His Prophet" to be its "constitution."⁴³⁶ Article 7 states that the government "derives power from the Holy Koran" while Article 8 declares the basis of the government to be "in accordance with the Islamic Shari'ah."⁴³⁷ Furthermore, the constitution states that education should instill "the Islamic faith in the younger generation" and that "the state protects Islam."⁴³⁸

The country's legal framework is based on Sharia

and Saudi law mandates all citizens to be Muslims. Human rights are theoretically protected by Article 26, but only in accordance with Sharia; non-Muslim minorities are not officially recognized by the constitution, leaving them without fundamental rights or protections.⁴³⁹ Under Islamic law, Hindus are considered polytheists and polytheism is considered inconsistent with approved Islamic practices, along with "black magic" or "sorcery."⁴⁴⁰

Public worship is strictly limited to a state sponsored version of Sunni Islam, and non-Muslim places of worship, such as temples, synagogues, or churches, are expressly forbidden, and proselytizing by non-Muslims is illegal.⁴⁴¹ A 2014 law further criminalized atheism with imprisonment of up to 20 years.⁴⁴²

Even the private religious practice of non-Muslim workers is severely restricted. Although the Saudi government proclaimed that non-Muslims were allowed to worship in private, that right has not been clearly defined. Consequently, religious vigilantes and police have frequently harassed, assaulted, and interfered with private worship of non-Muslims.⁴⁴³

Furthermore, visitors and non-residents often complain that the police and customs authorities routinely confiscate private religious material, including books and symbols, upon entry into the country. In addition, migrant workers are frequently forced to sign labor contracts where they relinquish their rights and agree to adhere to Saudi religious customs and morals.⁴⁴⁴

432 "Q&A Saudi Municipal Elections," September 28, 2011, BBC News, <http://www.bbc.com/news/world-middle-east-15089937>.

433 Saudi Arabia, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/saudi-arabia>.

434 Giorgis, Dawit and Weinberg, David Andrew, "Saudi Arabia Doubles Down on Abuse," November 22, 2013, The National Interest, <http://nationalinterest.org/commentary/saudi-arabia-doubles-down-abuse-9448?page=1>.

435 Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

436 The Basic Law of Governance, Saudi Arabia, http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx.

437 Id.

438 Id.

439 Id.

440 Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

441 Id., The Basic Law of Governance, Saudi Arabia, http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx.

442 Saudi Arabia, Freedom in the World 2015, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/saudi-arabia#.VR23FrtFCW8>.

443 "Religious Freedom in Saudi Arabia," Berkley Center for Religion, Peace & World Affairs, Georgetown University, <http://berkleycenter.georgetown.edu/essays/religious-freedom-in-saudi-arabia>.

444 Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

Saudi laws also provide for disparate judicial rules, favoring Muslim males and discriminating against non-Muslims and women. For example, a Jewish or Christian plaintiff can only recover half the compensation a Muslim male would in a favorable court judgment, while certain other religious groups, such as Hindus, Buddhists and Sikhs, are only allowed to recover 1/16 the amount. In addition, judges may reject the testimony of non-Muslims during court proceedings. Children of all male citizens are also considered Muslims, regardless of the religious tradition in which they are raised or born.⁴⁴⁵ The Commission to Promote Virtue and Prevent Vice (CPVPV) and its religious police monitor and enforce these laws.⁴⁴⁶

In several cases, the CPVPV's religious police have conducted raids and interfered with the private worship and rituals of non-Muslim workers.⁴⁴⁷

Blasphemy is also severely punished under Saudi law. In November 2016, a Hindu from Telangana, India, Ponnamm Shankar, who was working in Saudi Arabia as an agricultural engineer was arrested and imprisoned for committing blasphemy against a holy Islamic site. Specifically, Shankar was arrested for allegedly creating a facebook post with an image of the Hindu God, Shiva, on top of the Kaaba, considered sacred to Muslims. Subsequently he was beaten up by a mob, who posted a video of the attack and him apologizing for the incident on social media. Shankar denied creating the image, but reportedly shared the image on his social media account. Shankar's wife and two children live with his parents in India. At the beginning of 2017, Indian External Affairs Minister, Sushma Swaraj, asked the Indian Ambassador in Saudi Arabia to intervene on Shankar's behalf.⁴⁴⁸

