



2011

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



Hindu American Foundation

Hindus in South Asia and the Diaspora: A Survey of Human Rights 2011



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

Universal Declaration of Human Rights, 1948, Article 1

"One should never do that to another which one regards as injurious to one's own self. This, in brief, is the rule of dharma. Yielding to desire and acting differently, one becomes guilty of adharma."

Mahabharata XII: 113, 8

"Thus, trampling on every privilege and everything in us that works for privilege, let us work for that knowledge which will bring the feeling of sameness towards all mankind."

Swami Vivekananda, "The Complete works of Swam Vivekananda," Vol 1, p. 429

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

Rig Veda, 5:60:5

**Endorsements of Hindu American Foundation's Seventh Annual Report
*Hindus in South Asia and the Diaspora: A Survey of Human Rights 2010***

"As the founder and former co-chair of the Congressional Caucus on India and Indian Americans, I know that the work of the Hindu American Foundation is vital to chronicle the international human rights of Hindus every year. The 2010 report provides important information to members of Congress, and I look forward to continuing to work with HAF to improve the human rights of Hindus around the world."

U.S. Congressman Frank Pallone (D-NJ)

"As Chairman of the Subcommittee on Terrorism and the co-chair of the Congressional Caucus on India and Indian Americans, I applaud the hard work of the Hindu American Foundation in producing their annual Human Rights Report. The first step in addressing the persecution of religious and ethnic minorities is shedding light on these abuses - and the report does just that."

U.S. Congressman Ed Royce (R-CA)

"I support the Hindu American Foundation's devoted efforts toward bringing attention to religious freedom across the globe. As a member of the United States House Committee on Foreign Affairs, I commend the work being done by this organization spreading awareness of this issue to the international community."

U.S. Congressman Joe Wilson (R-SC)

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The **Hindu American Foundation (HAF)** is an advocacy and human rights group providing a progressive Hindu American voice. The Foundation interacts with and educates leaders in public policy, academia, media, and the public at large about Hinduism and global issues concerning Hindus, such as religious liberty, the portrayal of Hinduism, hate speech, hate crimes, and human rights. By promoting the Hindu and American ideals of understanding, tolerance and pluralism, HAF stands strong against hate, discrimination, defamation and terror.

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.

Acknowledgements

This is HAF's eighth annual Hindu human rights report. Persecution against groups and communities in nation states usually occurs in the context of some version of state-sponsored, state-abetted, or state-countenanced discrimination. While that still continues to be the main focus of this report, we also acknowledge that in many instances non-state actors create conditions in a country or region that cannot be controlled despite the best intentions of the state, as it seems in Afghanistan. There is now only a mere handful of Hindu families left to struggle in a hostile, violent state where the writ of the legitimate government is limited to the borders of Kabul.ⁱ For the second consecutive year, Afghanistan has been included, not in the main section of the report, but in the section titled "Hotspots."

It is also difficult to ignore certain situations where race, ethnicity, and religion are intertwined. Attacks against a particular group because of its ethnicity, for example, may also be fueled by its religious identity or vice versa. Thus, the case of Sri Lanka continues to present a major dilemma. Was the LTTE terrorist group, which was defeated in 2010 by the Sri Lankan national army after 33 years of conflict, a Tamil group or a Hindu group? Was the Sri Lankan response, which some allege included war crimes, against Hindus and Tamils or just a terrorist group?

Cognizant of these complexities, this report not only presents a detailed account of events and conditions in countries and regions where attacks against Hindus are of primary concern – Pakistan, Bangladesh, Malaysia, Bhutan, Sri Lanka, the Indian state of Jammu and Kashmir (J&K), Fiji, and Trinidad and Tobago – but also lists another group of countries and regions where there are a significant number of Hindus and which have become hotspots of ethnic, racial, and other forms of discrimination. Saudi Arabia continues to be on the U. S. Commission on International Religious Freedom's (USCIRF) list of "countries of particular concern," and just as USCIRF has expressed frustration at the lack of progress in that country, HAF too bemoans the lack of any kind of religious freedom in Saudi Arabia. USCIRF said in its 2011 report, "[T]he Saudi government has failed to implement a number of promised reforms related to religious practice and tolerance, [and the] Saudi government persists in banning all forms of public religious expression other than that of the government's own interpretation of one school of Sunni Islam" (p. 148).ⁱⁱ That this state of affairs is tolerated by the nations of the world, including the United States, underscores once again the inconsistencies in responses to human rights abuses.

As in the past, numerous grass-roots organizations were involved in collecting data about the violation of human rights of Hindu minorities, and HAF thanks them for sharing the information they have collected. Chief among these organizations are the Human Rights Congress for Bangladesh Minorities (HRCBM) 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; “Odhikar” – a human rights organization in Bangladesh doing extraordinary work on publicizing human rights abuses in the country; 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 – working tirelessly to recover the lost properties and homes of Hindus forced to leave the Kashmir Valley; Hindu Rights Action Force (HINDRAF), also known as Human Rights Party (HRP) Malaysia – working for the human rights of Hindu minorities in Malaysia; Human Rights Commission of Pakistan (HRCP) – an independent voice in the struggle for human rights and democratic development in Pakistan; Global Human Rights Defense (GHRD) – seeking to educate European media and government about the status of human rights worldwide; and Asian Centre for Human Rights (ACHR) – which keeps track of human rights abuses in Asia.

HAF acknowledges the work of global human rights organizations like Amnesty International, Freedom House, and Human Rights Watch in bringing to our attention the denial of human rights around the world. Also, important historical information and contemporary updates were obtained from the U.S. Department of State’s annual reports on religious freedom and human rights, and the US Commission on International Religious Freedom (USCIRF) annual reports. Our thanks to the Hindu Vivek Kendra for the extensive media archives covering Bangladesh, Pakistan, and Sri Lanka that continue to provide us easy access to media reports and other archival data.

Ramesh Rao, Ph.D.

Hindus in South Asia and the Diaspora: A Survey of Human Rights – 2011

EXECUTIVE SUMMARY

The human rights of Hindu citizens are consistently violated in seven countries and one state in India where Hindus constitute a minority: Bangladesh, Bhutan, Fiji, the Indian state of Jammu and Kashmir, Malaysia, Pakistan, Sri Lanka, and Trinidad and Tobago. This report documents the ongoing violations of human rights in these countries.

HINDUS ACROSS THE DIASPORA

- Hindus, numbering nearly one billion, constitute the third largest religious group in the world.
- Hinduism is one of the oldest surviving religions with its origins tracing back to at least the third millennium BCE.
- Hindus are pluralistic in their beliefs and accept the myriad means of worship and prayer available to human beings seeking spiritual enlightenment.
- Hindus in South Asia, and many of the twenty million Hindus living outside of India, are subject to discrimination, terror, murder sexual violence, forced conversions, ethnic cleansing, temple destruction, socio-political ostracization, and disenfranchisement. In some countries, fundamentalists from other religions advance a discriminatory and non-inclusive agenda, and promote hatred of religious and ethnic minorities in league with politicians and other government officials.

PEOPLE'S REPUBLIC OF BANGLADESH

- In 1947, Hindus constituted nearly 30% of Bangladesh's population. By 1991, an estimated 20 million Hindus were "missing" from Bangladesh. Today, Hindus comprise less than 10% of the population.ⁱⁱⁱ
- Bangladesh passed the Vested Properties Return (Amendment) Bill 2011, which enables Hindus to reclaim land and property confiscated by the government or

looted and occupied by Muslims after the passage of the 1965 Vested Enemy Property Act (by Pakistan) and subsequently, the 1974 Vested Property Act. It is unclear, however, whether this Bill will be successfully implemented and enforced.

- Nearly 1.2 million, or 44% of the 2.7 million Hindu households in the country, were affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974. Hindu owned land continues to be illegally confiscated with the tacit or active support of government actors.
- Hindus of Bangladesh continue to be victims of ethnic cleansing waged by Islamic fundamentalists that include daily acts of murder, rape, kidnapping, forced conversions, temple destruction, and physical intimidation.
- Fifty-nine acts of murder, rape, kidnapping, temple destruction, and land encroachments targeting Hindus have been recorded in this report. The reduction in the number of attacks against Hindus after Sheikh Hasina assumed power three years ago, while encouraging, is still indicative of the oppressive conditions Hindus in Bangladesh live in. One expert estimates that there will be no Hindus left in Bangladesh in about 25 years.
- Human rights activists and journalists continue to be harassed and intimidated.
- Bangladesh has afforded new and extensive powers to their Human Rights Commission,^{iv} but a Minorities Commission to monitor the specific human rights of minorities and to provide redress to minority grievances has yet to be established.
- The Hasina government set up a War Crimes Tribunal to prosecute those accused in the rape, murder, and genocide of ethnic Bengalis (mostly Hindus) during Bangladesh's struggle for independence in 1971.
- The commission inquiring into the attacks by the BNP-Jamaat alliance against Hindus during the 2001 elections found that 26,352 people, including 25 ministers and lawmakers of the BNP-Jamaat alliance government, were involved in perpetrating the violence. The commission said there had been more than 18,000 incidents of major crimes, including murder, rape, arson, and looting by members of the then ruling BNP-Jamaat alliance in the 15 months following October 2001.

HAF Recommendations:

- 1) The Awami League government, led by Sheikh Hasina, must continue to take substantial and verifiable measures to ensure that attacks on Hindus and their institutions cease, and bring to swift justice those political and radical religious elements that have led the assault on Hindus and other minorities.
- 2) Bangladesh must take all necessary actions to effectively implement the Vested Properties Return (Amendment) Bill 2011 and ensure that confiscated lands are returned to the rightful, original owners.
- 3) Bangladesh must set up a Minorities Commission to redress minority grievances and repair systemic and structural deficiencies that have made minorities second class citizens in the country.
- 4) The United States and other donor nations must demand accountability from the Bangladesh Government, and all aid to Bangladesh should be contingent on the improvement of the human rights situation.

KINGDOM OF BHUTAN

- Bhutan is a multi-religious, multi-cultural, multi-ethnic, and multi-lingual society.
- Bhutan held its first National Assembly elections in 2008, transitioning to a Democratic Constitutional Monarchy.
- Bhutan presented its first human rights report to the Universal Periodic Report Review Committee of the UN Human Rights Council in Geneva on December 4, 2009. It sought to present itself as a guarantor of human rights. Bhutan's marginalized minorities, however, protested against the government's human rights record in Geneva.
- Bhutan received 99 recommendations from the Human Rights Council when it presented its report on the human rights situation in the country. The government accepted a majority of the recommendations.

- Bhutan evicted over 100,000 Hindu minority and Nyingmapa Buddhists from southern and eastern Bhutan in the early 1990s.
- More than 100,000 Bhutanese citizens, nearly one sixth of the kingdom's total population of approximately 700,000, have been forced to leave or forcibly evicted from the country by the royal regime solely on the basis of their religio-ethnic identity.
- Over 100,000 Bhutanese refugees are living in refugee camps in Nepal managed by the United Nations High Commission for Refugees (UNHCR), while another 20,000 undocumented refugees are scattered outside the camps in Nepal and in several Indian states without any help or legal status. The United States agreed to accept 60,000 Hindu refugees, with the first group arriving in 2008.
- More than 43,500 Bhutanese refugees have been resettled, including more than 37,000 in the United States.

HAF Recommendations:

- 1) Bhutan must take practical and concrete steps to demonstrate its stated commitment to a just resolution of the longstanding refugee crisis.
- 2) Bhutan, Nepal, and the UNHCR should adopt a Memorandum of Understanding (MOU) for voluntary repatriation that includes a clear statement of rights and entitlements upon the refugees' return to Bhutan - including full citizenship rights and human rights protections.
- 3) Donors, UN agencies, and Bhutan's other partners should insist on measures to eliminate discrimination against the Hindu Lhotshampas and ensure the protection of their fundamental human rights and their rights to participate as full citizens of Bhutan.

REPUBLIC OF THE FIJI ISLANDS

- In Fiji, Hindus constitute approximately 34% of the Christian majority state.

- Fijian Hindus faced hate speech, and Hindu temples were targets of attack until 2008. Such attacks appeared to have ceased in 2009. In 2011, Hindus continued to enjoy respite from religious/criminal attacks.
- The Methodist Church of Fiji has repeatedly called for the creation of a Christian State.
- It is encouraging that the interim government of Prime Minister Bainamirama has committed itself to the protection of minorities, especially the large Hindu minority.
- The Bainarmirama regime has been accused of violating the fundamental rights of its citizens and suppressing political dissent.

HAF Recommendations:

- 1) The Fijian government must respect the rights of all citizens, and the inherent political bias against Hindus and ethnic Indians must be eradicated.
- 2) Fiji should repeal the “Truth and Reconciliation” (TRC) Bill and successfully prosecute and punish the criminals of the 2000 coup.
- 3) Fiji must continue to be vigilant in the protection of Hindus from violence and hate speech, and it must institute permanent safeguards to protect Hindu temples from attacks.
- 4) The Fijian government must distance itself from Christian fundamentalists promoting hatred against Hindus and Hinduism and avoid Christianization of its institutions.

INDIAN STATE OF JAMMU AND KASHMIR

- The Maharaja of Kashmir legally ceded his kingdom to India in 1947 when Pakistan invaded Kashmir in order to conquer the kingdom. Pakistan occupies about 35% of the region, India governs approximately half, and China occupies the remainder of the region, including a portion ceded to it by Pakistan.

- India and Pakistan have fought major wars over Kashmir.
- Since the mid to late 1980s, Islamist terrorists, supported and trained by Pakistan, have targeted Kashmir and are guilty of the large-scale ethnic cleansing of Hindus from India's Kashmir Valley.
- More than 300,000 Kashmiri Hindus are refugees in their own country, sheltered in temporary camps in Jammu and other parts of India.
- 2011 did not see any significant resolution to the plight of Hindu refugees from Kashmir. The few attempts to redress the situation by the Central and State Governments seem desultory in nature, and Kashmiri Pandits continue to live in abject conditions in "refugee camps."

HAF Recommendations:

1. Kashmiri Hindus must be allowed to return to their homes, have their property restored to them, and receive protection from the Indian government and the Kashmir State Government.
2. The State Government must end the economic and political marginalization of Hindus and Buddhists in the state and provide full protection and accommodation to Hindu pilgrims and pilgrimage sites.
3. Pakistan must permanently end its sponsorship of terror via direct military aid to terror groups, sponsorship of terror camps in Pakistan, and covert support to terrorists by its Inter-Services Intelligence (ISI) spy service.
4. U.S. policy makers and Congressional Representatives must exert pressure on Pakistan to end its use of terrorism as an instrument of state policy and should support H. Res. 387 to send a strong message in support of the Kashmiri Pandits.

MALAYSIA

- Malaysia is a self-declared Islamic Republic, and Islam is the official religion of the country, despite it being a multi-ethnic and multi-religious country in which Hindus, Christians, and Buddhists are significant minorities. Minorities struggle to maintain

and practice their religions.

- The right to religious freedom has been progressively deteriorating in recent years. Ethnic Malays are required to be Muslims, as they are born into Islam and do not have the freedom to convert.
- The Hindu population faces discrimination and intimidation, including the destruction of its temples and places of worship. The government continues to treat pre-independence era Hindu temples differently than mosques from the same era, and gives preference to mosques in the allocation of public funds and lands.
- Hindu activists and leaders have been systematically persecuted by government officials, and public dissent has been brutally repressed through the use of draconian internal security laws.
- There have been several recent cases forcing Hindus and other minorities to deal with the Islamic Sharia courts where they face severe disadvantages.

HAF Recommendations:

- 1) Religious freedom should be allowed and encouraged for ethnic Malays and the minority religious populations in the country.
- 2) Religious minorities should not be forced to deal with the country's Islamic Sharia courts.
- 3) The United States, United Nations, the international community, and human rights groups should pressure the Malaysian government to protect Hindu temples from desecration and destruction. Hindu places of worship that existed prior to independence should be designated as temple property, and the title to the land should be handed to the respective temple trustees/committees as has been done for pre-independence era mosques.
- 4) The Malaysian Government should be urged to not discriminate in the allocation of public funds and land for places of worship between Muslim and minority religious groups.

- 5) The U.S. should revisit its trade ties with Malaysia and restrict any future appropriations unless the government protects the human rights of its ethnic and religious minorities, repeals the repressive Internal Security Act (ISA), and ends its affirmative action policies favoring the majority Muslim Malays (*bumiputras*).

ISLAMIC REPUBLIC OF PAKISTAN

- In 1947, Hindus were approximately 25% of the population of Pakistan. Now, Hindus constitute less than 1.6% of the population.
- Pakistan officially and routinely discriminates against non-Muslims through a variety of discriminatory laws, such as blasphemy laws.
- On March 24, 2005, Pakistan restored the discriminatory practice of mandating the inclusion of religious identity of individuals in all new passports.
- School textbooks continue to promote Islam and hatred and intolerance towards non-Muslims, particularly Hindus.
- Islamists continue to extend their influence throughout the Federally Administered Tribal Areas (FATA), and other parts of Khyber Pakhtunkhwa Province, where they are increasingly enforcing Islamic law.
- Recurring reports point to an alarming trend of Hindu girls being kidnapped, raped, held in *madrassas* (Islamic seminaries), and forcibly converted to Islam.
- Poor Hindus continue to be subjected to inhumane conditions through the bonded labor system.

HAF Recommendations:

- 1) The Government of Pakistan must take immediate steps for the protection of Hindus from rape, kidnapping, and forced conversions.
- 2) Religious minorities must be allowed to independently manage their own religious institutions free from government interference and representatives from the Hindu and Sikh communities should be given full control over the Evacuee Trust Property Board (ETPB).

- 3) Pakistan should reform its education system in order to remove inaccuracies about other religions and promote tolerance and pluralism.
- 4) The United States should demand that Pakistan stop all support and financing of Islamic militant groups operating in the subcontinent. The United States must place strict conditions on any financial assistance to Pakistan and demand accountability for human rights violations.
- 5) Pakistan should establish a truly independent Human Rights Commission and a National Minorities Commission to monitor the human rights condition and to enable minorities to enjoy the rights provided to the majority population.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

- Sri Lanka is a multi-ethnic, multi-religious nation that was plagued by years of ethnic conflict. The violent conflict between the Sinhala-majority Sri Lankan government and the Tamil groups was the result of a combination of religious, ethnic, and linguistic factors. Tensions between the Sinhalese majority and Tamil separatists in northern Sri Lanka erupted into war in 1983. The civil war came to an end in May 2009.
- Not all Tamils are Hindus and the LTTE, the primary Tamil-terrorist outfit, was not a Hindu organization.
- The prolonged conflict was detrimental to all Sri Lankans, especially the large Hindu minority population, which experienced an undue share of violence and displacement.
- The plight of innocent civilians continued to deteriorate as fighting between government forces and the Tamil Tigers intensified and came to a bitter end in 2009. Both sides are guilty of severe human rights violations and war crimes.

HAF Recommendations:

- 1) HAF expresses grave concern that the Hindu institutions and Tamil culture in Sri Lanka were severely threatened over the past few decades, and this threat was

exacerbated by the civil war. The government should hasten to protect Hindu institutions from harm.

- 2) The government must quickly release the remaining Tamil civilians still held in refugee camps and provide all support in the rehabilitation and resettlement of the displaced Tamil population.
- 3) President Rajapaksa, re-elected to a five year term in January 2010, should set up a war crimes tribunal, allow international journalists freedom to report from Sri Lanka, and begin serious talks with Tamil leaders and other minority groups to create an equitable political and social dispensation in the country.

REPUBLIC OF TRINIDAD AND TOBAGO

- The country is a multi-ethnic, multi-religious island nation with Hindu Indo-Trinidadians and Afro-Trinidadians accounting for the majority of the population. Roman Catholics and Hindus make up the largest religious groups.
- The racial and religious animosity between Afro-Caribbean and Indo-Caribbeans has been exacerbated over the years. Hindus are frequently subjected to discrimination, hate speech, and acts of violence.
- Indo-Trinidadians have been systematically denied government benefits and employment in public sector jobs. Hindu institutions and festivals are subject to acts of violence and are denied equal access to public funds.
- A new government, headed by Kamla Persad Bissessar of Indian descent, took office in May 2010. It is expected that nearly six decades of discrimination against Indo-Caribbeans will come to an end.

HAF Recommendations:

- 1) The United States should encourage the current Trinidad government to abide by the country's Constitution and guarantee safety and security to Hindus and Indo-Trinidadians.

- 2) The Trinidadian government should practice parity and equality in government response to and support of various ethnic and religious groups.
- 3) Trinidad must do more to protect Hindus from violence, hate speech as well as racial and religious stereotyping. Furthermore, the government must safeguard Hindu temples from attacks.
- 4) The Trinidadian government must prosecute Christian fundamentalists who promote hatred against Hindus and Hinduism.

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Introduction

The Government of India estimated in 2004 that the Indian Diaspora was nearly 20 million people strong.^v However, of the nearly one billion Hindus in the world today, some reports put the Hindu population living outside India at 55-60 million.^{vi} These two numbers are not incompatible because not all Hindus are part of the Indian Diaspora. For example, the population of Nepal is approximately 29 million, of whom 80% are Hindus. Similarly, the Hindu citizens of Bangladesh and Pakistan are not considered part of the Indian Diaspora.

Followers of Hindu traditions constitute the third largest religious group in the world, after Christians (about 2.1 billion) and Muslims (1.4 billion). The majority of Hindus live in the Indian sub-continent. They number nearly 827 million in India alone and constitute 80.5% of the population.^{vii} However, the Hindu Diaspora reaches beyond the Indian subcontinent to Europe, Africa, Southeast Asia, the Pacific Islands, and North America where it comprises a substantial minority. In Fiji and some Caribbean nations, Hindus make up a significant portion of the population, with representation at the highest levels of government.

In Africa, Hindus make up a very small 0.213%, with the majority of them residing in South Africa, Kenya, and Uganda. In Asia, the overwhelming majority of Hindus (99.266%) reside in South Asia (India, Bangladesh, Nepal, Sri Lanka, Pakistan, and Bhutan), with some identifiable presence in Southeast Asia (Malaysia, Singapore, Myanmar, and Indonesia). In Europe (0.214%), the majority of Hindus live in the United Kingdom, with some sizeable populations in the Netherlands and Germany. In the Americas (North, South, Central, and the Caribbean) Hindus total 0.263%, with the sizeable populations in the U.S., Canada, and the Caribbean nation of Trinidad and Tobago. In Oceania, Hindus make up 0.044% of the total, with Fiji having the largest percentage of them. The top 25 countries¹ of residence for Hindus in ranking order are: India, Nepal, Bangladesh, Indonesia, Sri Lanka, Pakistan, Malaysia, United States, United Arab Emirates, United Kingdom, Mauritius, South Africa, Kenya, Tanzania, Canada,

¹ Hindus have fled Afghanistan, and the estimated 2007 figures for the number of Hindus in Afghanistan are no longer valid. We have thus removed Afghanistan from the list of the top 25 countries of residence for Hindus.

Kuwait, Fiji, Singapore, Trinidad and Tobago, Myanmar, Guyana, Saudi Arabia, Yemen, Zimbabwe, and Australia.^{viii}

While Hindus comprise the majority in India and Nepal, Hindus constitute an important minority in a number of countries around the world. These communities, especially in Pakistan and Bangladesh, have experienced a tumultuous history, and at various times, their human rights have been violated with impunity by the majority communities. Such human rights violations have persisted for many generations — with or without the connivance of the ruling governments — but have rarely attracted the sustained attention of human rights agencies. We have, over the past seven years, brought these human rights violations to regular scrutiny. ***This eighth annual report covers human rights conditions in eight nations and regions across the world during 2011: Bangladesh, Bhutan, Fiji, the Indian state Jammu and Kashmir, Malaysia, Pakistan, Sri Lanka, and Trinidad and Tobago, and briefly summarizes the situation in two hot spots -- Afghanistan and Saudi Arabia.***

As a “spiritual community” of related religious and cultural practices (the major religious groups within Hinduism are Vaishnava, Smartha, Shaiva and Shakta), Hindus do not adhere to a single scripture, owe allegiance to a single religious institution or authority, follow one religious leader, nor adhere to one set of worship, practices, and ritual. Though Buddhists, Jains, and Sikhs constitute distinct religious traditions themselves, they are included as a part of the broader Hindu family. This report excludes their particular concerns, though the fate of Buddhists in Tibet since 1950 is a matter of tragic historical significance that has been the subject of investigation by various international agencies.

While the issue of human rights is of global significance, this report focuses on ongoing human rights violations in the eight nations/regions listed above. This report does not investigate other human rights violations within India, such as religious conflict, abuse of women, or caste-based discrimination. The Hindu American Foundation (HAF) believes in the importance of addressing those problems² but they are beyond the scope of this report, which focuses on countries and regions where Hindus are a minority.

The Foundation’s first human rights report, published in 2005^{ix}, provided a brief summary of the history of the South Asian region. The departure of the British

² The Hindu American Foundation published its first report in December 2010 on caste-based discrimination in India. See: <http://www.hafsite.org/media/pr/hinduism-not-caste-caste-full-report>

colonialists in 1947 left India divided into a Muslim majority Pakistan (made up of two regions – West and East Pakistan) and a Hindu majority India. India embraced secularism, proclaiming the State neutral between religions, but allowed minorities to retain their own sectarian practices in areas like personal law. India established the largest and longest sustained democracy in the region. Pakistan labeled itself the Islamic Republic of Pakistan with the adoption of a Constitution based on Islamic jurisprudence.^x It curtailed the political rights of minorities, and Hindus, who constituted approximately 20-25% of the population in West Pakistan^{xi} and 30% in East Pakistan, suffered the most. The Hindu population has dwindled to less than 2% in Pakistan (former West Pakistan) and to about 9.6% in Bangladesh (former East Pakistan). East Pakistan seceded from West Pakistan with Indian military assistance in 1971 following the genocide committed by the armed forces of Pakistan against its own citizens. The new country was named Bangladesh. Rapid Islamization of the Bangladesh polity over the last decade has led to a substantial rise in attacks against minority groups -- the largest minority constituency being Hindu.

The Indian State of Jammu and Kashmir is the focus of territorial claims by Pakistan, which has encouraged and abetted terrorism against India.^{xii} Terrorism in the Kashmir Valley has led to the forced exodus of nearly the entire Hindu population of several hundred thousand from the Kashmir Valley through a campaign of murder, rape, and kidnapping. Pakistani military posturing and the threat of nuclear warfare between the two nations have diverted attention from the reality of atrocities against Hindus in Kashmir since 1989. Successive Indian governments have paid scant attention to the fate of the Hindu minority of Kashmir because they have concluded that attempting to address their legitimate concerns might constitute an avoidable distraction for the political resolution of the dispute over Kashmir. The media in India and abroad have taken the cue from this fateful governmental silence over the human rights violations of Kashmir's Hindus by largely ignoring them. World human rights organizations have also been muted in their response to the tragedy that has befallen Kashmir's Hindus.

HAF's consequent reports reaffirmed the ongoing human rights abuses in the three regions covered in the first report and also included the status of Hindus in Afghanistan and Fiji.^{xiii} This eighth annual report will once again demonstrate that Hindu citizens in South Asia and across the Diaspora are targeted victims of grievous violations of universally recognized human rights. The absence of this issue from the global dialogue on human rights, and the manifest absence of substantive documentation by prominent media sources and non-governmental human rights organizations of abuses against Hindus continue to prompt our investigations and reports. We provide further context

to our findings by examining the legal frameworks of individual countries and the UN Human Rights Declaration and various relevant conventions (*see Appendix A*).

People's Republic of Bangladesh



© CIA World Factbook

Area: 144,000 square kilometers

Population: 158,570,535 (July 2011 estimate)

Religions: Muslim 89.5%, Hindu 9.6%, other 0.9% (2004 estimate)

Ethnic groups: Bengali 98%, other 2% (includes tribal groups, non-Bengali Muslims) (1998)

Languages: Bangla (official, also known as Bengali), English

Location: Southern Asia, bordering the Bay of Bengal, between Burma and India^{xiv}

Introduction

There were four major developments/incidents that occurred in Bangladesh in 2011 that were emblematic of the state of affairs in this South Asian nation. The first significant event was Parliament's passage of the 15th amendment to the Constitution, 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."^{xv}

Another development representative of the growing influence of Islamism across the country was the enforcement of Islamic blasphemy injunctions in the academic setting. In one particular incident, a Hindu teacher, Shankar Biswas, was fired after students alleged he made a blasphemous remark against the Prophet Mohammed.^{xvi} While most news reports failed to mention the details of the incident, a local daily, Amar Desh, noted that it was a harmless exchange between Mr. Biswas and his students, which started when Mr. Biswas called a student with a small beard a “goat” for not answering a simple question. Some students challenged the teacher by asking him whether Bengali Nobel Laureate, Rabindranath Tagore was a “big goat” because he sported a big beard, to which the teacher responded that Prophet Mohammed could also be called a goat because he sported a beard.^{xvii} Similarly, a group of pro-Sharia parties also demanded the ouster of a Hindu assistant principal for allegedly making blasphemous remarks.^{xviii}

The third notable event concerned the findings of a judicial commission tasked with probing the post election violence of 2001, when Bangladesh Nationalist Party (BNP) workers carried out a systematic campaign of rape, murder, and intimidation against Hindus. The commission found that 26,352 people, including 25 ministers and lawmakers of the previous BNP-Jamaat alliance government, were involved in perpetrating the violence.^{xix} According to the commission, there were more than 18,000 incidents of major crimes, including murder, rape, arson, and looting by members of the then ruling BNP-Jamaat alliance in the 15 months following the elections in October 2001.^{xx} The commission’s findings demonstrate the extensive nature of state sponsored violence against the Hindu community in Bangladesh.

The fourth major development was the passage of the Vested Properties Return (Amendment) Bill 2011, which theoretically enables Hindus to reclaim land and property confiscated by the government or occupied by Muslims under the Vested Property Act of 1974, Enemy Property Act 1965 (by Pakistan), and other discriminatory property laws implemented by Pakistan after the partition of India in 1947.^{xxi} The new legislation, however, does not clearly address how the previously seized properties will be returned and it is uncertain whether the Bill will be effectively implemented.^{xxii} This latest Bill may thus become yet another in a series of laws that have failed to return confiscated properties and end the ongoing encroachment of Hindu owned land.

Collectively, these four developments demonstrate the enduring vulnerability of Bangladesh’s minority populations, particularly Hindus, who have borne the brunt of the discrimination and oppression by successive governments in East Pakistan and Bangladesh.

The election of Sheikh Hasina and her Awami League party on January 6, 2009 was hailed as a victory for secular forces and a defeat for the pro-Islamist BNP led by Khaleda Zia.^{xxiii} It was also expected to bring about a significant change in the conditions of minorities. This led the US Commission on International Religious Freedom (USCIRF) to remove Bangladesh from its list of “Countries of Particular Concern” in May 2009,^{xxiv} although HAF argued that the ground realities had not substantially changed.

While there has been a reduction in the number of incidents of violence against minorities since Hasina came to power, Hindus and other non-Muslims continue to be plagued by many of the same issues. HAF, however, commends the recent legislative initiatives to abolish the Vested Property Act (VPA), but still awaits effective application of the Bill, including the publication of a list containing details (name, address, amount of land, and other assets dispossessed by type and year of dispossession, and current status) of those affected by the Act.

In addition, the establishment of a War Crimes Tribunal in 2010 to bring to trial those accused of rape, murder, and genocide during Bangladesh’s struggle for independence in 1971 was a positive step. The Hasina government has decided to set up another tribunal to hasten the trial and prosecution of those who committed crimes. Thus far, the tribunal has introduced 20 specific war crimes charges against Jamaat-e Islami leader Delawar Hossain Sayedee, and is now hearing depositions of the prosecution witnesses in the case.^{xxv} As crimes against humanity, war crimes, and genocide constitute severe violations of international law, some have argued for the inclusion of international judges in the tribunal to assist the Bangladeshi judges in conducting careful and impartial hearings.^{xxvi}

History/Background

Bangladesh was created in 1971 from the eastern wing of Pakistan. Its predominantly Bengali population won independence from Pakistan after the India-Pakistan War of 1971. The conflict was preceded by the massacre of an estimated two million East Pakistani citizens and the ethnic cleansing of 10 million ethnic Bengalis (mainly Hindus) who fled to India. In the summary of his report on the events dated November 1, 1971, the late U.S. Senator Edward Kennedy (D - Massachusetts) wrote:

Field reports to the U.S. Government, countless eye-witness journalistic accounts, reports of International agencies such as World Bank and additional information available to the subcommittee document the reign of terror which grips East Bengal (East Pakistan). Hardest hit have been members of the Hindu community who have been robbed of their

lands and shops, systematically slaughtered, and in some places, painted with yellow patches marked 'H'. All of this has been officially sanctioned, ordered and implemented under martial law from Islamabad.^{xxvii}

Furthermore, according to then American Consul-General and senior U.S. diplomat in Dhaka, Archer Blood, 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.”^{xxviii} Quite remarkably, this genocide has been largely erased from public memory and most of the perpetrators have escaped unpunished, though identified in an official report. As mentioned above, the recent establishment of a War Crimes Tribunal is a positive step and hopefully will result in justice for the brutal crimes committed during the 1971 war.

Unfortunately, the Western media still continues to downplay the extent and nature of the 1971 genocide. For example, in January 2011, a BBC report on the War Crimes Tribunal stated, “...thousands of people are believed to have died in the 1971 war, which culminated in the country's independence from Pakistan,”^{xxix} ignoring the fact that estimates by human rights groups place the number of fatalities upwards of two million, the number of women raped at 200,000, and the number of refugees in the tens of millions.^{xxx} Moreover, 53 different types of crimes were reportedly committed in approximately 5,000 locations throughout the country.^{xxxi}

In addition, a recent book by Professor Sarmila Bose has led to further Western re-evaluation of the 1971 genocide by claiming that only between 50,000 and 100,000 civilians were killed by Pakistani forces and their East Pakistan abettors during the 1971 war.^{xxxii} Human rights scholar Naeem Mohaiemen, however, argues, “Bose’s text broadly accepts the Pakistani narrative, without any challenge, and with sympathetic commentary. A close reading of her essays and the book shows that, since 2003, an informal club of retired Pakistan Army officers has successfully been able to charm her. The Bengali side, on the other hand, earned her ire and condescension which comes through in her subtle undermining of their stories.”^{xxxiii} Naeem’s indictment of Bose’s work as “Bangladeshi history, minus Bangladeshis” is in sharp contrast to the praise for Bose’s work received from many Western academics. Bose’s book and the resulting praise, however, implicitly provide justification for the atrocities committed by Pakistan’s military and make calls for accountability and justice increasingly difficult.

After independence, Bangladesh initially adopted a constitution with its basic structure ensuring “Nationalism, Secularism, Socialism and Democracy.” In April 23, 1977,

however, Bangladesh renounced its commitment to secularism by amending the Constitution to reflect a greater role for Islam in the national body politic. A new clause was appended to the Constitution, which affirmed, “The state shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.” Furthermore, 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.^{xxxiv} These actions began a steady and gradual move towards Islamization, resulting in increased discrimination and persecution of minorities, particularly Hindus.^{xxxv}

The process of Islamization rapidly expanded in 2001 with the election of the Bangladesh Nationalist Party (BNP), led by Khaleda Zia, and its Islamist allies. Following the elections, the BNP coalition and its supporters unleashed a large-scale campaign of violence targeting the Hindu community that lasted more than 150 days. During that period, there were reportedly more than 10,000 cases of human rights abuses committed against minorities.^{xxxvi} According to Refugees International, “Scores of Hindu women and girls were raped. In some cases, they were gang raped in front of their male relatives. Hindus were also assaulted on the streets, in their homes and at their workplaces. Systematic attacks resulted in a mass migration of Hindus to India and, in particular, to the bordering state of Tripura. The government did little to prosecute or investigate the violence.”^{xxxvii} Global Human Rights Defence estimates that approximately 500,000 Hindus sought refuge in India following the election violence.^{xxxviii} In May 2009, a Bangladesh high court ordered the government to institute a commission to inquire into this violence, and the Hasina government created a three-member commission to investigate the attacks against minorities after the BNP’s 2001 election victory.^{xxxix}

During the five-year rule of the BNP-led coalition, Bangladesh witnessed the increased role of Islam in politics and an explosion of *madrasas* (Islamic seminaries) teaching the same fundamentalist version of Islam that inspired the Taliban.

The massive proliferation of *madrasas*, estimated at 64,000, was seen as an intentional effort to change “Bangladesh’s culture of religious tolerance.”^{xl} Moreover, activity by Muslim militants and radical organizations significantly increased during the Khaleda regime.

Decline of the Hindu Population

At the time of Partition in 1947, the Hindu population in what is now Bangladesh was approximately 31%.^{xli} By 1961, Hindus comprised 19% of the population, and by 1974, the Hindu community had further declined to 14%. According to Saleem Samad, a journalist and human rights observer, in 1991, the Hindu population in Bangladesh should have been 32.5 million, considering normal rates of growth.^{xlii} The actual population was only 12.5 million. By this calculation, the number of Hindus missing from Bangladesh over the two decades ending in 1991 is 20 million. This figure includes both those persons killed or forced to flee the country. The number of Hindus who fled Bangladesh between 1964 and 1991 was estimated at “5.3 million people or 535 people per day.”^{xliii} Brutalized, targeted, and forced to emigrate to India or elsewhere, Hindus were then labeled as disloyal. Naeem Mohaiemen says, “In this sinister rhetoric, Hindus are leaving because they fail to integrate themselves with a ‘Bangladeshi’ citizenship concept. This helps foster an attitude of permanent ‘outsider’ status for the nation’s minority communities, further weakening the Bangladeshi state’s commitment to diversity.”^{xliv}

Bangladesh now has a total population of approximately 158.6 million people, only about 9% of who are Hindus.^{xlv} The percentage of the Hindu community in Bangladesh has dropped from 31% to 9% (or less) in the span of 60 years. Prof. Barakat’s study, “Living with Vested Property,” looks at official population statistics as well as local administrative office records. Prof. Barakat concluded that the Hindu population, as a share of the total population, dropped from 18% in 1961 to 12% in 1981, and finally to 9% in 2001. The decline was most pronounced in six districts: Chandpur, Feni, Jamalpur, Kishoreganj, Kushtia, Pabna and Narayanganj. In the districts that historically had high Hindu population (Khulna, Dinajpur, Faridpur, Sunamganj, Jhenaidah, Barisal), the average decline over forty years was 12%. Prof. Barakat also looked at the rate of population growth, checked the actual number of Hindus living in Bangladesh, and concluded that the total missing Hindu population from 1964-2001 was 8.1 million – a number equivalent to 218,819 missing Hindus each year. He believes that the pressure on the Hindu population to leave Bangladesh was primarily due to the Vested Property Act.^{xlvi}

Status of Human Rights, 2011

In 2011, the human rights situation for minorities in Bangladesh continued to reflect some of the positive changes HAF noted in 2010. However, incidents of gang rape of women and girls, murders, beatings, harassment, kidnappings, attacks on temples,

looting of gold and jewelry, and illegal occupation of land persisted. These attacks constitute the daily litany of human rights abuses suffered by Hindus, tribal people, and to a lesser extent, Christians and Buddhists.

The continued attacks against Hindus and other minorities demonstrate the systematic use of violence as a means to intimidate Hindus and force them to leave Bangladesh.^{xlvi} Hindus still face significant economic and social disadvantages with continued under-representation in government and military jobs.^{xlvi} A comprehensive list documenting the atrocities committed against Hindus in 2011 is included in *Appendix B*. Consequently, the remainder of this section provides an overview of the nature and extent of persecution faced by the Hindu community in Bangladesh.

Religious Freedom

Islam and the Legal System

Bangladesh's Constitution gives preeminence to Islam over other religions. For example, as noted above, the Constitution proclaims Islam as the official state religion. Moreover, Article 8(1A) states that the fundamental principles of state policy and all actions are rooted in, among other things, faith in Almighty Allah. 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..."^{xli} And Article 25(15) stipulates, "The State shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity."¹

Beyond the Constitution, the legal system and courts apply Islamic law to Muslims in cases involving family and personal law. In addition, the civil court system's reach is limited in many parts of the country, especially rural areas, where Islamic fatwas (Islamic rulings by religious leaders) are enforced in a wide range of matters through traditional dispute resolution methods. The types of punishments imposed have included whipping; lashing; publicly humiliating women and girls by forcibly cutting their hair or blackening their faces; ostracizing women, girls, and families; and imposing fines.^{li} Although a July 2010 High Court order banned the enforcement of fatwas and Sharia based extrajudicial punishments, the government has failed to take any credible steps to stop them.^{lii} The promotion of Islam and Islamic law through these official and

unofficial means undermines secularism in Bangladesh and threatens religious freedom in the country.