Institutional Discrimination

Despite some labor reforms in recent years, the eight to ten million migrant workers in Saudi Arabia are systematically exploited and abused and remain largely unprotected under Saudi law. Human rights groups have extensively detailed the "slavery-like conditions" endured by expatriate workers in the Gulf Kingdom, and note that these workers are subject to forced labor and human trafficking, and have little or no ability to change employers or end employment contracts.⁴⁴⁹ Those foreign laborers that are non-Muslims are subjected to even greater abuses and severe restrictions on their religious freedom, including the approximately 310,000 Hindus.⁴⁵⁰

In 2016, more than 10,000 Indian workers (of all religious backgrounds) were stranded in camps without food or money after their employer, Saudi Oger Ltd., stopped paying them for seven months, but held onto their passports, preventing them from leaving the country. At the end of July, the Indian government provided them with emergency food aid.⁴⁵¹

State Support for Islamic Extremism

Although Saudi Arabia is ostensibly confronting terrorism and cracking down on support for groups such as ISIS, it is simultaneously exporting extreme forms of Wahhabi Islam to other countries through the construction of mosques, provision of educational materials, and support for Islamists.

Wahhabi charities and royal trusts in Saudi Arabia, for instance, have reportedly spent millions of dollars "recruiting students to more than 1,500 mosques, 210 Muslim centers, 202 Islamic colleges,

⁴⁴⁵ Id.

⁴⁴⁶ Id.

⁴⁴⁷ Id.

⁴⁴⁸ "India in Saudi Arabia Arrested on Charges of Blasphemy," December 15, 2016, Times of India, <http://timesofindia.indiatimes.com/nri/citizen-journalists/citizen-journalists-reports/akbar-ponani/indian-arrested-in-saudi-arabia-for-blasphemy/articleshow/56007478.cms>; "Sushma Asks Saudi Envoy to Take Up T'angana Man's Arrest for 'Disrespecting Kaaba,'" January 2, 2017, Deccan Herald, <http://www.deccanchronicle.com/nation/current-affairs/020117/sushma-asks-saudi-envoy-to-take-up-talangana-mans-arrest-for-disrespecting-kaaba.html>.

⁴⁴⁹ "US and GCC Should Discuss Human Rights at Upcoming Summit," April 18, 2016, Freedom House, <https://freedomhouse.org/article/us-and-gcc-should-discuss-human-rights-upcoming-summit>.

⁴⁵⁰ Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights, and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

⁴⁵¹ Vasilogrambos, Matt, "Saudi Arabia's Stranded Indian Workers," August 1, 2016, The Atlantic, <http://www.theatlantic.com/news/archive/2016/08/india-saudi-arabia-workers/493850/>.

and 2,000 madrassas and on staffing those institutions with nearly 4,000 preachers and missionaries” in non-Muslim majority countries across the world.⁴⁵²

Moreover, according to leaked memos from former US Secretary of State, Hillary Clinton, Saudi Arabia has been the largest source of funds for Sunni Islamist militant groups worldwide, including the Afghan Taliban and Lashkar-e-Taiba, and has done little to stop the flow of money. Despite labeling ISIS as a terrorist organization, Saudi nationals are still directly funding the group, raising questions as to whether the government is doing enough.⁴⁵³

South Asia, in particular, has witnessed the exportation of an extremist Wahabi ideology. According to Indian intelligence, Saudis have spent “over \$244 million over the past decade to set up 40 new mosques and four new madrassas and take over hundreds of others across the subcontinent, from Kashmir in the north to Maharashtra in the west and Kerala in the south.”⁴⁵⁴

Saudi Arabia’s promotion of Wahabi ideology has also led to support of radical preachers in South Asia. For instance, an extremist Indian preacher, Zakir Naik, who reportedly inspired the July terror attack at a Dhaka café in Bangladesh, was honored with the King Faisal International Prize in 2015 by Saudi King Salman for his “service to Islam.”⁴⁵⁵

Additionally, moderate religious leaders in Pakistan warn that Saudi funded Wahhabism is making an “ideological assault” on the country through its funding of hardline mosques and militant organizations.⁴⁵⁶

Intolerance of other religions has also historically been embedded in the Kingdom’s educational

institutions and schools that teach Islamic law.⁴⁵⁷ Although the Saudi government recently announced plans to revise the textbooks and remove religiously inflammatory language, it is unclear to what extent this has been done. Moreover, teachers continue to propagate intolerant and prejudicial views of non-Muslims and minority Muslim sects.⁴⁵⁸

CONCLUSION AND RECOMMENDATIONS

Given Saudi Arabia’s importance as a critical ally in the Middle East and a major oil producer, it is unlikely that the US or other western countries will exert significant economic and diplomatic pressure on the monarchy to implement meaningful reforms. The US State Department designation of Saudi Arabia as a “Country of Particular Concern” has proven futile over the past ten years as the country has been granted an indefinite waiver from sanctions despite its particularly egregious religious freedom violations.

The international community must nonetheless urge the Saudi government to address fundamental human rights concerns, including the signing and ratification of major international human rights treaties. In particular, Saudi Arabia must revamp its legal system to recognize religious minorities and provide them with basic civil rights and equality under the law, including the right to publicly practice their religion.

Moreover, the monarchy should further reign in the CPVPV and ensure that both Muslims and non-Muslims enjoy the right to worship in private and possess religious material without interference from the state. The Saudi government should also end its criminalization of views that are deemed

452 Choksy, Carol E.B. and Choksy, Jamsheed K., “The Saudi Connection: Wahhabism and Global Jihad,” May/June 2015, World Affairs Journal, <http://www.worldaffairsjournal.org/article/saudi-connection-wahhabism-and-global-jihad>.

453 Mensah, Sandra, “Saudi Support? Questions Surrounding the Wealth of ISIS,” November 12, 2014, Institute for Gulf Affairs <http://www.gulfinstitute.org/saudi-support-questions-surrounding-the-wealth-of-isis/>.

454 Choksy, Carol E.B. and Choksy, Jamsheed K., “The Saudi Connection: Wahhabism and Global Jihad,” May/June 2015, World Affairs Journal, <http://www.worldaffairsjournal.org/article/saudi-connection-wahhabism-and-global-jihad>.

455 Shankar, Abha, “The Saudi-Iran Rivalry and Sectarian Strife in South Asia,” October 6, 2016, The Diplomat, <http://thediplomat.com/2016/10/the-saudi-iran-rivalry-and-sectarian-strife-in-south-asia/>.

456 Boone, Jon, “The Saints go Marching out as the Face of Islam Hardens in Pakistan,” January 15, 2014, The Guardian, <http://www.theguardian.com/world/2014/jan/15/islam-pakistan-barelvi-saudi-wahhabi>.

457 Saudi Arabia, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, U.S. Department of State, <https://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

458 Saudi Arabia, Freedom in the World 2015, Freedom House, <https://freedomhouse.org/report/freedom-world/2015/saudi-arabia#.VR23FrtFCW8>.

blasphemous or inconsistent with the State's official version of Islam. In addition, migrant workers must be protected from abusive employers, indentured servitude, and forced prostitution.

And finally, the Saudi regime must reform its intolerant education system domestically and cease funding and providing logistical support to hardline Wahhabi Muslim institutions and organizations in various parts of the world.

REPUBLIC OF TRINIDAD AND TOBAGO

Area 5,128 sq km

Population 1,220,479 (July 2016 est.) Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/td.html>.

Religions Protestant 32.1% (Pentecostal/Evangelical/Full Gospel 12%, Baptist 6.9%, Anglican 5.7%, Seventh-Day Adventist 4.1%, Presbyterian/Congregational 2.5%, other Protestant 0.9%), Roman Catholic 21.6%, Hindu 18.2%, Muslim 5%, Jehovah's Witness 1.5%, other 8.4%, none 2.2%, unspecified 11.1% (2011 est.)