Attacks on Temples/Religious Sites

The right to worship free from physical attack or violence is a core principle enshrined in the concept of religious freedom. This right, however, has been repeatedly violated by Islamic extremists and the Government in Bangladesh. As in previous years, Hindu temples, festivals, and religious sites came under attack in 2011. In many instances, the Government and police failed to take appropriate action to arrest and prosecute those responsible for the crimes.

The following recent examples illustrate the extent and scope of attacks on Hindu religious sites and symbols:

- At the start of 2011, the theft of large amounts of gold and money from the Dhakeshwari Temple, considered Bangladesh's "national temple," in the capital city of Dhaka, left the Hindu community deeply shocked and traumatized.^{lviii} Thieves also stole valuables from the Kadamtala Kali temple in Dhaka. It was reported that this theft from a Hindu temple was the 23rd such theft from city temples in the previous two months.^{liv}
- A "Harinam Sankirtan," a Hindu religious festival, was attacked in Sunamganj in March. As the police refused to take action, the Hindu Buddhist Christian Unity Council organized a protest at the Shaheed Minar demanding the immediate arrest of the culprits to bring them to justice.^{lv}
- An International Society for Krishna Consciousness (ISKCON) temple was attacked and a copy of the Bhagavad Gita burned in Sylhet district in April, according to sources in Bangladesh.
- In April, a group of Muslims attacked a journalist, damaged a temple, and attacked several Hindu families in Ukiara village. Fortunately, police acted quickly and arrested 11 people. The attackers were men belonging to the ruling Awami League Party, indicating that Hindus are still targeted regardless of which party is in power.^{lvi}
- Reports indicate that a Muslim group carrying weapons attacked a Hindu temple – the Narayan Shiva Mandir -- in Khasa Pandith Para of Beani Bazar in Sylhet District on April 2. The attackers destroyed two Laksmi Narayan murtis, a Shiva Linga, as well as religious books stored in the temple. They made away with nearly 80,000 Takas belonging to the temple. The priest was also assaulted by the Muslim mob.^{lvii}

- In September, a temple dedicated to the Goddess Durga in Bandarban district was attacked and four statues/murtis were destroyed, according to a report in the Dainik Azadi newspaper.^{lviii} On the same day, another newspaper, Bhorer Kagoj, reported that jewelry and a Hindu deity were stolen from a temple in Patia town in Chittagong.^{lix} Also in September, a deity being prepared for the Durga puja festival was destroyed in Narayanganj, according to the Ittefaq newspaper.^{lx}

General Violence

Attacks on Minorities

Hindus and other minorities in Bangladesh face widespread persecution and religiously motivated violence. Government and police authorities have done little to protect minorities and are often complicit in acts of violence. For example, the commission probing acts of violence during the 2001 elections has confirmed the role of political parties in the violence. It is now estimated that over 26,000 people participated in committing more than 18,000 crimes, the majority of them against Hindus.^{lxi} Of the 5,571 complaints lodged with the commission, 3,625 were probed, and they included 355 incidents of political murder, while 3,270 involved arson, rape, looting, and other crimes.^{lxii}

In 2011, the Hindu community continued to be the target of violent attacks, though the numbers have slightly declined since the Awami League government came to power in 2009. Thus far, HAF has collected details on 59 incidents³ in 2011 (with incidents from December 2011 not yet collated). HAF reported 67 incidents in 2009, 306 incidents in 2008 (covering January to September), 270 incidents in 2007 (covering January to June), 461 incidents in 2006 (covering nine months), 480 incidents in 2005 (covering 11 months), and 399 incidents in 2004 (covering 11 months).

Please see Appendix B for a detailed list of attacks.

³ Cautionary note: Despite a careful attempt at collecting information from human rights organizations, newspaper reports, and individual observer reports, there is no guarantee that all of the attacks against Hindus were reported or recorded, or that we have been able to access all of those reports and records. For example, in a February 2, 2011 report by BDNews24, describing a theft from a Hindu temple, it was mentioned that more such thefts had occurred in the past two months. The report by Odhikar, which provides the most careful estimate of human rights abuses, does not provide details about the victims of rape and sexual assaults, and we cannot therefore surmise the actual number of Hindu victims and the actual number of Muslim perpetrators.

Violence against Women

Violence against women is a common weapon used to intimidate and harass minority communities across the world. It has similarly been used in Bangladesh as a means to attack Hindus. For instance, in the period immediately following the 2001 elections, approximately 1,000 Hindu women and girls were raped.^{lxiii} Recently released figures put the number of Hindu women and girls gang raped at about 200.^{lxiv} A commission inquiring into the 2001 violence has found that ministers in the Khaleda Zia government, and Members of Parliament belonging to the BNP and its Muslim extremist allies were involved in the violence against Hindus, including sexual violence.^{lxv}

According to a recent report from Global Human Rights Defence: “In Bangladesh, gang rape has become a major tool of political terror, forcing minorities to flee and has proven more effective than murder. The victims have all been women belonging to either of the ethnic/religious minorities. Neither little girls nor pregnant women and the elderly are spared. The perpetrators are men belonging to various branches of Muslim extremist political parties, including direct branches to the ruling party BNP (e.g. various student wing’s of BNP like JCD [Jatiyatabadi Chhatra Dal], Jubo Dal).”^{lxvi} The report goes on to state that rape has been used to shame Hindu society and as a genocidal device to drive Hindus out of Bangladesh. In addition, government officials have failed to take adequate measures to prevent and prosecute such crimes.^{lxvii}

The systematic kidnapping, rape, and murder of minority women, particularly young Hindu girls, continued in 2011. Rapes and kidnappings of Hindus are often accompanied by forced conversion to Islam.

Odhikar, a human rights organization, reported that in 2011 a total of 672 girls and women were victims of sexual harassment and assaults. Of them, 29 committed suicide, six were killed, 59 injured, 91 assaulted, 12 abducted, and 15 were the victims of attempted rape. In protesting against such attacks, 13 men were killed, 201 men and 39 women were injured, and three were assaulted by the attackers.^{lxviii} It was encouraging, however, to note that a Division Bench of the Supreme Court asked the government to stop referring to these incidents of sexual assault as “eve-teasing,”^{lxix} an archaic term used not just in Bangladesh but in India and Pakistan as well.

Odhikar further reported that 771 women/girls were raped. In contrast, the number was 559 in 2010. Among those raped, 246 were adult women, 450 girls, and 15 whose age could not be ascertained. Of the adults, 54 were killed after being raped, and 119 were victims of gang rape. Out of the 450 young girls victimized, 34 were killed after being raped, 115 were victims of gang rape, and nine committed suicide.^{lxx} We note

that in the numbers reported above not all victims were Hindu and not all perpetrators were Muslim.

Below are a few specific examples of incidents involving the rape and murder of Hindu women and girls in 2011:

- In February, a Hindu woman (32) was kidnapped and gang raped for a week in Boali village in Gaibandha district, according to a report in the Bengali newspaper Ajkaler Khabor.^{lxxi}
- Two sisters, Anuradha and Boisakhi Saha, were kidnapped by Muslim men in February, but were rescued by the police, who also apprehended the kidnappers.^{lxxii}
- On August 7, 17 year-old Mina Rani Das was killed after being raped in Gangkolpara in Brahmanbaria district. Her body was found hanging from a tree, and the incident reportedly occurred only 100 yards from a police station.^{lxxiii}
- An 11 year-old girl, Dipti Rani, was raped by a 35 year-old Muslim man, Mohammed Moshirul Islam, according to a report by the human rights observer for Bangladesh Minority Watch (BDMW).^{lxxiv}
- Shipra Rani (35) was hospitalized after being sexually assaulted by several Muslim men on November 17. She was on her way to school to pick up her child when she was attacked. As she tried to resist her attackers, she was battered and sustained injuries throughout her body. Shipra was also robbed of silver and gold jewelry she was wearing at the time.^{lxxv}

See Appendix B for additional incidents.

Social Persecution

Land Encroachment/Evictions

Land encroachment is another major issue faced by the Hindu minority in Bangladesh and includes the illegal occupation of land, homes, businesses, and temple property. Initially instituted by the Government of Pakistan in 1965, the Enemy Property Act (EPA) encompassed a series of discriminatory property laws targeting primarily Hindus and tribal communities in the eastern portion of the country (Bangladesh). The Act officially designated Hindus as “enemies” and was used to confiscate land and property belonging to Hindus. 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). As a result, nearly 1.2 million Hindu

families, or 44% of all Hindu households in Bangladesh, were affected by the EPA and its post-independence version, the Vested Property Act.^{lxxvi}

In an effort to return “vested” properties to their original Hindu owners, the Vested Property Return Bill (VPRB) was passed in 2001, and the VPA was abolished. But the Bill, the language of which remains relatively the same as the VPA/EPA and maintains the same discriminatory effect, brought little relief to Hindus, who continued to be deprived of their property in large numbers. According to a study by Abul Barkat of Dhaka University, nearly 200,000 Hindu families have lost or been robbed of 122,000 bighas of land (one bigha equals 1333.33 sq.meters/1594.65 sq. yards/0.33 acres), including their homes, in the six years since the Vested Property Act was annulled.^{lxxvii} The most recent legislation, the Vested Properties Return (Amendment) Bill 2011, intends to return confiscated properties to their original Hindu owners, but the government has not yet implemented its provisions.

Overall, Hindus have been robbed of a combined 2.2 million acres of land. At the current market price, the value of those 2.2 million acres is Taka 2.52 billion (US \$36 million at a rate of \$1 = 70 Taka), which is more than half of the country’s gross domestic product.^{lxxviii}

Land-grabbing in Bangladesh operates through a system of force and deception, supported and patronized by influential politicians and political organizations. Between 2001 and 2006, “[f]orty-five percent of the land grabbers were affiliated with the BNP, 31% were Awami League members, 8% were affiliated with the Jamaat-e-Islami and 6% were with the Jatiya Party and other political organizations.”^{lxxix}

In 2011, there were once again several incidents of land encroachments, highlighting the enormity of the problem faced by minorities in general, and Hindus in particular. For instance, in one case, 1,000 betel leaf gardens on approximately 500 bighas of Hindu owned land (three bighas is approximately one acre) in four villages of Kaliganj upazila in Jhenidah district were intentionally destroyed in a fire, causing damage worth around Tk 200 million (about \$3 million). The farmers alleged that the perpetrators set the fire to force the Hindu farmers to leave Bangladesh and use the opportunity to buy their lands at nominal prices. This was the fourth such attack in a few weeks, the Daily Star newspaper reported.^{lxxx}

Similarly, in another incident, a number of influential Muslim individuals sought to illegally occupy land belonging to Hindus in Pngshia village in the Dumki subdivision. According to 50 year-old Meghnath Howlader, “An influential group led by Abdul Goni

Khan has kept occupying our 0.60 acres of land for about 10 years. Sons of Goni Khan forcibly built a house on 0.16 acres of our paternal property. They are also looting crops from our 0.44 acres of land every year.”^{lxxxix}

Islamic Extremism

Islamic extremism grew exponentially while the BNP-led coalition government was in power, including a proliferation in the number of madrassas (Islamic schools) and increased activity by radical Muslim organizations. Islamists have actively advocated the creation of an Islamic state under Sharia law. Notable among them are the Jamaat-e-Islami (Jel), an Islamist political party involved in attacks on Hindus following the 2001 elections; Islami Chhatra Shibir (ICS), the youth wing of Jel involved in political and religious violence; and Harkat-ul-Jihad-al-Islami (HuJI), the largest militant Muslim organization in Bangladesh.^{lxxxii}

For a list of Islamic groups in Bangladesh, see Appendix C.

While it appears that Islamist militant groups are being monitored with more diligence under the current Hasina government, political parties continue to pander to extremists.

Violations of Constitution and International Law

Constitution of Bangladesh

The Constitution of Bangladesh is designed to protect the human rights of all persons living in the country, regardless of race, religion, or sex. Article 11 of the Constitution explicitly states: “The Republic shall be a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person shall be guaranteed.”^{lxxxiii} Article 28 further provides that: “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex or place of birth,” while Article 31 declares that the protection of the law is “the inalienable right of every citizen, wherever he may be.”^{lxxxiv}

Despite constitutional assurances of equal protection, minorities, human rights activists, and journalists continue to face violence and persecution. Rape is used as a weapon to subjugate and terrorize Hindu and tribal women. The Constitution also provides freedom of religion to all of its citizens under Article 41, which states, “Every citizen has the right to profess, practice or propagate any religion [and] every religious community or denomination has the right to establish, maintain and manage its religious institutions.”^{lxxxv} The attacks on Hindu temples, the destruction of Hindu deities, and

the disruption of Hindu festivals are in direct violation of this basic constitutional guarantee of religious freedom. Moreover, the recent passage of the 15th amendment to the Constitution, retaining Islam as the state religion, weakens the protection of religious freedom provided under Article 28.^{lxxxvi}

Bangladesh established an independent Human Rights Commission in 2008 following the guidelines of the Paris Principles. The National Human Rights Commission of Bangladesh was reconstituted in 2009 as a national advocacy institution for the promotion and protection of human rights. There are seven commissioners including a chairman, one full time member, and five honorary members.^{lxxxvii} The Commission must investigate all violations of religious freedom and equal protection guaranteed under the Constitution.

International Human Rights Law

In addition to Bangladesh's constitutional human rights guarantees, it is bound by international treaties and customary international law. For instance, its accession to the United Nation's International Covenant on Civil and Political Rights (ICCPR) occurred on September 6, 2000.^{lxxxviii} According to Article 2 of the ICCPR: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."^{lxxxix} Similar to Article 41 of Bangladesh's Constitution, ICCPR Article 18 states, "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching."^{xc} And most importantly, Article 27 maintains, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."^{xci}

Bangladesh has also agreed to the United Nation's International Convention on the Elimination of All Forms of Racial Discrimination, which defines "racial discrimination" as "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of

public life.”^{xci} Article 2 of the Convention states in part that “Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation.”^{xciii}

Far from being protected, ethnic and religious minorities in Bangladesh continue to face harassment, violence, rape, and eviction from their lands and homes with little or no corrective action by the police and civil government, in violation of the above Conventions.

The right to property, equal protection under the law, and freedom of religion are also some of the basic norms and principles that are widely recognized and accepted as state practice by most civilized nations around the world. Therefore, the Bangladeshi government is further culpable under international customary law.

Conclusion and Recommendations

Bangladesh was created after the India-Pakistan War of 1971, which was preceded by the massacre of an estimated two to three million East Pakistani citizens, and the ethnic cleansing of nearly 10 million Bengalis (mostly Hindus) who fled to India. The Hindu population in Bangladesh has steadily declined over the years, from 31% in 1947 to 9% or less today. During the reign of the BNP-led coalition government, Hindus became increasingly vulnerable with the ascendancy of Islamist parties and radical Muslim organizations.

As stated in earlier reports, the Bangladesh Government must implement the following recommendations in order to significantly improve the human rights situation in the country. Rabindra Ghose (aka Rabindra Ghosh), a Bangladesh human rights activist, has discussed the necessary steps to address the large scale encroachment of Hindu owned land. These steps are listed below:

- A list containing details (name, address, amount of land and other assets dispossessed by type and year of dispossession, and current status) of those affected by Enemy Property Act (EPA/VPA) must be published by the Government;
- All activities related to the identification and enlistment of any property as vested must be banned;

- All vested property under government custody must be returned to the original owners or their legal heirs who are permanent residents of Bangladesh;
- Property must not be seized from any non-Muslim in Bangladesh under the vested property administration if the owners of the property or their legal inheritors are in possession of that property;
- All 99 year leases of vested properties must be declared null and void, and the ownership rights of the original owners or their inheritors restored;
- All vested temple property and places of cremation must be un-vested and brought under public trust;
- The law of inheritance must be enforced with adequate provision for inheritance by female heirs.

HAF also supports the recommendations of the International Bangladesh Foundation (IBF), a British group led by Lord Dholakia and Lord Avebury, to improve the human rights situation in Bangladesh. IBF has urged the following initiatives:^{xciv}

- That the Government of Bangladesh establish an Inspectorate of Madrasas and close down those which are being used to incite the commission of criminal offences and communal hatred;
- That the Government of Bangladesh ensure the independence of the Judiciary and prevent and reverse party politicization of the police, administration, judiciary, and other important institutions;
- That the Government of Bangladesh repeal the 5th and 8th Amendments of the Constitution;
- That the Chittagong Hill Tracts (CHT) Peace Accord of 1997 be implemented and the demographic transformation of the CHT under military occupation be ended;
- That the Government of Bangladesh, in accordance with the constitutional rights of the people, provide equal rights to all minorities;
- That an international civil society network be established to monitor the progress of Bangladesh towards compliance with international human rights standards, to make representations to governments, and the UN Human Rights Commission and to hold further meetings.

As noted in HAF's prior annual human rights reports, attacks against Hindus in Bangladesh constitute the most serious threat to the Hindu community anywhere in the world.^{xcv} It is hoped that the Hasina government will work diligently to turn back the tide of violence and discrimination against minorities in Bangladesh and establish a Minorities Commission to address their needs.

The United States and other donor nations must also demand accountability from the Bangladesh Government, and all aid to Bangladesh should be contingent on the improvement of the human rights situation.

Kingdom of Bhutan



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Area: 47,000 square kilometers

Population: 708,427 (July 2011 estimate)

Religion: Lamaistic Buddhist 75%, Indian and Nepalese-influenced Hinduism 25%; Buddhism is the state religion; Hinduism is officially recognized but discouraged; Christianity was not recognized but the government was preparing, at the end of 2010, to give Christianity official recognition.^{xcvi}

Ethnicity: Sarchokpas (40% -- Buddhist), Lhotshampas (35% -- Hindus who speak Nepali and Hindi), Ngalungs/Ngalongpa (20%), Brokpas, Doyas, Bumthangpas, Khengpa and Adivashis.^{xcvii}

National Language: Dzongkha (official); Bhotes speak various Tibetan dialects, while Nepalese speak various Nepalese dialects.^{xcviii}

Location: Southern Asia, between China and India

Introduction

Bhutan is a multi-religious, multi-cultural, and multi-lingual society. However, according to its former King, "Pluralism [is] only practical for a larger country where a diversity of customs, traditions and culture enriches that nation. A small country like Bhutan cannot

afford the luxury of such diversity which may impede the growth of social harmony and unity among its people.”^{xcix} This attitude led to a series of official government policies aimed at forced ethnic and religious cohesion, which resulted in systematic persecution of the minority Hindu population.

According to the Centre for Protection of Minorities and Against Racism and Discrimination in Bhutan (CEMARD-Bhutan), the “human rights situation in Bhutan began to deteriorate from the early 1990s,” and the genesis of the present political crisis in Bhutan is the result of “fundamental weaknesses arising from the socio-political institutions and feudal attitudes.”^c CEMARD claims that these institutions and attitudes have worked towards creating a national identity based on the narrow Drukpa Kargyudpa tradition of Mahayana Buddhism, and the imposition of a Drukpa Kargyudpa culture and values on a multi-cultural and multi-ethnic society.^{ci}

On December 4, 2009, Bhutan presented its first human rights report to the Universal Periodic Report Review Committee of the United Nations Human Rights Council (HRC) in Geneva.^{cii} In the course of its review, the Council made 99 recommendations to Bhutan to improve the human rights situation in the country. Amongst its recommendations, the HRC called on the Bhutanese government to enhance efforts to implement a durable solution for the estimated 113,000 Bhutanese refugees (mostly Hindus) forced out of their homeland and still living in camps on the Bhutan-Nepal border.^{ciii} The Council further emphasized the need for Bhutan to demonstrate “that its commitment to resolving the [refugee] issue is not mere rhetoric and that it is not depending on other countries to take full responsibility through third country resettlement.”^{civ}

During the Geneva session, the refugee issue was raised by a number of European countries including Bhutan’s major donors -- The Netherlands, Denmark, and Norway. Bhutanese official delegates failed to effectively address the issue.^{cv} The U.S. delegate also raised the issue of the unsolved refugee crisis as well as Bhutan’s failure in implementing several necessary acts and protocols, including the citizenship act.^{cvi}

Although the Bhutanese government accepted a majority of HRC’s recommendations, it has thus far failed to take any meaningful steps towards resolving the plight of refugees still remaining in the camps. The Bhutanese government continues to remain obstinant and refuses to make any concessions towards rehabilitating the Bhutanese refugees or affirming their right to return. Several countries, however, have agreed to resettle many of the refugees. More than 43,500 of Bhutanese refugees have been resettled to date, including over 37,000 in the United States.^{cvi} When the “resettlement movement”

first started in 2007, there were approximately 108,000 Bhutanese refugees in the camps. As of August 2011, that population had risen to over 113,000.^{cviii}

The Bhutanese government has also failed to establish an independent human rights body per the Council's recommendations and says the matter is under "active consideration." Bhutan's next review by the Council will take place in 2013, where the government must report on its progress on the recommendations it has accepted.^{cix}

Ironically, in a nation touted as "heaven on earth" and world renowned for its "gross national happiness" index, the rights and religious freedom of Bhutanese minorities continue to be curtailed.

History/Background

Bhutan has been ruled by an absolute monarchy since 1907. The fourth hereditary King Jigme Singye Wangchuck shifted power to his heir Crown Prince Jigme Khesar Namgyel Wangchuck on December 9, 2006. Prior to the Wangchuck dynasty coming to power, the country was under the administrative control of the Buddhist theocratic leader, Zhabdrung Ngawang Namgyel.

The former monarchy unveiled its first draft Constitution in 2005, which was subsequently accepted by the Parliament. According to the draft Constitution, Bhutan would be a "Democratic Constitutional Monarchy" indicating that power would remain with the King, thereby preventing the establishment of a true democracy.

On March 24, 2008, Bhutan held its first general elections for the National Assembly.^{cx} Two parties – the Druk Phuensum Tshogpa (DPT) and the People's Democratic Party (PDP) – registered and contested the elections. The third political party, the Bhutan National Party (BNP), had its registration papers rejected allegedly because its policies were contrary to the "spirit of the constitution."^{cx}

Bhutan is home to a number of ethnic and religious groups, including Drukpa Buddhists and Hindu Lhotshampas. Although Drukpa Buddhists are politically and religiously dominant, Lhotshampas comprise a substantial minority. The Lhotshampas are descendents of Nepalese who moved to the southern lowlands of Bhutan in the nineteenth century. The Hindu Lhotshampas remained largely unintegrated with Bhutan's Buddhist Druk majority. However, under Bhutan's Nationality Law of 1958, they were allowed to hold government jobs and enjoy Bhutanese citizenship. By the 1980s, however, Bhutan's king and the ruling Druk majority expressed concern over the

rapidly growing Lhotshampa population. There was also apprehension about the influx of Nepali migrants into Bhutan and the higher birth rate of the Lhotshampas. The Druks feared that this demographic population shift threatened their predominance in society and Buddhist culture.^{cxii}

During the 1980s, the Bhutanese authorities adopted a series of nationalist policies that sought to undermine the influence of the ethnic Nepalis. In 1985, the government established new eligibility requirements for Bhutanese citizenship that disenfranchised many ethnic Nepalis, depriving them of their citizenship and civil rights despite their longstanding residence in Bhutan. In addition, the government introduced measures to rigidly enforce the Drukpa dress code and forbid the use of Nepali in the educational curriculum.^{cxiii}

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 (ethnic Nepalis) and other minority ethnic, religious, and linguistic groups. Under its regulations, all other ethnic and minority groups are 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. This dangerous ideology has already led to the expulsion and deprivation of rights of the Hindu Lhotshampas and other dissidents through intimidation and the use of force.

The government pursued an increasingly 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. In December 1990, the authorities announced that Lhotshampas, who could not prove they were residents of the country before 1958, must leave the country. 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 around 700,000, have been forced to leave.^{cxiv}

In addition, Bhutan has used Buddhism as a political tool in a manner that suits the interests of the ruling elite. Consequently, over the years, the Bhutanese polity has

become increasingly communalized. Politics is practiced along ethnic lines and has been monopolized by members of Drukpa Kargyudpa.

Although the former monarchy is now transitioning to a democracy, many of the discriminatory policies favoring Buddhists and Buddhist culture remain in place.

Status of Human Rights, 2011

As reported in previous years, a number of human rights issues facing Bhutanese minorities remain unresolved, including forced ethnic and religious assimilation, institutional discrimination, and widespread restrictions on religious freedom. Similarly, there were no significant improvements in the conditions of thousands of Bhutanese Hindu refugees still languishing in the refugee camps on the Bhutan-Nepal border. The Bhutanese Advocacy Forum in Europe as well as other Bhutanese organizations continued to raise concerns over the current human rights situation in the country and the ongoing plight of exiled Bhutanese citizens. For example, Bhutanese rights activists addressed the Hague on December 7, 2011 and the European Parliament on December 8, 2011, and provided an overview of the prevailing human rights situation in Bhutan, and the status and fate of the refugees.^{cxv}

In particular, they requested the European Union to send an independent monitoring team to observe “the effective implementation of those recommendations accepted by Bhutan during the Sixth Universal Periodic Reviews in March 2010,” and that another team should be sent to Damak, Nepal to monitor the screening of the Bhutanese refugees’ resettlement process.^{cxvi} In addition, the activists alleged that the Bhutanese government’s decision to change the names of villages and towns in southern Bhutan was an attempt to remove any sign of Lhotsampa culture and should consequently be viewed as “a form of ethnic cleansing.”^{cxvii}

Furthermore, a new report, *Human Rights and Justice in Bhutan*, summarizes the plight of minorities in Bhutan and specifically asserts that the Bhutanese government has delayed repatriation of Bhutanese refugees, restricted voting rights of the nearly 80,000 Nepali-speaking people still living in the country, and failed to set up a human rights mechanism to monitor the condition of minorities, and the population at large.^{cxviii} The report also provides that there are no independent human rights organizations in Bhutan and that the state has denied education to thousands of children as parents failed to provide a “no objection certificate” (this certificate states that neither the applicant nor their relatives are involved in the democracy movement and other ‘anti-national’ activities and is extremely difficult to obtain).^{cxix}

The following sections provide an overview of the human rights situation in Bhutan.

Religious Freedom

Although the Bhutanese government purportedly allows for freedom of religion, its policies actively discriminate against non-Buddhist minorities, particularly Hindu Lhotshampas. For instance, Buddhism is effectively recognized as the state religion in the constitution, which has led to state favoritism of Buddhism over other religions. In particular, the Bhutanese government officially subsidizes Buddhist temples, monasteries, and institutions and provides financial aid to large numbers of the country's Buddhist monks.

In contrast, reports indicate that Hindus are routinely denied permission to build new temples and no longer receive financial assistance for temple renovation or construction. Hindu groups suggest that they have been unable to build new temples since the early 1990s.^{cxx} Hindus, who constitute around 22% of Bhutan's less than 700,000 people, are represented by one legal entity, the Hindu Dharma Samudaya (Hindu Religious Community) of Bhutan, which was registered with the Chhoedey Lhentshog authority along with Buddhist organizations in 2009.

In addition, Bhutanese law mandates the reservation of ten seats in the 150-seat National Assembly and two seats in the 11-member Royal Advisory Council for Buddhist monks. Although non-Buddhists may work for the government, there are no similar statutory provisions reserving seats for Hindus or other minorities. Furthermore, according to the U.S. State Department, "NGO representatives living outside the country claimed that only Drukpa Kagyupa and Ningmapa Buddhist religious teaching was permitted in schools and that Buddhist prayer was compulsory in all government-run schools." Local NGOs assert, however, that the prayers are nondenominational and are not required.^{cxxi}

Christianity is not officially recognized in Bhutan, and as of late 2011 the government was still considering whether to provide the religion with official status.^{cxxii} The government's concerns regarding the recognition of Christianity are based on trepidation of the vast amounts of money being poured into South Asia by Western Christian organizations for the purposes of proselytization and building churches. According to Dorji Tshering of the Bhutan government, "...conversion must not be forced, because it causes social tensions which Bhutan cannot afford to have. However, the constitution says that no one should be forced to believe in a religion, and that aspect will be taken care of. We will ensure that no one is forced to convert."^{cxxiii}

Social Persecution

Refugees/Third Country Resettlement

In the early 1990s, Bhutan forcibly evicted more than 100,000 ethnic Lhotshampas, the vast majority of whom were Hindu, and comprised nearly one sixth of the kingdom's total population of approximately 700,000. Foreign governments have spent approximately \$20 million per year on assistance and protection programs for the refugees. Children in the camps are provided with education up to the secondary-school level, and the Lhotshampa leadership takes an active part in administering the camps. However, there is considerable frustration among the refugees over their prolonged exile. These frustrations are especially pronounced among the younger generation who constitute the highest proportion of the refugee population and lack opportunities for further education, employment, and advancement.

Efforts toward arriving at a solution for the protracted refugee situation have faced challenges despite attempts at negotiation between neutral third parties and the governments of Bhutan, Nepal, and India. The government of Nepal opposed local integration and pushed towards the refugees' eventual repatriation to Bhutan, while offers of third-country resettlement from the international community created serious division and debate within the refugee communities. The majority of refugee leaders in Nepal, who view repatriation as the only durable solution, have opposed the resettlement plan. According to many international observers, particularly human rights organizations, Bhutan's behavior towards the Lhotshampas is tantamount to ethnic cleansing given the Bhutanese government's refusal to pursue any resolution of this crisis.^{cxxiv}

By August 2011, nearly 50,000 Bhutanese refugees had been resettled in other countries since the resettlement program first began in November 2007.^{cxxv} The U.S. has accepted the largest number of refugees – nearly 42,000 – and the Bhutanese resettlement program is now the third-largest resettlement operation in the United States. Bhutanese refugees have been resettled in all 50 U.S. states and receive support from U.S. federal and state governments as well as non-governmental organizations.^{cxxvi} However, approximately 76,000 Bhutanese refugees remain stranded in Nepal as refugees under the care of the United Nations and dependent on food aid from around the world.^{cxxvii}

Refugees who continue to be resettled throughout the U.S. have faced challenges, but have also found support. For instance, about 400 Bhutanese refugees resettled in the Cleveland area and were provided support by the local Hindu community.^{cxxviii} In

Seattle, a number of them shared the horror stories of being forced out of Bhutan, not being wanted in Nepal, and waiting long years to be resettled elsewhere.^{cxxix} Some of these newly resettled Bhutanese have complained that they are under tremendous pressure from local missionary groups to convert to Christianity. Many Christian groups, including Bhutanese Christians, in the guise of helping Bhutanese Hindus, have been active in compelling these Hindus to listen to the “story of Jesus,” and to be accepted and loved by “God.”^{cxxx} Moreover, the Bhutanese refugee community in the U.S. has a high incidence of mental health issues and high suicide rates.

Other countries that have resettled Bhutanese refugees and offered them citizenship include Canada, Australia, New Zealand, Norway, Denmark, the Netherlands, and the United Kingdom.

Institutional Discrimination

On January 6, 1989, the King issued a royal decree called *Driglam Namzha* as part of the promotion of a distinct national identity and the “One Nation, One People” policy. The policy deals with matters such as how to eat, sit, speak, dress, and bow down before authorities in true, medieval, feudal style. The dress code, which came into enforcement on May 1, 1989, strictly banned both men and women from wearing any dresses other than the type worn by the royal elites: *Gho* for men and *Kira* for women (robe like dresses).^{cxxxi}

The guidelines, set forth by the former King, imposed the Drukpa Kargyudpa traditions and customs on the multi-ethnic and multi-cultural society. The *Driglam Namzha* decree had its greatest impact on the minority Hindu Lhotshampas. For instance, the teaching of the Nepali language, spoken by the Lhotshampas, was removed from the school curriculum and the Dzongkha language, developed in the 1980s, made compulsory. Moreover, naturalization of citizens was based on the ability to speak and write Dzongkha.

According to CEMARD, “The feudalistic attitude of the royal regime has imposed and prescribed strict adherence to the set of Buddhist dogmas and beliefs among the Bhutanese population. Driglam Namzha designed within the traditional attire of Drukpa Kargyudpa tradition directly attacks the custom and values of non-Drukpa Kargyudpa followers. The theocratic ideology of clerics profoundly influences the administration and poses a challenge to the creation of a modern secular nation-state. The regime’s bogey of preserving traditions and culture through the newly drafted constitutional provisions seems to be a shield for protecting feudal and despotic rule.”^{cxxxii}

Furthermore, in recent years, minorities have faced discrimination in access to education, employment, health care, land ownership, and voting rights. For example, during the elections in 2008, thousands of Lhotsampas were arbitrarily denied voting rights based solely on their ethno-religious background and affiliation with relatives living in refugee camps in Nepal and/or involvement in the 1990 anti-government demonstrations.^{cxxxiii} Additionally, many ethnic Nepalis have been denied citizenship cards following the 2005 census, effectively rendering them stateless.^{cxxxiv}

Similarly, Lhotsampas confront inequality in employment opportunities and are not entitled to employment in the national airlines, the postal service, the ministries of home and foreign affairs, and the police and army.^{cxxxv} The government has also discriminated against minorities by denying them the security clearance necessary to obtain business licenses and other government facilities. Moreover, Bhutan has still not rectified the flaws in the system of birth registration for children born after 1990 (Bhutan ratified Convention on the Rights of the Child [CRC] in 1991), resulting in problems accessing education and health services for minority children.^{cxxxvi}

In response to the widespread persecution and discrimination faced by Bhutanese minorities, some ethnic Nepali groups have pursued the use of violence against the government and are suspected of orchestrating several bomb attacks in the country. There have also been reports of police abuse and arbitrary arrests of Lhotsampas suspected of involvement with violent anti-government activities.^{cxxxvii}

Violation of Constitution and International Law

Constitution of Bhutan

According to Article 3 of the Bhutanese Constitution, “Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance,” and that the King is the protector of all religions in Bhutan.^{cxxxviii} By officially recognizing Buddhism in the Constitution, Hinduism and other religions are relegated to an inferior status and subject to discriminatory policies.

Article 7 guarantees all Bhutanese “the right to life, liberty and security of person,” and “the right to freedom of speech, opinion and expression.”^{cxxxix} Moreover, 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.”^{cxl} Despite the assurances contained in Article 7, religious intolerance has forced nearly 100,000 Lhotshampas out of Bhutan.

Section 15 of the Constitution guarantees every citizen equality before the law without discrimination based on “race, sex, language, religion, politics or other status.”^{cxli} The government’s support for the “One Nation, One People” policy and favoritism towards Buddhists and Buddhist institutions, however, systematically violates the provisions guaranteed under Section 15.

International Human Rights Law

The Bhutanese government has signed and ratified the following six international human rights covenants, treaties and conventions:

- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- Convention on the Rights of the Child (1989)
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949)
- Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (1949)
- Geneva Convention relative to the Treatment of Prisoners of War (1949)
- Geneva Convention relative to the Protection of Civil Persons in Time of War (1949)

The government, however, has failed to sign a number of other significant human rights treaties protecting civil, political, and religious rights. Despite this, the government should be held accountable for providing fundamental human rights to all its citizens, as enshrined in the International Bill of Human Rights (1948) and required under customary international law.

Unfortunately, Bhutan’s nationalist policies violate basic norms of international law by institutionalizing discrimination against minorities, restricting religious freedom, and marginalizing the more than 100,000 Lhotshampa refugees forced out of the country. In addition, although Bhutan ratified the Convention on the Rights of the Child in 1989, its citizenship requirements that both parents must be of Bhutanese nationality exclude thousands of Lhotsampa children who are effectively stateless – a violation of Article 7 and 8 of the Convention. Similarly, since none of the refugees have been allowed to return to Bhutan, the separation of families caused by the forced expulsion is a violation of Article 10. And the right to education under Article 28 has not been realized as the Nepali language is still forbidden in schools and ethnic Nepalis continue to experience difficulties in obtaining admission into schools.

Conclusion and Recommendations

The lack of basic fundamental human rights continues to be an ongoing problem for minorities in Bhutan as well as Bhutanese refugees that have now spent more than 20 years living in squalid refugee camps. According to the exiled Bhutan leader, Rongthong Kuenley Dorji (R.K. Dorji), New Delhi-based President of the Druk National Congress (DNC): “The real sense of human rights exists only on paper post 2008... The real sense of democracy is absent, so the real sense of human rights is also absent.”^{cxlii}

For thousands of refugees, resettlement in foreign nations is still the only available option and they are now being resettled in countries where they face huge challenges acclimating to the local cultures. HAF urges Bhutan to accept and repatriate all those who are able to prove their nationality through reasonable means, while Nepal should make a similar offer to integrate some refugees. We support other human rights agencies’ calls that “ultimately, each and every refugee should have the right to choose their own future.”^{cxliii}

The Asian Centre for Human Rights (ACHR) alleges that Bhutan has not provided a written commitment to take back the refugees who have proven their citizenship and joint verification was conducted only in one out of the seven refugee camps. Without a written commitment, there is no guarantee that Bhutan will take back its nationals.

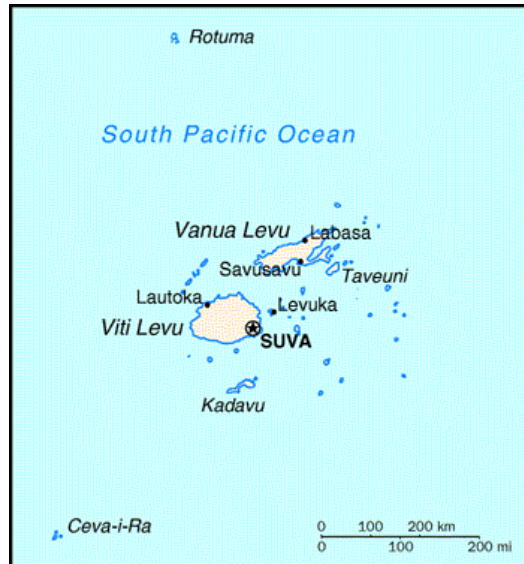
HAF supports the following recommendations made by ACHR and other human rights agencies, such as Human Rights Watch and Amnesty International:^{cxliv}

- “Bhutan must take practical and concrete steps to demonstrate its stated commitment to a just resolution of the longstanding refugee crisis.”
- “Bhutan, Nepal and UNHCR should adopt a Memorandum of Understanding (MOU) for voluntary repatriation that includes a clear statement of rights and entitlements upon the refugees’ return to Bhutan - including full citizenship rights and human rights protections.”
- “An accelerated and simplified verification exercise needs to be carried out in the six camps which have not yet been screened, based on two categories only: Bhutanese and non-Bhutanese.”
- “Donors, UN agencies and Bhutan's other partners should insist on measures to eliminate discrimination against Lhotshampas who have remained in Bhutan since

the exodus of refugees, and to ensure the protection of their fundamental human rights and their right to participate as full citizens of Bhutan.”

- “Bhutan’s development partners should urge the [Government]...to regularize the nationality status of Lhotshampas who have no prospect of claiming any nationality other than Bhutanese...and [d]onors should provide increased support for new programs and projects in the south of Bhutan and the east of Nepal to create new economic and educational opportunities which do not discriminate in purpose or effect, including on the basis of race or ethnicity; and to facilitate voluntary repatriation and local integration.”

Republic of the Fiji Islands



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Area: 18,270 square kilometers

Population: 883,125 (July 2011 estimate)

Religions: Christian 64.5%, Hindu 27.9%, Muslim 6.3%, Sikh 0.3%, other or unspecified 1.0%

Languages: English (official), Fijian, Hindi

Ethnic groups: Fijian 57.3% (predominantly Melanesian with a Polynesian admixture), Indian 37.6%, Rotuman 1.2%, other 3.9% (European, other Pacific Islanders, Chinese) (2007 census)

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

Introduction

During 2011, there were no significant changes in governance or improvement in the status of human rights in Fiji. Despite having previously made commitments to improve its human rights record before the United Nations Human Rights Council

(UNHRC) in 2010 and accepting 97 (out of 103) of the Council's recommendations, the government continued to repress fundamental rights and freedoms.^{cxlvi}

The UNHRC report specifically noted that Fiji's "infrastructure, judicial system and systems of accountability have all remained under-developed and unproductive." Moreover, it recommended that in order to ensure "democracy has a real chance of survival in Fiji's future, serious and principled reforms must be implemented to build roads, institutions and values."^{cxlvii}

On a positive note, however, Prime Minister Voreqe Bainimarama finally lifted the Public Emergency Regulations on January 7, 2012.^{cxlviii} Originally implemented in 2009, the Emergency Regulations had placed restrictions on the right to public assembly and freedom of expression, and gave the military and other law enforcement personnel broad powers of arrest and detention.^{cxlix} The Regulations also empowered security forces "to prohibit processions and meetings, to use such force, including lethal force, as considered necessary, to enter and remain in any building where there is reason to believe three or more people are meeting, and to regulate the use of any public place."^{cl} Under these regulations, Fiji's former prime minister and Labour Party leader, Mahendra Chaudhry, and five others were arrested in October 2010 for reportedly meeting with sugar cane farmers. Mr. Chaudhry was released on bail soon after.^{cli}

As noted in HAF's 2010 report, Commodore Bainimarama came to power following a military coup in 2006 and stayed on as the country's interim Prime Minister. On April 10, 2009, President Ratu Josefa Iloilo announced that he had suspended the Constitution, dismissed all judges and constitutional appointees, and assumed all governance in the country after the Court of Appeal ruled that the government of Prime Minister Bainimarama was illegal. Fiji was then placed under a "Public Emergency Regulation," putting the country under emergency rule for 30 days. Announcing that Fiji would hold democratic elections in September 2014, the president reappointed Bainimarama as interim prime minister, and in turn, he reappointed all the previous cabinet ministers to the positions they previously held.^{clii}

Although the Bainimarama regime has been accused of human rights abuses and constitutional violations,^{cliii} conditions for the ethnic Indian and Hindu populations have generally improved since he took power. On the other hand, under previous democratically elected governments, minorities, especially Hindus, faced widespread discrimination and violent attacks. Democracy without safeguards for minorities is as problematic as a military junta that restricts freedom but protects minority rights. As

the former publisher of Fiji's *Daily Post* has astutely noted, "[M]ere elections do not deliver democracy."^{cliv}

History/Background

Fiji consists of over 300 islands, only 100 of which are inhabited. Most of the population is concentrated on the main island of Viti Levu. The first inhabitants of Fiji reportedly arrived 3,000 years ago from Southeast Asia. The first European, Dutch explorer Abel Tasman, arrived in Fiji in 1643, but it was not until the 19th century that Europeans permanently settled on the islands. The islands came under British control as a colony in 1874 and gained independence in 1970.

Fiji is home to a diverse multi-ethnic and multi-religious population. The population is split primarily between two main ethnic groups: Indigenous Fijians (Melanesians) constitute approximately 57%, and Indo-Fijians constitute 38%. Religion runs largely along ethnic lines and most Indo-Fijians practice Hinduism, while the majority of indigenous Fijians follow Christianity. In addition, the European community is predominantly Christian. The largest Christian denomination in Fiji is the Methodists, although the Roman Catholic Church and other Protestant denominations also have significant membership. The Methodist Church is supported by the majority of the country's leaders and remains influential in the ethnic Fijian community, particularly in rural areas. Other ethnic communities include the Chinese, Rotumans, and other Pacific Islanders.^{clv}

According to the 2007 census there are 313,798 Hindus in Fiji. Hindus are the second largest religious community in Fiji, comprising approximately 28% of the total population and approximately 76% of the Indian community. Hindus were initially brought to Fiji in 1879 by the British colonists as part of the indentured labor system to work on sugar cane plantations.^{clvi} This brutal practice, akin to slavery, was finally abolished in 1916, but discrimination against Hindus has 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 and posing a threat to colonial rule. As a result, both communities lived and grew separately for over 70 years under British rule. The disparities were further reinforced by religious and linguistic differences. When British colonial rule ended, the large Indian minority was left at the political will of the majority native Fijians. Though Indians constituted 40% of the population, 87% of the land was given to the native Fijians under the colonial

system. The political mantle was exclusively transferred to the Fijian political elite, which declared Christianity as the State religion and instituted a constitution that allowed only native Fijians to hold political office. The progressive Prime Minister, Dr. Timoci Bavadra, temporarily abrogated this practice in 1987.

Since Fiji's independence in 1970, the country has experienced three coups. The first coup of May 1987 overthrew the cabinet of Prime Minister Ratu Sir Kamisese Mara. The coup, carried out by a disgruntled militarist, Lt. Colonel Rabuka, with military loyalists, justified their violent overthrow of Kamisese Mara's democratic regime by citing his friendliness with Indians and Hindus as undermining Fijian interests. Lt. Colonel Rabuka also issued an order for Indians to convert to Christianity during the coup. Many temples were destroyed in the unrest of 1987.

In 1990, a new constitution provided for native Melanesian control of Fiji and led to large numbers of Indians leaving the island nation. The significant population loss resulted in economic difficulties, but ensured that Melanesians became the majority. The 1990 Constitution, under Sitiveni Rabuka, effectively barred any Hindu from holding the office of Prime Minister. However, continued international pressure and domestic unrest resulted in amendments to the Constitution in 1997, making it more equitable. The Constitutional review, led by Sir Paul Reeves, removed the discriminatory practices embedded in the Constitution, thereby paving the way for a new era in Fijian political history.

Elections in 1999 saw the emergence of the first Hindu Prime Minister, Mahendra Chaudhary, who was overthrown a year later by a Fijian fanatic and U.S.-educated businessman, George Speight. Subsequently, violence against Hindus increased and threatened their fundamental right to practice their faith. A 2006 report on Fiji also noted, "Discrimination against ethnic minorities was evident in plans for an indigenous Trust Fund and in the appointment of indigenous Fijians to almost all chief executive posts in the public service."^{clvii}

Furthermore, the former publisher of the Daily Post newspaper analyzed the role of the media, particularly the *Fiji Times* and the *Fiji Sun*, in fomenting opposition to Chaudhary's government. The former Daily Post publisher argued that the ethnic Fijian newspaper editors were clearly opposed to Mahendra Chaudhary, and that they projected the Chaudhry government as an "Indo-Fijian" government which could not be trusted to safeguard the interests of the itaukei, or the ethnic Fijians. The editors also failed to inform readers about the safeguards enshrined in the 1997 Constitution which

stipulated that no Prime Minister could implement changes affecting native land and laws protecting the rights of the indigenous people. The publisher also claimed that the *Fiji Times* did not edit treasonable and seditious material or hate-speech that would be considered derogatory by any intelligent reader.^{clviii}

Subsequent Parliamentary elections held in August 2001 provided Fiji with a democratically elected government and gave a mandate to the government of Prime Minister Laisenia Qarase. Re-elected in May 2006, Qarase was later ousted in a military coup led by Commodore Bainimarama, who initially appointed himself acting president and dissolved the Parliament, paving the way for the military to assume power. On January 4, 2007, the military announced that it was restoring executive power to President Iloilo, who in turn endorsed the actions of the military. The next day, Iloilo named Bainimarama interim Prime Minister.^{clix} Commodore Frank Bainimarama, current Prime Minister of Fiji, justified the overthrow of the Qarase regime as an attempt to curb state sponsored racism against Indians and Hindus and general political corruption.

Status of Human Rights, 2011

As HAF reported in 2010, although the number of attacks on Hindus and Hindu temples has decreased, Fijians of Hindu descent continue to face a number of challenges. Consequently, the Hindu population in Fiji has been steadily declining for the past few years, with heavy migration to the United States, Australia, and New Zealand.^{clx} In addition, the lack of skilled employment opportunities and government preference for ethnic Melanesians in a Christian majority nation has resulted in an Indian or Hindu brain-drain from Fiji.^{clxi}

Furthermore, the military government of Commodore Bainarama has consistently violated basic human rights and freedoms for all Fijian citizens since assuming power in 2006. In particular, the freedoms of expression, press, and assembly have been widely curtailed. For example, the government arbitrarily rescinded permission for the NGO Coalition on Human Rights (NGOCHR) to hold a rally celebrating World Human Rights Day on December 10, 2010.^{clxii} The government has also been accused of censorship and attempts to silence its critics.^{clxiii} Additionally, there were allegations of torture by the military and other forms of suppression against opponents of the government.^{clxiv}

Moreover, the government increased pressure against trade unions, and in June 2011, the President promulgated the Essential National Industries (Employment) Decree, which forbids professional unions from operating in industries that are declared

essential.^{clxv} Similarly, a delegation from the Australian Council of Trade Unions (ACTU) and the New Zealand Council of Trade Unions (NZCTU) was barred from entering the country in December 2011 to conduct a fact-finding mission. Attorney-General Aiyaz Sayed-Khaiyum said that the ACTU and the NZCTU teams were not on a fact finding mission, but were merely seeking to promote their own agendas.^{clxvi}

Attacks against Hindus

There were no major violent attacks on Hindus in 2011, except for the brutal stabbing of Vishal Mishra, a taxi driver. Mishra, who was stabbed to death by a group of people who hired his taxi, was found dead in Nausori.^{clxvii} It is unclear, however, whether the attack was religiously or ethnically motivated.

Religious Freedom

The right to freely worship without fear of attack is one of the basic and fundamental aspects of religious freedom. Prior to the abrogation of the constitution in April 2009, Fiji provided for freedom of religion, and the Bainamirama administration has supported free practice of religion.

In Fiji, the centerpiece of Hindu activities lies in the temples, which are found in major towns, cities, and rural areas throughout the country. In previous years, Hindus were singled out for violence and temple desecration by suspected Christian fundamentalists, and attacks and desecration of Hindu temples has been a feature of Fiji's religious landscape, especially since 1987. For instance, according to a January 2011 report, a Hindu temple was broken into and cash and electrical items stolen.^{clxviii} Similarly, according to a U.S. State Department report on religious freedom in 2008: "In August 2008, a private temple in Ba was reportedly destroyed by arsonists. Following a string of temple desecrations in October, Prime Minister Frank Bainimarama ordered a special investigation. Bainimarama stated that ending racism against Indo-Fijians was a priority for his administration."^{clxix} And on October 16, 2008, the Shiu Hindu Temple, near Nadi, was burnt down, and Fiji Police confirmed that the fire was a deliberate act of arson.^{clxx}

The religious tension between Hindus and Christians is entwined in the historical racial differences between native Fijians and Indians, which date back to the colonial era. As the Reverend Akuila Yabaki, Head of Fiji's Citizens Constitutional Forum, said in a recent interview: "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.”^{clxxi}

Besides attacks on places of worship, there have been recent examples of government and police officials using their positions of power to promote their Christian religious beliefs. According to the U.S. State Department, “In 2008 and 2009, under the direct leadership of the police commissioner, the Fiji Police Force partnered with Souls to Jesus (commonly known as the New Methodists), a Christian group led by the police commissioner's younger brother, to host evangelistic events at all police divisions and major police stations in the country in an effort to foster community policing and reduce crime. All officers and their families were effectively required to attend the rallies, regardless of religion.”^{clxxii}

The report went on to state that Hindu and Muslim police officers joined the commissioner's church for fear of being denied promotions or losing their jobs. The State Department also noted, “While the crusades have ceased, the Souls to Jesus congregations continued to use official police premises to hold their weekly services for police families, and all police stations and offices held weekly Christian services for one hour, during working hours.”^{clxxiii}

Furthermore, in February 2009, the police commissioner accused Indo-Fijian police officers of being liars and backstabbers. The commissioner also told the officers to support the Christian rallies or leave the police force.^{clxxiv} And in June 2009, the Fiji police were again involved in promoting Christianity in conjunction with the New Methodist Church, led by Atu Vualono, the brother of Fiji Police Commissioner, Esala Teleni. While some Hindu leaders claim that they have no problems with such official involvement in a religious crusade, others were not so sanguine.^{clxxv}

In response to complaints and criticism, in December 2009, the government administration issued a directive calling for public officials to stop using their official positions to promote their Christian beliefs. HAF commends the Bainamirama administration's initiatives and actions to curb the misuse by government and police officials in using their agencies for the endorsement of Christian activities.

On January 12, 2010, the government also announced a ban on the Methodist Church's annual conference until 2014. The government accused church ministers of being on the payroll of the ousted Soqosoqo Duavata ni Lewenivanua government (SDL) and spying

on the military in the period prior to the 2006 coup. In February 2010, the government announced a ban on the quarterly meetings of the church's 52 divisions.^{clxxvi}

Violations of Constitution and International Law

Constitution of Fiji

The Constitution of Fiji explicitly establishes the separation of religion and state, but as noted above, in recent years there have been systematic attempts by some government officials and the Police Commissioner to sponsor Christianity through official channels, such as starting the day with Christian prayers.

Section 30 of the Constitution limits the right of freedom of expression to protect “the reputation, privacy, dignity, rights or freedoms of other persons, including the right to be free from hate speech, whether directed against individuals or groups” and to “prevent attacks on the dignity of individuals, groups or communities or respected offices or institutions in a manner likely to promote ill will between races or communities or the oppression of, or discrimination against, any person or persons.”^{clxxvii} Unfortunately, the Fijian government is not upholding this constitutional guarantee as Christian groups condemn Hindus as “idol worshippers” and promote anti-Hindu sentiment that clearly advances “ill will between communities.”

Section 35, which is not supported by the Methodist Church states, “(1) Every person has the right to freedom of conscience, religion and belief; and (2) Every person has the right, either individually or in community with others, and both in public and in private, to manifest his or her religion or belief in worship, observance, practice or teaching.”^{clxxviii} The destruction and desecration of Hindu temples and institutions threatens the ability of Hindus to enjoy the protections of Section 35 of the Constitution.

International Human Rights Law

Although Fiji has not taken any action toward ratifying or signing the U.N. International Covenant on Civil and Political Rights (ICCPR), it has agreed to the International Convention on the Elimination of All Forms of Racial Discrimination. Moreover, it is bound to uphold commonly accepted human rights principles under customary international law. As noted earlier, the condition of Hindus has improved in recent years, and credit for the improvement has been given to Interim Prime Minister

Bainimarama's initiative in strictly enforcing laws and publicly guaranteeing the protection of Hindus.

Addressing the UN Human Rights Council in June 2010, Fiji's Ambassador Peceli Vocea said that Fiji was ready to accept 97 of the 103 recommendations and that "Fiji deems it to be her obligation to ensure that it ratifies all core Human Rights convention to ensure the safeguarding of the Rights of its Citizens." Fiji rejected the call for elections in 2010 and stayed with the road map of having elections in 2014.^{clxxix}

Conclusion and Recommendations

The Fijian government should practice parity and equality in its response to and support of various ethnic and religious groups, deal more effectively with violent crimes against Hindus, and prosecute the criminals who led the 2000 coup. In addition, Fiji must continue to be vigilant in the protection of Hindus from violence and hate speech, and it must institute permanent safeguards to protect Hindu temples from attacks. The Fijian government should also distance itself from Christian fundamentalists promoting hatred against Hindus and Hinduism and avoid Christianization of its institutions. Finally, the government must uphold and protect human rights, take specific steps to enhance human rights protections, and return to democratic rule.

Indian State of Jammu and Kashmir



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Area: 85,807 square miles

Population: 12,548,926 (2011 estimate⁴), clxxxi Muslims (66.97% in 2001), Hindus (29.63% in 2001), Sikhs (2.03% in 2001), Buddhist and others, including Christians (1.36% in 2001)

Religions: Islam, Hinduism, Sikhism, Buddhism, and Christianity; majority Muslim with a large Hindu minority and smaller Sikh and Buddhist communities; close to 400,000 Hindus and Sikhs currently live as refugees 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

⁴ The estimated population is that of the Indian part of Jammu and Kashmir and does not include the population of "Azad Kashmir" and "Gilgit and Baltistan," both of which are contested areas between Pakistan and India. "Azad Kashmir" has an estimated population of 4.6 million and "Gilgit and Baltistan" an estimated population of 1.8 million. The population figures presented above also do not include the population of "Aksai Chin," the eastern part of Jammu and Kashmir occupied by China. The population of "Aksai Chin" is considered minimal.

Introduction

The conflict in the Indian state of Jammu and Kashmir remained unresolved in 2011, despite the Indian government's appointment of a three-member commission in October 2010 to "hold sustained dialogue" with all sections of the state's population.^{clxxxii} The three-member commission, however, was unable to achieve any significant gains and only offered impractical proposals.^{clxxxiii}

The commission was initially created following three months of unrest and riots during the summer of 2010 that left more than 100 people dead.^{clxxxiv} According to media reports, the rioting youth had been paid to start the riots and create havoc in the state.^{clxxxv,clxxxvi} Moreover, the South Asian Terrorism Portal (SATP) indicated, "[T]he entire protracted stone-pelting campaign was directly backed by Pakistan and by Pakistan-based terrorist formations, in a strategy to offset declining capacities for terrorist action."^{clxxxvii} SATP further noted that Masrat Alam, chief of the Muslim League and part of the separatist Tehrik-e-Hurriyat party, admitted to receiving four million Indian rupees to "fuel the protests and incite the stone-pelters."^{clxxxviii}

At the same time, a positive political development occurred in January 2, 2011, when the chief spokesman of the separatist Hurriyat Conference, Abdul Ghani Bhat, publicly acknowledged that many of the state's moderate separatist leaders, including Mirwaiz Mohammed Farooq, Abdul Gani Lone, and Abdul Ahad Wani, had not been killed by "the [Indian] army or police but [by] their own people."^{clxxxix} This assessment, that many Kashmiri leaders had been targeted and murdered by other hardline Kashmiri separatists, was in stark contrast to what had been previously reported by the media and human rights organizations for several decades.

Instead of taking advantage of this revelation, however, the central government failed to implement meaningful policy changes, work with moderate factions, or deal effectively with extremists. As SATP critically noted, "Despite the sea [of] change in the ground situation that these tentative developments indicate (and they can easily be reversed at the cost of a few bullets), no constitutional political formation, and neither the State Government nor the Centre, appear to have significantly accommodated these changes within their current policy framework. Indeed, the unsettling nonsense that has been the essence of the political discourse, and of various 'peace-making initiatives' in J&K, and the relentless appeasement of the most extreme voices, remains the hallmark of all policy and pronouncements."^{cxc}

Complicating matters further were attempts by outside parties to interfere in Jammu and Kashmir. For instance, the Wikileaks diplomatic cables show that both Saudi Arabia and Iran have supported or tried to influence Muslim elements in the Kashmir Valley.^{CXCI} The Indian government reportedly expressed deep concern over Saudi funding of extremist groups in Kashmir.^{CXCII} Similarly, the Organization of the Islamic Conference (OIC) recently named a special envoy to Kashmir.^{CXCIII} And there were reports that even Libya was involved in trying to influence politics and promote pro-Pakistan sentiments in the Kashmir region. Despite such external intrusions, however, a survey published by the Royal Institute of International Affairs and Kings College, London found that 98% of Kashmiris on the Indian side of Jammu and Kashmir did not wish to be a part of Pakistan; and 50% of the people in Pakistan occupied Kashmir did not wish to remain with Pakistan either.^{CXCIV}

Perhaps most troublesome were the efforts by Pakistan to disseminate propaganda on the Kashmir issue and attempts to manipulate U.S. policy makers. In particular, the arrest of the Kashmiri American Council (KAC) executive director, Syed Ghulam Nabi Fai, for engaging in illegal lobbying activities on behalf of Pakistan's ISI demonstrated the extent of ISI activities in the United States. According to the U.S. Department of Justice, KAC, otherwise known as the Kashmir Center, was created by the ISI to specifically promote Pakistan's agenda on Kashmir amongst U.S. government officials and policy makers. Similar centers were also set up by Pakistan in London and Belgium to disseminate anti-India and pro-Kashmiri separatist propaganda on the Kashmir issue.^{CXCV}

Meanwhile, 21 years after Islamic extremists ethnically cleansed nearly 400,000 Kashmiri Hindus (known as Pandits) from their homeland in the Kashmir Valley using threats, intimidation, and murder, the central and state governments have failed to safely rehabilitate the Pandits back to their homes or adequately address their needs. Successive governments in both Srinagar and New Delhi have demonstrated neglect, apathy, and futility in resolving the plight of the Kashmiri Pandits.^{CXCVI} It is estimated that the total Kashmiri Hindu Pandit population is now only 700,000 and scattered throughout the world, with many still living in refugee camps and only approximately 3,000 still living in the Valley.^{CXCVII CXCVIII} According to U.S. Senator Sherrod Brown, Kashmiri Pandit culture is on "the verge of extinction and can prosper only in its native land of Kashmir Valley."^{CXCIX}

A recent Indian media report profiled the lives of several traumatized Kashmiri Pandits living in exile, including Vinod Dhar, whose entire family of 23 members was massacred when he was only 14 years-old, leaving him as the lone survivor.^{CC} Similarly, another

Kashmiri Pandit refugee, living in poor conditions in a camp in Jammu, observed: “This is the Kashmir we had nurtured with our blood and look how they [Muslims] hated us. Wasn't what we experienced a genocide?”^{ccci}

The Indian Supreme Court further questioned the state government’s ineffectiveness in helping the Kashmiri Pandits when it asked: “Tell us what have you (state government) done with your promise of providing 15,000 jobs? Have you given a single job? Or, for that matter, have you given them a single house.” ^{ccii} The court also asked the state government to explain whether it had invalidated even a single house sale, since hundreds of Kashmiri Pandit houses had been auctioned and sold illegally between 1990 and 1997, after the Pandits fled the Valley.^{cciii}

As a result of the lack of support from the central Indian and Jammu and Kashmir state governments, the Kashmiri Pandits have also appealed to the international community and the U.S. government for assistance. For example, in 2010, Kashmiri Pandit leaders met top Obama administration officials and legislators from both parties to plead their case.^{cciv} Moreover, on August 1, 2011, U.S. Congressman Frank Pallone (D-NJ) sponsored U.S. House of Representatives Resolution 387 (H. Res. 387), which recognizes the violations of religious freedom and human rights of the Kashmiri Pandits since 1989, and demands that the terrorist infrastructure in the region be dismantled. H. Res. 387 has been co-sponsored by Representatives Rush Holt (D-NJ), Joe Wilson (R-SC), Ed Royce (R-CA), and Mike Honda (D-CA).^{ccv}

History/Background

Kashmir, once known for its idyllic beauty, 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. The Muslim period stretched from about 1561 to 1819, at which time Sikhs gained control over the region. Sikh rule spanned from 1819 to 1846, followed by the Hindu Dogra reign from 1846 to 1947. Modern Kashmir has been claimed by both Pakistan and India since partition of the subcontinent in 1947.^{ccvi}

The Princely State of Kashmir, which was ruled by the Dogra king Hari Singh at the time of partition, 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 Accession

formalizing Kashmir's legal accession to India.^{ccvii} 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.^{ccviii} The accession was also approved by the largest and most popular Kashmiri political party, the All Jammu and Kashmir National Conference, led by the charismatic Muslim leader, Sheikh Mohammed Abdullah.

Once Kashmir legally joined India, Indian forces were deployed to stop the advancing Pakistani military, leading to an all out war between the two countries.^{ccix}

India then sought the intervention of the United Nations (UN), and the UN Commission for India and Pakistan (UNCIP) was established to examine the situation. In April 1948, the UN Security Council passed Resolution 47 which required (1) the demilitarization of the region, and (2) a plebiscite to decide the future of the princely state. The Resolution, however, clearly required that Pakistan must first withdraw all its military personnel and "tribesmen" from the state as a necessary pre-condition to holding a plebiscite.^{ccx} According to the UNCIP's findings in August 1948, Pakistan not only failed to abide by the Resolution, but actually increased its military presence in Kashmir.^{ccxi} Despite Pakistan's military aggression and flagrant violation of Resolution 47, the Security Council failed to take appropriate action against the government of Pakistan.

After a ceasefire was agreed to 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 the Indian Constitution. The Indian Constitution, which came into effect on January 26, 1950, granted special status to Kashmir through Article 370. Article 370 is a special clause that made "Jammu and Kashmir a country within a country, with its own flag, emblem, constitution and Sadr-i-Riyasat (Prime Minister)."^{ccxii} Moreover, it restricted the Indian Parliament's legislative power over J&K to defense, foreign affairs, and communications. Thus, in order for the Parliament to apply other laws to J&K, it required the State's concurrence. Perhaps, the worst consequence of Article 370 is its restriction on people moving from other parts of India to the state. Although there was considerable opposition to granting special status to the state, India's first Prime Minister Jawaharlal Nehru insisted on the inclusion of Article 370 to accommodate Kashmiri Muslims.^{ccxiii}

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.^{ccxiv}

The former princely State of Jammu and Kashmir has a total area of 85,807 sq. miles and is now divided between three countries.^{ccxv} Pakistan occupies approximately 28,160 sq. miles, known as Pakistan occupied Kashmir (PoK), or the supposed Azad (free) Jammu and Kashmir (AJK) and the Northern Areas. PoK comprises eight administrative districts (Muzaffarabad, Mirpur, Neelum, Kotli, Poonch, Sudhanoti, Bhimber, and Bagh), with an area of 5,134 sq. miles and an estimated population of 3.5 million.^{ccxvi} The people of PoK are mostly Sunni Muslims, who speak a mix of Punjabi, Pahari, and Pushto. ***There are virtually no Hindus left in PoK.*** The Northern Areas have a Shia Muslim majority population, with significant numbers of Ismailis and Nurbakshis (a Sufi sect). Shia-Sunni tensions have frequently run high here, and there have been periodic riots. In PoK, the Pakistani government has failed to provide basic rights and democratic representation to the Kashmiri people. Moreover, local Kashmiris are discriminated against, while Pakistanis are given preferential treatment.^{ccxvii}

China controls a total of 16,500 sq. miles, of which 2,000 sq. miles in the Shaksgam Valley was ceded to them by Pakistan in a 1963 boundary settlement (which India does not accept). The remaining 14,500 sq. miles, known as Aksai Chin was seized by China during the 1962 Indo-China war. Chinese occupied Kashmir is predominantly Buddhist.^{ccxviii}

And finally, the remaining territory forms the Indian state of Jammu and Kashmir, which is divided into three main parts: Kashmir Valley, Jammu, and Ladakh. The Kashmir Valley has six districts, with an area of 6,157 sq. miles and a population of just over four million. The main language is Kashmiri, with Gojari being spoken to a lesser extent. Most Valley Muslims are Sunni, with concentrations of Shias in certain areas. The Jammu region also includes six districts, with a total area of 10,151 sq. miles. In Jammu, Hindus comprise 65.23% of the population, Muslims 30.69%, and Sikhs 3.57%. Ladakh, which includes the districts of Leh and Kargil, has an area of 37,337 sq. miles. Buddhists enjoy a slight majority in Ladakh (45.87%), with a substantial Muslim population of 47%, and Hindus, Sikhs, and others at 6.2%.^{ccxix}

Starting in 1989, Islamic terrorism gripped the Kashmir Valley, and a brutal campaign of violence and ethnic cleansing was directed against the state's minority Hindu population. As a result, between 1989 and 1991, more than 300,000 Hindus were driven out of the Valley by Muslim extremists (some estimates put the figure at close to 400,000), who engaged in brutal ethno-religious cleansing. These Hindus, known as Kashmiri Pandits, now live in refugee camps throughout Delhi and Jammu.^{ccxx} Although the violence initially targeted Kashmiri Pandits in the Valley, Islamic militants

subsequently expanded their operations to attack Hindu civilians throughout the state. It is estimated that since 1989, nearly 105 educational institutions run by Kashmiri Hindus were burned down or destroyed, 103 temples and religious sites demolished, 14,430 businesses and shops destroyed, and more than 20,000 Kashmiri Hindu homes destroyed, looted, or occupied.^{CCXXI} There has also been a concerted effort to erase other signs of Kashmir's Hindu history. For instance, in March 2009, a bill was introduced in the Jammu and Kashmir Legislative Assembly by a Muslim member, Peerzada Manzoor Hussain, to change the name of historic Anantnag town to Islamabad.^{CCXXII} Muslim politicians in the Kashmir Valley are reportedly already referring to Anantnag as Islamabad in official communication.^{CCXXIII}

The Islamic extremists in Kashmir were recruited, trained, funded, and given refuge by Pakistan's military and powerful Inter-Services Intelligence (ISI) agency. According to former scholar and the current Pakistani ambassador to the U.S., Husain Haqqani, the violence in Kashmir was, "rooted in the ideology of Pakistani Islamists, carefully nurtured for decades by the Pakistani military."^{CCXXIV} In fact, the founder and former head of the outlawed Lashkar-e-Taiba affirmed that "killing Hindus" was the best solution to resolve the six-decades-old dispute between Pakistan and India over Kashmir.^{CCXXV}

Terrorists operating in Kashmir also have ties with Al-Qaeda in the Pakistan-Afghanistan border areas, which continues to be the center of Islamist terror networks, fundamentalism, drug trafficking, illicit trade in small arms, and international terrorism.^{CCXXVI} For a complete list of Pakistani militant groups operating in J&K, please see *Appendix C*.

Considering the Pakistani military/government's preoccupation with promoting jihad in Kashmir and the explosion of Islamic fundamentalism, the future of Hindus in Kashmir remains tenuous.

Status of Human Rights, 2011

Terrorism in Jammu and Kashmir declined during 2011, with a total of 183 people killed in terrorist related violence. Out of that total, 34 were civilians, 30 were security force personnel, and 119 terrorists.^{CCXXVII} This represents a decrease in the number of fatalities recorded in 2010 (375) and is significantly less than a decade ago: in 2001 there were 1067 civilian fatalities, 590 security personnel fatalities, and 2850 terrorist fatalities.^{CCXXVIII} The continued presence of security personnel in the state combined with

a sustained campaign to curtail the movement of terrorists into the state has led to the drastic reduction in terrorism related fatalities. The demands by some to abrogate the Armed Forces Special Powers Act (AFPSA), however, would deprive the security forces of the ability to effectively counter both cross-border terrorism as well as internal attempts at destabilizing the state and country, and likely result in a renewed increase in violence. Kashmiri Hindu Pandits have opposed any move to curtail the AFPSA, arguing that it is necessary to maintain security in the state.^{ccxxxix}

Separatists Kashmiri politicians and leaders claim that more than 100,000 Kashmiri civilians have been killed by security forces since 1989. Carefully documented evidence and data, however, indicate the following: In the last 21 years, 43,460 people have been killed in the Kashmir insurgency. Of these, 21,323 were terrorists or “militants,” 13,226 were civilians killed by “militants,” 3,642 were civilians killed by security forces, and 5,369 policemen killed by “militants.” The 21,323 “militants” were killed in operations by security forces and include both Kashmiri and foreign “terrorists.” Of the 5,369 security forces killed, approximately 1,500 were Kashmiri policemen.^{ccxxx}

Human rights agencies have also accused Indian security forces of committing human rights abuses against Kashmiri Muslims in the state.^{ccxxxi} In response, the Human Rights Cell of the Western Command of the Indian Armed Forces presented a detailed report of all allegations of human rights violations against the Army in Jammu and Kashmir during the last two decades. The report specifically shows that out of a total of 1,508 allegations of human rights violations received between 1990 and 2008, only 35 cases were found to be accurate, while the remaining 1,453 charges (97.70%) were “baseless and without an element of truth.” It further mentions that strict action was taken in all cases where Army personnel were found to be guilty of human rights violations.^{ccxxxii}

During the course of 2011, Hindus and other minorities continued to face challenges throughout Jammu and Kashmir, including economic/political discrimination, lack of religious freedom, and violent attacks. Moreover, the Kashmiri Pandits suffer from ongoing mental and emotional trauma as a result of their forced exodus in 1989. Those still living in the squalid refugee camps, for example, suffer high rates of dementia, insomnia, depression, and hypertension.^{ccxxxiii} Separatist leaders and ordinary Kashmiri Muslims, however, have shown little concern for the rights and needs of the Pandits, and remain largely silent when Islamic extremists carry out acts of terrorism.^{ccxxxiv}

Religious Freedom

Hindu Pilgrimage Sites/Temples

The basic right to worship freely without fear of persecution or attack is essential to the concept of religious freedom. Equally important is the right to access basic accommodations and facilities for pilgrims and devotees. Unfortunately, Hindus in Jammu and Kashmir have not enjoyed such religious freedom as they have frequently come under attack from Muslim fundamentalists, and many of their pilgrimage sites and temples continue to lack rudimentary facilities and accommodations.

Kashmir is home to numerous ancient Hindu pilgrimage sites and temples located throughout the state, which are visited by millions of devotees every year. The two most frequented sites are Vaishno Devi in Jammu and the Amarnath cave shrine in northern Kashmir.

Over 170 temples have been destroyed or damaged since the start of violence in 1989.^{CCXXXV} Moreover, following the mass exodus of Hindus from the Kashmir Valley in 1989-1990, more than 100 religious sites have been illegally occupied by local Muslims. For instance, according to a recent fact-finding mission, the cremation site and temple land of Karihama-Gutingu in Kupwara district, Batpura, the Kapalmochan temples in Shopian district, and the Shiv temple at Thejiwara have all been illegally seized.^{CCXXXVI}

Similarly, pilgrims traveling to Vaishno Devi and Amarnath shrine have been attacked by Islamic extremists in the past. Additionally, in 2008, Kashmiri Muslims tried to prevent planned improvements to Amarnath shrine necessary to accommodate pilgrims and enhance basic facilities. In response to the unrest, the state government set up a shrine board exclusively for administering, managing, and regulating Hindu shrines and other places of worship in the Valley. The Kashmiri Pandit Sangharsh Samiti, an organization representing the Hindu Pandits still remaining in the Valley, expressed doubts about the move and questioned whether the government and separatist leaders are sincere in protecting and preserving the Valley's Hindu temples.^{CCXXXVII} Moreover, it is unclear whether the creation of the shrine board will allow the Hindu Pandit community to exercise independent control over their own religious institutions.

General Violence

Attacks on Civilians/Security Forces

One of the specific strategies of Pakistan's ISI 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.

^{ccxxxviii} Between 1988 and 2003, for instance, approximately 1,490 Hindus were killed in Kashmir, although Kashmiri Pandit groups estimate that the numbers are much higher.^{ccxxxix} Moreover, there were several subsequent attacks and massacres of Hindus throughout the state. Although Hindus were the initial targets of the ISI's strategy of communal cleansing, Muslim civilians have suffered the highest number of casualties in terrorist related violence.^{ccxi}

Violence has generally declined since the start of the insurgency, but still threatens the safety and security of the state's residents. As noted above, there were a total 183 fatalities from terrorist related violence in 2011. According to the South Asia Terrorism Portal, some of the significant incidents in 2011 included the following:^{ccxli}

- February 8, 2011: Army and police shot dead three top Hizbul Mujahideen (HM) militants, including a "divisional commander, in a confrontation inside a 60 foot deep gorge at Manjoosh village in Ramban District. The slain militants were identified as Abdul Rashid Naik alias Qari Zubair, Nasir Ahmed Naik, and Mushtaq Ahmed. Qari Zubair was a "divisional commander" of HM's Pir Panjal Regiment, Nasir was a "district commander," and Mushtaq was a "battalion commander" of the outfit.
- July 15, 2011: Indian security forces killed five terrorists from the Pakistan-based Lashkar-e-Toiba (LeT), including "divisional commander" Abu Saqib, "district commander" Abu Hamaad, and "deputy district commander" Omair, in a day-long gun battle in Kupwara District. A soldier was also killed in the incident, while five other soldiers, including a captain, were injured in the encounter.
- July 30-31, 2011: Two Indian Army personnel were killed and three others injured as troops foiled a major infiltration bid by heavily armed militants in Kupwara District on July 30. One of the injured soldiers succumbed to his injuries and died on July 31.
- August 20, 2011: At least 12 terrorists and a 26-year-old Army officer were killed in a fierce gunfight on the Line of Control (LoC) in Bandipora District on August 20. Defence spokesman Lt. Col. J.S. Brar said it was the eighth infiltration attempt from across the LoC in 2011 and the largest to date.

- September 27, 2011: Five terrorists and three soldiers, including an Army officer, were killed in an overnight gun battle in Kupwara District.
- October 1-2, 2011: Four terrorists were killed as the Army foiled an infiltration bid near the LoC in Kupwara District in North Kashmir. The militants were killed in a gunbattle that lasted for more than 36 hours.

Institutional Discrimination

Economic/Political Discrimination

Despite significant populations in the Jammu and Ladakh regions of the State, Hindus and Buddhists remain politically marginalized and severely underrepresented in government positions. Muslim politicians and political parties, particularly from the Kashmir Valley, have continuously dominated the state government, ignoring the economic and political interests of Jammu and Ladakh and Hindus and Buddhists, respectively.

The political disenfranchisement of Hindus and Buddhists can be traced back to the assembly elections of 1951, when Sheikh Abdullah allocated 43 seats in the 75 member Legislative Assembly for the Kashmir Valley, 30 for Jammu, and only two for Ladakh. This was in sharp contrast to the demographic realities of the state, wherein Jammu and Ladakh accounted for more than 50% of the population and 90% of the land. The allocation effectively placed political power in the hands of Muslims from the Valley. Similarly, in 2002, when the Legislative Assembly grew to 87 members, 46 seats were set aside for the Kashmir Valley, while only 37 seats were created for Jammu and four for Ladakh.^{ccxlii} None of the 87 members in the Assembly are representatives of the Kashmiri Pandit community.^{ccxliii}

In addition, redistricting and the creation of new Muslim majority constituencies in Jammu and Ladakh have resulted in further dilution of Hindu and Buddhist votes. Buddhists have viewed these policies as attempts to alter the religious balance in Ladakh. For instance, in 2000, Lama Lobzang, an influential Buddhist leader in Ladakh, stated, “The NC (National Conference) Government is deliberately settling a large number of people from the Valley with a view to reducing the Buddhist majority in Ladakh into [a] minority.”^{ccxliv} Similarly, Hindus from Jammu have long complained of political and economic domination by Kashmiri Muslims.^{ccxlv}

Furthermore, as we reported in 2010, thousands of Kashmiri Pandit refugees have been systematically disenfranchised and prevented from exercising their right to vote. For

example, in 1996, there were 147,000 voters among Kashmiri Hindus throughout India; in 2002, the number went down to 117,000; now there are approximately 77,000, out of which only 11,000 were able to vote in the 2009 general (parliamentary) elections.^{ccxlv} When many Pandit refugees living in the camps protested being left off the election voter lists in 2009, they were assaulted by the police for demanding their right to vote.

The refugees must also undergo a cumbersome process to obtain voter ID cards and must fill out an M-Form (Migrant Form) to be considered eligible to vote. 40,000 Pandit refugees applied for voting rights using the M-Form, but only 26,000 were certified by the authorities to vote, with 11,000 ultimately voting. Unlike other Indians, these Pandits have to fill out an M-Form, even though they are not technically migrants, but rather victims of ethnic cleansing.^{ccxlvii}

Furthermore, the few Kashmiri Pandits remaining in the Kashmir Valley also suffer from severe economic and political discrimination. According to a study appearing in the *Journal of Immigrant and Refugee Studies*, “[t]he primary problems the KPs [Kashmiri Pandits] in the Valley face today are that of unemployment and inadequate rehabilitation. Approximately 125 Pandit families in Kashmir live below the poverty line. According to a survey taken by the Hindu Welfare Society Kashmir in 2003, there were more than 500 educated youth who were unemployed and over 200 of these individuals were no longer eligible for government jobs due to their age...”^{ccxlviii} The same study found that a number of Pandit families had been relocated by the state government to isolated locations in the state, without providing adequate rehabilitation or provisions. The families were presumably relocated for security concerns, but the government failed to take care of their basic living needs.^{ccxlix}

On a positive note, the long neglected Kashmiri Pandits formed their first political party, the Jammu Kashmir National United Front, and fielded 15 candidates during the 2008 Jammu and Kashmir Assembly elections to highlight the suffering of the displaced Hindus.^{cc}

In addition, on September 15, 2009, an “Apex Committee” comprising of 30 – 35 Kashmiri Pandits was formed by the State Government to address the community’s political and economic aspirations. A list of Common Minimum Demands (CMD’s) was drafted by the Committee with the primary focus on the following eight demands:^{ccli}

- The Apex Committee should be consulted on all government initiatives before either the Central or State government proposes any legislative bill, or approves

any executive or administrative order related to the rehabilitation and return of Kashmiri Pandits to the Valley.