Ethnic Groups East Indian 35.4%, African 34.2%, mixed - other 15.3%, mixed African/East Indian 7.7%, other 1.3%, unspecified 6.2% (2011 est.)

Languages English (official), Caribbean Hindustani (a dialect of Hindi), French, Spanish, Chinese

Location Caribbean, islands between the Caribbean Sea and the North Atlantic Ocean, northeast of Venezuela

INTRODUCTION

In September 2015, Kamla Persad-Bissessar, who is of Indian descent and a Hindu and the country's first female Prime Minister, was defeated in general



elections by Keith Rowley and the People's National Movement (PNM).⁴⁵⁹ In a significant gesture to the Indian-Hindu community, Prime Minister Rowley held his first official function on Diwali in 2015 and delivered a message of "peace, justice, and unity."⁴⁶⁰

Through 2016, Trinidad and Tobago's citizens generally enjoyed fundamental freedoms and basic civil liberties. As in 2014 and 2015, there were no substantial restrictions on religious freedom or attacks on Hindu temples in 2016, although there were reports of state sanctioned discrimination against Indian-Hindus under the new administration.

Moreover, Hindus continued to be disproportionately affected by violence, as the country experienced a high rate of crime and a "public security crisis." It is not clear, however, whether the violence was religiously or racially motivated or simply general criminal activity. Human rights groups, such as Amnesty International, accused security forces of using excessive force to deal with the high crime rate.⁴⁶¹

Furthermore, discrimination based on sexual orientation was an ongoing issue, with legislation remain-

⁴⁵⁹ Trinidad and Tobago, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/trinidad-and-tobago>.

⁴⁶⁰ Trinidad and Tobago, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

⁴⁶¹ "Republic of Trinidad and Tobago," Amnesty International Report 2015/16 <https://www.amnesty.org/en/countries/americas/trinidad-and-tobago/report-trinidad-and-tobago/>.

ing in place criminalizing same-sex relationships.⁴⁶² At the same time, there is increasing support for LGBTQ rights from some quarters, including religious leaders.

Trinidad's human rights record came under review by the UN Human Rights Council's Universal Periodic Review (UPR) Working Group in May 2016 for several issues, including: domestic violence; human trafficking; high rates of violent crime; abuses by security officials; access to justice for vulnerable groups; and discrimination based on sexual orientation and gender.⁴⁶³

HISTORY/BACKGROUND

The Republic of Trinidad and Tobago is an archipelagic state in the southern Caribbean. The country consists of two main islands, Trinidad and Tobago, and 21 smaller islands.

A history of slavery and indentured labor has left the country with a diverse population. African slaves along with Chinese, Portuguese, Indian, and free African indentured laborers were brought by British colonialists to supply labor in the 19th and early 20th centuries. These groups, in addition to emigres from Barbados and Lesser Antilles, Venezuela, Syria, and Lebanon, have left a significant impact on the country's national culture.⁴⁶⁴

Political parties in the country have historically been divided along ethnic lines, with the People's National Movement (PNM) supported primarily by Africans, while the United National Congress (UNC) drawing its constituency largely from Indians. Support for political parties, however, is not completely polarized along racial lines. In recent years, the PNM has fielded Indian candidates for election, while the main financial benefactor of the UNC was an Afro-Trinidadian. The PNM has dominated politics in Trinidad and Tobago for much of the country's post

independence history.⁴⁶⁵

These political divisions reflected underlying racial and religious tensions and divisions between ethnic Africans (primarily Christian) and Indo-Caribbeans (mostly Hindu) and manifested in various sectors. The political dominance by ethnic Africans resulted in "rural neglect, alienation, marginalization, and discrimination...," according to prominent Hindu leader and Secretary General of the Hindu Maha Sabha, Satnarayan Maharaj.⁴⁶⁶ Furthermore, according to Maharaj, the PMN pursued policies that were religiously, culturally, and racially biased against the Indo-Caribbean Hindu community.