- The reservation of 6,000 jobs for Pandits and enhancement of cash relief to displaced families should take place within the next six months as a Confidence Building Measure (CBM) while long-term issues are being resolved.
- The financial and economic benefit package must extend to Valley-based Pandits (so called "non-migrants") who have received marginal assistance from the State government and local civil society so far. The Pandit population in the Valley continues to steadily decline, and reversing that trend should be one of the highest priorities.
- Political rights of the community, including representation in the State Cabinet, Legislative Assembly, and the Indian Parliament must be guaranteed through changes in appropriate State and Union laws.
- Kashmiri Pandits must receive equal consideration as full-fledged constituents in the political dialogue that the Central government plans to hold with various Kashmiri entities.
- The State Government must agree, in principle, to implement the recommendation of the National Commission for Minorities (NCM) regarding granting minority status to Pandits.
- The State government must secure legislative approval of the Kashmiri Hindu Shrines and Religious Places (Management and Regulation) Bill (2008) without further delay.
- The Central government must establish a Commission of Inquiry to examine what events led to the forced exodus of Pandits in 1989-1990 and implement appropriate recommendations to prevent a similar calamity in the future.

To date, however, the Central and State Governments have failed to implement all the recommendations of the "Apex Committee."

Social Persecution

Internal Displacement

Internally Displaced Persons (IDPs) are defined as "persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized state border."^{ccli}

By far the greatest tragedy to befall Kashmiri Hindus was their forced displacement from Kashmir. Over 95% of the Hindu population in the Kashmir Valley (350,000 people) became internally displaced between 1989 and 1991, as they were forced to flee their historic homeland by Muslim extremists. There was an organized and systematic campaign to cleanse Hindus from Kashmir, including 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 and threatening violence if they did not.^{ccliii} This was only the latest in a series of historical mass migrations by Hindus from Kashmir.

After their initial displacement between 1989 and 1991, 160 of the remaining 700 Hindu families in the Valley were also forced to leave after increased violence and attacks occurred between 2003 and 2004.^{ccliv}

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. There are approximately eight camps in the Jammu/Udhampur area and fourteen of them in the vicinity of Delhi/New Delhi.⁵ These camps, however, are overcrowded and lack adequate facilities and basic necessities. For instance, there is no regular supply of drinking water, a shortage of medicines, and poor sanitation. Additionally, education and employment opportunities are severely lacking. As a result of the substandard conditions, the Kashmiri Pandits, after years of displacement, have faced serious health problems, including high incidence of disease, depression, stress-related problems, and a high death rate.^{cclv}

The Indian government, however, refuses to label Kashmiri Hindus as internally displaced persons (IDP) despite the fact that the United Nations categorizes them as such.^{cclvi} The Indian government is weary of granting the Pandits IDP status, as it would allow international aid agencies, such as the Red Cross, UNICEF, and others to visit the refugee camps.^{cclvii}

Although the central Indian government and the state government in Kashmir have discussed proposals to rehabilitate the displaced Pandits to the Valley, these plans have not yet been implemented. Furthermore, while Hindus are keen to return,

⁵ The camps in the Jammu/Udhampur area include Muthi Camp, Transport Nagar, Purkhoo Camp, Stadium Camp, Jhiri Camp, Nagrota Camp, Mishriwala Camp, and Battalbalian Camp; the camps in the Delhi area include those in Nandnagri, Sultanpuri/Kailash Colony, Maviya Nagar, South Extension, Palika Dham, Lajpat Nagar, Ali Ganj, Babu Dham, Amar Colony, Mangal Puri, Patel Nagar, Moti Nagar, and Begum Pura.

Pandit leaders are skeptical of the government's rehabilitation plans and its ability to provide protection to Hindus upon return.^{cclviii}

Islamic militant groups have rejected the Pandits' right to return and have issued threats against Hindus if they return. For example, one extremist group publicly stated, "We impose a ban on the return of Kashmiri Pandit migrants to the Valley." This indicates that the security situation in the Valley remains tenuous and Hindus cannot yet safely return to their homes.^{cclix}

Violations of Constitution and International Law

Indian Constitution

Despite India's secular Constitution, Hindus in Jammu and Kashmir have been constant targets of violent Islamist militants. Article 15 prohibits discrimination "against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them." Life and personal liberty are protected by Article 21, which maintains, "No person shall be deprived of his life or personal liberty except according to procedure established by law."^{cclx} The life and liberty of Hindus in the Kashmir Valley have not been protected nor preserved by the Indian Government. As noted above, militants in the Valley have terrorized and ruthlessly murdered Hindus, and the ongoing security threat hinders their return to their homeland.

Article 38 states, "The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life."^{cclxi} Once again, the Indian Government has failed to uphold the provisions of Article 38. The welfare of the Hindus still living in Kashmir and those living in refugee camps has not been supported by the Indian government. Many of the nearly 400,000 individuals who fled the Kashmir Valley continue to live in abysmal conditions in refugee settlements and have been deprived of social, economic, and political justice.

International Human Rights Law

Pakistan's use of state sponsored terrorism and support for Islamic militants in Indian Kashmir is a violation of U.N. Covenants governing terrorism, such as the International Convention for the Suppression of Terrorist Bombing and the International Convention for the Suppression of the Financing of Terrorism.^{cclxii} A number of these Pakistan-based groups have been labeled as terrorist organizations by the United Kingdom and

the United States. For instance, the UK has banned five militant organizations -- Harakat-ul-Jihad-ul-Islami (HUJI), Jundallah, Khuddam ul-Islam, Lashkar-e Jhangvi (LeJ), and Sipah-e Sahab Pakistan (SSP).^{cclxiii} The United States has also designated LeJ, Harakat ul-Mujahidin (HuM), Jaish-e-Mohammed (JeM), and Lashkar-e-Taiba (LeT) as terrorist organizations.^{cclxiv}

India's accession to the UN's International Covenant on Civil and Political Rights (ICCPR) occurred on July 10, 1979, and its ratification of the International Convention on the Elimination of All Forms of Racial Discrimination took place on March 2, 1967.^{cclxv} Once again, the Indian government has failed to uphold either of these UN covenants. Most importantly, Article 27 of the ICCPR, which protects the rights of "ethnic, religious or linguistic minorities...to enjoy their own culture, to profess and practise (sic) their own religion [and] to use their own language," has been violated time and again in the Kashmir Valley as Hindus have been systematically driven out of the region.^{cclxvi} The destruction of temples and frequent attacks on Hindu pilgrimage sites is another indication of the failure to protect Kashmiri Hindus under the ICCPR.

Finally, the UN Guiding Principles on Internal Displacement encompass the protections of international human rights law and humanitarian law, as applied to internally displaced persons. The legal protections afforded to IDPs, however, are substantially weaker than that for refugees who benefit from specialized international refugee law. Substantively, the Guiding Principles prohibit the arbitrary displacement of persons based on their religious and ethnic background, and affirm IDPs' basic rights to food, water, shelter, dignity, and safety. The principles also emphasize the "importance of voluntary and safe return, as well as the need to assist the displaced to recover their property and possessions."^{cclxvii} The responsibility for preventing internal displacement and protecting the rights of the displaced persons lies with a country's "national authorities," according to the Guiding Principles. Consequently, the Indian government, as the responsible "national authority," has failed to protect the rights of the Kashmiri Pandits under this legal framework.^{cclxviii} Hindus living in displacement camps still face deplorable conditions and have not been safely rehabilitated to their homes in the Valley. In addition, the Indian government refuses to label them as IDPs, instead referring to them as "migrants." The term "migrant" is problematic as it implies that Hindus left Kashmir of their own volition and denies the fact that they were forced to flee.^{cclxix}

Conclusion and Recommendations

The ethnic cleansing of Kashmiri Pandits from the Kashmir Valley is virtually complete with less than 3,000 Pandits remaining in the Valley.^{cclxx} Hindus forced from the Valley continue to live in refugee camps in decrepit conditions in violation of their fundamental rights to shelter and dignity.^{cclxxi} Now, two decades later, some of those previously driven out of their homes, have returned to inquire into what has happened to their homes and their friends. An account by Indira Raina is one of the most poignant accounts of such a visit. Raina writes of an old Muslim woman, now occupying the Raina ancestral home, and concludes her essay with the following:

As I finished my tale, the old lady wiped her eyes, hugged me assuring that this is still my home. She took me to our prayer room. I was astonished to find our religious symbol "OM" still glittering on the wall. "See, I too offer my Nimaz in this room. After all, God is one", she said. Holding my hand, we came outside and bid goodbye to each other perhaps never to meet again. Soon it started raining. As I walked on the road, I kept on looking back again and again at the frail old lady and the house as if I was leaving my childhood behind for ever!

The fate of the Kashmiri Pandits continues to be in limbo as the Indian government strives to end the insurgency in Jammu and Kashmir. The status of the state as a "disputed area" will continue to affect the condition of Kashmiri Hindus. Similarly, the ineffectiveness of the Central and State Government to find a viable solution for the Kashmiri Pandits and the unwillingness of Pakistan to end its support for Islamic terrorists carrying out attacks in the region will only prolong the plight of the Pandit community. In addition, the inflammatory rhetoric of Islamist terrorists based in Pakistan only vitiates the atmosphere further and perpetuates a dangerous cycle of terrorist violence that continues to claim innocent Muslim and Hindus lives in the region.

It is incumbent upon the Pakistani Government to cease moral and material support to all terrorists in the Kashmir Valley. India must create an atmosphere in the Kashmir Valley conducive to the return and safe resettlement of Hindus to their original homes throughout Jammu and Kashmir, and further dialogue with Pakistan must be predicated on the return of the Valley's original Hindu residents. Furthermore, the state government must end the economic and political marginalization of Hindus and Buddhists in the state and provide full protection and accommodation to Hindu pilgrims

and pilgrimage sites. India must also abrogate Article 370 of the Constitution, which has allowed the State's residents to live under a separate set of laws, benefiting its Muslim population, who enjoy political power at the detriment of Kashmir's religious minorities.

And finally, U.S. policy makers and Congressional Representatives must exert pressure on Pakistan to end its use of terrorism as an instrument of state policy and should support H. Res. 387 to send a strong message in support of the Kashmiri Pandits.

Malaysia



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Area: 329, 750 square kilometers

Population: 28,728,607 (July 2011 estimate). Malaysia has a young population today with approximately 29.6% under the age of 15 years. ^{cclxxii}

Religions: Muslim 60.4%, Buddhist 19.2%, Christian 9.1%, Hindu 6.3%, Confucianism, Taoism, other traditional Chinese religions 2.6%, other or unknown 1.5%, none 0.8% (2000 census). Islam is the official religion of the country.

Ethnic groups: Malay (Bumiputra) 53.3%, Chinese 26%, indigenous 11.8%, Indian 7.7%, others 1.2% ^{cclxxiii}

Languages: Bahasa Melayu (official), English, Chinese (Cantonese, Madarin, 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 ^{cclxxiv}

Introduction

Malaysia has successfully portrayed itself as a model Muslim democracy with a thriving economy in the heart of South East Asia. This perception, however, fails to acknowledge the deeply divisive government policies that have institutionalized discrimination and sanctioned restrictions on religious freedom against the country's non-Muslim population. It also overlooks the widespread political repression by the Malaysian government and security forces.

In 2011, the Malaysia government failed to address any of these human rights concerns and continued to violate the basic fundamental rights of its citizens. For example, in July, mass street protests led to the arrest of more than 1,600 people. The demonstrations sought to reform election laws, including the lengthening of campaign periods to at least 21 days and the use of indelible ink to prevent people from voting more than once.^{cclxxv} The protests were held by a coalition of more than 60 non-governmental organizations, known as Bersih 2.0, which enjoyed the support of opposition political parties. Similarly, in February, when members of the Human Rights Party participated in a nationwide protest against racism, they were beaten up and arrested by the police, while a reporter from the Malaysia Kini newspaper had her camera confiscated.^{cclxxvi}

Much of the government's political repression has been accomplished through the ongoing use of various Emergency Ordinances and oppressive laws, such as the Internal Security Act (ISA). Although Prime Minister Najib Razak pledged in September to repeal the abusive ISA, which is frequently used to suppress political dissent, he had not done so by the end of the year.^{cclxxvii} Moreover, the government's plans to enact two new laws under Article 149 of the Malaysian Constitution, would allow the continuance of overly broad and arbitrary security provisions that could be used to detain people without charge and deny them of basic freedoms, rendering any potential repeal of the ISA meaningless.

The condition of Malaysia's minorities has not improved either, and they continue to be treated as second-class citizens by the government. A recent Wall Street Journal opinion article noted that nearly 500,000 Malaysians left the country between 2007 and 2009, and "[i]t appears that most were skilled ethnic Chinese and Indian Malaysians, tired of being treated as second-class citizens in their own country and denied the opportunity to compete on a level playing field, whether in education, business, or government."^{cclxxviii}

In order to raise awareness of the rampant human rights violations against ethnic and religious minorities in Malaysia, HAF sponsored a Congressional briefing in Washington, D.C., *Institutionalized Racism and Religious Discrimination in Malaysia*, on November 9, 2011. The briefing featured exiled human rights activist and leader of the banned Hindu Rights Action Force (HINDRAF), Waytha Moorthy, who highlighted the range of issues faced by the country's non-Muslim populations. For instance, he described Malaysia's *Bumiputra* (Sons of the Soil) policies, enshrined in Article 153 of the Federal Constitution, which provide economic and social benefits to ethnic Muslim Malay citizens, while explicitly discriminating against minorities. Moorthy added, "The Government has on many occasions threatened the use of the draconian Internal Security Act to detain anyone who questions Article 153. The current Prime Minister and Cabinet Ministers on previous occasions openly threatened non-Malays with violence should this provision be questioned."^{cclxxix}

Moorthy further pointed out that despite the existence of a parallel secular judicial system, religious minorities were increasingly subjected to Islamic law through the Sharia (Islamic law) courts. Moorthy also explained that countless ethnic Indian Malaysians have been denied citizenship and legal documents by the government, in spite of having longstanding roots in Malaysia dating back several generations. And consequently, they have been unable to obtain driver's licenses or passports, acquire property, attend school, and seek medical care, rendering them virtually stateless.

Moorthy, whose Malaysian passport was revoked in 2008 for his involvement in leading peaceful protests critical of the government's policies, was granted political asylum by the United Kingdom in 2009. The Malaysian government rejected Moorthy's petition in 2010 to return to Malaysia from his exile in London.^{cclxxx} In fact, he was not even able to return to Malaysia to attend his mother-in-law's funeral when she passed away in September 2011. Moorthy asserts that the Malaysian government owes him an apology and holds Tan Sri Syed Hamid Albar, the former Home Minister, responsible for revoking his passport.

History/Background

The Indian and Chinese influence in the Malay-speaking world dates back to at least the third century BCE when traders from both regions arrived at the archipelago. Hinduism and Buddhism were both established in the region by the first century CE. Between the seventh and fourteenth centuries, the Indian Hindu culture reigned in the Malay world.

During the tenth century, however, the arrival of Islam broke apart the Hindu empire and led to the conversion of most of the Malay-Indonesian world.

The sixteenth century saw the arrival of the European colonizers, beginning with the Portuguese, followed by the Dutch, and ultimately the British. In 1824, the Anglo-Dutch created a border between British Malaysia and the Dutch East Indies, which is now Indonesia. This phase of occupation was followed by the mass immigration of Chinese and Indians, who entered the country as workers in the colonial British economy. Between 1942 and 1945, the Japanese occupied the region, detracting power from the British in East Asia. Although short-lived, this occupation triggered feelings of nationalism, ultimately leading to the establishment of an independent Federation of Malaya in 1957. Upon the acquisition of British territories in North Borneo and Singapore, Malaya became Malaysia in 1963.^{cclxxxix}

Malaysia is a “federal constitutional elective monarchy,” and the head of state is the king, who is elected to a five-year term of office by and from among the nine hereditary rulers of the Malay states. Parliament consists of a lower and upper house, and the 222-member lower house is elected for a five-year term. The upper house has 70 senators, who are elected to a three-year term.^{cclxxxii} The United Malays National Organisation (UMNO) is Malaysia’s largest political party and is a founding member of the Barisan Nasional coalition, which has played a leading role in Malaysian politics and governance since independence.^{cclxxxiii}

The Malaysian Constitution theoretically guarantees freedom of religion and equality, but includes a number of provisions that favor Muslims and ethnic Malays. This provides a foundation for systematic discrimination and oppression of ethnic and religious minorities.

After years of suffering discrimination and persecution in silence, Hindus began to challenge the government’s discriminatory practices in 2007. On November 25, 2007, nearly 10,000 Hindus, led by Hindu Rights Action Force (HINDRAF) leaders, organized a peaceful rally to protest the religious apartheid policies pursued by the Malaysian government. The Malay authorities broke up the rally using tear gas and chemical-laced water under the pretext of maintaining national security. Following the event, the Malaysian government began to crack down on the Indian and Hindu communities, and hundreds of Hindus, including five HINDRAF leaders, were arbitrarily detained and arrested for asserting their basic democratic rights.^{cclxxxiv} The arrested HINDRAF leaders

included P Uthayakumar, M Manoharan, R Kenghadharan, V Ganabatirau, and T Vasantha Kumar. Immediately following the arrests, they were moved to the Kamunting detention center in Taiping, Perak, where they were detained for 514 days under the Internal Security Act (ISA).

The leaders were finally released on May 9, 2009.^{cclxxxv} The maximum fine for sedition in Malaysia is 5,000 Malaysian ringgits, however, in the case of the HINDRAF leaders bail was set at 50,000 Malaysian ringgits. After Uthayakumar posted bail, he was immediately rearrested and brought to Pudu prison, where he languished for more than 500 days.^{cclxxxvi} The government also outlawed HINDRAF in October 2008, and that order has not been rescinded till date.

Three HINDRAF leaders continue to face sedition charges for their peaceful political activism. A Federal Court recently refused to hear their appeal challenging a High Court decision that reinstated the sedition charges against them. Chief Judge of Sabah and Sarawak Richard Malanjum and Federal Court judges Hashim Yusoff and Md Raus Sharif ruled that the apex court did not have the jurisdiction to hear their appeal because the matter originated in a Sessions Court.^{cclxxxvii} Uthayakumar, 49, younger brother Waytha Moorthy, 44, and V Ganabatirau, 37, were charged at the Klang Sessions Court on Nov 23, 2007, with allegedly inciting a crowd on November 16, 2007. Ten days later, the Sessions Court ordered the three to be discharged, after ruling that the charge was improperly framed. However, on December 10, 2007, the High Court reversed the decision after allowing the prosecution's application to review the order of the Sessions Court. The Court of Appeal rejected their appeal on July 7, 2010 and upheld the High Court's decision to order the trio to stand trial on the charge. Uthayakumar, Waytha Moorthy, and Ganabatirau were charged under Section 4 of the Sedition Act 1948 (Revised 1969) and would be liable to a maximum RM 5,000 fine or three years jail, upon conviction.^{cclxxxviii}

Furthermore, Uthayakumar and others have filed a 200 million RM (about \$65 million) suit for wrongful detention, and the Prime Minister and five other government officials named as defendants in the suit, have argued for dismissal of the case.^{cclxxxix}

Political activism by Hindus and Indians, however, has impacted the political dynamic in recent years. Their willingness to challenge systematic discrimination along with disenchantment among the ethnic Chinese population led, in part, to the ruling National Front Coalition and Prime Minister Abdullah Ahmad Badawi losing the Parliamentary

majority and control in five state assemblies in March 2008.^{CCXC} Unfortunately, these electoral changes have not resulted in concrete improvements for Malaysia's ethnic and religious minorities.

Status of Human Rights, 2011

Human Rights leader, Waytha Moorthy, recently outlined the following six major issues that continue to plague Malaysia's minority Hindu population:

- **Discriminatory State Policies:** Government allocation of economic benefits, business opportunities, and government jobs has largely been prejudiced in favor of Muslim Malays. All 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. The Finance Ministry, which licenses contractors for government projects, ensures that only ethnic Malay contractors are licensed. Finally, Malays are disproportionately promoted in the Civil service to assure that the highest policy-making positions are filled by Malays, regardless of objective performance standards. For instance, almost all Secretary Generals of ministries and Directors-Generals of professional departments are Malays. The same is true of their deputies. And virtually all senior officials in public universities, from school deans upwards to chancellors, are ethnic Malays.
- **Treatment by the Malaysian Police:** The police have become the primary instrument of repression used to enforce the policies of majority Malay UMNO controlled Government. Police violence, abuse of power, and human rights violence are frequent occurrences in Malaysia. There have been several cases of ethnic Indians dying in police custody, violent suppression of peaceful protests, as well as other forms of oppression. Police abuse disproportionately impacts the Indian community, who are socially and economically marginalized.
- **Inequitable Treatment in and by the State Administration:** More than 77% of government employees are ethnic Malays. Notwithstanding the 20% of Indian teachers and 60% of Chinese teachers employed in government schools, the number of Malay government employees is nearly 85%. The proportion of Malay employees in the government administration further increases the higher the level of the positions. A central feature of the discriminatory Malaysian system is the requirement to constantly proclaim one's Bangsa (race) and Ugama (religion) when obtaining government services. For instance, declaration of race

and religion is mandatory at birth, at school registration, in the applications for ID cards, driver's licences, bank accounts, passports, marriages, deaths and burials. This reliance on racial and religious identification results in the inequitable distribution of benefits from government institutions.

- **Treatment by the Judicial System:** Islamists have steadily gained influence over the judicial system since the 1990s. The Federal Constitution was amended in 1988 to give recognition to Sharia laws. While the Sharia courts are inferior to the Civil Courts under the Constitution, civil court judges often refuse to rule on matters involving non-Muslims, who are entangled between the two systems. Moreover, it is estimated that more than 90% of the judiciary is filled with Malay-Muslim Judges.
- **Censorship and Bias in the Media:** The mainstream media censors, demonizes, and distorts information regarding criticism of government policies. The government uses the Printing Presses and Publications Act to limit media ownership to supporters. The leading Malay language newspaper, Utusan Melayu, was described by the opposition leader, Lim Kit Siang, as providing "a daily staple of falsehoods that stoke racial hatred." The other leading media group, Prima Media, is controlled by the Malay elite and owns four television stations, three major newspapers, three radio stations, and other related media outlets and companies. Consequently, reporting on minority issues is selective censored, or highly prejudicial.
- **Discrimination in the Education System:** Budgetary allocations for education worth billions of dollars have largely been used for the benefit of ethnic Malays, at the expense of allocations for the Chinese, Indians, and other minorities. Indian schools are under-funded and lack resources, and as a result produce under-achieving students. Half the country's Indian children go to such schools.

These issues and others will be discussed in greater detail below.

Religious Freedom

Non-Muslims represent approximately 45% of the population (12.5 million people) and include Buddhist, Christian, Hindu, Sikh, and nature worshipping communities. Hindus, along with other minorities, face increasing religious discrimination as Malaysia becomes more Islamized.

The Constitution includes several provisions promoting Islam and the favored status of Muslims. Article 3(1) recognizes that Islam is the official religion of Malaysia and

provides that other religions may be practiced in “peace and harmony” in the Federation.^{ccxc} Article 11 protects the right of Muslims to freely propagate their religion, but prohibits other religious groups from propagating religion amongst Muslims.^{ccxcii} Furthermore, Article 160 designates all ethnic Malays as Muslims.^{ccxciii} The Constitution also establishes a parallel court system, with secular civil and criminal courts, and Islamic Sharia courts. The Sharia courts have authority over Muslims in issues such as religion, marriage, divorce, inheritance, apostasy, and religious conversion. Federal courts have no jurisdiction in matters that fall within the purview of the Sharia courts.^{ccxciv}

Although the Sharia courts are not constitutionally authorized to exercise jurisdiction over non-Muslims, Hindus and other minorities have recently been forced to deal with the Islamic courts where they have faced severe disadvantages. In fact, there have been several instances where non-Muslims suffered outright religious discrimination, particularly in intra-family disputes, through the Islamic court system. In one case, a Hindu mother, Subashini Rajasingam, lost an appeal to prevent her husband, a recent Muslim convert, from changing their four year old son’s religion to Islam. The highest court in Malaysia subsequently affirmed the ruling of a lower federal court, granting the Muslim husband a right to use the Islamic Sharia courts to seek a divorce, and also upheld his right to convert their child to Islam without the mother’s consent.^{ccxcv}

In another case, Shamala, a bank clerk and mother of two, lost her court battle regarding the conversion of her children to Islam by her husband. Shamala married Jeyaganesh Mogarajah in 1998, but he converted to Islam in 2002 and converted their two young children (then ages two and four) without her knowledge. In July 2004, the High Court granted Shamala “actual custody” of the children, but ordered her to share “legal custody” with her husband. Pending appeal, she fled the country with her children to settle in Australia. Her husband obtained an ex-parte application to cite Shamala for contempt for breaching a High Court order that had granted him visitation rights to their sons. The court, however, refused to hear her petition regarding the constitutionality and validity of the conversion of her children.^{ccxcvi}

There have been numerous other cases where the courts have upheld religious conversions of minorities or their children. In August 2010, the Human Rights Party Malaysia (HRP) began a campaign to gather 100,000 signatures in support of seven women involved in conversion cases. These include five women from Perak -- M Indira Gandhi (35), S Banggarma (28), two sisters Laila (25) and Habeeba Sulaiman Mohd (23),

and Siti Mariam Abidin (47); one from Malacca -- Rani (aka Jamillah Abdul Kadir) (46), and one from Johor -- Regina Mohd Zaini (32).^{ccxcvii}

Banggarma, a mother of two, whose Muslim name is Siti Hasnah Vangarama Abdullah, asserts that she was converted to Islam by state religious authorities as a 7 year-old child at a welfare home in Kepala Batas, Penang in 1989. She said she discovered this when seeking to register her marriage in 2000. Banggarma had apparently fled from the welfare home when she was 16 and recounted: "I was shocked when the NRD officers told me that I'm a Muslim convert by the name of Siti Hasnah. I was issued a MyKad with that name."^{ccxcviii} As a result of her Muslim name she could not register her marriage to Sockalingam, which was conducted according to Hindu rites. She was also unable to register her husband's name as the father on her children's birth certificates and even had difficulties registering the birth of her two children -- Kanagaraj, eight, and Hisyanthini, two – until last year.^{ccxcix}

Banggarma was not allowed to change her name back to her original Hindu name on her identity card. In Malaysia, as an adult she cannot revert to the religion of choice, although this right is technically guaranteed in the Constitution. On August 4, 2010, Judicial Commissioner Yaakob Sam pronounced that Banggarma is officially a "Muslim," despite her plea that she is a Hindu. According to the judge, the document showing that she was converted to Islam, albeit as a young child and while in an orphanage, was enough to prove that she is a Muslim.^{ccc}

Another Hindu woman, Indira Gandhi, had her three children taken from her by her husband who had converted to Islam.^{ccci} Following a legal challenge, a High Court finally granted her custody, reversing the Shariah court order that had granted her husband custody over the children.^{ccci} The Islamic authorities and the police have refused to secure her baby and two other children from her estranged husband despite the High Court Order to do so.^{ccciii}

In the case of Siti Mariam, her Muslim mother married a Hindu who converted to Islam. After giving birth to Siti, the mother left the family. Siti's father then married a Hindu woman, and both he and Siti reverted to Hinduism. Siti also married a Hindu and has three children, Ariata (17), Vanithan (18), and Vanitha (19). The two elder children were registered as Hindus on their identity cards. The problem arose with Ariata, whose birth certificate did not include any information about the father, despite him being present. Ariata was registered as a Muslim on her identity card, and her father died in 2001. Now, Siti wants the registration authorities to recognize her and Ariata as Hindus.^{ccciv}

On another occasion, Regina and her younger brother wanted to change their religious status to Hindu, but were unable to do so and are still classified as Muslims. Regina's father was a Hindu, who converted to Islam and mother was a Hindu. Her father died when she was four years old, and she was raised as a Hindu. Regina also married a Hindu, and her difficulties began when she was unable to register the birth of her son, Thinas, with the registration department.^{cccv}

Finally, there is the case of Rani, whose birth parents gave her away to their Hindu neighbor when she was 16 days old because they had financial difficulties. When Rani was 16, she married her Hindu husband, Muniandy, who was later forced to convert to Islam. They had four children -- two daughters and two sons. Their eldest daughter (who is 27 years old now) was named Aishah Mustapha Muniandy on her birth certificate, but the parents were able to change her name to Vijaya Letchumy Muniandy on her identity card. However, the other three children, Abdul (26), Hamzah (24), and Citra Devi (16), still carry their Muslim names on their identity cards. Rani has made sworn declarations before a commissioner of oaths that she wanted Abdul to be known by his Hindu name of Ganesan and Hamzah as Nagendran, but the registration department allegedly refused to make the changes.^{cccvi}

In addition to the impact of the judicial system on religious freedom, the government has demonstrated favoritism towards Muslim places of worship in the distribution of funds. A parliamentary inquiry found that the government allocated 428 million ringgit (approximately \$125.9 million) to build Islamic places of worship, while only 8.1 million ringgit (\$2.4 million) to build Christian, Buddhist, Hindu, and other minority places of worship between 2005 and the end of 2008.^{cccvii}

Islam has also begun to increasingly permeate all aspects of Malaysian society and towards the end of 2008, the National Fatwa Council, Malaysia's top Islamic body, issued a fatwa (edict) banning the practice of yoga for Muslims. The Council ruled, "Yoga involves not just physical exercise but also includes Hindu spiritual elements, chanting and worship," effectively denying Muslims the freedom of religion.^{cccviii}

Destruction of Temples and Acquisition of Land Belonging to Indian-Malaysians

Minority places of worship and religious institutions have often been attacked or destroyed by both Islamic extremists and the government. Since independence, 10,000 Hindu temples/shrines have been demolished or desecrated (includes private shrines

located on plantation estates).^{cccix} For example, during a one week period in December 2001, four Hindu temples were reportedly destroyed according to documentation by the Human Rights Party (HRP) Malaysia. Moreover, in August 2010, a Hindu deity was beheaded and a temple destroyed by government authorities, as reported in a regional Malaysian Tamil newspaper.^{cccx} Similarly, in June 2010, Islamic extremists threatened to blow up the historic Sri Subramaniam Swamy Devasthanam temple at the Batu caves along with several other temples in Penang.^{cccxi}

In addition, following a High Court decision ruling that the “government’s ban on the use of ‘Allah’ in non-Muslim publications infringed constitutional rights, including freedom of expression and freedom to practice one’s religion,” several non-Muslim places of worship were attacked, including at least ten Christian churches and a Sikh gurdwara.^{cccxi}

One of the most disturbing incidents in the past few years occurred in late August 2009, when Malay Muslims protested against the relocation of a Hindu temple to their locality in Shah Alam by stepping and spitting on the severed head of a cow (Hindus hold cows as sacred).^{cccxi} When HINDRAF leaders held a peaceful candle light vigil in protest, 16 of them, including their legal adviser P Uthayakumar, were arrested.^{cccxi} Almost a year later, a Malaysian court sentenced only one Muslim to one week in prison for the threat against Hindus and the desecration of a sacred Hindu symbol and fined 11 others for the same.^{cccxi} The biased manner in which the HINDRAF leaders were treated compared to the Muslims involved in the incident reflects the discriminatory nature of the Malaysian justice system.

The Malaysian government has also failed to grant equal rights to non-Muslim places of worship. For example, 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. Furthermore, many temples have been forcibly relocated by the government or appropriated for “public use” under special laws.^{cccxi} The Kaliaman temple near Semambu had to be moved three times in a few years to avoid being demolished. Hindu burial grounds have also been appropriated or demolished by the government, such as the recent destruction of the Hindu cemetery at Ladang Batu Pekaka.

According to HINDRAF’s documentation, the following represent additional examples of recent government actions against Hindu temples:^{cccxi}

- In December 2011, Sri Subramaniam Hindu temple located at Batu Pekaka was destroyed by the “Darul Aman Realty” Housing Corporation.
- On October 22, 2010, Mathurai Veeran Temple in Jalan Glenmarie, Shah Alam was demolished by the Shah Alam City Council.
- On October 8, 2010, Selangor government officials ordered the demolition of a Muniswarar temple at Kampung Pendamar.
- On June 24, 2010, the 50-year-old Perianna Muneswarar Hindu temple in Air Panas, Setapak was razed by Kuala Lumpur City Council workers.
- On April 27, 2010, the Arulmigu Karumariamman Temple in Kuala Lumpur was demolished by a property developer under the protection of police.
- On February 11, 2010, Cakra Guna (52) set himself on fire and died as a protest against the Selangor state government’s destruction of the Srinivasa Perumal Temple.
- On September 3, 2009, an Indian heritage village, Kampung Buah Pala, where the villagers had lived for over 100 years, was razed to the ground by the Penang State government and private developers. The government acknowledged that the land was stolen from the villagers by the previous government, but they still evicted the villagers using inducements, threats, and force.
- Notice was served to the trustees of the 100-year-old Sri Naga Kanni Maha Mariappan Temple in Teluk Intan to move/relocate the temple within two months.
- The government has approved a housing project on the land that houses the Kulai Besar Hindu Temple.

Institutional Discrimination

The Indian Hindu minority suffers from economic, social, and educational discrimination, while the majority Malaysian Muslims (*bumiputras*) benefit from an affirmative-action policy, enshrined in Article 153 of the Constitution, that provides discounts on housing, quotas on educational institutions, and preference for government jobs.^{cccxviii} It also affords Muslim Malays with selection of government run mutual funds available only for *bumiputra* purchase, and projects that require tenders to be *bumiputra* owned. Likewise, companies listed on the Kuala Lumpur Stock Exchange, including foreign companies, must have *bumiputras* with at least 30% minimum equity in order to satisfy listing requirements. This further leads to the

unequal distribution of wealth, leaving the Hindu minority at an increased economic disadvantage.^{cccxi}

In terms of education, Malaysian Indians lack opportunities and face numerous hurdles in acquiring higher education. University admission standards, for instance, are more difficult for non-Malays compared to ethnic Malays. Consequently, an estimated 90% of deserving Indian students are denied admission to the 20 government run universities in Malaysia. One government university, the Universiti Teknologi Mara, with a student population of 172,000, is exclusively for *bumiputras*. The other 19 public universities all reserve 60% of their seats for *bumiputra* students, making 80% of the total seats available in public universities reserved entirely for Malay *bumiputras*.^{cccxx}

Moreover, Indians and non-Malays are almost completely excluded from several elite schools, such as the Royal Military College, Aminuddin Baki Institution, and the Malay College Kuala Kangsar. Education funding also disproportionately favors Malays, with only 1% of the monies spent on higher education going towards supporting citizens of Indian descent, according to HRP. In 2010, RM 2.8 billion was allocated in the government budget for student scholarships, but only an estimated 5% may reach non-Malay students.^{cccxxi}

Institutional discrimination in Malaysia extends beyond economic and educational opportunities. Nearly 200,000 Malaysians of Indian ethnicity have been denied citizenship, despite having roots in Malaysia for several generations. They further lack birth certificates and identity documents, resulting in a denial of basic rights to education, healthcare, jobs, driving licenses, and formal marriages. These ethnic Indians have been rendered virtually stateless.^{cccxxii} Eleven year-old Darshini, for instance, was denied her birth certificate because her mother had not registered her birth within the required 42 day period. Her application was reportedly rejected by Malaysian authorities so many times, she stopped applying. In another example, a fourth generation Malaysian Indian family in Kulim Kedah has been rendered effectively stateless due to a lack of any official documents. Both husband and wife do not have state ID cards, making them ineligible for legitimate jobs. Additionally, their marriage is not registered, and their three children have no birth certificates.

While the government has neglected or willfully failed to legitimize the status of these Indians, many Muslim immigrants from neighboring Indonesia and the Philippines are able to obtain citizenship papers with relative ease, according to a 2009 HINDRAF

report. HINDRAF has taken up the case of “stateless” Malaysian Indians with the British immigration authorities, arguing that in fact these are still British subjects. The claim is based on declassified colonial and British government documents available at the National Archives in London.^{cccxxiii}

As a consequence of their socio-economic marginalization, the Indian community suffers the highest suicide rate in Malaysia. In particular, low income, illiteracy or lack of education, family disputes, indebtedness, alcoholism, alienation, and hopelessness are reasons cited for such a high rate of suicides.^{cccxxiv}

Legal Discrimination

As noted above, the legal system in Malaysia promotes extensive discrimination against non-Muslims. The Internal Security Act (ISA), however, is perhaps the most regressive and tyrannical aspect of the nation’s legal structure. Initially enacted in 1960 to deal with communist insurgents, the dreaded ISA has been used as an instrument of oppression and a means to stifle free speech and political opposition to the government. Under the Act, persons suspected of threatening national security may be arrested and detained indefinitely without charges or trial. According to Human Rights Watch, the ISA provisions “violate fundamental international human rights standards, including prohibitions on arbitrary detention, guarantees of the right to due process, and the right to a prompt and impartial trial.”^{cccxxv} The ISA has been disproportionately used to target the Hindu/Indian community.

The ISA remained in use in 2011 to suppress and silence political dissent. According to the Malaysian Centre of Public Policy Studies, more than 10,000 citizens have been “deprived of their liberty and have been mentally and physically tortured under the ISA” since its enactment. Those detained now are “often Malaysian political activists, rather than military and para-military agents that threaten the nation,” according to a report.^{cccxxvi} Journalists, academics, activists, religious leaders, students, and politicians have been detained for participating in public protests or writing critically of the government. The report also states that the ISA has been “used to create an atmosphere of fear that curtails citizens’ participation in legitimate discussions on public issues.”^{cccxxvii}

In 2008, the Malaysia government declared HINDRAF an illegal organization under the aforementioned ISA, stating that it would “continue to pose a threat to public order, the security and sovereignty of the country as well as the prevailing racial harmony.”^{cccxxviii}

Violations of Constitution and International Law

Constitution of Malaysia

Malaysia's Constitution upholds Islam as "the religion of the Federation,"^{”cccxix} but provides for the practice of other religions "in peace and harmony." Part II of the Constitution defines the fundamental liberties of people, which include the right to equality before the law; the right to freedom of speech and peaceful assembly; and individual's right to "prove and practice his religion."^{”ccxxx} The Constitution also guarantees that every religious group may "manage its own religious affairs, establish and maintain institutions for religious or charitable purposes, and acquire and own property and hold and administer it in accordance with law."^{”ccxxxi}

Furthermore, religious groups hold the right "to establish and maintain institutions for education of children in its own religion," although the Federation retains the right to "establish or maintain or assist in establishing or maintaining Islamic institutions."^{”ccxxxi} Additionally, the Constitution mandates that no individual is "required to receive instruction in or take part in any ceremony or act of worship of a religion other than his own."^{”ccxxxi} Clearly, state-sponsored temple destruction and the systematic infringements on personal religious freedom prevalent in Malaysia today are direct violations of the aforementioned guarantees enshrined in the nation's Constitution.

International Human Rights Law

Malaysia continues to violate basic principles of human rights law enshrined in the Universal Declaration of Human Rights (1948). For instance, the government's suppression of HINDRAF's peaceful activities restricts the Freedom of Peaceful Assembly and Association, contrary to Article 20 of the Declaration. Other forms of discrimination and persecution, including the use of the ISA, the destruction of temples, and economic policies favoring the majority Malaysian Muslim community, all infringe on international human rights standards.

Unfortunately, Malaysia has not taken any action toward signing or ratifying the United Nation's International Covenant on Civil and Political Rights (ICCPR) or the International Convention on the Elimination of All Forms of Racial Discrimination. However, it must still respect the civil and political rights of all Malaysians under customary international law.

Conclusion and Recommendations

Over the past decade, the rights of minorities in Malaysia have progressively eroded as the government shifts from a seemingly secular state to one that is rooted in conservative Islam. Three of the more pressing concerns include the lack of religious freedom, the ongoing destructions of temples, and the repression of human rights activists, such as HINDRAF, under the draconian ISA.

The U.S. should work with the United Nations and international human rights organizations to exert pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims, and end repression of political dissent. In addition, non-Muslim places of worship, particularly Hindu temples – the primary institutions for the Hindu community in Malaysia, must be protected from further destruction, desecration, and appropriation by the Government. And legal titles should be granted to pre-independence Hindu temples on par with pre-independence Muslim mosques.

Furthermore, Malaysia's continued membership on the UN Human Rights Council should be made contingent upon its signing and abiding by all international conventions and treaties on human rights.

And finally, the U.S. should revisit its trade ties with Malaysia and restrict any future appropriations, particularly military and economic assistance, unless the government protects the human rights of its ethnic and religious minorities, repeals the repressive Internal Security Act (ISA), and ends its affirmative action policies favoring the majority Muslim Malays (*bumiputras*). Alternatively, if humanitarian or economic assistance is given, it should be for the benefit of the marginalized and religiously persecuted Hindu minority, and accountability for human rights should be a condition upon which aid is granted.

Islamic Republic of Pakistan



© Compare Info Base^{cccxxxiv}

Area: 803,940 square kilometers

Population: 187,342,721 (July 2011 estimate)

Religions: Muslim 95% (Sunni 75%, Shi'a 20%), other (includes Christian and Hindu) 5%

Ethnic groups: Punjabi, Sindhi, Pashtun (Pathan), Baloch, Muhajir (immigrants from India at the time of partition and their descendants)

Languages: Punjabi 48%, Sindhi 12%, Siraiki (a Punjabi variant) 10%, Pashtu 8%, Urdu (official) 8%, Balochi 3%, Hindko 2%, Brahui 1%, Other 8% (mainly English and Burushaski)

Location: Southern Asia, bordering the Arabian Sea, between India on the east and Iran and Afghanistan on the west and China in the north^{cccxxxv}

Introduction

2011 marked another turbulent year of violence and instability for the Islamic Republic of Pakistan. The year began with several high profile assassinations, including the death of Salman Taseer, the Governor of Punjab province, on January 4. Taseer, an outspoken critic of Pakistan's blasphemy laws, was murdered by one of his own bodyguards opposed to Taseer's liberal views.^{cccxxxvi}

As The Washington Post reported, instead of condemning the assassasination, many Muslim clerics and even lawyers praised the brutal murder: "A group of 500 Muslim clerics, meanwhile, praised his assassin, 26-year-old Mumtaz Qadri, and warned people against mourning Taseer. In Islamabad, lawyers tossed rose petals on Qadri as he was produced in a court, where a judge remanded him in custody."^{cccxxxvii} Taseer was viewed by many women and religious minorities as a powerful and influential ally, and with his death, they witnessed the country slide further towards Islamic extremism.

Following Taseer's assassination, Shahbaz Bhatti, a Christian and the first federal Minister for Minority Affairs, was also brutally murdered for his fierce opposition to the blasphemy laws.^{cccxxxviii} Bhatti's assassination was aided by the government's refusal to provide him with a bullet-proof vehicle and by ignoring his request to have his own trusted men as bodyguards. The two killings created an environment of fear in the country and emboldened Islamic extremists. As a result, the government claimed that the blasphemy laws were not the cause of the violence and declined to amend them.^{cccxxxix}

In another assassination, Naeem Sabir Jamaldini, a human right activist and the Balochistan coordinator of the Human Rights Commission of Pakistan (HRCP), was gunned down in a bookstore on March 1.^{cccxl}

Amongst the most notable events in Pakistan this past year was a covert U.S. operation that killed Osama bin Laden, who was living in close proximity to a large Pakistani military facility at the time of his death.^{cccxli} Following the attack, the New York Times warned that the "strike could deepen tensions with Pakistan, which has periodically bristled at American counterterrorism efforts even as Bin Laden evidently found safe refuge on its territory for nearly a decade".^{cccxlii} The strike did in fact complicate relations between the U.S. and Pakistan, and it was an embarrassment for Pakistan's military establishment. Despite tensions, the two countries maintained diplomatic and military cooperation throughout the year. At the same time, however, Pakistan's ISI and

military continued to undermine U.S. and NATO military efforts in Afghanistan by providing support to the Taliban and Haqqani Network.

There were several other events in 2011 that represented the complex nature of U.S.-Pakistan relations. In January, for instance, Raymond Davis, reportedly the acting head of the CIA in Pakistan, was arrested by Pakistani authorities after he shot dead two people who allegedly sought to rob him.^{cccxlili} U.S. diplomats experienced significant difficulty working with Pakistan on the case, but were finally able to have Davis released from prison.^{cccxliv}

Moreover, in November, Husain Haqqani resigned as Pakistan's Ambassador to the United States following his alleged role in the "memogate" controversy. Haqqani supposedly passed a note from Pakistani President Asif Ali Zardari to U.S. officials asking for American help to prevent a potential military coup. Haqqani was named as the author of the note by a Pakistani-American businessman, Mansoor Ijaz, who claims to have acted as a shuttle between Pakistan and the U.S. Haqqani denied involvement, but resigned over the ensuing controversy^{cccxlv} and is now hiding in the Pakistani Prime Minister's house, fearing he will be assassinated if he were to appear in public.^{cccxlvi} Haqqani, who is a prominent scholar, educator, and journalist, and has served the government of Pakistan in various capacities, is considered a moderate, if not a liberal, voice and sought to build the U.S.-Pakistan relationship on a strategic framework beyond military cooperation.

That same month, a NATO military strike on two Pakistani border checkpoints in Salala in the Baizai subdivision of Mohmand Agency in the Federally Administered Tribal Areas (FATA) that killed 24 Pakistani soldiers, further intensified strains in U.S.-Pakistan relations.^{cccxlvii} Pakistan retaliated by shutting down the NATO supply line to Afghanistan. Late in December, an investigation into the incident found that the attacks were the results of mistakes by both sides.^{cccxlvi}

2011 also saw the persistence of violent terrorism throughout the country, and a preliminary estimate indicates there were nearly 500 incidents of terrorism during the year.^{cccxlxi} The sheer volume of attacks demonstrates Pakistan's unwillingness and/or inability to disrupt the vast network of militant groups that its own military establishment created and nurtured for so many years.

Furthermore, it is reported that three out of four terrorist plots in Britain have their origins in Pakistan. Additionally, 4,000 young British Muslims have been trained in

terrorist camps in Pakistan, and nearly 400,000 British Muslim citizens visit Pakistan each year.^{cccl}

As an assessment of Pakistan by the South Asian Terrorism Portal (SATP) notes:

For far too long, Western powers – vigorously led by the US – have been party to a comprehensive cover-up, a pretence that has sought to minimize Pakistan’s role in the active sponsorship and export of terrorism, and an effort to distract international attention from the country’s failing institutions, to emphasise, instead, its acts of purported ‘cooperation’ with global counter-terrorism efforts. This farce, and elements of the international community’s real appraisal of Pakistan and the many players in the country, lay fully exposed with the *Wikileaks* disclosure of US diplomatic correspondence and confidential assessments in 2010. These have fully confirmed the continuing complicity of the Pakistani establishment in terrorism in the South Asian region and beyond; the corruption and mendacity of its various institutions of Government; (and) the country’s hurtling trajectory towards state failure...^{cccli}

American and British diplomats have also expressed concern that nuclear fissile material could fall into the hands of terrorists, and they worry that Pakistan is increasing its nuclear stockpile to dangerous levels.^{ccclii} According to one of the Wikileaks American diplomatic cables: “Although we do not believe Pakistan is a failed state, we nonetheless recognize that the challenges it confronts are dire...The government is losing more and more territory every day to foreign and domestic militant groups; deteriorating law and order in turn is undermining economic recovery. The bureaucracy is settling into third-world mediocrity, as demonstrated by some corruption and a limited capacity to implement or articulate policy.”^{cccliii}

Similarly, Anne Patterson, U.S. ambassador to Pakistan, warned that no amount of U.S. aid would change the Pakistani army's covert support for four major terrorist formations, the Afghan Taliban, the Haqqani group, Gulbuddin Hekmatyar’s fighters, and the Lashkar-e-Toiba: “...there is no chance that Pakistan will view enhanced assistance...as sufficient compensation for abandoning support to these groups.” Moreover, extremism was “no longer restricted to the border area,” and fighters were increasingly being recruited from the Punjab province, even as “the phenomenon is spreading into northern Sindh as well.”^{cccliv} Another diplomatic cable notes, “The bad news is that the militants increasingly are setting the agenda.”^{ccclv}

Admiral Mike Mullen, the soon to be retired head of American military services, testified before a U.S. Senate committee that Pakistan was exporting terror: "In choosing to use violent extremism as an instrument of policy, the government of Pakistan – and most especially the Pakistani Army and ISI – jeopardises not only the prospect of our strategic partnership, but also Pakistan's opportunity to be a respected nation with legitimate regional influence.... By exporting violence, they have eroded their internal security and their position in the region."^{ccclvi}

Beyond the ongoing threat of terrorism and extremist violence, human rights for minorities continued to worsen throughout the country. In particular, Hindus, numbering approximately 3.9 million,^{ccclvii} faced discrimination and widespread violence, including attacks on temples, kidnappings for ransom, and the abduction of Hindu girls. The abject failure of government authorities and law enforcement to protect them has led large numbers of Hindus to seek refuge in India. An estimated 350,000 Hindus have fled for safety to India in recent years and according to Pakistan Hindu Seva, at least 10 to 14 families migrate from Sindh province to India every month. At the beginning of 2011, for instance, nearly 400 Pakistani Hindus were living temporarily in the Indian border city of Amritsar after submitting citizenship applications to the Indian government.^{ccclviii}

Furthermore, as a recent report by the US Commission on International Religious Freedom (USCIRF) on Pakistan's education system demonstrates, public schools and madrasas persist in teaching intolerance and hatred towards non-Muslims, particularly Hindus, while glorifying violence and jihad.^{ccclix} In addition, the ongoing trend of kidnappings and forced conversions of young Hindu girls continues to plague Pakistani society.

The level of fear prevalent in Pakistan's Hindu community is so extensive that it even affects Hindu parents, who fear giving their babies identifiable Hindu names, as they would become the target of Muslim extremists.^{ccclx}

History/Background

Pakistan is bordered on the south by the Arabian Sea, India on the east, and Afghanistan and Iran on the west. It has a number of diverse ethnic groups, including Punjabis, Sindhis, Balochis, Pashtuns, and Muhajirs. Punjabis comprise the largest group and dominate the ranks of the government and military. The pre-eminence and political power of the Punjabis has led to resentment from other ethnic groups, particularly

Balochis and Sindhis, and at times, resulted in ethnic conflict. Pakistan has also been plagued by sectarian violence between the majority Sunni and minority Shi'a Muslim communities.^{ccclxi}

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 in Pakistan began to rapidly decline. For instance, at the time of Partition in 1947, the Hindu community in Pakistan was approximately 25% of the population. By 1998, it was only 1.6%.^{ccclxii} In the city of Karachi alone, 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.^{ccclxiii} Notwithstanding its recent decline, Hindu civilization and culture flourished in Pakistan for thousands of years.

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. Although the Constitution provides for freedom of religion, that freedom is severely limited and "subject to law, public order and morality." 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.^{ccclxiv}

In addition, there has been a recent proliferation of Islamic schools, or *madrasas*, in the past fifty 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 old.^{ccclxv} USCIRF's new report on the education system found that Pakistan's public schools and madrasas negatively portray the country's religious minorities and that these schools and madrasas "reinforce biases which fuel acts of discrimination, and possibly violence, against these communities." The report further said that Hindus were depicted in especially negative terms.^{ccclxvi}

Pakistan has a long history of training, supporting, and using radical Islamic groups as an extension of official state policy, resulting in the deaths of thousands of innocent civilians in India and Afghanistan. These extremist groups have now turned their sights on Pakistan itself, including military/government and civilian targets, with their stated intent of turning the country into an Islamic state.

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), associates this erosion with the continued Islamization of the country initiated by former President General Zia-ul-Haq in the 1980s. Consequently, minorities live in constant fear of threats to their lives and property, desecrations of their places of worship, and punishment under the Blasphemy Act.^{ccclxvii} Nuzzhat Shirin of the Aurat Foundation adds: "It's Muslims winning by intimidation. It's Muslims overcoming a culture by threatening it, by abducting young girls so that an entire community moves out or succumbs to the Muslim murderers."^{ccclxviii} Noted human rights activist Suhas Chakma went even further by describing the current system in Pakistan as "religious apartheid."^{ccclxix}

Despite rampant human rights violations and war crimes committed by numerous Pakistani regimes, Pakistan's actions have been repeatedly tolerated by the international community due to the country's strategic location and perceived importance in the region. According to the 1981 UN Declaration of Universal Human Rights, among "... the genocides of human history, the highest number of people killed in the small span of time is in Bangladesh in 1971. An average of 6,000 to 12,000 people were killed every single day. This is the highest daily average in history."^{ccclxx} The majority of those killed, raped, and maimed by Pakistani military forces were Hindus. A commission of inquiry appointed by the Pakistan government, the Hamoodur Rahman Commission,^{ccclxxi} recorded testimonies of Pakistani army officers, who quoted General Amir Abdullah Khan Niazi asking, "How many Hindus have you killed today?" as a matter of routine.^{ccclxxii} Nonetheless, Pakistan has escaped international accountability for the atrocities committed in Bangladesh's 1971 War of Independence.

American lawmakers, who have provided billions of dollars in aid to Pakistan for its "support" in fighting the war in Afghanistan, have now come to realize that Pakistan's military has misdirected the funding for other purposes. A report says that of the \$12 billion given to Pakistan in aid between 2002 and 2008, including \$6.6 billion in military assistance, only \$500 million reached the military to fight terror. The rest was diverted to strengthen the military, bolster terror against India, and subsidize President Musharraf's failing economy.^{ccclxxiii}

Status of Human Rights, 2011

There was a further deterioration in the status and rights of religious minorities in 2011.^{ccclxxiv} Hindus, in particular, continued to be the target of kidnappings, rape, and

intimidation in Pakistan as in previous years. The pernicious bonded labor system, which primarily affects Hindus, also persisted unabated.

Furthermore, government regulations and laws shaped by Islamic Sharia injunctions played a significant role in the lives of all Pakistani citizens. For instance, as confirmed at a U.S. House of Representatives hearing in October 2009, Islamic blasphemy laws disproportionately affect Hindus, Christians, and Ahmadiyas.^{ccclxxv} While it was encouraging that the Pakistan government appointed anti-blasphemy law activist Sherry Rehman as ambassador to the U.S. in November 2011,^{ccclxxvi} the year began with the assassination of Salman Taseer specifically for his stance against the blasphemy laws.

In terms of legislative action, the government finally made progress towards drafting a bill to register the marriages of Hindus, Sikhs, and Baha'is. However, there was some disagreement within the Hindu community over whether to include a divorce clause in the legislation. Specifically, Clause 13 is considered problematic and states that any Hindu can divorce his wife or her husband at any time and in any court.^{ccclxxvii} The potential implications of this clause are vague, and it is not clear whether it would allow a Sharia court to decide on a Hindu marriage.

Terrorist attacks on innocent civilians also remained a major human rights issue in 2011. While total fatalities in terrorist related violence declined from a high of 11,585 in 2009, extremists were still able to launch attacks with relative ease throughout the country. The number of civilians killed in 2011 in terrorist related violence was 2,580 and the number of security forces and terrorists killed was 765 and 2,797 respectively, resulting in a total of 6,142 dead.^{ccclxxviii}

In addition, the southwestern province of Balochistan “continued to witness overwhelming and relentless military repression, human rights violations and excesses by intelligence and security agencies, with fatalities rising from 347 to 711, more than double the count in 2010.”^{ccclxxix} The Human Rights Commission of Pakistan noted the following about the violence in Balochistan:

Bodies of at least 225 ‘missing persons’ have been recovered from various parts of the Province since July 2010. The situation is particularly grave for non-Muslims and minority Muslim sects. As many as 80 members of the Shia community have been killed in the Province this year [2011] alone, for no reason other than their religious belief. HRCP

also has serious concern at targeted killing of teachers, intellectuals and non-Baloch ‘settlers’ in Balochistan. The murder of two HRCP activists and three journalists in the Province in 2011 signifies the dangers that those highlighting human rights violations face on a daily basis. It is a matter of grave alarm that 107 new cases of enforced disappearance have been reported in Balochistan in 2011, and the ‘missing persons’ are increasingly turning up dead. It is scandalous that not a single person has been held accountable for these disappearances and killings.^{ccclxxx}

Human rights activists also came under attack in 2011, including the HRCP’s Balochistan coordinator, Siddique Eido, who was assassinated in early 2011,^{ccclxxxi} and Hindu human rights activist, Veerji Kohli, who was falsely implicated in a case by the police.^{ccclxxxii}

In December 2011, the National Assembly approved the creation of an independent human rights commission. The National Commission on Human Rights will be empowered to conduct investigations and assume the role of a court in special circumstances with authority to make its own motions. The Commission will be headed by a retired judge or eminent expert, with two commissioners coming from religious minority communities.^{ccclxxxiii} It is unclear, however, whether the Commission will be truly independent or subject to interference from the political and military establishments.

Religious Freedom

The HRCP has correctly observed that the affiliation of a state to a religion leads to discrimination against those who profess a different faith. The Commission has further noted that “discrimination by the state, duly enshrined in the constitution and the laws of the land, encourages additional social discrimination, virtually reducing religious minorities to second-class citizens whose rights and welfare are easily ignored and violated both by the majority community and the state.”^{ccclxxxiv}

In Pakistan, Islam has become institutionalized and pervades all aspects of the legal system. For instance, Article 2 of the Constitution proclaims that Islam is “the State religion of Pakistan” and recognizes that the Koran and Sunnah as the highest sources of law, not to be contradicted by secular laws.^{ccclxxxv} Furthermore, Article 41(2) expressly provides that an individual must be Muslim in order to hold the office of President of Pakistan.^{ccclxxxvi}

The Constitution also provides that high office holders must take the oath of office by invoking an Islamic prayer, regardless of whether they are Muslim. On March 24, 2007, a Hindu judge, Rana Bhagwandas, was sworn in as acting Supreme Court Chief Justice, following the suspension of sitting Chief Justice Iftikhar Muhammad Chaudhry.^{ccclxxxvii} The Hindu judge was required to take the Islamic oath, “[i]n the name of Allah, the most Beneficent, the most Merciful,” and ended with “May Allah Almighty help and guide me, (A’meen).”^{ccclxxxviii} The Constitution and other statutory laws favor Muslims and directly and indirectly discriminate against religious minorities, thereby making them second-class citizens. Moreover, Hindus and other minorities face severe restrictions on their religious freedom and attacks on their places of worship.

In May 2010, the European Parliament passed a resolution urging religious freedom and changes in Pakistan’s laws.^{ccclxxxix}

Blasphemy Laws

The blasphemy laws, which are part of Pakistan's Penal Code, impose severe punishments for insults to the Prophet Mohammed or desecration of the Koran. Five Sections 295 B, 295 C, 298 A, B, and C, commonly known as blasphemy laws, were made part of the Pakistan Penal Code, between 1980 and 1986, mainly through Presidential Orders by the former military dictator Gen. Zia al-Haq.^{cccxc} These Sections of the Criminal law were intended to presumably protect the honor of the Prophet Mohammad, the Quran, and the companions and wives of the Prophet. They further prohibit Ahmadiyas from using Islamic terminology and symbols and from “preaching their faith or pos[ing] as Muslims.”^{cccxc}

While the punishment for offenses under Sections 298 A, B, and C (concerning the insult against companions and wives of Prophet Mohammad and imposing restrictions on Ahmadiyas) is imprisonment for three years and a fine, Section 295-B (showing disrespect to the Quran) sanctions life imprisonment, and Section 295-C (insulting the Prophet Mohammad) carries mandatory capital punishment. Pakistan’s Supreme recently confirmed a Federal Sharia Court ruling that death is the only allowable punishment for blasphemy under Islamic law, causing renewed concern amongst human rights organizations, Pakistani minorities, and people worldwide.^{cccxcii}

These archaic laws have harmed all sections of Pakistani society, but have had the greatest impact on religious minorities, particularly Hindus, Christians, and Ahmadiyas. There are currently dozens of blasphemy cases pending in the court system, while the accused languish in jail under oppressive conditions.^{cccxciii} According

to the U.S. State Department's 2010 report on international religious freedom, lower courts in Pakistan often did not require adequate evidence in blasphemy cases, "which led to some accused and convicted persons spending years in jail before higher courts eventually overturned their convictions or ordered them freed. Original trial courts usually denied bail in blasphemy cases, claiming that because defendants could face the death penalty, they were likely to flee."^{cccxciv}

Moreover, in March 2009, Pakistan presented a resolution to the United Nations Human Rights Council in Geneva urging all countries to formulate laws against the defamation of religion. It represented an insidious attempt by Pakistan to universally enforce blasphemy laws, and unfortunately, the U.N. Human Rights Council passed the resolution.^{cccxcv}

Between January and July 2011, there were eighteen cases of blasphemy registered in Pakistan.^{cccxcvi} None of the accused, however, appeared to be Hindu. And in 2010, HRCP indicates there were a total of 24 recorded cases and convictions. According to the Ansar Burney Trust, at least ten innocent non-Muslims have been murdered while still awaiting blasphemy trial in Pakistan.^{cccxcvii}

In addition, between 1987 and 2009, a total of 1,032 persons were charged under the blasphemy laws.^{cccxcviii} According to Pakistani analysts:

In most cases, the accused languish in prison until their cases are decided, but even behind bars, they live in fear of violence against them by other inmates. The fears of being set upon only increase after acquittal and release...In its 2008 annual report, the [Human Rights Commission of Pakistan] comments that a growing number of Muslims in Pakistan had begun to feel that the only true version of Islam is the one they practise and as the State had failed in its duty to protect the interests of the religion 'that it is their religious duty to enforce it on all and sundry by deploying all possible means, including the use of force against those who do not fall in line.'^{cccxcix}

In one recent high-profile case, Aasia Bibi, a Christian woman, was sentenced to death for blasphemy by a court in the Punjab province in November 2010. President Zardari ordered a ministerial inquiry, which concluded that there were no grounds for the verdict and that a presidential pardon be given to her. Dangerously, however, the courts stepped in again, with the Lahore High Court barring the president from using the constitutional privilege of awarding a pardon.^{cd} Moreover, Salman Taseer and Shabaz

Bhatti's vocal advocacy on Aasia Bibi's behalf led to their assassinations by Islamic extremists.

The blasphemy laws have successfully remained in place for several decades now due to widespread support from not only radical Islamist organizations, but also purportedly mainstream political parties. For example, in September 2009, Chaudhry Shujaat Hussain, president of the centrist Pakistan Muslim League Qaid-e-Azam (PML-Q), said that his party would protest any change to the existing blasphemy laws. He claimed that it was the duty of every Muslim to defend the blasphemy laws.^{cdi} Similarly, the head of the Jamiat Ulema-e-Pakistan (Assembly of Pakistani Clergy) said that his party would not allow the blasphemy laws to be challenged.^{cdii}

Religious Identification Laws

On March 24, 2005, Pakistan restored the discriminatory practice of mandating the identification of religion of individuals in all new passports. The Pakistan federal cabinet, with Prime Minister Shaukat Aziz in chair, directed the Ministry of Interior to reintroduce the rule after its repeal under the Zafaraullah Khan Jamali government in 2004. The move was seen as a concession to the Muttahida Majlis-e-Amal (MMA), a coalition of hard-line religious parties that supported General Musharraf.^{cdiii} Religious Identification laws tend to promote discrimination against non-Muslims, as they separately identify minorities from the majority Muslim population. This further establishes their inferior status and also leaves them vulnerable to religious persecution and harassment at the hands of government officials.

Temples/Pilgrimage 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 Partition. Thousands of temples have been destroyed or converted into mosques since 1947, and there are only an estimated 360 temples remaining. Moreover, many of the existing temples suffer from decay and neglect (from a lack of funds/government support) and are subject to attacks and illegal encroachments.^{cdiv} For example, in the northwestern city of Peshawar, there are only two remaining Hindu temples. And temples near Islamabad and the surrounding areas are in dilapidated conditions, and some temples near the capital no longer exist.^{cdv}

Similarly, USCIRF points out that "Hindu temples have been the object of violence in the province of Baluchistan, where Hindus are the largest religious minority and where

ethnic Baluchi insurgents have been waging a struggle against the central government for many years.”^{cdvi}

The continued demolition and encroachment of Hindu temples in Pakistan is often accomplished with the tacit support of government authorities and police. In many parts of the country, Hindus are prevented from building new temples and/or freely practicing their religion. For example, according to a report by Pastor Rafiq Bhatti of the Stephens Shaheed Foundation, an organization that works primarily with Christians, even in Hindu villages in rural Sindh Province, Hindus are refused permission to build places of worship.^{cdvii}

A 2011 report demonstrates that many Hindu temples in Pakistan have also been converted into picnic areas, hotels, schools, and business centers. In many of these instances, the Hindu community lacked control over the sites, and the government failed to maintain the properties.^{cdviii} As a result, several of the temples have been illegally converted. The following are specific examples provided by the report:^{cdix}

- In Dera Ismail Khan (Khyber Pakhtunkhwa province), a Muslim group illegally acquired the 700-year-old Kali Bari Mandir and converted it into a hotel.
- In Islamabad, Hindus have no access to a temple situated at Saidpur model village.
- The Raam Kunday Mandir in Islamabad, once considered a sacred site by Hindus, is being converted into a picnic area.
- In Abbottabad (Khyber Pakhtunkhwa), a Hindu temple called Araya Mandir, already in decrepit condition, has been occupied by Muslims who are using it as a school for their children.
- Eminabad in Gujranwala region has several temples dating back to the 15th century, which are in serious decay. Most of them are now being used as stables to provide shelter to donkeys, horses, and other animals.
- A famous Hanuman temple in Chakwal (Punjab province) is being used by the workers of salt mines as their office.
- A Kali temple in Peshawar (Khyber Pakhtunkhwa) has been taken over by local traders, who are converting it into a building.
- In Punjab's Bakkar city, Sheeran Wali Mandir has been used by Islamic clerics as a madrasa.
- Jogi Tala Jhelum (Punjab), a sacred site for Hindus as well as Sikhs, is also in horrible condition.

Another recent example is the Shri Varun Dev Mandir, a Hindu temple estimated to be over 1,000 years old. Due to a lack of funds and government support, the ancient temple, which faces the Arabian Sea in Manora Island, Karachi, is currently in a state of decay and disrepair. According to the temple's caretaker, the temple has been unable to hold services or rituals since the 1950s and is regularly desecrated by local Muslims, who use its premises as bathrooms.^{cdx}

Moreover, the Katas Raj Temple, located in the Katas Valley near Chakwal in Punjab province, has been repeatedly looted for its ancient sculptures and relics, leaving only one remaining sculpture. The Punjab Archaeology Department, which is responsible for renovating and preserving the historic temple, has failed to provide adequate security at the temple complex. Pundit Javed Akram Kumar, chief of the Katas Raj Parbandh Committee, said that the "temple was one of the most ancient sites in the country."^{cdxi} He said that Katas Valley was famous for its beauty, and centuries ago, there used to be a Sanskrit University in the valley which had produced many eminent scientists, including Alberuni, who wrote his book "Kitab Al Hind" at the university. Kumar added that there had been a Buddhist stupa at the site which had "signs of an ancient [civilization] that lived in the area centuries ago."^{cdxii}

One of the major reasons temples in Pakistan are facing such dire straits is the inability of the Hindu community to independently control their own places of worship. Currently, the Evacuee Trust Property Board (ETPB), a government body, is responsible for managing a large number of Hindu properties, including temples, left behind by Hindus who fled for India at the time of partition in 1947. The ETPB also controls 135,000 acres of land belonging to Hindu farmers, of which 125,000 acres are fertile land suitable for cultivation.^{cdxiii} The Trust Board, however, lacks adequate Hindu representation and has consistently failed to consult Hindu organizations, such as the Pakistan Hindu Council, before making decisions regarding Hindu properties and places of worship.^{cdxiv cdxv}

In May 2008, for instance, the ETPB leased a 100-year old Hindu temple to a Muslim man in Karachi, who converted the sacred site into an auto repair workshop. According to an article in the *Daily Times*, a Pakistani newspaper, "Rusted broken iron bars, scratched plasters, wrecked fences and cars parked outside for repairs are the sights at the century-old Ratan Talha Hindu temple, once known for its beautiful architecture." Moreover, the Muslim owner of the workshop now uses the main prayer area as a storeroom and restricts local Hindu devotees from visiting the temple.^{cdxvi}

And in 2006, an ancient 400 year-old Ashnan Ghat (sacred bathing site) in Lahore which holds great religious importance for both Hindus and Sikhs, was sought to be used to build a 12-storey shopping complex. EPTB Chairman Lt Gen (R) Zulfiqar Ali Khan said Hindus might have used the “ashnan ghat” for ceremonial ablutions at some time in the past, but “there had been no such ceremonies there since Partition.”^{cdxvii}

According to Haroon Sayab, chairman of the Pakistan Hindu Rights Movement, "Hindus are left behind in every walk of life. They don't have possession of their sacred places and other properties. If Hindus were given the possession of their assets, their misery could be alleviated."^{cdxviii}

In a rare victory for the Hindu community, a 160-year-old Hindu temple in Peshawar prepared to welcome worshippers after a lengthy legal battle. The Goraknath Temple, situated in Peshawar’s archaeological complex Gor Kattri, opened for worship for the first time in 60 years on the Hindu festival of Diwali on October 26, 2011.^{cdxix} Unfortunately, according to local contacts, shortly after the temple was re-opened it was broken into and vandalized.

Pakistan also has a number of sacred pilgrimage sites, which are visited by thousands of pilgrims every year, including the famous Mata Hinglaj Temple, located in a mountain cave on the banks of the River Hingol in Baluchistan province. Hindu pilgrims have previously come under attack by Muslim extremists, including an incident in 2006, where two pilgrims were killed and seven wounded after militants attacked a caravan carrying Hindu pilgrims in Sindh.^{cdxx}

There are very few concerted efforts at restoring and maintaining temples in Pakistan, though it is hoped that organizations like the Pakistan Hindu Council,^{cdxxi} established in 2005, would begin to organize people and efforts to do so.

General Violence

Attacks on Minorities

Religious minorities in Pakistan are routinely attacked and live in constant fear for their safety. Fueling the violence against Hindus, Pakistan’s religious leaders and commentators continued to use inflammatory language to cast aspersions on Hindus. For example, the editor of The Nation newspaper and the Nazaria-i-Pakistan Trust

chairman, Majid Nizami, claimed, “Hindus have never accepted Pakistan ever since its creation in 1947, and India, America and Israel want to disintegrate the country.”^{cdxxii}

Of particular concern are the frequent abductions of Hindus for ransom, which has left the Hindu community in Pakistan in a continuous state of insecurity and with little protection from law enforcement authorities. 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 the abducted victim being murdered.^{cdxxiii} 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.^{cdxxiv}

Furthermore, the HRCF’s latest report on Balochistan indicated a rise in violence against Hindus in Balochistan, including a significant increase in abductions. A Hindu activist informed the HRCF that more than 30 persons from the Hindu community have been kidnapped for ransom in Balochistan, and those who tried to resist kidnapping attempts were killed. He also told HRCF that religious minorities were even hesitant to attend social gatherings for fear of being robbed.^{cdxxv}

The following examples are representative of the abductions and violent attacks Hindus faced in 2011:

- In December, Hindus in Balochistan protested the murder of a young trader, Ravi Kumar, who had been kidnapped. Police discovered Kumar’s dead body after his family was unable to pay his abductors the demanded ransom.^{cdxxvi}
- A Hindu lawyer was missing since December 23, after going to the Sindh High Court. His car was found abandoned at a taxi stand. Police officials in Hyderabad, Sindh refused to register a case.^{cdxxvii}
- In a chilling attack in November, four Hindu doctors were killed at their clinic in Chak town in Sindh province. Drs. Ashok, Naresh, Ajeet, and Satia Paul were killed by armed assailants while working in their clinic.^{cdxxviii} The victims were reportedly gunned down by members of the Muslim Bhayo community after an alleged dispute involving a Muslim “dancing girl.” Members of the Hindu community, however, maintain that they had been receiving threats for the past three months, since they stopped paying “protection money” to the Muslim Bhayos.^{cdxxix}

- Unidentified armed men tried to extort money from Karpal Das, a trader, at gunpoint in June. Armed men broke into Das' department store on Masjid Road, the busiest road in Khuzdar town in Southwestern Pakistan, and demanded a large amount of money. They fled when Das resisted. Following the incident, Hindus staged a protest in Khuzdar.^{cdxxx}
- A 70 year-old Hindu shopkeeper, Kanhaiya Lal, was killed in the town of Hassanbdal in Punjab province in May. Hindus and Sikhs initiated a public procession with the victim's body protesting the lack of concern and security provided by the police.^{cdxxxi}
- At least 15 people, including at least three Hindu men, and seven children were killed in Balochistan in April, when armed men on motorcycles torched a bus carrying passengers from Jacobabad, Sindh to Sibi, Balochistan.^{cdxxxii}
- A Hindu trader in Quetta City, Ramesh Kumar, was shot dead in February after he resisted armed robbers trying to kidnap him on his way to his general store in Kandahari Bazaar.^{cdxxxiii}
- The 16 year-old son of a well-known Hindu trader was abducted by a group of armed men in Naushki, Balochistan in January. Police confirmed that it was a case of kidnapping for ransom. Just two days prior, a Hindu shopkeeper, Dilip Kumar, was kidnapped in Sohbatpur.^{cdxxxiv}
- A Hindu spiritual leader from the Historic Kali Mandir in Kalat, Luckmi Chand Garji was kidnapped and detained for several months before being released in the beginning of 2011.^{cdxxxv}

In a particularly disturbing incident, Mohabat Mal, the son of Veero Mal, was pursued by a group of Muslim religious leaders of the Madani mosque in Mirpurkhas, Sindh in an attempt to convert him to Islam and arrange his marriage with a Muslim girl. After being abducted, Mohabat was locked in a house adjacent to the mosque for nine months, forced to sign papers declaring he was a Muslim, and purportedly sodomized by the mosque's cleric. On April 4, 2011, he managed to escape and notified his parents, who tried to file a complaint against the perpetrators. The police, however, informed the mosque leader, who led more than 100 individuals in attacking Veero Mal's house.^{cdxxxvi}

Subsequently, Mohabat Mal contacted a Hindu human rights organization in Hyderabad, 70 kilometers from Mirpurkhas. The organization sent a lawyer who prepared a petition for the Sindh High Court in Hyderabad against Mal's forced conversion and rape during his nine months of captivity. A day before filing the petition, Veero Mal's house was

attacked again by a large group of Muslims. The police then proceeded to arrest Veero Mal and Mohabat's two maternal uncles, Pyaro Mal and Parro Mal, based on the mosque cleric's complaint that Mohabat had converted to Islam but had been abducted by his parents. Mohabat was then abducted again from the police station by a religious mob led by the mosque cleric, while making a statement to the police. The victim's mother and other family members are now in hiding.^{cdxxxvii}

As a result of widespread violence and abductions, many Hindus have fled to India. As a Pakistani Hindu writer lamented, "The Hindu community is peaceful — so what is its biggest sin? It is a minority in a land where there is no rule of law. All that is needed is the political will to go after those involved in these kidnappings — the incidents will stop and our Hindu compatriots will stop fleeing to India."^{cdxxxviii} Similarly, a Hindu leader, Muki Raday Sham, said that many Hindu families had already migrated to other countries, and if the abductions were not stopped, the remaining would also migrate.^{cdxxxix} In addition, Ansar Burney, chairman of the Ansar Burney Trust International and former Federal Minister for human rights, confirmed that more than 100 Hindu families in Balochistan had migrated out of the province after being targeted by extremists.^{cdxl}

The recent violence in Swat Valley in 2009 also forced the few remaining Hindus there to flee the region and head towards India. According to a news report, more than 6,000 Pakistani Hindus migrated to India in months prior to March 2009. There are nearly 350,000 Pakistani Hindu migrants now in India, mostly living in Rajasthan and Gujarat.^{cdxli} They live on the margins of society in India, without legal documents and hoping to be rehabilitated by the Indian government.^{cdxlii} Hindu Singh Sodha, president of Seemant Lok Sangathan, a group working for the refugees in Rajasthan, said that there is no clear Indian policy on refugees even though people from Pakistan reach India in large numbers seeking refuge from extremism and violence.^{cdxlili} In one high profile incident, a Hindu legislator in Sindh province, Ram Singh Sodho, quit the legislature and moved to India after receiving threats to his life.^{cdxliv}

Violence against Women

Violence against women is a serious problem throughout the world, but more so in Pakistan and particularly against Hindu women. This violence occurs primarily in the form of rape, honor killings, and domestic abuse. Although violence is disproportionately used against Hindu women as a weapon of subjugation and religious persecution, the crimes transcend religion, and Muslim women are frequent targets of

Islamic extremists. For example, in August 2009, the Pakistani Taliban's moral police executed two Muslim women for engaging in allegedly "immoral behavior." A note left on their dead bodies threatened other women with similar consequences for such behavior. According to the Taliban and other Islamists, "immoral behavior" includes talking to men outside of their families.^{cdxlv}

Every year, thousands of Pakistani women are the victims of honor killings, rapes, kidnappings, and domestic violence. Young Hindu women and girls, along with other minorities, are particularly vulnerable to gender based violence.

The Aurat Foundation reported a sharp increase in the cases of violence against women between January and June 2011, compared to the same time period in 2010. A total of 4,448 cases were reported, as compared to 4,061 cases during the first six months of 2010. Of the 4,448 cases, 3,035 cases were reported from Punjab, 819 from Sindh, 389 from Khyber Pakhtunkhwa, 133 from Balochistan, and approximately 72 cases from Islamabad Capital Territory.^{cdxlvi} Of the 4,448 cases, 1,137 cases involved abduction and kidnapping, 799 murders, 396 rapes/gang rapes, 402 cases of suicide, 382 cases of "honor killing," 356 cases of domestic violence, 57 cases of sexual assault, 16 cases of "stove burning," 22 cases of acid attack, and 881 miscellaneous cases including incest, custodial violence, child marriages, sex trafficking, etc.^{cdxlvii} In Sindh province alone, 557 cases of "honor killing" were reported in the first eleven months of 2011.^{cdxlviii}

Hudood Ordinance

The Hudood Ordinance in Pakistan, enacted in 1979 and replaced/revised by the "Women's Protection Bill," is a medieval law used to oppress and intimidate women. It has been used to imprison thousands of women who report rapes. Under the ordinance, in order to prove rape charges, a female rape victim is required to present the testimony of four male witnesses. If she is unable to do so, she herself may then be punished for committing adultery.^{cdxlxi} This law effectively silences rape victims since they face the possibility of being charged with adultery, as the probability that a woman is able to produce four male eyewitnesses is miniscule.

The Women's Rights Bill, introduced in November 2006, slightly amended the Hudood Ordinance by reducing the required male eyewitnesses for a rape conviction from four to two. Although this was a positive step forward, the new Women's Rights Bill still presents substantial obstacles for rape victims to achieve justice. According to the U.S. State Department, women arrested under the Hudood Ordinance "on charges of fornication, adultery, and possession of liquor" are now having their cases heard under

the Women's Protection Bill.^{cdl} Unfortunately, other provisions of the Hudood Ordinance still remain intact.^{cdli} Despite repeated calls by women's rights and human rights group to repeal the ordinance, the Pakistani government has yet to take action.