Institutional discrimination against Hindus and Indians in Trinidad and Tobago was rampant until recently, and previous governments sanctioned economic and political discrimination against Hindus as well. A recent report contends that Indo-Trinidadians (mainly Hindus) were underrepresented in most professions and government positions, despite comprising nearly 40% of the population. Similarly, Indo-Trinidadians were grossly underrepresented in the police force (25%), Regiment of the Defense Force (5%), Coast Guard (16%), and Port Authority (6%).⁴⁶⁷

Hindus have historically been denied equal protection under the law and faced restrictions on religious freedom, which manifested in the state preference for Christianity and inequitable funding of Hindu religious activities in comparison to Christians. According to a Joint Select Committee of Parliament, the National Social Development Programme (NSDP), a State agency, was responsible for explicit discrimination against Hindus, Muslims, Catholics, and Anglicans, while favoring predominantly Afro-Trinidadian Christian denominations.

Hindu places of worship and religious festivals were also treated inequitably by the government and subjected to frequent attacks.

462 "Republic of Trinidad and Tobago," Amnesty International Report 2015/16 <https://www.amnesty.org/en/countries/americas/trinidad-and-tobago/report-trinidad-and-tobago/>.

463 "Trinidad and Tobago's Human Rights Record to be Reviewed," May 6, 2016, Caribbean News Now, <http://www.caribbeannewsnow.com/top-story-Trinidad-and-Tobago's-human-rights-record-to-be-reviewed-30293.html>.

464 "Trinidad and Tobago: History," The Commonwealth, <http://thecommonwealth.org/our-member-countries/trinidad-and-tobago/history>; "History of Trinidad and Tobago," Wikipedia, http://en.wikipedia.org/wiki/History_of_Trinidad_and_Tobago#History_of_Trinidad_and_Tobago.

465 Maharaj, Sat, "The success of Indians," March 30, 2005, The Trinidad Guardian, <http://legacy.guardian.co.tt/archives/2005-04-03/sat.html>.

466 Id.

467 Bissessar, A. M., "Challenges facing senior public servants in a plural society," Spring 2009, Entrepreneur, <http://www.entrepreneur.com/trade-journals/article/198412913.html>.

Until recently, the small island of Tobago's House of Assembly refused to allow the Hindu community to construct a mandir (temple) on residential land purchased on the island.⁴⁶⁸ The Tobago Assembly also pursued discriminatory policies in the funding of religious events. The Assembly routinely approved funding for churches on the island and promoted a Christian gospel concert, but refused to fund a similar Hindu religious concert.⁴⁶⁹

Furthermore, in the past, many primary and secondary schools and colleges violated the religious rights of Hindu students by preventing them from wearing Hindu clothing, rakshas (protective amulet), and other symbols.⁴⁷⁰

The election of Kamla Persad-Bissessar and her multi-ethnic People's Partnership (PP) coalition in 2010 significantly improved conditions for the country's Hindu community and largely curtailed state sponsored discrimination against the Indian-Hindu population.⁴⁷¹ Bissessar had endeavored to create an inclusive government with representation from all ethnic and religious groups, as her cabinet includes a number of ethnic Afro-Caribbean ministers.⁴⁷²

STATUS OF HUMAN RIGHTS, 2016

Religious Freedom

Trinidad is a democratic state that "acknowledge[s] the supremacy of God [and] faith in fundamental human rights and freedoms."⁴⁷³ Chapter 1 of the constitution recognizes an individual's right to

"equality before the law" and freedom of religion, thought, and expression, irrespective of race, origin, colour, religion or sex.⁴⁷⁴ Statutes also criminalize acts that instigate religious hatred and violence.

Hindus generally enjoyed equal protection under the law and the freedom to freely and openly practice their faith consistent with constitutional protections and international law. It wasn't until October 2014, however, that the Tobago Hindu Society finally received a land deed from the Chief Secretary of the Tobago House Assembly to allow for the construction of the first Hindu temple on the island of Tobago, after years of opposition.⁴⁷⁵

Hindu temples (estimated at between 300 and 400) previously endured frequent attacks, but in recent years there have been no major reported incidents of vandalism or desecration of temples.