In addition to the Hudood Ordinances, the *qisas* (retribution) and *diyat* (compensation) ordinances allow an honor killing to be forgiven by the victim's relatives in exchange for monetary compensation. Moreover, the compensation for an honor crime against a woman is only half that of a male victim.^{cdlii}

Rape/Kidnapping/Forced Conversions

A disturbing trend in Pakistan, particularly in Sindh province, is the abduction and forced conversion to Islam of Hindu girls. 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.^{cdliii} Wasim Shahzad, the former Minister of State for Interior, believes that kidnappings and forced conversions "are taking place to force the Hindus to leave Pakistan where they have been living for the past 5,000 years."^{cdliv}

According to a report prepared by the Asian Centre for Human Rights (ACHR):

It is a crime for the Hindus to have land and beautiful daughters. Kidnapping, rape and forcible marriage of Hindu girls is a common practice. In case of arrest, the accused can get away by producing a certificate issued by any Muslim seminary that the kidnapped girls have voluntarily adopted Islam and the accused have married the girls. The courts generally do not consider the fact that most of the girls are minor, and simply accept the certificate of conversion without any investigation. It has been reported that more than 15 families are forcibly converted from Hinduism to Islam in Sindh province every year. Often, young Hindu girls were kidnapped and forcibly married.^{cdlv}

A new HRCP report also warns of the dangerous rise of kidnappings and forced conversions of young Hindu girls. Amarnath Motumal, an advocate and HRCP member, recently indicated that as many as 20 to 25 girls from the Hindu community in Pakistan are abducted every month and converted forcibly to Islam. He added, "[I]n Karachi alone, a large number of Hindu girls are being kidnapped on a routine basis and converted to Islam."^{cdlvi} Motumal further alleged, "Many more occur in rural areas of Sindh but not all families want to talk about them."^{cdlvii} Bherulal Balani, another legislator, stated: "Once the girls are converted, they are then sold to other people or

are forced into illegal and immoral activities.”^{cdlviii} And in October 2010, a committee of the Pakistani Senate expressed concern over reports that Hindu girls in Sindh province are being abducted for forced conversion to Islam.^{cdlix}

The following examples are illustrative of recent incidents of kidnappings, forced conversions, rapes, and sexual assaults:

- A 15-year-old Hindu girl, Bharati, was abducted, converted to Islam and forcibly married off in the Lyari area of Karachi. Her father claimed that she has been converted and married off against her will.^{cdlx}
- Anita, a 22 year old girl, who was already married to a Hindu man, Suresh Kumar, was abducted from her home in Sindh province, forcibly converted to Islam, and married to a Muslim man. After legally challenging the case in multiple courts, the Supreme Court ruled that Anita was now a Muslim and should live with her new Muslim husband without cancelling her previous marriage. The court reached its decision in a manner similar to a village council, rather than a proper judicial proceeding. Anita was also intimidated in court by her Muslim abductors.^{cdlxi}
- Poonam, a 13 year-old Hindu girl, was kidnapped from Lyari, Sindh in 2010 and forcibly converted to Islam by Muslim clergy.^{cdlxii}
- A 17 year-old Hindu girl was gang raped in the Nagarparker area of Karachi.^{cdlxiii}
- A 15 year-old Hindu girl was abducted from Aklee village.^{cdlxiv}
- Sapna Kumari, a minor Hindu girl, was kidnapped and forcibly converted to Islam in Balochistan province. The Muslim cleric responsible for her abduction and forced conversion threatened to murder her three brothers and father if she testified in court that she had been converted and married against her will. Although Kumari was a minor, the court ordered her to go with her Muslim “husband.”^{cdlxv}

Hindu children are also the victims of kidnapping. A recent three-year study revealed that Hindus suffer the brunt of child kidnappings. Between January 2010 and December 2010, at least 23 children – some as young as three years old– were kidnapped for ransom. Of the 23, nine were Hindus, including four girls. The report says that the number of kidnappings could be even higher because many of the cases go unreported due to the threats by the kidnappers to harm the children if the parents complain.^{cdlxvi}

Islamic Extremism

Pakistan continues to be the epicenter of global terrorism and violent Islamic extremism. 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 groups, who enjoy the support of Pakistan's intelligence agencies, include Lashkar-e-Taiba, Tehreek-e-Taliban (Pakistani Taliban), 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, Jaish-e-Mohammed, and Afghan Taliban groups (ex: Quetta Shura and the Haqqani Network). According to Hafiz Muhammed Saeed, the founder of Lashkar-e-Taiba, "The purpose of Jihad is to carry out a sustained struggle for the dominance of Islam in the entire world." In addition, there are several militant sectarian Sunni and Shia groups, such as Sipah-e-Sahaba, Lashkar-e-Jhanghvi, Sipah-e-Mohammed, and Tehreek-e-Jaferia Pakistan (For a list of Islamic militant groups, please see *Appendix C*).^{cdlxvii}

Al Qaeda also maintains several bases in Pakistan and functions with the tacit assistance of the Pakistani military establishment. For example, on a trip to Pakistan in October 2009, U.S. Secretary of State Hillary Rodham Clinton suggested that Pakistani officials knew where Al Qaeda leaders were hiding. And in 2010, Gen. David Petraeus, the top military commander in Afghanistan, acknowledged the longstanding ties between Pakistan's ISI and the "bad guys."

The Wikileaks cables also demonstrate the extent of cooperation between Pakistan and Islamist militant groups in the region. Specifically, the documents reveal that the ISI worked with the Taliban to organize militants, in order to fight American soldiers in Afghanistan and formulate plans to assassinate Afghan leaders.^{cdlxviii} David Rohde, the New York Times reporter who was kidnapped by the Taliban, said in an interview following the leak, "These cables confirm what myself and other reporters have suspected for years, and what I saw firsthand on the ground, and that is that Pakistan is aiding the Haqqani network — a major and one of the most deadly Afghan Taliban factions. And it's sort of been an open secret. The positive side from an American perspective on these cables is that they show that the U.S. government is sort of on top of what's happening in Pakistan, and they do understand the dynamics at work there."^{cdlxix}

Islamists have also increasingly started to impose Islamic law in areas under their control, particularly in the Khyber Pakhtunkwa Province. According to reports from the

region, “Taliban militants are beheading and burning their way through Pakistan's picturesque Swat Valley and residents say the insurgents now control most of the mountainous region outside the lawless tribal areas where jihadists thrive.”^{cdlxx} In addition, a fact-finding mission by the HRCP found that in Charsadda District, “[s]everal video shops were bombed and even bank employees were warned to wear Islamic dresses and female workers [were ordered] to stop working in banks.”^{cdlxxi} Furthermore, the Pakistani Taliban destroyed approximately 150 schools in north western Pakistan and ordered all privately administered schools in the Swat Valley to close.^{cdlxxii}

Moreover, in July 2009, Taliban militants in Khyber Pakhtunkwa forced religious minorities to pay a punitive tax known as *jizya* (a tax historically imposed on non-Muslims living under Islamic rule) in return for their protection.^{cdlxxiii} The head of the Karachi Hindu Panchayat said, “We are under more and more of a threat because of these extremists, but we ourselves feel if we take the wrong step, even to tell of the wrong things, then it will be death for us. We worry about the future of our families and our children here in Pakistan - all of us (minorities) do today because of these extremists.”^{cdlxxiv}

The reach of extremists has now extended far beyond the tribal areas, with Islamists targeting civilians, human rights activists, and military targets in major cities throughout the country.^{cdlxxv}

Recent statistics show that in 2010 nearly 50 suicide bombings caused 1,167 fatalities, compared with 76 such attacks in 2009, with a total of 949 fatalities. Figures compiled by Pakistan’s Federal Ministry of Interior show that 3,433 Pakistanis were killed in 215 incidents of suicide attacks across Pakistan between July 2007 and July 2010.^{cdlxxvi} On average, suicide bombers have killed 480 people and injured 1,014 others every year across Pakistan since September 11, 2001, with an average of 30 suicide attacks each year, or approximately three per month.

In a monthly break-down of the suicide bomb attacks for 2011, 45 people were killed in four incidents in January; 39 people were killed in three suicide attacks in February; 127 more lost their lives in six suicide attacks in March; 65 were killed in April; and 154 people lost their lives in five such incidents in May. Additionally, 66 Pakistanis perished in four attacks in June, 11 people were killed in three attacks in July, and 71 Pakistanis lost their lives in four suicide bombings in August. On September 7, 24 people were killed in one suicide attack in Quetta.^{cdlxxvii}

Social Persecution

Bonded Labor

The bonded labor system in Pakistan systematically enslaves an estimated 1.7 million people, many of whom are young children. This modern day form of slavery primarily affects poor Hindus, who constitute the majority of bonded laborers, particularly in rural Sindh province where they work for Muslim landowners. Although the system is found primarily in Sindh, it is also practiced in parts of Punjab province.^{cdlxxviii} Agriculture, brick kiln, mining, and household are the major sectors that use bonded labor.^{cdlxxix} According to the UNHCR, “Estimates of bonded labor victims, including men, women, and children, vary widely, but are likely well over one million. In extreme scenarios, when laborers speak publicly against abuse, landowners have kidnapped laborers and their family members. Boys and girls are also bought, sold, rented, or kidnapped to work in organized, illegal begging rings, domestic servitude, prostitution, and in agriculture in bonded labor. Illegal labor agents charge high fees to parents with false promises of decent work for their children, who are later exploited and subject to forced labor in domestic servitude, unskilled labor, small shops and other sectors.”^{cdlxxx}

The U.S. Department of Labor maintains that the debt bondage system in Pakistan operates by “giving advances of *peshgi*” (bonded money) to a person. As long as all or part of the *peshgi* debt remains outstanding, the debtor/worker is bound to the creditor/employer. In case of sickness or death, the family of the individual is responsible for the debt, which often passes down from generation to generation. In the case of children, the *peshgi* is paid to a parent or guardian, who then provides the child to work off the debt.”^{cdlxxxi} The system is characterized by patterns of abuse, detention, and exploitation.^{cdlxxxii} While describing their conditions, a group of released bonded laborers reported, “[T]hey were kept in illegal confinement by owners of brick kilns and worked there at gunpoint. They further told that owners of the brick kilns had also threatened to sell them in Quetta.”^{cdlxxxiii}

In 1992, Pakistan passed the Bonded Labor (Abolition) Act, outlawing all forms of bonded labor and forgiving any outstanding debt owed by laborers to their employers.^{cdlxxxiv} Despite this legislation, local government officials have been uncooperative in ending the practice and securing the release of bonded laborers. Moreover, the police are often unwilling to register complaints against abusive landowners. Although human rights groups, particularly the HRCP, have

helped release thousands of debt laborers, the laborers are frequently recaptured by their landlords.^{cdlxxxv}

Notwithstanding these efforts by human rights organizations and the passage of the Bonded Labor (Abolition) Act, the practice of debt labor continues to thrive and plague poor Hindus and other marginalized segments of Pakistani society. In one recent incident, a Hindu laborer, Roop Chand Bheel, was burnt alive by his Muslim landlord for allegedly stealing cotton.^{cdlxxxvi} Similarly, in another case, a Hindu peasant family has been incarcerated in their landlord's private jail for more than 13 years. The family has yet to be released, as the Muslim landlord is influential and politically connected.^{cdlxxxvii} Many vulnerable Hindu bonded laborers are also induced into converting to Islam by mosques and Islamic organizations in return for paying off their debts.^{cdlxxxviii}

Institutional Discrimination

Economic/Political Discrimination

Hindus, along with other minorities, face systemic economic and political discrimination in Pakistan. The majority of Hindus in Pakistan are poor and economically marginalized, with large numbers enslaved in the bonded labor system. For example, during his visit with Hindu villagers, Pastor Rafique Bhatti of the Stephens Shaheed Foundation, found that Hindus suffered from a lack of education and job opportunities. According to the villagers he met, the government failed to provide Hindu villages with basic facilities, including regular water supply, electricity, medical treatment, and schools.^{cdlxxxix} Moreover, following the devastating floods of 2010 and severe monsoon rains in 2011, Hindus were reportedly turned away from government run food distribution centers and denied aid and shelter at charitable relief camps.^{cdxc}

Hindus are also severely underrepresented in government jobs. With the exception of former Supreme Court Justice Rana Bhagwandas, Hindus rarely hold top civilian or military positions.^{cdxci} According to a census of federal civil servants taken in 2006, only 0.21% of available civil service positions were held by Hindus. This is well below their overall population, which is approximately 1.6%.^{cdxcii}

Hindu women are particularly marginalized in Pakistan with 87% of scheduled caste Hindu women illiterate.^{cdxciii} In addition, Hindu women have reportedly faced challenges

when applying for computerized national identification cards (CNIC), as Hindu marriages are not recorded in the same manner as Muslim marriages. For example, Pram Sri Mai, a married Hindu woman who applied for a CNIC, was not only turned down by the National Database and Registration Authority, but also charged with “having an illicit relationship with a man and bearing illegitimate children.”^{cdxciv}

Beyond economic discrimination, religious minorities, including Hindus, are politically disenfranchised and lack genuine representation. An HRCP report from 2007, for instance, found that significant numbers of minority voter names were left off of voter lists in Sindh province.^{cdxcv}

Until recently, Pakistani Hindus had not organized politically. Beginning in the 1990s, however, Hindus became more assertive and joined alliances with other religious minorities. In 2002, they joined Christians and other groups to form the All Pakistan Minorities Alliance (APMA). Moreover, organizations such as the Pakistan Hindu Welfare Association and coalitions of Hindu *panchayats* (local councils of elders) have led in political organizing.^{cdxcvi}

Hindus and other minorities achieved a rare political victory in 2002 with the removal of separate electorates for Muslims and non-Muslims. The separate electorate system had marginalized non-Muslims by depriving them of adequate representation in the assemblies. The Pakistan Hindu Welfare Association was active by convening a national conference on the issue in December 2000. And in 2001, Hindus, Christians, and Ahmadis successfully conducted a partial boycott of the elections, culminating in the abolishment of the separate electorate system in 2002. This allowed religious minorities to vote for mainstream seats in the National and Provincial assemblies, rather than being confined to voting for only minority seats.^{cdxcvii} Despite the victory, however, Hindus still remain largely disenfranchised.

Educational Discrimination

A recently released report by USCIRF confirmed the systematic intolerance and hatred for non-Muslims entrenched in Pakistan’s education system. The report utilized a study conducted by the International Center for Religion and Diplomacy (ICRD) and the independent Pakistani think tank, Sustainable Development Policy Institute (SDPI), which reviewed more than 100 textbooks from grades 1 through 10 from Pakistan’s four provinces. Students and teachers from public schools and madrasas were also interviewed in Khyber Pakhtunkhwa province, Balochistan, Sindh, and Punjab.

Specifically, 37 middle and high schools were visited, with 277 students and teachers interviewed individually or in group settings. Researchers also interviewed 226 madrasa students and teachers from 19 madrassas.^{cdxcviii}

The study's findings show that social studies textbooks were rife with negative comments regarding India and Britain, but Hindus were singled out for particular criticism in the books, as well as in the interview responses. Hindus were repeatedly described as extremists and the eternal enemies of Islam. Moreover, Hindu culture and society were portrayed as unjust and cruel, while Islam was portrayed as just and peaceful.^{cdxcix}

The report also found that public school teachers were more favorably disposed towards "People of the Book" (i.e. Jews and Christians) "than they were toward the non-monotheistic traditions" (p. 15), implying Hinduism.⁶ Furthermore, it indicates that the curriculum and textbooks for grades 1-3 "often integrate Urdu, Social Studies, and Islamic Studies into one integrated textbook. A careful examination of the first grade textbook used for the integrated curriculum, titled *Meri Kitab*, or 'My Book,' which is compulsory for students, revealed that seven of the 16 total chapters contained Islamic sermons" (p. 41).^d

The study further notes, "Hindus are portrayed as enemies of Pakistan and Muslims in Urdu and Social and Pakistan Studies textbooks.... Hindus are often singled out as particularly inferior or evil" (p. 42).^{di} "Negative depictions of Hindus are manifested through both historical distortions and the framing of concepts through religious language that promotes the superiority of Islam over Hinduism..." (p. 44).^{dii} In addition, the majority of public school teachers expressed the opinion that religious minorities must not be allowed to hold positions of power, in order to protect Pakistan and Muslims (p. 56).^{diii} Even more dangerously, "all of the (public school) teachers believed the concept of jihad to refer to a violent struggle, compulsory for Muslims against the enemies of Islam. Approximately 90% mentioned only violent struggle when referring to jihad, while the remaining teachers extended the understanding of jihad to encompass both violent and nonviolent struggle.... It is important to note that while many expressed the importance of respecting the practices of religious minorities, simultaneously 80% of teachers viewed non-Muslims, in some form or another, as the "enemies of Islam" (p. 57).^{div}

⁶ This characterization of Hinduism as a non-monotheistic faith is simplistic and inaccurate and ignores the Hindu concept of "Brahman" – the supreme or cosmic consciousness.

Several previous studies on Pakistan's education system support the findings of the new USCIRF report. For example, the *Christian Science Monitor* cited a study managed by two British-Pakistanis, which found that social science and history textbooks contained "disturbing" themes such as "Pakistan is for Muslims alone," "[t]he world is collectively scheming against Pakistan and Islam," and "Muslims are urged to fight Jihad against the infidels." The study also said that textbooks portrayed Hinduism as an inherently iniquitous religion: devoid of equality.^{dv}

Similarly, a National Commission for Justice and Peace (NCJP) report found that: "Government-issued textbooks teach students that Hindus are backward and superstitious, and given a chance, they would assert their power over the weak, especially Muslims, depriving them of education by pouring molten lead in their ears..."^{dvi} The report added that students were taught that Islam brought peace, equality, and justice to the subcontinent, to check the sinister ways of Hindus. "In Pakistani textbooks Hindus rarely [appear] in a sentence without adjective[s] such as politically astute, sly or manipulative," the report concluded.^{dvii}

SDPI also showed that the education system contributed to the "culture of sectarianism, religious intolerance and violence." SDPI found that the current curriculum and textbooks were "impregnating young and impressionable minds with seeds of hatred" to serve a self-styled ideological straitjacket. It also noted that there existed "substantial distortion of the nature and significance of actual events in Pakistan's history; insensitivity to the existing religious diversity of the nation; promotion of perspectives that encourage prejudice, bigotry and discrimination towards fellow citizens, especially women and religious minorities and other nations; a glorification of war and the use of force; and incitement to militancy and violence, including encouragement of loaded concepts like jihad and martyrdom."^{dviii}

Even basic reference to minorities and their culture were removed from school textbooks. For instance, a paragraph describing the festivals of non-Muslims was removed from a chapter in an English language textbook.^{dix}

The following extracts (translated from Urdu to English) from government-sponsored textbooks approved by the National Curriculum Wing of the Federal Ministry of Education provide additional examples of the derogatory and inflammatory portrayal of Hinduism to the children of Pakistan:^{dx}

- Grade IV: "The Muslims of Pakistan provided all facilities to the Hindus and the Sikhs who left for India. But the Hindus and the Sikhs looted the Muslims in India

with both hands and they attacked their caravans, buses and railway trains. Therefore, about one million Muslims were martyred on their way to Pakistan... The Hindus treated the ancient population of the Indus Valley very badly. They set fire to their houses and butchered them...The religion of Hindus did not teach them good things, [and the] Hindus did not respect women.”

- Grade V: “The Hindu has always been an enemy of Islam.”
- Grade VI: “Before the Arab conquest the people were fed up with the teachings of Buddhists and Hindus...The Hindus who had always been opportunists cooperated with the British...The Hindus used to please the goddess Kali by slaughtering people of other religions...The Hindu setup was based on injustice and cruelty.”
- Grade VII: “Hindus always desired to crush the Muslims as a nation [and] several attempts were made by the Hindus to erase Muslim culture and civilization...Some Jewish tribes also lived in Arabia. They lent money to workers and peasants on high rates of interest and usurped their earnings. They held the whole society in their tight grip because of the ever-increasing compound interest.”
- Grade VIII: “Before Islam people lived in untold misery all over the world.”
- Grade IX: “In connivance with the (British) government the Hindus started communal riots and caused loss of life and property. At the time of prayers the Hindus tortured the Muslims by playing music in front of the mosques.”
- Grade IX – X: “One of the reasons of the downfall of the Muslims in the sub-continent was the lack of the spirit of jihad.”
- Grade X: “Islam gives a message of peace and brotherhood...There is no such concept in Hinduism.”

In addition to these negative and inflammatory depictions of Hinduism, several government run schools, particularly in Sindh, force Hindu students to take Islamic studies classes. Hindu students and other minorities are denied the opportunity to take classes in their own religions and often struggle in the Islamiyat courses. These schools include N.A. Bechar Government Primary School, also known as Syed Mahmood Shah Gazi and Sindh Madrasatul Islam School, in Karachi. Although the education board has

technically implemented an alternative ethics course, in reality the schools and teachers still force non-Muslim students to take the Islamiyat classes.^{dx1}

Violations of Constitution and International Law

Constitution of Pakistan

Articles 20, 21 and 22 of Pakistan's Constitution guarantee religious freedom and safeguards to its citizens.^{dxii} For example, Article 20 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."^{dxiii} However, Article 19 of the Constitution asserts: "Every citizen shall have the right to freedom of speech and expression, and there shall be freedom of the press, subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan," thus subordinating basic fundamental rights to the supremacy of Islam.^{dxiv} Consequently, despite the assurances provided in Articles 20-22, Article 19 establishes justification for the persecution of Hindus, Christians, and Ahmadiyyas, including the destruction and desecration of their places of worship and punishment under the blasphemy laws.

Article 25 of the Constitution maintains: "All citizens are equal before law and are entitled to equal protection of law...There shall be no discrimination on the basis of sex alone."^{dxv} Contrary to this constitutional guarantee of equal protection, women regularly face rape, honor killings, and domestic abuse without adequate protection from Pakistani laws. Moreover, they continue to face a myriad of inequalities in the judicial system, and will continue to do so, as long as the Hudood Ordinance remains in effect.

Article 35 mandates, "The State shall protect the marriage, the family, the mother and the child."^{dxvi} Article 36 states, "The State shall safeguard the legitimate rights and interests of minorities, including their due representation in the Federal and Provincial services."^{dxvii} In reality, however, neither the rights of families nor minorities are being protected by Pakistan; kidnappings and forced conversions of Hindu girls continue to occur at a high rate.

International Human Rights Law

The Government of Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR) on June 23, 2010. However, while doing so, the Government entered numerous reservations to the Covenant, making its implementation subject to numerous Islamic provisions in its Constitution. The reservations pertained to key provisions of the ICCPR, such as freedom of opinion, right to life and – importantly for the country’s democratic development – elections and participation in public affairs.^{dxviii} Despite its reservations, Pakistan is still bound by the principles enshrined in the ICCPR under customary international law.

Several of the Articles encompassed in the ICCPR have been repeatedly violated by Pakistan. For instance, Article 18 protects the basic “right to freedom of thought, conscience and religion.”^{dxix} The blasphemy laws and their application to minorities, clearly violate this article. Moreover, under Articles 26 and 27, religious minorities are guaranteed equality before the law and freedom of religion without discrimination.^{dx} Contrary to Articles 26 and 27, however, the Constitutional preference for Islam, religious identification laws, and depiction of Hinduism in school textbooks, all promote discrimination against Hindus. Additionally, the forced marriage of kidnapped Hindu girls to Muslims clearly contravenes Article 23(2), which states, “No marriage shall be entered into without the free and full consent of the intending spouses.”^{dxxi}

Other international covenants and human rights treaties are also relevant to the situation in Pakistan. For instance, the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, applies to Pakistan’s treatment of its religious minorities, particularly Hindus. The Declaration mandates that each person has the right to practice the religion of his/her choice and should not be subject to persecution based on his belief system.^{dxxi} The institutionalization of Islam by the government, however, has led to the social, economic, and political discrimination of Hindus and other religious groups. Moreover, contrary to the Declaration, Hindus have been subjected to violence, conversions, and other acts of intolerance at the hands of Muslim extremists with the active or inactive support of government officials.

Furthermore, the “Convention on the Elimination of All Forms of Discrimination against Women” requires the equal treatment of men and women before the law and calls for an end to discrimination against women in all aspects of life.^{dxxi} In addition, according to Article 4 of the Declaration on the Elimination of Violence against Women, “States

should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women.”^{dxxiv} The continued use of the Hudood Ordinance, abduction and conversion of Hindu girls and systematic oppression and violence against women are flagrant violations of these two conventions.

The Slavery Convention of 1926 strove to bring about “the complete abolition of slavery in all its forms.”^{dxv} Similarly, under the Abolition of Forced Labor Convention, countries are required to take all necessary steps to suppress and completely abolish the practice of debt bondage or any other type of “forced or compulsory labor.”^{dxvi} The Pakistani government has violated the tenets of both the Forced Labor Convention and the Slavery Convention of 1926 by failing to take adequate measures to end the bonded labor system. Although the practice was officially outlawed in 1992 through the Bonded Labor (Abolition) Act, government officials have refused to enforce it and are often complicit in allowing the practice to continue. Moreover, since debt bondage is the modern equivalent of slavery, Pakistan’s actions have also violated the Slavery Convention.

Regardless of whether Pakistan has signed or ratified all relevant human rights treaties, it is still bound by their provisions under customary international law. Customary international law holds nations accountable for the protection of basic universal human rights.

Conclusion and Recommendations

As in previous reports, we once again express serious concern over the Pakistani government’s continued failure to protect minorities and its complicity in perpetuating human rights violations. However, we realize that the present government is weak and therefore, unable to institute any real meaningful change without the consent of the military establishment. Nonetheless, the U.S. and the international community must continue to exert pressure on Pakistan to rescind its discriminatory laws, ensure equality for all its citizens, and protect minorities from rampant violence.

Unfortunately, America’s longterm support of Pakistan and the supply of billions of dollars in military aid have convinced Pakistan’s military leadership that it need not implement serious reforms or address human rights violations.^{dxvii} The U.S.

government has provided approximately \$18 billion in civilian and military aid to Pakistan since September 11, 2001. Of that, nearly \$5 billion was in civilian assistance to help rebuild Pakistan's civil society, reform education, and provide relief to the poor, women, and the marginalized. However, little of the money has been used for its intended purpose.^{dxviii} Additionally, much of the military aid has been redirected towards attempting to destabilize India.

Consequently, HAF recommends that the provision of any future military aid should be conditional on Pakistan ending all support for Islamic extremist groups and verifiable steps by the government to dismantle the terrorist infrastructure in the region. Furthermore, the Pakistani military must provide strict accounting for every dollar it receives, and it must not divert any funds to terrorist groups who seek to destabilize India. Civilian assistance to Pakistan should be contingent 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.

HAF further calls on the Government of Pakistan to take immediate steps for the protection of Hindus from rape, kidnapping, and forced conversions. In addition, the Pakistani government should institute changes to the education system, and textbooks that promote discrimination and glorify violent jihad should be discarded. Religious minorities must also be allowed to independently manage their own religious institutions and places of worship free from government interference, and representatives from the Hindu and Sikh communities should be given full control over the Evacuee Trust Property Board.

Finally, it is imperative that the Pakistani government create an independent human rights body and a minorities' commission to investigate and effectively address all forms of violence and discrimination against minorities. The current National Commission on Minorities has failed to protect the rights of minorities and is considered ineffective by human rights groups.

Democratic Socialist Republic of Sri Lanka



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Area: 65,610 square kilometers

Population: 21,283,913 (July 2011 estimate)⁷

Ethnic groups: Sinhalese 73.8%, Sri Lankan Moors 7.2%, Indian Tamil 4.6%, Sri Lankan Tamil 3.9%, other 0.5%, unspecified 10% (2001 census provisional data)

Religion: Buddhist 69.1%, Muslim 7.6%, Hindu 7.1%, Christian 6.2%, unspecified 10% (2001 census provisional data)

Languages: Sinhala (official/national language) 74%, Tamil (national language) 18%, other 8%. English is used in government and is spoken by about 10% of the population.

⁷ Note: Since the outbreak of hostilities between the government and armed Tamil separatists in the mid-1980s several hundred thousand Tamil civilians fled the island and more than 200,000 Tamils have sought refuge in Europe, the United States and Canada, Australia, and elsewhere.

Location: Southern Asia, island in the Indian Ocean, south of India ^{dxix}

Introduction

After decades of civil war and internal strife, on May 19, 2009, the Sri Lankan government declared an end to the civil war with the defeat of the Liberation Tigers of Tamil Eelam (LTTE) and the death of the LTTE leader, Velupillai Prabhakaran. The culmination of the conflict, however, left nearly 300,000 Tamil refugees in need of resettlement, as well as a number of other unresolved problems.

According to some sources, the government reportedly resettled more than 97 percent (approximately 270,000) of the displaced Tamil civilians to their places of origin in the Northeast by November 17, 2011 under the government's National Resettlement Strategy. Moreover, of the 11,500 LTTE soldiers who surrendered or were arrested at the end of the war, 8,500 have been rehabilitated and reintegrated, while roughly 3,000 accused of war-crimes remain under detention. ^{dxix}

On the other hand, many international observers and Sri Lankan Tamil groups allege that the government has delayed the reconciliation and resettlement process and has not been transparent in its actions. Similarly, the Tamil National Alliance (TNA), an umbrella organization for Tamil political parties, has accused the Government of attempting to alter the demographic profile of the northern and eastern parts of the country where ethnic Tamils are a majority. The Government, however, denied these allegations.

On October 24, 2011, the TNA filed a Fundamental Rights petition before the Supreme Court against the Government's move to register the lands in the North and East. ^{dxixi} Under the National Land Title Registration Program implemented by the Government in 2007, all the land in the country was to be surveyed and demarcated to ensure their ownership. Land-owners were instructed to inform the authorities following the receipt of a title certificate from the Government. The TNA, however, contended that the measure was only in operation in the North and the East (dominated by the Tamil minority) and not in other parts of the country. Consequently, TNA interpreted this move as an aggressive colonization process undertaken by the Government to dilute Tamil dominance in the North and the East. ^{dxixii}

Despite ongoing challenges, the government held elections for local bodies across the country, including the Tamil majority areas, in 2011. The TNA won in Sri Lanka's north

and east, while the rest of the country continued to back the ruling United People's Freedom Alliance (UPFA). The TNA won 18 of the 26 local bodies in the northern and eastern regions, leaving two seats to the Tamil United Liberation Front (TULF) and two to the UPFA constituent, the Eelam People's Democratic Party (EPDP).^{dxiii} And elections for the Northern Provincial Council (NPC) have not yet been held. According to the Government, NPC elections would commence after completion of the resettlement process.

In addition, towards the end of 2011, the Sri Lankan Parliament decided to set up a Parliamentary Select Committee (PSC), a 31-member quasi-judicial body comprising of 19 members nominated by the United People's Freedom Alliance (UPFA) and 12 by the Opposition, to formulate a political solution to the country's longstanding ethnic issues.^{dxiv} The PSC will have a difficult task ahead of it due to the nature and complexity of the ethnic conflict and the mutual suspicion that exists between the Tamil and Sinhalese communities.

Sri Lankan President Mahinda Rajapaksa also established the Lessons Learnt and Reconciliation Commission (LLRC) in May 2010 to inquire into the civil war and provide recommendations for healing and peace building.^{dxv} The Commission's report confirmed a key fact — that there were “considerable” civilian casualties in the final stages of the military operation that ended in the defeat of the LTTE. This acknowledgement was the first step in the reconciliation process since the Sri Lankan government had previously insisted that there were “zero civilian casualties,” a claim that had been met with anger by ethnic Tamils and skepticism from the international community.

The LLRC, however, avoided the more difficult task of assessing responsibility for these casualties wherever it appeared the Sri Lankan Army was at fault, citing a lack of evidence. “The report is a valuable document, but regarding the war's terrible final weeks, it is largely an apologia for the army. The commission admits only that ‘civilian casualties had in fact occurred in the course of cross-fire,’ and blames the Tigers for most of them,” said The New York Times.^{dxvi}

Independent of Sri Lanka's internal inquiries, the United Nations and other international bodies have conducted their own investigations into the conflict. For instance, a three-member Panel of Experts, headed by Marzuki Darusman, was appointed by UN Secretary-General Ban Ki-moon in 2010 to advise him on human rights and humanitarian law violations during the last phase of the civil war.^{dxvii} The Darusman

Panel submitted its report on April 12, 2011, accusing both the LTTE and the Sri Lankan Army of committing war-crimes. The panel found that there were “credible allegations” of serious violations of international law.^{dxviii} Ban Ki-moon, however, said that he could not order an international investigation into the deaths but would hold an inquiry into the events in the final months of the war.^{dxix} The Panel of Experts’ report was dismissed by many in Sri Lanka as biased and partisan.^{dxl}

Furthermore, according to the International Crisis Group, “[There are] reasonable grounds to believe the Sri Lankan security forces committed war crimes with top government and military leaders potentially responsible. There is evidence of war crimes committed by the LTTE and its leaders as well, but most of them were killed and will never face justice.”^{dxli} The Crisis Group argued that the destruction of the LTTE came at the cost of “immense civilian suffering and an acute challenge to the laws of war.”^{dxlii} Consequently, they called for an international inquiry into the intentional shelling of civilians, hospitals, and humanitarian operations by the Sri Lankan security forces. At the same time, they have urged an examination into the intentional shooting of civilians and the intentional infliction of suffering on civilians by the LTTE. Finally, the Crisis Group lamented the possibility that other countries may be considering “the Sri Lankan option” – unrestrained military action, refusal to negotiate, and disregard for humanitarian issues – as a way to effectively deal with insurgencies and other violent groups.^{dxliii}

Despite the end of the hostilities, a large group of LTTE sympathizers around the world continue to make strident allegations against the Sri Lankan government as well as raise funds for suspect activities.^{dxliv} Sri Lankan politicians, military officers, diplomats and intellectuals have emphasized the clandestine agenda of LTTE elements and the continued potential threat they constitute to Sri Lanka. On August 1, 2011, the Sri Lankan Government updated a request to the European Union (EU) to list front organizations of the LTTE as terrorist entities. The EU also re-listed the LTTE as a terrorist entity through a regulation implemented by the Council on July 18, 2011.

According to reports, individuals arrested by European and other international authorities in 2010 and 2011 were found to be members of LTTE-affiliated groups such as the Tamil Coordinating Committee (TCC), the Tamil Rehabilitation Organization (TRO), and the Tamil Youth Organization (TYO).^{dxlv} For instance, on May 21, 2011, a Norway-based leader of the LTTE, Perinpanayagam Sivaparan *alias* Nediyan, was arrested by the Dutch Police and produced in a court in Oslo, Norway.^{dxlvi} A Dutch court also convicted and sentenced five LTTE supporters of extorting money from other Dutch

Tamils. They were charged with financing the LTTE's terrorist activities and for blackmailing and threatening the Sri Lankan Tamil diaspora in Holland.^{dxlvii}

A report released by the US Department of State on August 18, 2011, claimed that overseas cadres of LTTE continue to procure weapons, while the LTTE's supporters in the diaspora remained persistent in supporting the organization financially. It alleged that, despite its military defeat in Sri Lanka at the hands of Government Forces, the LTTE's international network of financial support continue to exist.^{dxlviii} This assessment was reinforced by the International Crisis Group, which stated, "[M]ost Tamils abroad remain profoundly committed to Tamil Eelam, the existence of a separate state in Sri Lanka."^{dxlix} However, there is now a divide between the diaspora Sri Lankan Tamils and the Tamils who continue to live in Sri Lanka. The Crisis Group's report concludes that the gap between the diaspora and Tamils in Sri Lanka has widened: "Most in the country are exhausted by decades of war and are more concerned with rebuilding their lives under difficult circumstances than in continuing the struggle for an independent state. There is no popular support for a return to armed struggle."^{dl}

Given the enduring complexity of the situation, only a combination of meaningful and substantive actions by the Sinhala political leaders in Sri Lanka, and careful, non-partisan support from international agencies and actors can pave the way for a truly multi-ethnic, multi-party democracy in Sri Lanka.

History/Background

The ethnic Sinhalese arrived in Sri Lanka in the sixth century BCE, probably from northern India. Buddhism was introduced around the mid-third century BCE, and a great civilization developed at the cities of Anuradhapura (from circa 200 BCE to circa 1000 CE) and Polonnaruwa (from about 1070 to 1200 CE). The original inhabitants of the island were believed to be the aboriginal Veddahs. The Sinhalese believe they are descendants of King Vijaya who came from eastern India with a small army, conquered the island, and settled there around the 6th century BCE.

Between 237 BCE to 1070 CE, Sri Lankan Buddhists and various Indian kings, mainly Tamils, fought for control of the nation, with Indian kings and Hinduism dominating the period. King Vijayabahu drove the Cholas, a south Indian Hindu dynasty, out of Sri Lanka and reestablished the preeminence of Buddhism on the island. Subsequently, it became mandatory for the Sinhalese king to be a Buddhist. Later the country was divided and

ruled by separate kings, including a Tamil kingdom in the north, until the Europeans conquered the island.^{dli}

Occupied by the Portuguese in the 16th century and by the Dutch in the 17th century, the island was ceded to the British in 1796, became a crown colony in 1802, and was united under British rule by 1815. The Europeans established tea, coffee, sugar, cinnamon, rubber, and indigo plantations on the island, and the British brought nearly one million Tamil laborers from India to work in the tea plantations.

In the 1900s, the Ceylonese started a struggle for independence from the ruling British and won its independence on February 4, 1948. In 1970, the country's name was changed to Sri Lanka and it became a republic in 1972. Tensions between the Sinhalese majority and Tamil separatists in northern Sri Lanka erupted into war in 1983.

The violent conflict between the Sinhala-majority government and Tamil terrorist groups was not a religious conflict per se, but rather a deeply complex problem involving a combination of historical, geographical, ethnic, linguistic, and religious factors. For example, the LTTE, the primary Tamil militant organization, did not identify itself as a religious-based organization.

The LTTE fought for an independent state (Tamil Eelam) in the north and east regions of the island. A cease-fire was declared by both parties in December 2001. Norwegian-brokered peace talks led to a ceasefire agreement between the government and Tamil rebels in late 2002, but both the government and Tamil rebels violated the truce. Renewed hostilities broke out again in late 2005 with increased intensity. Both sides claimed that they were willing to abide by the ceasefire agreement, eventually leading to a settlement.

The Sri Lankan government ended its truce with the LTTE on January 2, 2008, causing great concern among international arbiters. 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 has left hundreds of thousands of civilians, primarily Tamils, displaced from their homes, while more than 100,000 were forced to flee in March 2007 alone.^{dlii} The 300,000 refugees at the end of the final battle in 2009 were put in military camps that some termed "internment camps," although the Sri Lanka government claimed they were refugee camps.^{dliii} Throughout the years, both parties committed extrajudicial killings, abductions, participated in communal violence, and intentionally attacked civilians.^{dliiv}

Sinhala-Tamil Divide

The island's population is approximately 74% Sinhalese and about 8% Tamils. 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 area of about 7,500 square miles. The Sinhalese majority are Buddhist, while most Tamils are Hindus, with Christian and Muslim minorities.

By 1948, there were more English-language schools in the Tamil-dominated Jaffna city than in the rest of the island. A disproportionate number of Tamils occupied positions of prominence in post-independence Sri Lanka, such as doctors and lawyers in the civil service. This led to Sinhalese resentment and a perception that the British gave preferential treatment to the Tamils.^{dlv}

Sinhala Buddhist revivalism and nationalism had its origin in the late 19th and early 20th centuries. Even before Sri Lanka became independent, Buddhist activists and ideologues -- monks and laypersons, educators, and politicians -- accused the British of “betraying” Buddhism and spoke of a need to restore Buddhism to its rightful place in the life and governance of the country.^{dlvi} Sinhala Buddhist revivalism and nationalism was supported by and served the interests of a rising Sinhala Buddhist middle class and businessmen, some of whom were implicated in the anti-Muslim riots of 1915, which were directed against Muslim shopkeepers and businessmen.^{dlvii}

The Jaffna Association (JA) was the only political organization of Jaffna Tamils. They wanted self-determination for Tamils in the north and east of the island. The JA was involved directly in much of Jaffna’s social and economic development and Tamil political aspirations. In 1915, the British agreed to nominate a JA leader as the Tamil member of the Legislative Council. In 1919, the Ceylon National Congress (CNC) was formed for obtaining greater autonomy for the people.

Initially the JA wanted to negotiate separately with the British to protect minority rights. However, Sir P. Arunachalam, a good friend of JA leaders, persuaded Tamils to forge a united front with the Sinhalese to achieve more authority for the entire island. The Sinhalese assured the Tamils of an agreed number of conditions, including a separate Tamil nation, or Tamil Eelam, but ultimately, they refused to keep their promises. This led to a feeling of disillusionment and betrayal among the Tamil Leadership, and in 1921, the Tamils formed the Tamil Mahajana Sabham (TMS).

Ceylon won its independence from the British in 1948.^{dlviii} When the British departed, power was transferred to the Sinhala majority, although Tamil leaders were in the forefront of the freedom movement. In 1949, the government of D.S. Senanayake passed legislation that stripped the citizenship of a sizable number of Tamil descendants of plantation laborers from India, leaving them stateless. This reduced the Tamil voting power in Parliament from 33% to 20%. Furthermore, in 1962 and again in 1965, several hundred thousands of Tamils who worked in the estates were expelled by the Sri Lankan government. Many of these Tamils were not granted full citizenship rights until 2003.^{dlxix}

Successive governments pursued resettlement policies, bringing Sinhalese from the south and settling them into Tamil areas in the north and east. This became a further source of tension between Sinhalese, Tamil, and Muslim communities. The Trincomalee district was colonized by the Sinhalese with the help of the government in 1948, and again in the 1950s and 1960s. The Sinhalese population grew from 4.4% in 1946 to 29.1% in 1981. There was an official plan in the mid-1980s to settle 30,000 Sinhalese in the Northern Province, giving each settler land and funds to build a house. Each community was armed with rifles and machine guns for protection. And in the 1990s, Tamils were driven out from Welis Oya, or Manal Aru, in the Northern Province, while the Sinhalese settled there under the protection of the Special Task Force.^{dlx}

The Sinhala majority government continued to pursue discriminatory policies, including the Sinhala Only Act of 1956 that replaced the official language from English to Sinhala and excluded Tamil. As a result, countless Tamils serving in government employment, who were well versed in English but not in Sinhalese, became unemployed. In practice, the business of government continues to be carried out in English, though the Sinhalese version is preferred.^{dlxi}

While the Sinhala Only Act passed in 1956, Prime Minister Bandaranaike worked with the Tamil Federal Party Chief Chelvanayakam to make Tamil the administrative language in the Tamil-speaking north and east regions through the Bandaranaike-Chelvanayakam Pact of 1957. However, Bandaranaike reneged under pressure from Sinhalese nationalists. The Federal Party politicians launched a peaceful protest against this decision and planned to hold a convention in Vavuniya. To disrupt the convention, on May 22, 1958, Sinhalese mobs attacked the convention participants traveling by trains.