The government permits religious instruction in public schools, setting aside a time each week when any religious organization with an adherent in the school can provide an instructor. Attendance at these classes is voluntary and a diverse array of religious groups have presented in the schools. At the same time, the law protects students from being required to attend religious observances or from receiving instruction in religious subjects in public schools.⁴⁷⁶

In addition, the government subsidizes both public and religiously affiliated schools administered by Hindu, Christian, and Muslim groups.⁴⁷⁷ Christian secondary schools previously received higher

468 Maharaj, D., Letter addressed to Prof. John La Guerre, Chairman, Equal Opportunity Commission, Trinidad and Tobago, December 5, 2008; Cupid, Karl E., "Tobago to Get Its First Hindu Mandir," April 19, 2007, Trinidad and Tobago Newsday, <http://www.newsday.co.tt/news/0,55704.html>.

469 Sat Maharaj, "Ethnic Agenda in Caroni," November 30, 2006, The Trinidad Guardian, <http://www.guardian.co.tt/archives/2006-11-30/sat.html>; "Letters to the Editor," July 21, 2006, The Trinidad Guardian, <http://www.guardian.co.tt/archives/2006-07-21/letters.html>.

470 "Raksha Ban at School," March 11, 2008, Trinidad Express, http://www.trinidadexpress.com/index.pl?article_news?id=161291478; "International Religious Freedom Report on Trinidad and Tobago, 2008," US Department of State, <http://www.state.gov/g/drl/rls/irf/2008/108541.htm>.

471 Hutchinson-Jafar, Linda, "Election gamble may backfire on Trinidad's Manning," May 22, 2010, Reuters, <http://www.reuters.com/article/2010/05/22/us-trinidad-elections-preview-idUSTRE64L1J620100522>.

472 Kaufman, J.E., "In Trinidad, an ascendant Hindu culture celebrates Diwali," November 17, 2010, ArtInfo, <http://sg.artinfo.com/features/article/36307-in-trinidad-an-ascendant-hindu-paradise-flourishes-during-diwali>.

473 The Constitution of the Republic of Trinidad and Tobago, <http://www.constitution.org/cons/trinidad.htm>.

474 Id.

475 "Tobago Hindu Society Receives Deed for Land from THA," October 27, 2014, Government of the Republic of Trinidad and Tobago, <http://www.news.gov.tt/content/tobago-hindu-society-receives-deed-land-tha#.VSWGrrtFCW8>.

476 Trinidad and Tobago, International Religious Freedom Report for 2015, Bureau of Democracy, Human Rights and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

477 Id.

amounts of government funding compared to Hindu ones.⁴⁷⁸

The government has also established public holidays for every religious group with a large following, although there are more official Christian holidays (four) compared to Hindu holidays (one).⁴⁷⁹ Moreover, the government grants financial and technical assistance to various organizations to support religious festivals and celebrations, including Indian Arrival Day, commemorating when ethnic Indians first arrived on the island nation.⁴⁸⁰ In 2015, the government provided TT \$1.5 million (\$234,230) for Diwali celebrations to the National Council of Indian Culture.⁴⁸¹ The level of state funding for such activities has been inequitable in the past and generally favored Christian groups, although there have been efforts to equalize the distribution of funds in recent years.

Finally Hindu marriages are officially recognized by the Ministry of Legal Affairs under a separate Hindu Marriage Act, which provides for the solemnization and registration of Hindu marriages.