In response to the attacks by Sinhalese extremists, Tamils rioted in the east and killed 56 Sinhalese fishermen. Moreover, in Jaffna, the Buddhist Naga Vihara temple was destroyed, and some Sinhalese owned businesses were burned. Overall, the 1958 riots

led to between 150 and 200 Tamil deaths, with thousands more assaulted. The violence also resulted in the looting of Tamil owned properties and the displacement of more than 25,000 Tamil refugees, who were relocated to the north.^{dlxii}

In 1970, the government began to suppress Tamil culture by banning the importation of Tamil language films, books, magazines, and journals from India. Additionally, Tamil political organizations, such as the Dravida Munnetra Kazhagam (DMK) and the Tamil Youth League (TYL), were banned. Foreign exchange programs for Tamil students going to Indian universities were stopped and external degree programs, including those of London University, were abolished.^{dlxiii} The official name of the country was also changed from Ceylon to Sri Lanka, which had Sinhalese origins. All of these steps alienated large segments of the Tamil population.

The idea of a separate nation -- Tamil Eelam -- emerged in 1972 with the formation of the Tamil United Liberation Front (TULF). TULF, however, was prohibited from contesting parliamentary elections.

Tamils continued to be targeted by Sinhalese extremists, and between May 31 and June 2, 1981, a Sinhalese mob went on a rampage, burning the market area of Jaffna, the office of a Tamil newspaper, the home of the Member of Parliament from Jaffna, and the Jaffna Public Library, and killing four people. The destruction of the Jaffna Public Library was the incident that appeared to cause the most distress to the people of Jaffna, as it was South Asia's largest library at the time. The 95,000 volumes in the Public Library destroyed by the fire included numerous culturally important and irreplaceable manuscripts. In 1991, the then president of Sri Lanka publicly admitted that his party members, Lalith Athulathmudali and Gamini Dissanayake, were directly involved in the burning of the library.^{dlxiv}

The next significant event was the "Black July" riots, which began after the failure of 25 years of negotiations for autonomy for Tamil speaking areas under a federal framework. Starting on July 23, 1983, the riots led to the killing of between 1,000 and 3,000 Tamils. More than 18,000 homes and numerous commercial establishments were destroyed and hundreds of thousands of Tamils fled the country to India, Europe, Australia, and Canada. The widespread violence led thousands of Tamil youths to join various Tamil militant groups, including the LTTE.

Many young Tamils favored using violent means to achieve their ends and in 1972, the Tamil New Tigers (TNT) was founded, led by Velupillai Prabhakaran. The TNT was

responsible for several high profile assassinations in 1975, including Alfred Duraipappah, the Mayor of Jaffna, as well as some police officials. They committed bank robberies to fund their activities. In 1976, TNT joined the Subramaniam group to form the Liberation Tigers of Tamil Eelam (LTTE), also known as the Tamil Tigers, which was later joined by Anton Balasingham. On July 23, 1983, LTTE ambushed and killed 13 government soldiers in Jaffna. Two days later, on July 25, the 13 soldiers were to be buried in Colombo. Sinhalese civilians, who had gathered at the cemetery, started killing Tamils and looting and burning property. The violence, directed against Tamils in Colombo, soon spread throughout the country. Initially, 20,000 Tamils in Colombo became displaced and the figure gradually rose to 50,000.^{dlxv}

Over the next 25 years, there would be many more casualties, ceasefires, undermined ceasefires, one failed peacekeeping mission during the Rajiv Gandhi-led Government of India, and the introduction of suicide bombings as a lethal weapon for the first time in modern history. A suicide mission allegedly by an LTTE sympathizer took the life of Indian Prime Minister Rajiv Gandhi in 1985. The violence escalated in 2009 with the final military offensive by the Sri Lankan military, leading to the death of the LTTE leader, the final capitulation and decimation of the LTTE, and the internment of nearly 300,000 Tamils in "refugee camps" awaiting resettlement.

Status of Human Rights, 2011

Religious Freedom

The Constitution accords Buddhism the "foremost place" and commits the Government to protecting it, but does not recognize it as the state religion. The Constitution also provides for the right of members of other religious groups to practice freely their religious beliefs.^{dlxvi} However, by affording Buddhism a special place in the Constitution, it relegates other religions to an inferior status and demonstrates government preference for one religion over others.

Most members of the majority Sinhala community are Theravada Buddhists, while the Tamil community is predominantly Hindu. The Muslim population is primarily Sunnis, but there is a small minority of Shi'a, including members of the Bohra community. Almost 80% of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in a number of cities. Moreover, Evangelical Christian groups have grown in recent years. The Ministry of Religious Affairs has four

departments that deal specifically with Buddhist, Hindu, Muslim, and Christian affairs.^{dlxvii}

Religious freedom in Sri Lanka has long been an issue of contention and it is often difficult to differentiate between religious and ethnic discrimination since the two are frequently intertwined. Nonetheless, a number of Hindu temples and religious institutions have been targeted and destroyed during the course of the civil war. According to past statistics, for instance, by 1992 over 1,700 Hindu temples had been destroyed in the conflict.^{dlxviii} And since then, many more have been destroyed. Moreover, reports indicate that in the final days of fighting in April and May 2009, the LTTE located artillery pieces next to religious facilities and the army fired heavy weapons at the same sites, often while they were in use as shelters for civilians.

There were also a number of allegations of attacks against churches and evangelicals in 2009, and the Sri Lanka government pursued anti-conversion legislation, first introduced in Parliament in 2004.

General Violence and Repression

As noted above, the conflict between the Sri Lankan military forces and the LTTE involved war crimes by both sides and resulted in thousands of deaths, refugees, and the destruction of religious institutions. 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. The pro-government militias, for instance, were allowed to operate freely in areas controlled by government forces and the Sri Lankan army often actively assisted them in kidnapping young boys.^{dlxix}

On October 3, 2008, former U.S. President George W. Bush signed a law allowing members of military forces and armed groups who recruit child soldiers to be arrested and prosecuted. The Child Soldiers Accountability Act made it a federal crime to recruit any person under the age of 15 and allowed the government to take action against violators who are on U.S. soil, even if the violations occurred outside of the United States.^{dlxx} In late 2008, the Sri Lankan government, United Nations Children's Education Fund, and Tamil Makkal Viduthalai Puligal (TMVP), a splinter group that defected from the LTTE, entered into an agreement that forced the TMVP to cease recruiting child soldiers. The agreement set forth a timetable to enable the release of all children who

were training as soldiers with the TMVP.^{dlxxi} According to the BBC, the TMVP had 133 identifiable children among its forces as of October 2008.^{dlxxii}

The recruitment of child soldiers, forced abductions, and disappearances at the hands of security forces and pro-government militias has reduced drastically after the end of the war, although there are still some reported cases of disappearances and abductions.

The government has continued to harass, intimidate, and shut down news websites and other media organizations critical of its policies. Many journalists claim they are subject to threats and intimidation from unknown sources.^{dlxxiii} The Lanka e-News offices, for instance, were set on fire by unidentified attackers in January 2011.^{dlxxiv} And in March, the editor of Lanka-e-News, Bennett Rupasinghe, was arrested by the police. Journalists believe that the arrest was intended to intimidate independent journalists.^{dlxxv} In addition, Gnanasundaram Kuhanathan, news editor of the Tamil-language daily Uthayan, was attacked by a group of men wielding iron bars near his home. At least four journalists working for the Uthayan newspaper have been killed since May 2006 because of its alleged pro-nationalist Tamil stance.^{dlxxvi}

Numerous websites, including Lanka e-News, have also been blocked by internet service providers following government orders. Moreover, a Lanka-e-News cartoonist, Prageeth Eknaligoda, has been missing since January 24, 2010 - two days before the presidential polls in Sri Lanka. Eknaligoda purportedly supported the candidacy of presidential challenger and former army chief, General Fonseka. According to recent news reports, Eknaligoda's body was dumped in the sea by men hired by the Sri Lankan Defence Secretary and close to Member of Parliament Duminda Silva.^{dlxxvii}

The government has further tried to suppress political opponents. For example, supporters of General Fonseka have been harassed, intimidated, and attacked by government forces.^{dlxxviii} After Fonseka challenged President Mahinda Rajapaksa in a presidential election and lost, he was arrested on a variety of charges. A court in Sri Lanka jailed the former army chief in November 2011 for three years for implicating the government in war crimes. The court ruled that he lent credence to allegations that the defence secretary ordered Tamil Tigers to be killed as they tried to surrender in May 2009.^{dlxxix}

There have also been reports of a renewed break down in law and order in Jaffna, in the northern region of country, in January 2011.^{dlxxx}

Violations of Constitution and International Law

Constitution of Sri Lanka

The Constitution of Sri Lanka declares that the country is a “democratic socialist republic” and provides Buddhism “the foremost place,” while assuring “all religions the rights granted by Articles 10 and 14 (1)(e).”^{dlxxxix} Article 10 provides “freedom of thought, conscience and religion” to every individual, and Article 14 (1)(e) provides every citizen the freedom “to manifest his religion or belief in worship, observance, practice or teaching.”^{dlxxxii} Additionally, Article 14 entitles citizens to freedom of speech, peaceful assembly and association, as well as the freedom “to enjoy and promote his own culture and to use his own language.”^{dlxxxiii} The Constitution further guarantees equality before the law and bars discrimination based on race, religion, caste, or language. The government’s attacks on Tamil civilians, the forced relocation of Tamil refugees during the war, and discrimination against Tamil culture and language have violated Sri Lanka’s obligations under its constitution. Furthermore, the ongoing suppression of political dissent and free speech violates Article 14.

International Human Rights Law

Sri Lanka has not upheld its responsibilities under human rights law, although it is party to the UN’s International Covenant on Civil and Political Rights (ICCPR) and the UN’s International Convention on the Elimination of All Forms of Racial Discrimination. The government’s systematic persecution of its Tamil and Hindu minority specifically violates Article 18 of ICCPR, which protects the basic “right to freedom of thought, conscience and religion,” and Articles 26 and 27 where religious minorities are guaranteed equality before the law and freedom of religion without discrimination.

Furthermore, the conduct of the government and rebel groups during the ongoing civil war, where large numbers of civilians and primarily Tamils/Hindus have been killed or displaced, violate all basic standards of human rights law.

Conclusion and Recommendations

It is important to reiterate that the conflict between the Sri Lankan government and the LTTE was not a religious dispute, but rather a highly complex and multi-dimensional issue, requiring international intervention and mediation to resolve.

Both the government and the LTTE were responsible for widespread human rights abuses and did little to alleviate the plight of ordinary civilians. Consequently, HAF calls on the Sri Lankan government to make serious efforts to protect the rights of its minorities, particularly Hindu Tamils, who now have to be resettled. Religious persecution and ethnic discrimination has to stop. Furthermore, it is incumbent upon the government to allow aid workers and international agencies to assist in the rehabilitation and resettling of displaced Tamils.

It is also critical to establish a truly independent war crimes tribunal to inquire into the abuses committed by the Sri Lankan armed forces. Moreover, the government has to act on the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC). The LLRC has recognized that Sri Lanka is suffering “from a crisis of institutionalized impunity for human rights violations by state forces and those working in collaboration with the state” and it is therefore incumbent on the government to vigorously and transparently commit itself to bringing about the required changes in its functioning.^{dlxxxiv} LLRC’s recommendations that the government investigate and hold to account those responsible for abductions, disappearances, and attacks on journalists – including those committed by armed pro-government Tamil parties should also be pursued.

Now that the LTTE has been defeated and the civil war has come to an end, the Sri Lankan government should immediately begin setting up mechanisms that will decide the formation of autonomously governed regional states within a larger federal framework to prevent a resurgence of violence. Without an adequate power-sharing agreement and addressing Tamil grievances, experts warn that a military victory will not bring lasting peace.^{dlxxxv}

It is also important, indeed necessary, that the Tamil Diaspora 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. Without such a commitment, there will be a tendency to continue the old battles and undermine peace efforts. The Diaspora had a major role in fundraising for the Tamil Tigers, including extortion and blackmail of donors.^{dlxxxvi} Such activities must end, and serious efforts have to be made to engage constructively in the political and civic life of Sri Lanka.

Finally, HAF concurs with the call of the International Crisis Group that urges Sri Lanka to do the following:^{dlxxxvii}

1. "Cooperate fully with international efforts to investigate alleged war crimes, including a UN-mandated international inquiry, guaranteeing free access to the conflict area and effective protection of witnesses."
2. "Try LTTE cadres suspected of war crimes in open court, allowing them and witnesses against them full protections required by international law and permitting international oversight, or release them if there is insufficient evidence."
3. "Invite the UN special rapporteurs on extrajudicial executions, torture, violence against women, the right to food, the right to health, the protection of human rights while countering terrorism, and the situation of human rights defenders, and the special representatives on the human rights of internally displaced persons (IDPs) and on children and armed conflict, to visit Sri Lanka to investigate the conduct of the last year of hostilities."
4. "Compile, with the assistance of the ICRC and/or the UN High Commissioner for Human Rights, a full and public register of those killed, wounded and missing from the final months of the war, including the circumstances of their death, injury or disappearance; and issue death certificates and provide financial compensation for civilians killed or wounded and for property destroyed or damaged."
5. "Provide ICRC with full access to all places of detention, including where LTTE suspects or surrendees are being held, and allow detained individuals full protections under international law."

Republic of Trinidad and Tobago



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Area: 5,128 square kilometers

Population: 1,227,505 (July 2011 estimate)

Religions: Roman Catholic 26%, Hindu 22.5%, Anglican 7.8%, Baptist 7.2%, Pentecostal 6.8%, Muslim 5.8%, Seventh Day Adventist 4%, other Christian 5.8%, other 10.8%, unspecified 1.4%, none 1.9% (2000 census). Almost all Hindus are of Indian descent.

Ethnic groups: Indian (South Asian) 40%, African 37.5%, mixed 20.5%, other 1.2%, unspecified 0.8% (2000 census)

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^{dlxxxviii}

Introduction

In 2010, Kamla Persad-Bissessar, who is of Indian and Hindu descent, became Trinidad and Tobago's first female Prime Minister. She heads the People's Partnership (PP), a

five-party coalition that came to power in May 2010 after defeating Patrick Manning and the People's National Movement (PNM). In the 2010 elections, the People's Partnership won 29 seats and the PNM 12. During the PNM regime Trinidad and Tobago experienced high rates of crime and public corruption.^{dlxxxix}

The PNM had previously ruled the country for five decades and drew its main base of support from citizens of African origin. Upon coming into office, the new Prime Minister declared that she would make the country a successful multicultural society. And Bissessar has 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. In contrast, the prior ruling PNM had largely marginalized Hindus and Indians from positions in the government. Moreover, Bissessar's People's Partnership won the elections by attracting voters from across the ethnic and racial divide.

Under previous governments, citizens of Indian and Hindu descent faced widespread discrimination, economic and political marginalization, and were disproportionately targeted for physical violence and harassment.^{dxcc} In July 2009, opposition Member of Parliament, Tim Gopeesingh, accused the PNM government of carrying out a policy of political discrimination, that was specifically targeting Indo-Trinidadians.^{dxci} Similarly, the Indo-Trinbago Equality Council (ITEC) claimed that there was systematic discrimination against Indo-Trinidadians in the areas of nursing, state housing, military, police, public service, and elsewhere. According to Devant Maharaj of the ITEC, the only field where Indo-Trinidadians were overrepresented was in the medical profession (as doctors) because the field was based on merit and education.^{dxcii}

A recent report further supports the contention that Indo-Trinidadians were underrepresented in most professions and government positions, despite comprising nearly 40% of the population. The report traces the unequal rates of employment opportunities and representation in various areas over several years. It refers to a study from 1970 that showed that: "[O]f the 100 employees of the Central Bank of Trinidad and Tobago, 84 were Afro-Trinidadians, 10 were Indo-Trinidadians, 3 were of Chinese descent, 2 were of Portuguese descent, and 1 was white."^{dxciiii} This unequal employment situation was further evident in 1989, when statistics showed that of the total number of persons employed in all government organizations, 29% were Indo-Trinidadians. In the police force, Regiment of the Defense Force, Coast Guard, and Port Authority, respectively, the percentage of Indo-Trinidadians was 25%, 5%, 16%, and 6% respectively. At that time, census data indicated that Indo-Trinidadians made up 40.3%

of the country's population, while Afro-Trinidadians comprised 39.6%, thereby demonstrating the wide disparities.^{dxciiv} The report further found that Indo-Trinidadians reached and surpassed the equity ratio in the areas of medicine and finance, “but that the criteria for employment and advancement in these two areas was clearly technical skill,” supporting the claims of the ITEC.^{dxcv}

There was also pervasive racial tension between the Indian and Afro-Caribbean communities.⁸ Moreover, Hindus faced restrictions on religious freedom, state preference for Christianity, and inequitable funding of religious activities in comparison to Christians. As an example of the previous government’s institutionalized preference for Christianity, former High Court judge Herbert Volney reportedly claimed that a judge “must know [his] benediction and must be known for [his] piety,” in order to ascend to the Court of Appeal.^{dxcvii} Incidentally, Judge Volney is now the Minister of Justice in the Bissessar Cabinet.^{dxcvii}

Consequently, the election of Bissessar brought optimism and hope for the ethnic Indian and Hindu communities and expectations of a new socio-cultural-political dynamic. In a symbolic and significant gesture, the new leadership gave TT \$1 million for the celebration of the Hindu festival, Diwali, which costs nearly TT \$15 million. On the other hand, the previous PNM government had provided only TT \$10,000.^{dxcviii} As the new Attorney General Anand Ramlogan stated: “People think of Trinidad as a predominantly African country...We want to rectify this mis-perception. The majority is of Indian descent.”^{dxciix} Previously there was “discrimination manifest in subtle ways,” he said, one of which was the allocation of state funding.^{dc}

However, the new Prime Minister must also ensure that in redressing previous grievances, her government does not discriminate against non-Indians and/or non-Hindus. Thus far, it appears that Bissessar has not shown state preference for Indians and Hindus and has created an inclusive government.

Nonetheless, there still remains a high level of mistrust and mutual suspicion between the Indian/Hindu and Afro-Caribbean communities. For example, a recent article by Professor Selwyn Cudjoe, one of Trinidad and Tobago’s well-known writers, seems to reflect the continued ambivalence, if not outright hostility to the citizens of Indian

⁸ In Trinidad and Tobago, it is often difficult to determine whether acts of discrimination or violence are ethnically or religiously based, or some combination of the two. Therefore, although this report attempts to avoid conflating religion and ethnicity, the terms Hindu and Indian are often used interchangeably or in conjunction with one another, given that the majority of the country’s Indians are also Hindu.

descent in the country. In the article, entitled “Hindu ethics and morality,” Cudjoe questions Hindu morality and ethics itself and effectively instigates ethnic Africans against Indians/Hindus. He writes: “Speak to any non-Indian in Trinidad and Tobago and one is asked the same question: What dese Indians want? It may be an unfair question, a paranoid response, or just the reflection of feelings of anxiety. Yet, there lingers in the minds of many non-Indians that there can be no pleasing Indians in Trinidad and Tobago. Do they yearn for equality or do they seek dominance?”^{dc1}

Similarly, at the Emancipation Day dinner in 2009, acknowledging the arrival and slavery of people of African descent, Professor Cudjoe warned of “turbulent times” for people of African origin “because they are now a minority in this country... If ethnic trends in voting continue, it is likely that in the next ten years we might see that same pattern that has emerged in Guyana in which the dominant group will hold power in perpetuity.”^{dcii} And in 2006, he claimed, “[A]ll the turmoil that we see in our society today not only represents a relentless struggle on the part of the East Indians to dominate the society; it also suggests that the agents of their group are prepared to utilise any means—be they legal, political, academic or religious—to achieve ethnic dominance.”^{dciii} Professor Cudjoe’s inflammatory rhetoric continues to exacerbate tensions between Trinidad and Tobago’s two largest communities and ignores the widespread discrimination ethnic Indians and Hindus have encountered for several decades.

After the PP’s election in 2010, there have been indications that the country is still plagued by violent crime, with accusations of corruption, and the mishandling of certain top government appointments.^{dciv} In August 2011, Bissessar declared a state of emergency in an attempt to deal with the surge in violent gang-related activity. In the two months after the emergency was declared, more than 7,000 people were arrested, and large quantities of drugs and weapons were seized.^{dcv} Subsequently, in November, Bissessar alleged that the police had thwarted an assassination attempt on her and members of her cabinet by “criminal elements” in an apparent reprisal against her Government’s declaration of a state of emergency.^{dcvi}

History/Background^{dcvii}

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. Trinidad is the larger and more populous of the main islands; Tobago is much smaller, comprising about 6% of the total area and 4% of the population.

Originally settled by Amerindians of South American origin at least 7,000 years ago, Trinidad and Tobago was occupied by Arawakan-speaking and Cariban-speaking peoples at the time of European contact in 1498. A history of slavery and indentured labor has left the country with a population of African, Indian, European, Middle Eastern, Chinese, and mixed-race descent. All these groups have left a significant impact on the country's national culture.

Britain consolidated its hold on both islands during the Napoleonic Wars and combined them into the colony of Trinidad and Tobago in 1899. As a result of these colonial struggles, Amerindian, Spanish, French, and English influence are all common in the country. Subsequently, African slaves and Chinese, Portuguese, Indian, and free African indentured laborers arrived to supply labor in the 19th and early 20th centuries. Emigration from Barbados and Lesser Antilles, Venezuela, Syria, and Lebanon also affected the ethnic makeup of the country. Trinidad and Tobago elected for independence in 1962. And in 1976, the country severed its links with the British monarchy and became a republic within the Commonwealth.

Trinidad and Tobago is a democratic republic. The Head of State is the President and the Head of Government is the Prime Minister. The President is elected by an electoral college consisting of the full membership of both houses of Parliament, while the Prime Minister is appointed by the President.

Political parties are generally divided along ethnic lines, with the People's National Movement (PNM) supported primarily by Africans and the United National Congress (UNC) drawing its constituency largely from Indians. In the recent past, there have been three elections in three years contested by these two main, ethnic-based parties. However, support for political parties is not completely polarized along racial lines. In the most recent elections, for example, the PNM fielded Indian candidates for election, while the main financial benefactor of the UNC is an Afro-Trinidadian. The PNM has dominated politics in Trinidad and Tobago for much of the country's post independence history.

Dr. Eric Williams, the country's first Prime Minister and a member of the PNM, referred to Indians as the "recalcitrant minority." The racial and religious animosity between ethnic Africans (primarily Christian) and Indo-Caribbeans (mostly Hindu) was exacerbated over the years and manifested particularly in the media and government. Prominent Hindu leader and Secretary General of the Hindu Maha Sabha, Satnarayan Maharaj, stated in 2006: "This year marks 50 years since Trinidad and Tobago attained

the right to internal self-government (1956-2006). Out of this 50-year period an Indian-based political party held power for six years. The People's National Movement (PNM) ruled for 30 consecutive years without appointing a single Hindu as a government minister. The cry of rural neglect, alienation, marginalization and discrimination affected the political psychology of Indians as they lost hope of ever winning a general election.^{dcviii}

Maharaj goes on to point out that despite the PNM being in political office since 1956, Afro-Trinidadians continued to agitate for affirmative action and preferential treatment.

Furthermore, according to the book, *The Indian Struggle for Justice and Equality against Black Racism in Trinidad and Tobago (1956-1962)*, "The 1956 election was won by the PNM headed by Eric Williams on the institution of a resurgent Negro nationalism. Since then, Indians in Trinidad have been subjected to all sorts of humiliations, degradation and ignominy by PNM racialism."^{dcix}

Status of Human Rights, 2011

In the past, Hindus in Trinidad and Tobago faced a multitude of human rights issues, including physical attacks, temple desecration, economic/political discrimination, and the inequitable distribution of government funds. Although conditions are starting to improve under the Bissessar government, Hindus and ethnic Indians continue to confront a number of challenges.

Moreover, during 2011, the country continued to experience a high rate of crime. According to a UN report, Trinidad and Tobago had the second highest crime rate in the region, after Jamaica. One out of every two persons living in Trinidad and Tobago is fearful of being victimized of violent crime.^{dcx} There were 354 murders committed in 2011, down 27% from the 485 murders recorded the previous year.^{dcxi} In addition, there were 3,891 burglaries and break-ins reported, for a monthly average of nearly 325 incidents.^{dcxii} And the number of kidnappings during the year was 101.^{dcxiii}

Religious Freedom

The Constitution of Trinidad and Tobago guarantees equal protection under the law and freedom of religion for all citizens. Furthermore, religious groups possess the same rights and obligations as most legal entities, can own land, and hire employees. The Government subsidizes both public and religiously affiliated schools. It also 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 the religious groups represented are diverse. Parents may enroll their children in private schools for religious reasons. As a result, there are thriving Hindu, Muslim, and Christian schools. The Government has also established public holidays for every religious group with a large following. In addition, the Government grants financial and technical assistance to various organizations to support religious festivals and celebrations, including Indian Arrival Day. The level of state funding for such activities, however, has been inequitable in the past and generally favored Christian groups.

Although Hindus were underrepresented in government positions in the past, under the current government, there are Ministers, Members of Parliament, and public figures representing every religious group and denomination and the broad spectrum of religious beliefs in the country. The government also supports the activities of the Inter-Religious Organization (IRO), an interfaith coordinating committee for public outreach, governmental and media relations, and policy implementation. And it provides the prayer leader for several official events, such as the opening of Parliament and the annual court term.

In response to wariness over past colonial experiences, the government limits the number of foreign missionaries allowed in the country to 30 per denomination at any given time. Moreover, missionaries must meet strict entry standards and cannot remain in the country for more than three years per visit. Additionally, there were no reports of forced religious conversions in the island nation.

Temples/Festivals

There are over 300 Hindu temples in Trinidad and Tobago. No incidents of vandalism and desecration of Hindu temples were recorded in 2011. The following section, therefore, provides recent examples of discrimination towards Hindu festivals, religious practices, and places of worship.

In May 2009, students of a nondenominational public school in south Trinidad participated in a voluntary Hindu prayer service. The students planted symbolic flags on the school grounds appealing for success in their examinations. The Ministry of Education ordered school authorities to remove the flags. The decision of the Ministry offended some students and teachers, who believe their individual religious rights were violated and declared that they would boycott classes and stand guard around the

symbolic prayer flags. The school principal eventually removed the flags. More than half of the school's 1,500 student body is Hindu.^{dcxiv}

On August 8, 2008, a prominent Hindu temple in Cunupia, a town in central Trinidad, was vandalized and images of sacred Hindu deities were desecrated. There was also a similar incident in 2007 at a different Hindu temple in central Trinidad.^{dcxv}

Although there are several Hindu temples in Trinidad, Hindu temples were non-existent on the small island of Tobago. Until recently, the Tobago House of Assembly refused to allow the Hindu community to construct a *mandir* (temple) on land purchased on the island. The Sanatan Dharma Maha Sabha (SDMS) had sought to build a temple in the Carnbee area, where they owned lands, but the Assembly declared that temple construction is prohibited in residential areas. SDMS, however, noted that there was a Christian Church approximately 150 feet away from the land it wanted to build on. They also pointed out that in other residential areas, such as Bethany and Four Roads Bon Accord, churches had been recently built.^{dcxvi}

In addition, while refusing to fund a *kirtan* (Hindu religious concert) on the island, churches on Tobago were funded and the Assembly promoted a Christian gospel concert.^{dcxvii} Complaints from the Hindu community regarding the overt religious prejudice by the Assembly members had little immediate impact on the Tobago House of Assembly's discriminatory policies.^{dcxviii} After a five-year struggle, the first Hindu *mandir* in Tobago finally began construction in the summer of 2007, with a \$250,000 grant from the National Commission for Self Help Limited (NCSH).^{dcxix}

Hindus have also faced challenges with religious festivals, including yearly Diwali celebrations and the annual *Ramleela* (religious performance in honor of revered Lord Rama). The largest Diwali celebrations are held each year at the Diwali Nagar, Chaguanas, in Trinidad. This event has grown from a modest affair to an international fixture in the Hindu calendar, attracting Hindus from around the world. Each night, over a 14-day period, thousands of Hindus and non-Hindus congregate at this famous location to enjoy and participate in *pujas* (sacred rituals), concerts, art, craft and social activities. In 2006 and 2007, however, the police refused to provide additional security unless they were paid. During the first few nights when the police stayed away, several vehicles were stolen and vandalized. It was only after protests by Hindus that security was increased.

Furthermore, in the past, *Ramleela* festivities were targets of violence. For example, in 2005, vandals desecrated religious items and destroyed tents, props, and fences used in *Ramleela* celebrations, as well as the sacred *jhandi* (flag to mark the completion of *puja* or worship ceremony) at McBean Village, Couva. Consequently, many Hindus were fearful of attending the celebrations at McBean.^{dcxx}

In several other parts of country, Hindus have even been prevented from holding Diwali and *Ramleela* celebrations. Recently, the head of the Sugarcane Feeds Centre refused permission for workers to hold their annual Diwali celebrations. And in another instance, Hindu police officers were prohibited from celebrating Diwali at their workplaces in South Trinidad.

Religious discrimination against Hindus has also been an issue in the educational system. Although Hinduism is the second largest religion in Trinidad and Tobago, there were no sixth-form Hindu secondary schools to prepare students for university, while there were eighteen Christian and two Muslim sixth-form facilities. Moreover, an Indian community leader recently alleged, "Certain denominational schools are forcing all students to study the religion of the school, without introducing the appropriate religious instruction for students of other religions...The Ministry of Education needs to correct these discriminatory practices, especially in the denominational school."^{dcxxi}

Furthermore, in many primary and secondary schools and colleges, the religious rights of Hindu students were violated by preventing them from wearing Hindu clothing, *rakshas* (protective amulet), and other symbols. For instance, in March 2008, Hindu high school students were prohibited from wearing the *raksha*, "a Hindu religious symbol consisting of a colored string worn on the wrist during the performance of sacred rituals and removed within seven days after the prayers,"^{dcxxii} and were forced to remove them by school security guards. The Ministry of Education later apologized to the students.^{dcxxiii}

And in October 2006, an Anglican School in Fyzabad, South Trinidad withdrew permission previously granted to students for celebrating Diwali, despite it being a national holiday. Students were also banned from wearing *rakshas*.^{dcxxiv}

General Violence

Violence directed against Indians and Hindus in Trinidad and Tobago is not uncommon. Indians and Hindus have been subjected to verbal and physical assaults by

mobs of non-Indians from neighboring villages and from the northern urban areas of Trinidad where the population is predominantly African. For example, the Hindus of Felicity were recently attacked by Afro-Trinidadians from the adjacent village of Boot Hill. The Hindu residents of Felicity were unable to commute to work and schools after Afro-Trinidadians from Boot Hill blocked the main road with piles of burning debris and broken bottles.^{dcxxv}

Institutional Discrimination

Institutional discrimination against Hindus and Indians in Trinidad and Tobago was rampant until recently and included economic/political discrimination, inequitable distribution of government funds, and prejudice in the education system.

According to one observer, the “Indo-Trinidadian community is witnessing a ‘shock and awe’ programme with this state-sanctioned policy that directs significant state resources to one ethnic group at the exclusion of other groups. The lowering of qualifications for state employment, house padding, the establishment of the University of Trinidad and Tobago, the elevation of criminal elements to community leaders...are all examples of the programme conceived to push the Indian out of the space that is shared in Trinidad and Tobago.”^{dcxxvi}

Despite comprising approximately 40% of the population, inhabitants of Indian descent were severely underrepresented in government sectors jobs, including the Protective Services, the Civil Service, State Companies, Statutory Boards and Commission, the High Commissions and Diplomatic Missions, the Central Bank and Board, and executive membership at decision-making levels of the State. This began to slowly change after 2002.

One report found that Indians were “heavily under-represented, except in areas where merit and technical criteria must prevail, as in the judicial and professional sectors, where Indians were more than adequately represented.”^{dcxxvii} For instance, prior data from the Service Commissions Department indicated that there are only 18 Indians serving as department heads in the nation, compared to 87 non-Indians, and there are no Indians on the executive of the police service or army.^{dcxxviii}

Additionally, in the Promotional and Advisory Board of the Police, the five members of the promotion board are all of African descent, which in turn affects the promotional prospects of Indians. Moreover, none of the ten Assistant Commissioners of Police or

three Deputy Commissioners are of Indian origin.^{dcxxix} When Nizam Mohammed, a Muslim of Indian descent and chairman of the Police Commission, pointed out these inequities, he was effectively forced out of his position by the People's Partnership government for fear of losing the support of the Afro-Trinidadian community.^{dcxxx}

Similarly, Police Captain Gary Griffith, commenting on the imbalance in the police and security forces stated, "The Police Service should reflect the ethnic composition of the society that they are assigned to protect and serve. There have also been numerous reports of East Indians being rejected by our Defence Force and then reapplying to other foreign armed forces and excelling by leaps and bounds, which means a loss of talent to our nation because of poor selection processes." As a result of his critical comments, Griffith was compelled to leave his position, just as Nizam Mohammed was.^{dcxxxi} Discrimination against Indians in the police and security services of the country has persisted, despite the election of the Bissessar government.

In addition to prejudice in the police and security forces, Hindus and Indians have confronted bias in employment opportunities. For instance, High Court judge Maureen Rajnauth Lee recently found that the Education Ministry had discriminated against two Hindu-Indian teachers, Vijesh Mahadeo and Vashti Maharaj, in wrongfully denying them teaching positions. The Education Ministry did not even come to court to challenge the case against them.^{dcxxxii}

Hindus have also encountered challenges in obtaining business licenses. For example, a the Sanatan Dharma Maha Sabha of Trinidad and Tobago (SDMS) was forced to fight a seven year long legal battle to finally acquire a broadcast license for a Hindu radio station, Radio Jaagriti, on 102.7FM. SDMS originally initiated their application in 1999, but the government consistently refused to award the organization a radio license for seven years, while granting another group a radio frequency for its station. On July 4, 2006, SDMS was victorious in its appeal to the Privy Council. In a landmark 19-page judgment, Lord Justice Mance said, that "in light of the exceptional circumstances" of the case, the Privy Council would order Trinidad and Tobago Attorney General John Jeremie to do all that is necessary to ensure that a license is issued forthwith to the Hindu organization. The State was also ordered to pay SDMS's legal costs for all court proceedings.^{dcxxxiii} In September 2009, the decade old discrimination case ended with an award to the Sanatan Dharma Maha Sabha of almost \$3 million. The compensation was ordered in a September 22 order by Justice Ronnie Boodoosingh, who said, "What this case showed was discrimination, plain and simple."^{dcxxxiv}

Citizens of Hindu and Indian origin were further discriminated against by the Ministry of Foreign Affairs in the distribution of service awards. Moreover, the highest award for public service, formerly known as the “Trinity Cross,” was “perceived as a manifestation or symptom of what was, in substance if not form, a Christian state that tolerated non-Christians. It was a powerful psychological reminder of the fact that [Hindus] were merely ‘tolerated.’”^{dcxxxv}

The Maha Saba, a Hindu organization, along with a Muslim group, instituted legal action against the State regarding the use of the title “Trinity Cross.” In reference to the case, Justice Peter Jamadar stated: “This general prohibition against non-discrimination thus prohibits laws that differentiate between people on the basis of their inherent personal characteristics and attributes. Such discrimination undermines the dignity of persons, severely fractures peace and erodes freedom. Courts will not readily allow laws to stand, which have the effect of discriminating on the basis of the stated personal characteristics.”^{dcxxxvi} In response to the Court’s decision, the “Trinity Cross” was officially changed to the “Order of the Republic of Trinidad and Tobago” in August 2008.

Inequitable Distribution of Government Funds

The previous PNM government often provided preferential treatment to particular ethnic and religious groups in the distribution of public funds. For example, a Joint Select Committee of Parliament meeting, chaired by Independent Senator Parvatee Anmolsingh-Mahabir, found that 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. The Indo-Trinbago Equality Council (ITEC) also alleged inequitable treatment in the distribution of land to Hindu religious groups. According to the Indo-Trinbago Equality Council (ITEC), the Tobago House of Assembly allocated land to the Baptist Church in order to build a place of worship and gave \$9 million to fund the Gospel Fest, while the Hindu community in Tobago continued to be marginalized.^{dcxxxvii}

In addition, millions of taxpayers’ dollars were spent on St Peter’s Baptist Church, the Jesus Elam Ministries, Febeau Open Bible, Revival Time Assembly, Gospelfest, and other small politically affiliated churches, while Hindu celebrations, such as *Ramleela*, were denied adequate funding.^{dcxxxviii}

Similarly, the US State Department’s 2009 report on international religious freedom indicated that: “A Hindu group that organizes the celebration of Phagwa (also known as Holi), a joyous celebration that marks the start of the Hindu New Year, complained

about the level of government funding it received. The organization objected to the reduction of state funding from approximately \$12,500 (TT\$75,000) in 2007, to \$10,000 (TT\$60,000) in 2008, and finally to \$800 (TT\$5,000) in 2009. The group returned the 2009 grant in protest.”^{dcxxxix}

Indo-Trinidadians also believed that the allocation of public housing by the National Housing Authority (Home Development Corporation) and the disbursement of compensation following natural disasters, disproportionately benefitted Afro-Trinidadians under the PNM government. For example, \$36 million was provided in immediate assistance to flood victims from Port City and Toco, in comparison to south and central farmers (nearly all Hindus), who did not receive any government aid and lost millions in flood damage.^{dcxli}

Violations of Constitution and International Law

Constitution of Trinidad and Tobago

Trinidad is a democratic state that “acknowledge[s] the supremacy of God [and] faith in fundamental human rights and freedoms.” Chapter 1 of the Constitution recognizes an individual’s right to “equality before the law” and freedom of religion, thought, and expression. It also guarantees the “freedom of the press,” although it does not expand upon what this freedom entails.^{dcxlii} Furthermore, the Constitution states that Parliament may not “deprive a person of the right to a fair hearing,” nor deprive a person of the right “to be presumed innocent until proved guilty according to law.”^{dcxlii} Despite these protections, Hindus have experienced attacks on their places of worship, government sanctioned discrimination, and societal abuse until the formation of the new government in 2010 headed by Kamla Persad-Bissessar.

International Human Rights Law

Trinidad and Tobago signed the UN’s International Convention on the Elimination of All Forms of Racial Discrimination on June 7, 1967 and ratified it on October 4, 1973. Its accession to the UN’s International Covenant on Civil and Political Rights took place on December 21, 1978. The Trinidadian government has repeatedly violated these UN Covenants, however, by failing to protect its Hindu and Indian citizens and discriminating against them on ethnic and religious grounds.

Conclusion and Recommendations

Despite constitutional protections ensuring “equality before the law” and freedom of religion, Indians and Hindus have faced systematic discrimination and harassment/abuse. With the change in government in 2010 and an Indian/Hindu heading the new government, the conditions of the Indian/Hindu population is improving. However, it is also incumbent upon the government to guarantee fundamental rights and freedoms for all citizens and enforce civil and criminal laws in a uniform manner. Furthermore, Trinidadian leaders should discourage racial and religious stereotypes and hate speech; recognize Hindus and Indians as equal partners in the rule and governance of the nation; and distance themselves from Christian fundamentalist organizations promoting Christianization of the government and hatred against Hindus and Hinduism.