Institutional Discrimination and Religiously Motivated Violence

Violence directed against Indians and Hindus in Trinidad and Tobago is not uncommon, and there has been an upsurge in violent crime across the country over the past few years. The community has been subjected to kidnappings, as well as physical assaults. According to Freedom House, “The government has struggled in recent years to address violent

crime. Many Trinidadians of East Indian descent, who are disproportionately targeted for abduction, blame the increase in violence and kidnapping on government and police corruption.”⁴⁸²

Reports of increasing state sponsored racial discrimination have also surfaced since the new PNM administration came to power at the end of 2015. The Minister of National Security, for instance, has come under fire for the targeting and mass firings of several Indian origin officers in the Strategic Services Agency. Similarly, the PNM has been criticized for failing to make racially diverse appointments to public offices and state boards.⁴⁸³ There is also ongoing discrimination and bias in the distribution of education scholarships.⁴⁸⁴

Furthermore, Indians continue to be grossly under-represented in the Trinidad and Tobago Defence Force (TTDF) and in the upper echelons of power in the Trinidad and Tobago Police Service, reportedly due in part to racial discrimination.⁴⁸⁵

CONCLUSION AND RECOMMENDATIONS

Trinidad and Tobago’s citizens, including the Hindu-Indian population, generally enjoyed fundamental freedoms and basic liberties in 2016. Increasing reports of racial discrimination, however, are concerning and the government must take all necessary steps to provide equal protection under the law to all groups. Similarly, the government should confront discrimination based on sexual orientation by rescinding legislation criminalizing homosexual relationships and reforming the Consti-

478 Singh, David, St. Augustine, Trinidad, in a letter to the Trinidad Guardian newspaper.

479 Official Public Holidays 2013 – 2015, Government of the Republic of Trinidad and Tobago, http://www.ttconnect.gov.tt/gortt/portal/ttconnect/!ut/p/a1/jdDNCoJAEMDXZ-kFnNFFy-MGZioUGqbtJTS2zdLdMGI7_LRTQV9zG_gN_BlgkAOTxbUSRVcpWdTDzpxtFFtoBy5B301NtJKYLSZhQD-ByerB5BsvEn_XAs815tCal-N89fhj6837FJWTAvrKh4hW8yXyALx0hMFGrsv9JNgVGPcWkHuqPLMIEAGv5nre8NQ7q0kGutTaEUqLmxk41cG7S_BYc7VN-GR3cMBLC3/di5/d5/L2dBISEvZ0FBIS9nQSEh?WCM_GLOBAL_CONTEXT=/gortt/wcm/connect/GorTT%20Web%20Content/ttconnect/home/official+public+holidays.

480 “International Religious Freedom Report on Trinidad and Tobago, 2011,” US Department of State, <http://www.state.gov/documents/organization/193217.pdf>.

481 Trinidad and Tobago, International Religious Freedom Report for 2015,” Bureau of Democracy, Human Rights and Labor, US Department of State, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

482 Trinidad and Tobago, Freedom in the World 2016, Freedom House, <https://freedomhouse.org/report/freedom-world/2016/trinidad-and-tobago>.

483 “UNC Wants Minister Dillon Dismissed Over Alleged Racial Firings at SSA,” April 20, 2016, CNC3, <http://www.cnc3.co.tt/press-release/unc-wants-minister-dillon-dismissed-over-alleged-racial-firings-ssa>.

484 Raizada, Munish, “Racial Bias Against Indians in Trinidad and Tobago,” April 20, 2016, News Gram, <http://www.newsgram.com/racial-bias-against-indians-in-trinidad-and-tobago/>.

485 Badri-Maharaj, Sanjay, “Ethnicity and Security Forces in Guyana and Trinidad and Tobago,” September 5, 2016, Institute for Defence and Security Analyses, http://www.idsa.in/idsacomment/ethnicity-security-forces-in-guyana-and-trinidad_sbmaharaj_050916.

tution to ensure equality for the LGBTQ community. The security forces should also act to protect Indians from violence, while refraining from committing abuses.

Trinidadian leaders of all backgrounds should also discourage racial and religious stereotypes and hate speech to reduce tensions between the country's two largest communities: Afro-Trinidadians and Indo-Trinidadians and continue to work towards a truly multi-religious and multi-ethnic society built on mutual respect and pluralism.

Finally, the US and the international community should leverage their economic relations with the country to encourage an end to abuses by the police and security forces and end any discrimination based on sexual orientation. Similarly, they should urge the current government to ensure that policies are in place that promote equality and protect the rights of all the country's citizens.



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