HOTSPOTS OF TROUBLE

ISLAMIC REPUBLIC OF AFGHANISTAN



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Recent events in Afghanistan have demonstrated the country's continued instability and the fragile nature of its government and institutions. In fact, there was widespread speculation that Afghan President, Hamid Karzai was losing power and influence, and that his position was becoming increasingly precarious.^{dcxliii} Moreover, throughout 2011, Afghanistan was plagued by rampant violence, political assassinations, and a resurgent Taliban.^{dcxliv}

For example, the burning of a copy of the Koran by U.S. pastor Terry Jones in April 2011 led to massive countrywide protests in Afghanistan and resulted in at least 24 deaths.^{dcxlv} Moreover, in July, President Karzai's half-brother, Ahmed Wali Karzai, who was considered the most powerful man in southern Afghanistan, was assassinated by the Taliban.^{dcxlvii} Similarly, in September, Burhanuddin Rabbani, the former president of Afghanistan tasked with bringing the Taliban to the negotiating table, was assassinated.

As the Washington Post summarized, "The attack [on Rabbani] also became the latest reminder that nearly a decade after U.S. troops helped to topple the Taliban regime in Kabul, the insurgency remains capable of carrying out strikes even in the most fortified sections of the capital."^{dcxlviii} And at the end of a troubled year, bombings targeting Shia Muslims killed at least 58 people in Kabul and Mazar-i-Sharif in December.^{dcxlviii}

Nevertheless, President Barak Obama announced in June 2011 that the U.S. had largely achieved its goals in Afghanistan and would begin a substantial withdrawal of its approximately 100,000 troops from the country.^{dcxlix}

Although Afghanistan's current population of 29,835,392 is 99% Muslim (Sunni 80% and Shia 19%), Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu population.^{dcl} In recent years, however, the Hindu population in Afghanistan has become nearly extinct, with barely an estimated 3,000 Hindus and Sikhs remaining in the country (there are no clear estimates on the numbers of Hindus still living in Afghanistan).^{dcli} During the 1970s, there were approximately 200,000 Hindus residing in Afghanistan, but due to years of civil war, violence, and persecution, large numbers of Hindus fled for their safety to countries such as India, Germany, and the U.S.^{dclii} In particular, under the Taliban's reign, Hindus faced pervasive discrimination and were forced to wear a distinguishing yellow stripe on their arm, similar to the Jews in Nazi Germany.

Prior to the civil war, Hindus and Sikhs purportedly lived peacefully with Muslims in several parts of the country, including Khost, Ghazni, Paktiya, Kandahar, Jalalabad, Laghman, Kabul, Helmand, as well as other provinces. Prem Nagar village in Khost province, for example, was once a prosperous Hindu village with 243 Hindu and Sikh families who enjoyed good relations with Muslims, but now there is only one Hindu who lives there.^{dcliii} Many Afghan Hindus and Sikhs living near New Delhi now want to return to their native village of Prem Nagar. They hope to restore their once-thriving trading community by opening pharmacies, grocery stores, and textile shops in the booming border town.^{dcliv}

Given the current instability and extent of discrimination in the country, however, it is unclear whether the small Hindu and Sikh minority will be able survive in Afghanistan for much longer. Ironically, Indian pop culture, including movies and music remain extremely popular in the country. Moreover, India is the sixth largest foreign aid donor to Afghanistan, with an aid budget of \$1.3 billion, and Indian companies are rebuilding roads and schools in Afghanistan despite perpetual security threats.^{dclv}

Those Hindus and Sikhs still living in Afghanistan continued to face widespread social discrimination, inequality, and severe restrictions on their religious freedom. According to Abdurrah Rasul Sayyaf, a Member of Parliament, "The Sikhs and Hindus of Afghanistan are considered part of the dhimmi [non-Muslim subjects] in line with sharia law. The government has an obligation to protect them, but they are required to pay a poll tax. They can hold civilian occupations, such as doctors, but they cannot be in charge of a governmental body or office. Upon meeting a Muslim, a Hindu is required to

greet the Muslim first. If a Muslim is standing and there is a chair, the Hindu is not allowed to sit down on the chair.”^{dclvi} This attitude is shared by many other Afghan politicians as well as ordinary citizens and effectively provides a justification for treating minorities as second-class citizens.

One aspect of the discrimination encountered by Afghanistan’s Hindu population involves the social ostracization and bullying their children face in schools from Muslim classmates and teachers. For example, there are approximately 70 Hindu and Sikh school age children living in Kabul, but many have been forced to switch schools or drop out all together as a result of bullying and religious prejudice, according to Charan Singh of the Hindu and Sikh Association of Afghanistan.^{dclvii}

In addition, according to the Afghanistan Independent Human Rights Commission (AIHRC), there have been several cases of the illegal seizure and occupation of Hindu owned lands by Muslims in Kabul and Khost province. In these cases, Hindus have been unable to reclaim their lands and have received little assistance from the government or law enforcement. “There were even cases that after the final decision of the High Court, Hindus have not re-owned their lands,” said Shamsullah Ahmadzai, regional head of AIHRC.^{dclviii} Similarly, Charan Singh, the former Hindu representative in the Afghan parliament, maintains that Hindu and Sikh homes had been recently seized by a Muslim woman in Khost province.^{dclix}

Furthermore, although Afghanistan's Constitution grants equal rights to all its citizens to practice their religious ceremonies, Hindus and Sikhs face significant obstacles in cremating dead bodies. In some instances, crematoriums have been forcibly occupied by local Muslims, while in other cases Muslims have physically interfered with cremations. In Kabul, for instance, Hindus and Sikhs used to cremate their dead in an area called “Hindu Suzan” (or Hindu crematory site), but some Muslim residents have recently built houses near the area and are preventing Hindus and Sikhs from cremating dead bodies there.^{dclx} AIHRC says Kabul municipality has identified another area in Kabul for the cremation of the Hindu dead, but it is not clear whether the land has actually been handed over to Hindu and Sikh communities.

Religious minorities in Afghanistan are also politically marginalized and lack effective political representation. In the 2010 elections, for example, there were only two Hindu/Sikh candidates out of 600 contending for parliamentary seats. Although a Sikh woman, Dr. Anarkali Honaryar, was elected to the lower house of parliament in the 2010 elections, minority politicians have been unable to significantly improve the

conditions of non-Muslim communities in the past. Honaryar was supported by President Karzai, which reportedly angered many of his conservative Muslim supporters.^{dclxi}

Additionally, a large number of Afghan minorities who fled Afghanistan several years ago continue to endure problems while living as refugees in other countries. In India's capital city of New Delhi, for instance, many Afghan Hindu and Sikh refugees have not been granted official status and live on the margins of society. Out of an estimated 25,000 Afghan refugees, only 9,094 have been recognized as refugees and issued "blue cards" by the United Nations Human Rights Council (UNHCR).^{dclxii}

Moreover, since 1981, thousands of Hindus and Sikhs have fled to India, but only 650 of them have become naturalized Indian citizens. Many others are still waiting for Indian citizenship. According to Nayana Bose, Associate External Relations Officer of UNHCR, more than 90% of Afghan refugees living in India are Sikhs or Hindus.^{dclxiii} Many of the refugees feel frustrated and insecure and complain that both the Indian government and Afghan embassy in New Delhi are insensitive to their problems.

Afghan refugees have also faced lengthy delays in asylum applications and in some cases faced deportation proceedings. In Britain, for instance, a Hindu family faced possible deportation to Afghanistan, where they fear religious persecution by the Taliban. Arti Kumar fled Afghanistan in September 2007 with her two sons, Akash and Ravi, after being targeted by the Taliban. She said they decided to leave after a Taliban guard attacked older son Ravi, then age 17, hitting him on the head with a rifle. The assault left him brain damaged. They sold the family textile business to raise money to pay an agent to take them out of Afghanistan. But they were told he could only take three of them. Arti Kumar said that she had not heard from her husband and that her 16-year-old daughter Rekha was abducted by the Taliban. She has never been found.^{dclxiv}

In another case, a 23 year-old Sikh man that fled Afghanistan with his family when he was only 5 years old was recently detained by Afghan authorities after being deported to Afghanistan from the United Kingdom because he was allegedly unable to prove his Afghan citizenship. News reports indicate that he has faced abuse in prison and was forcibly converted to Islam by other inmates.^{dclxv}

THE KINGDOM OF SAUDI ARABIA



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Saudi Arabia continues to be one of the most authoritarian and repressive nations in the world. In the wake of the Arab spring of 2011, the Saudi kingdom remained relatively impervious to the mass protests and rebellions affecting much of the Arab world. While the Saudi government felt threatened by events in the region, they managed to avoid dealing with any serious internal democracy movements. According to Prince Nayef bin Abdel Aziz, the Saudi interior minister, Saudi Arabia was immune to the protests and wider turmoil in the region because it was “guided by religious law that its citizens will not question.”^{dclxvi}

Saudi Arabia did intervene, however, in neighboring Bahrain where they helped to prevent the minority Sunni king from being deposed by the majority Shia population, which faced widespread persecution and marginalization.^{dclxvii} The Saudi government also experienced heightened tensions with the U.S. over how to handle the protests and democracy movements in other countries in the region, including Egypt.^{dclxviii} Despite tensions, however, the U.S. failed to put serious pressure on Saudi Arabia to carry out democratic reforms and the on the ground situation remained largely unchanged. For instance, women continue to be denied voting rights and are banned from driving.^{dclxix}

The modern state of Saudi Arabia was established in 1932 by King Abd-al-Aziz, who took over the Hijaz (encompasses the western region of the country) from the Hashemite

dynasty and united the country under his family's rule. The country is an Islamic monarchy with a legal system based on the Koran and Islamic Sharia law. As an Islamic state, religious clerics and authorities play a leading role in all aspects of the government.

Saudi law mandates all citizens to be Muslims and does not provide any constitutional protections or rights for religious minorities. In addition, public practice of other religions is prohibited and proselytizing by non-Muslims is illegal. Religious vigilantes and police frequently harass, assault, and batter non-Muslims. Moreover, intolerance of other religions is embedded in the kingdom's educational institutions and schools teach Islamic law.^{dclxx} Saudi Arabia also exports extreme forms of Wahabbi Islam to other countries through the construction of mosques, provision of educational materials, and support for Islamists.

Furthermore, visitors and non-residents to the Gulf kingdom often complain that the police and customs authorities routinely confiscate private religious material, including books and symbols, upon entry in the country. As a result, all major human rights organizations, along with the US Commission on International Religious Freedom (USCIRF), have severely criticized Saudi Arabia's human rights record. And since 2000, USCIRF has continuously repeatedly labeled Saudi Arabia as a "country of particular concern."^{dclxxi}

While all non-Muslims face restrictions on religious freedom in Saudi Arabia, Islamic law characterizes Hindus as polytheists and consequently places them in the same category as those who practice "black magic" or "sorcery." There are an estimated 165,000 to 300,000 Hindus living in Saudi Arabia, many working as poor laborers.^{dclxxii} Nearly 70% of Indian workers in Saudi Arabia are semi-skilled or unskilled workers and are the victims of a variety of human rights abuses. And according to a new report, these poor workers are treated inhumanely and managed like "cattle."^{dclxxiii} In 2011, nearly 50,000 workers were deported to India for either having overstayed their haj visit or for not having valid work permits.^{dclxxiv}

A recent case emblematic of the human rights violations faced by non-Muslims in Saudi Arabia was the imprisonment of a Hindu female doctor, Shalini Chawla, on false allegations of murder. Chawla, 36, was accused of murdering her husband, Ashish Chawla, and jailed by Saudi authorities for ten months before being released.^{dclxxv} Shalini was put in prison after being accused by her husband's Muslim colleagues of

poisoning him after he allegedly converted to Islam. Shalini, however, said that her husband never discussed his intention to embrace Islam.

Despite medical reports and autopsies confirming that Ashish died in his sleep, Shalini remained in prison, where she was forced to care for her newborn baby. She was finally released and sent back to India after intervention from the Indian Consulate and signing an agreement to bury her husband according to Islamic rites.^{dclxxvi} The incident symbolized the institutional animus towards non-Muslims prevalent in Saudi Arabia and the arbitrary nature of the kingdom's justice system.

Appendix A

International Acts, Conventions, Covenants, and Declarations

Bangladesh Enemy Property Act/Vested Property Act^{dclxxvii}

After the outbreak of war between India and Pakistan in 1965, Pakistan's military government imposed a state of emergency under the Defense of Pakistan Ordinance. The Ordinance, which authorized the use of measures to "ensure the security, public safety, interest and defense of the state," gave expansive and wide-ranging powers to the country's military rulers. Simultaneously, the military regime implemented the Defense of Pakistan Rules, enabling the Governor of East Pakistan to promulgate the Enemy Property (Custody and Registration) Order II on December 3, 1965.

The Enemy Property Order, commonly known as the Enemy Property Act, comprised several key components, including proclaiming India as an enemy state. Specifically, the Act declared that "all interests of the enemy (i.e., the nationals/citizens of India, those residing in the territory occupied/captured/controlled by India) in firms and companies, as well as in the lands and buildings situated in Pakistan, were to be taken over by the custodian of Enemy Property for control or management," and "the benefits arising out of trade, business, or lands and buildings were not to go to the enemy, so as to not affect the security of the state of Pakistan or impair its defense in any manner."

In practice, however, the Government designated Hindus as "enemies" of the state by characterizing them as supporters of India during the War, making Hindu owned properties the clear target of the Order. On the other hand, Muslims leaving for India or those Muslims residing in Pakistan that were Indian citizens were not considered "enemies" for purposes of the EPA, thus reinforcing the Order's prejudicial intent. In addition, a circular disseminated by the Government indicated that if properties owned by Muslims were seized, they would be returned to them or their legal heirs upon their request. Conversely, any minority whose land was classified as "enemy property" would lose any legal right to ownership forever.

Accordingly, the EPA, was used as an expedient mechanism to appropriate land belonging to Hindus that had temporarily fled to India in fear of their lives, or those that never left East Bengal, but were accused of supporting India during the War and labeled

as “enemies” of Pakistan. Therefore, the language, intent, and application of the Act were discriminatory in nature and disproportionately impacted Hindus.

Although the Indo-Pakistan War lasted only seventeen days, the Order persisted until 1969 when its inequitable provisions were continued through the Enemy Property (Continuance of Emergency Provision) Ordinance 1969 (Ordinance No. I of 1969). Consequently, the EPA remained in effect through the Bangladesh War of Independence in 1971, and was subsequently adopted by the new Government of Bangladesh as the Vested Property Act.

After independence from Pakistan, the EPA was preserved by the Government of Bangladesh through the Laws Continuance Enforcement Order 1971.

The following year, the government passed the Vesting of Property and Assets Order, 1972 (Order No. 29), whereby the Government of Bangladesh vested itself with the “enemy” properties previously seized since the 1965 War. The Order further stipulated that its provisions shall not be subjected to judicial review, preventing challenges to the Order’s legality in any court of law in Bangladesh. The Order also sought to combine the “abandoned” property of those ethnic Biharis who resided in Bangladesh prior to the 1971 War of Independence and East Bengali Hindus who had left for India, into one category of “enemy” property. The “vast majority” of land appropriated under the Order, however, was owned by Hindus.

Subsequently, in 1974, the government enacted the Vested Property Act (VPA), officially known as the Vested and Non-resident Property (Administration) Act (Act XLVI of 1974), “an Act to provide for the Administration of certain properties vested in the Government or belonging to non-residents.” The VPA specifically vested “enemy” properties in the Government of Bangladesh, and thus became the formal successor to the EPA. Significantly, since Hindus were the “enemy” for purposes of the EPA, this new Act implied that Hindus would remain the primary target of such legislation, and it was accordingly used by the government to continue appropriating Hindu owned land. In many instances, when a person left the country for any reason, whether temporarily or permanently, they were designated as an “enemy” under the VPA and their property was “vested” or seized by the state. And frequently, when one Hindu member of a family left the country, the family’s entire property was confiscated.

The VPA also created Management Committees throughout the country to take control of and administer “vested” properties in their respective jurisdictions, and empowered them with “all the powers, rights and liabilities of the Government in respect of such property...” Once a non-resident’s property had vested in the Committee, his/her rights over the property ceased to exist, notwithstanding permission from the Committee to sell or transfer the land. Permission was not granted, however, unless a person paid to the Committee “all sums due in respect of such property.” In effect, the Act inexplicably required a “non-resident” person to seek permission to control his own property, and obligated him to pay additional sums to the Committee in order to obtain the right to transfer his own land.

According to the Association for Land Reform and Development (ALRD), an NGO based in Dhaka, the estimated total Hindu households affected by the EPA/VPA has been 1,048,390, and the estimated area of dispossessed land has totaled 1.05 million acres. About 30% -- 10 out of every 34 -- of the Hindu households (including those that are categorized as missing households) have been the victims of EPA\VPA. These estimates, although based on some debatable assumptions, should be considered as sufficiently indicative of the gravity of the law’s impact.^{dclxxviii}

Chittagong Hill Tracts (CHT) Peace Accord of 1997

Chittagong Hills Tract is in southeast Bangladesh and is the homeland to the Jumma peoples, 14 tribes of Sino-Tibetan origin. As their language, religion, social system, and economic practices differed from those of the majority of Bangladesh’s population, the Jumma peoples became victims of ethnic discrimination, forced relocation, land eviction, rape, torture, and judicial executions. The CHT peace accord was an effort to ease the struggle between the Jumma peoples and the government of Bangladesh.^{dclxxix}

United Nations International Convention on the Elimination of All Forms of Racial Discrimination

On December 21, 1965, the United Nations adopted the International Convention on the Elimination of All Forms of Racial Discrimination. The fundamental provisions of the Convention are as follows:

Part I

- Defines racial discrimination as, “any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin”

- Condemns racial discrimination and segregation
- Promotes the right to equal justice and protection by the law, marriage and choice of spouse, own property, education and freedom of religion, opinion, and thought

Part II

- Establish a Committee on Elimination of Racial Discrimination
- Report annually to the General Assembly on its activities and provide recommendations

Part III

- Open for signature by any State Member of the UN

The full text of the Convention can be found at:

http://www.unhchr.ch/html/menu3/b/d_icerd.htm

United Nations International Covenant on Civil and Political Rights

On December 16, 1966, the United Nations adopted the International Covenant on Civil and Political Rights. The significant parts of the Covenant are as follows:

- Every human being has the right to life that shall be protected by law
- No one shall be subjected to torture or inhuman treatment
- Slavery and slave trade shall be prohibited
- Everyone has the right to liberty and security
- Everyone shall be free to leave any country, including his own
- Everyone will be equal in front of the law
- Everyone shall have the right to freedom of thought, conscience and religion
- No marriage shall be entered into without the free and full consent of the intending spouses
- There shall be an established Human Rights Committee

The full text of the Covenant can be found at:

http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

United Nations Universal Declaration of Human Rights

On December 10, 1948, the United Nations adopted the Universal Declaration of Human Rights. The fundamental provisions of the Declaration are as follows:

- All humans are born free and equal in dignity and rights and have the right to life, liberty and security
- Slavery and slave trade shall be prohibited
- All humans are equal before the law and entitled to equal protection by the law
- Everyone has the right to own property
- Everyone has the right to freedom of religion, including the right to change religions
- Everyone has the right to work and the right to equal pay for work
- Everyone has the right to education

Following this act, the UN called upon all Member countries to publicize the text of the Declaration and “to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories.”

The full text of the Declaration can be found at:

<http://www.un.org/Overview/rights.html>

Appendix B

Attacks on Hindus in Bangladesh from January 1, 2011 to December 31, 2011

January 2011

1. Bangladesh's national temple, the Dhakeshwari temple, was broken into and and large amounts of gold and cash were stolen.^{dclxxx}
2. Some locally influential individuals allegedly seized land belonging to four Hindu families at Pangshia village in Dumki upazila. They reportedly grabbed 0.60 acres of land belonging to Meghnath Howlader, his brother Lalchand Howlader, uncle Kalachand Howlader, and another relative Ramchand Howlader. "An influential group led by Abdul Goni Khan has kept occupying our 0.60 acres of land for about 10 years. Sons of Goni Khan forcibly built a house on 0.16 acres of our paternal property. They are also looting crops from our 0.44 acres of land every year," said Meghnath Howlader. On several occasions, the group of attackers beat up Meghnath as they did not agree to sell the land to them.^{dclxxxi}
3. A mother of four was raped by a gang of Muslim men in Porabari village in Khagrachari district. Her husband was gagged and bound, and the attackers took away 16,000 Taka, gold jewelry, and other valuables.^{dclxxxii}
4. A female student of JSC school of Kulaghat, Lalmonirghat was kidnapped and raped by a man named Zia ul Haq from an adjacent village on January 27, 2011. Local people heard her when she cried for help, rescued her from Haq's home,

and sent her back to her parents. The rapist and his family threatened the victim's parents so that the family could not file a case. On January 31 the father of the victim was successful in filing a case against Zia and two others.^{dclxxxiii}

February 2011

1. Houses and property belonging to a variety of minority groups including Hindus were burned down by Muslim settlers in Ragipara in Rangamati district on February 17, 2011. Rampaging Muslims, up to 300 in number, burned homes and shops belonging to minorities, with the police complicit in this attack, according to a complaint filed by Devashish Roy, attorney representing the victims.^{dclxxxiv}
2. Eight members of a gang were arrested on February 19, 2011 by the police for theft from the Dhakeshwari and Kali Hindu temples in the capital city of Dacca, according to a report in The Daily Star.^{dclxxxv}
3. A Hindu woman Jog Mandir was kidnapped and gang raped for approximately one week in the village of Boali in Gaibandha Upazilla. Police subsequently rescued her from a village in Fulchari Upazila. Her husband Veluram Das filed a case against eight people and police arrested one Union Council member, Abdul Kuddus.^{dclxxxvi}
4. Muslims attacked the village of Dali Dom, looted homes, and destroyed the pandal of Sarswati Puja Mandap, including five deities, according to a report in the Amar Desh newspaper.^{dclxxxvii}
5. Two robberies were committed on the same night at the homes of two Hindu families in Sultanpur Kapolidangi village in Gazirtak union of Charvadrasan,

according to a report in the Bhorer Kagoj newspaper. The attackers wounded three people, and robbed gold, cash and other valuables worth taka 120,000.^{dclxxxviii}

6. A group of Muslims, led by Malek and Ayub Ali, ransacked a Hindu Harijan pally (locality), destroyed places of worship, homes, and stole valuables. 15 people were injured, including women and children. The attackers destroyed a Saraswati deity, ransacked homes, looted valuables and beat up residents.^{dclxxxix}
7. Sasadhar Das, Vadrakanta Das, Niranjan Das, Biren Das, Nim Chand and Nilmoni Das and their families of Suagram in Barisal had their properties seized by local men led by Hannan Hawalder aof Amboula village and Gangor Ali Sheikh of Nimpara. The Hindu families have been threatened daily, and feel insecure and helpless. They complained that their ancestral homes and lands are being confiscated through the use of illegal documents by Hannan Hawalder and Gangor Ali Sheikh.^{dcxc}
8. Two sisters, Anuradha and Boishakhi Saha, both first year college students, were kidnapped from Rathkhola, Faridpur. Police rescued both on the same day, and said that the daughters of Binoy Kumar of Talma village of Nagarkandha were kidnapped by some men while they were returning from college. When they reached the old bus stand at Rathkhola, the kidnappers who were waiting at the bus stand, bundled them into a vehicle and fled. The police were able to rescue the girls and arrest the kidnappers.^{dcxci}
9. Bilkis Banu, 12 a Muslim girl of Raniganj School in Atwari committed suicide because she was not allowed to attend a Saraswati Puja, a Hindu religious event. Bilkis wanted to visit the puja with her friends but her family refused her. Bilkis committed suicide by hanging.^{dcxcii}

10. The 200 year-old Nabaratna Narayan Temple of Brahmanbaria was forcefully occupied by some local Muslims, and when the temple committee lodged a complaint the police refused to take action. The Hindu community came out on to the street and formed a human chain under the banner of the local Hindu Buddhist Christian Unity Council. The police indicated that that the temple was later vacated by the the illegal occupants.^{dcxciii}
11. The National Coalition of Indigenous People (NCIP) called upon the government to save the properties of Sylhet Monipur Women's Association President, S. Rina Devi, and demanded justice against those who attacked her. Rina Devi complained that on January 23, 2011, the District Jubo League General Secretary (Youth Front of Awami League) Abdur Rahman Azad and his cohorts attacked her house wounding her son, daughter, and three others. She filed a case against the attacker but all of them were released on bail, because no local lawyers took her case.^{dcxciv}
12. Manotosh, a Hindu village policeman had his leg cut off by a group of men, while his two brothers were also injured in the attack in Rajapur. It was reported that about 10 to 15 Muslim men attacked Monotosh with sharp weapons, cut his right leg below the knee, and attacked his two brothers Haritosh, 30 and Porotosh, 52 and injured them. Police visited the area but nobody was arrested.^{dcxcv}
13. A large group of Muslim men attacked a Hindu family and forcefully tried to occupy their home and land, injuring three people in the incident. Kanika Bhowmick, her son Antar (8), and Swapna, wife of Bijon Bhowmick, were injured and hospitalized.^{dcxcvi}

14. Thieves stole valuables from the Kadamtala Kali temple in the capital city of Dhaka. It was reported that this theft from a Hindu temple was the 23rd such theft from city temples in the previous two months.^{dcxcvii}

March 2011

1. A report in the Daily Star said that a fire destroyed over 1000 betel leaf gardens on approximately 500 bighas of land (3 bighas is approximately one acre) owned by Hindu farmers in four villages of Kaliganj upazila in Jhenidah district, and caused damage worth around Tk 200 million (about \$3 million). The farmers alleged that some influential individuals wanted to force them to leave Bangladesh so that they could use the opportunity to buy their lands at nominal prices.^{dcxcviii}
2. According to a report, a robbery was committed at the Radha Madhav temple in Khulna's Gallamari area. Thieves stole five deities of Lord Krishna, Radha and other Goddesses along with all the ornaments. A police case was filed.^{dcxcix}
3. An influential group of Muslims occupied the land and properties of six Hindu families in Amboula and Nimperpar village of Agailjhara upajillainf Barisal. The evicted families have been threatened that they would be killed if they complained to the police. Sasadhar Das (83), Vadrakanta Das (80), Niranjana Das (52), Kalachand alias Biren Das (48), Nim Chand (46), and Nilmoni Das (45) were evicted from their ancestral home. They claimed that all the records of the properties are in their names and they were evicted by Abdul Mannan Howlader, Abul Basher, and Ganger Ali Sheikh who claimed that they own those properties. The victims complained that they were beaten and forcefully evicted by a group of mercenaries hired by those Muslims.^{dcc}

4. Muslim men attacked a “Harinam Sankirtan,” a Hindu religious festival recently. Police did not take any action. The local Hindu Buddhist Christian Unity Council and local Puja Committees organized a “human chain” protest at the Shaheed Minar, and demanded immediate arrest of the culprits.^{dccci}
5. According to complaints by Hindus, a robbery is committed every night in the villages of Bakherganj, especially Garuria village, where many affluent Hindu families live. A robbery committed at Panna Lal Biswas’s house has not been solved. Dacoits also looted the house of Haridas Ganguli alias Swapan Ganguli and stabbed him several times. Another robbery was committed in the house of Manik Bhattacharya and while the victims filed a complaint and identified the robber, the police didn’t take any action. Hindu villagers are scared and complain that they will leave the area if no action is taken.^{dccii}
6. A group of influential Muslim men in Barisal district forcibly evicted the family of Mr. Das from their four acres of land, where they had been living for fifty years. The family was evicted from their ancestral land through the use of falsified documents and physical violence. The family has filed a petition seeking the attention and help of the Prime Minister of Bangladesh. When the land grabbers were confronted by local journalists, their response was that they own the land because they purchased it from someone else, who is believed to have faked the documents.^{dcciii}
7. On February 28, 2011 thieves stole several deities and destroyed the altar of Goddess Kali at the temple of Kalimandir at Shyamnagar in Satkhira.^{dcciv} Police have yet to solve the case.
8. Hindus in Gaibhanga area demanded that the road to their cremation grounds be repaired, and when the repair work was started it was stopped by a group of

influential Muslims, who claimed the land on which the road was being built was owned by them. The road to the crematorium was destroyed during floods seven years prior, and Hindus were forced to take the dead bodies to the cremation grounds through a difficult path by the side of the river. In one incident, people carrying a dead body fell into the river. Moreover, at times the Muslim community did not allow Hindus to transport the deceased through their locality.^{dccv}

9. In a fight between two candidates of the union parishad at Jhalakanthi, 30 people were injured and one Hindu house was set on fire.^{dccvi}

April 2011

1. Police arrested 11 men for allegedly attacking a journalist, damaging a temple, and burglarizing and vandalizing a Hindu family in Ukiara village. All the attackers were Muslim. Local Awami League members led by district Awami League religious affairs secretary, Israfil Hossain, were involved in trying to occupy the Hindu family's property, villagers alleged.^{dccvii}
2. The Narayan Shiva Mandir, located at Khasa Pandith Para of Beani Bazar, Sylhet district, was attacked on April 02, 2011 by about 20 to 25 men led by Mohammad Saiful alias Babul, leader of an Islamic group. They destroyed two Laksmi Narayan deities, one Shiva Linga deity, stole a mobile phone, destroyed religious books, and looted Taka 70,000 to 80,000. The Hindu priest was seriously injured by the Muslim perpetrators.^{dccviii}
3. A Member of Parliament from Manikganj and his supporters destroyed Hindu owned homes, vandalized a temple, destroyed deities, and set fire to the temple. The correspondent of Daily Samokal, Biplab Chakraborty, was also attacked and

injured by the attackers. It was reported that a cousin of the local MP along with police attacked the Hindu families seeking to evict them from their ancestral homes.^{dccix}

4. Muslims destroyed a Kali deity and two other deities inside the temple at Burondi village of Singaire, Manikgang. A case has been registered.^{dccx}
5. The Moth Mondir and Debottor Property Raksha Committee demanded punishment for a group of perpetrators who burnt a copy of the Bhagavad Gita, one of Hinduism's holiest books. They sought assistance and demanded justice in saving the temple land which has been occupied by Muslims. The famous "Sree Sree Lakshmi Narayan, and Siva temple" were destroyed by local land grabbers. The temple is in the Khasa Pandit Para, Beyani Bazar, in Sylhet district.^{dccxi}

May 2011

1. A number of Hindu victims were robbed by policemen. In a case filed by Prionath Devnath, elder brother of Rajendranath Devnath, whose house was robbed on May 3, the 15 or 16 alleged perpetrators were left unidentified. Apparently, on the day of the robbery the local villagers caught five people who claimed to be policemen from Birganj Police Station. The villagers confined nine more policemen when they went to rescue their colleagues. In a day-long clash that followed, seven policemen ended up being suspended in connection with the incident. However, in the case filed by Devnath, the involvement of police in the robbery and violence was not mentioned. The Hindu family and local villagers said that frequent visits and insistence by police and local Awami League party leaders, including the Member of Parliament, that police were not involved in the robbery had terrified the victims.^{dccxii}

2. Police arrested 11 people in Ukiara village in connection with an attack on journalists, damage of a temple and a Hindu family's house. Those arrested included Ramzan Ali, Shahin Mia, Gaffar Mia, Habib, Mithu Mia, Amin, Suruzzaman Sentu, Shukur Ali, Chan Mia, Nawsher and Abdul Kuddus of Ukiara and adjacent areas. Manikganj Police superintendent Md. Masud Karim said the 11 were arrested in connection with an incident where local Awami League men evicted a Hindu family by vandalising their homes and a temple. They also beat up Biplob Chakrabarty, district correspondent of Shamokal newspaper as he went to the village to report the incident.^{dccxiii}
3. Muslims occupied Hindu cremation grounds as well as seizing and occupying Hind owned agricultural land in Zia Nagar. When the property owners sought to protect their land they were attacked and one of the Hindus, Suresh Chandra Mondal, sustained serious injuries on his head and body. He was admitted to the Khulna Medical college hospital for treatment.^{dccxiv}
4. Temple property in Bellimbor, Sutipara Union, was occupied by Muslims, who were selling sand and soil belonging to the property. When the temple committee members sought police help they were ignored. Those who have taken over the property have done so despite a court order.^{dccxv}
5. A Hindu family was attacked by a local influential Muslim on April 17, 2011. A group of perpetrators attempted to gang rape three women, Kolpona Rani (40), Angona Rani (17), and Sushila Rani (31), but the women were saved by their neighbors. The Muslim attackers then attempted to attack the neighbors. The victims are already homeless, and their lives are being threatened. The local police, pressured by the influential perpetrators, have allowed a false case to be registered against the women. The police have not arrested anyone.^{dccxvi}

6. A Hindu monastery and temple land was occupied by Muslims in Dhopkhali village, Mirukhali, Mothbaria. The temple and monastery were established in 1963. On April 21, 2011, Hiru Mia, a Muslim, occupied a part of the land and started construction. Temple owners opposed the construction and police stopped the illegal construction.^{dccxvii}
7. A group of Muslims occupied land belonging to a retired Hindu school teacher in Tulshipara Kadamtala area of Rangunia. According to the teacher, Kalipada Ghosh, the perpetrators forcibly constructed a wall on his land. The police were informed, but did not take any action.^{dccxviii}
8. Nixon Saha, 30, a Hindu employee of a Muslim owned jewelry store, was tortured by the owner and the police. The owner, Shamsul Haq Bhuiyan, filed a case against his employee and the police arrested Saha, beat him mercilessly, and tied him to a tree. It is reported that the owner, along with some local people and the police tortured him the whole night -- burnt his whole body with cigarettes, tried to take out his finger nails, and pushed a needle under the nails. He was severely injured and transferred to a hospital. The incident happened in Kafrul, Dhaka on April 22, 2011.^{dccxix}
9. A deity in the Sri Sri Radha Gobinda Temple in Akkelpur town was destroyed by unknown men. Police recovered the destroyed deity from Rajkanda street and registered a case.^{dccxx}
10. A group of Muslims tried to occupy temple property at Bagradighirpar under Bogra Sherpur Upazilla. The temple is 200 years old and the perpetrators attacked it several times and injured Hindu inhabitants. On May 11, 2011, they attacked again and killed a Hindu priest and injured several others.^{dccxxi}

11. A 200 year-old Kali temple was vandalized and images of Hindu deities destroyed in Sudrahabi village in Kaliganj sub-district.^{dccxxii}

June 2011

1. A Shiva temple was attacked and the Shiva icon destroyed by a gang at the Hasjratola Kali Temple at Tangrakhali village in Sadar upazila.^{dccxxiii}
2. Shah Jamal, alias Shahalam (20), a madrassa student, raped a poor Hindu school girl, Sanjida Dey, a tenth grader, on June 20, 2011, while on her way to school. The madrassa student confined her for 3 days and raped her repeatedly, cut her hair to make her bald, and left her unconscious near her house dressed in a boy's clothes. A case has been filed and police arrested two people but the alleged rapist is absconding. The incident happened in Sribordi, Sherpur.^{dccxxiv}

July 2011

1. On July 13, 2011, Suchitra Rani Chakraborty (15) was kidnapped by Mohammad Habibur Rahman and five others. She was reportedly converted to Islam, and despite her father's pleas, she was not returned by her abductors. The police claimed that they would arrest the kidnappers but failed to do so, according to Rabindra Ghosh of BDMW.^{dccxxv}
2. A Hindu teacher, Shankar Biswas, a 32 year-old English teacher at a government high school in the southern town of Tungipara was fired after allegedly making offensive remarks about the prophet Mohammed. Students and their parents staged protests and then some 5,000 people demonstrated the next day, demanding action. Some attacked the teacher's house, and Biswas was forced to flee from the town.^{dccxxvi}

August 2011

1. Mohammed Moshirul Islam raped Dipti Rani, an 11 year-old Hindu girl, on August 5, 2011 in her own home. The police filed a case two days after the event. It is reported that the victim's parents were threatened by the perpetrator, and the local hospital claimed that the victim did not show signs of rape. Later, doctors at Dinajpur confirmed that the girl had indeed been raped. However, a High Court granted anticipatory bail to Mr. Islam.^{dccxxvii}

September 2011

1. At least 50 people belonging to the Hindu community in Khasial union were assaulted allegedly by the Kalia sub-division chairman and his supporters prior to and after the local elections because they refused to cast their votes and work for the candidate nominated by the chairman. It is reported that prior to the election, the Chairman of the sub-division, Shamimur Rahman Khan threatened Hindus and put pressure on them to vote for his nominee, Farid Sikder.^{dccxxviii}
2. According to Rabindra Ghosh of the Bangladesh Minority Watch, a group of Muslims attacked seven Hindu families, demanded that they convert to Islam, and destroyed their Hindu scriptures. The Hindu statuettes/murtis in their homes were destroyed and desecrated, their belongings stolen, and the children and women assaulted on September 3, 2011 at Debiddar in Comilla District.^{dccxxix}
3. A Durga deity being prepared for the Durga Puja festival was destroyed at Narayanganj on September 15, according to the Ittefaq newspaper.^{dccxxx}
4. According to a report in Bhorer Kagoj, a Hindu deity and jewelry were stolen from a temple in Patia district in Chittagong.^{dccxxxi}

5. Deities prepared and adorned for Durga Puja were destroyed by Muslims in the Buddhist-Hindu majority Bandarban District, according to a report in the Dainik Azadi.^{dccxxxii}

October 2011

1. On October 1, a 15 year-old girl, Ruma Rani Das, of Volavo village was reportedly gang raped and killed. A case was filed at Rupganj Police Station in Narayanganj District. The alleged perpetrators received anticipatory bail from the local court on October 17. Two newspapers, Sangbad and Daily Ittefaq, have reported the news, according to Rabindra Ghosh of BDMW.^{dccxxxiii}
2. On October 6, a group of Hindu devotees were attacked and robbed, and the deities that they were carrying in a procession destroyed at Angram Purbopara village by a group of Muslims. After a case was filed by the victims, a countercase was filed by the Muslim attackers. GHRD and BDMW investigated the case and sought explanation from the Superintendent of Police, Madaripur.^{dccxxxiv}

November 2011

1. Shipra Rani (35) was hospitalized after being sexually assaulted by several Muslim men on November 17, 2011. She was on her way to school to pick up her child and when she tried to resist her attackers, she was assaulted and sustained injuries throughout her body. The attackers also stole the silver and gold jewelry she was wearing at the time.^{dccxxxv}
2. A Hindu housewife and mother of three children was gang raped by a group of nine men at Danga Batashi village, Loharara Upazila. Sources said the victim went to her maternal uncle's house at Dangbatasi village to join a "kirtan gaan"

(the singing of religious songs) on November 21, and when she came out of the house, a group of Muslim men raped her. Locals rescued her in an unconscious state and following information from eyewitnesses nabbed five rapists. A local Upazila member, Kamruzzaman Mollah, and other powerful Muslim men in the area had the five men freed promising arbitration, but took no action. The victim's brother filed a case with the police and the victim's maternal uncle Sajal Biwas said "we feel insecure as we belong to a minority community and most of the local government representatives and Muslim men are intimidating us [and] threatening us of dire consequences".^{dccxxxvi}

3. Members belonging to the Biplobi Islami Sangathon (Revolutionary Islamic Organization) attacked members of Udichi (a Hindu cultural organization) and injured 40 people. The police fired rubber bullets to bring the situation under control. Udichi was celebrating its 43rd anniversary when the Islamic militants attacked, complaining that Udichi did not stop broadcasting through the loudspeaker when they were praying at their mosque. It was reported that some local madrasa students also took part in the attack.^{dccxxxvii}
4. On November 1, 2011, Muslim men entered Hindu owned land and started to cut down valuable trees. When the victim protested, the men attacked his wife, Karuna Rani, and another woman, with axes. Karuna Rani sustained multiple injuries on her head with severe bleeding. Another woman, Shymoli Rani Sarkar, was also injured. The incident happened at Gangair village (Dhuboria), Nagarpur, Tangail district.^{dccxxxviii}

December 2011

1. Incidents not yet reported.

Appendix C

Islamic Extremist Groups in South Asia^{dccxxxix}

People's Republic of Bangladesh^{dccxi}

Militant Organization	Description
Jamaat-e-Islami (Jel)	Islamist political party that was part of the Bangladesh Nationalist Party (BNP) coalition that came to power in the 2001 election, and was involved in violent attacks on Hindu supporters of the opposition Awami party; Its ultimate goal is to create an Islamic state in Bangladesh.
Islami Chhatra Shibir (ICS)	Youth wing associated with Jel, and has contact with Muslim youth extremist groups around the world. ICS has been involved in political and religious violence, and has been implicated in a number of bomb blasts throughout Bangladesh; Islami also controls a number of <i>madrasas</i> across the country.
Islami Oikyo Jote (IOJ)	Small Islamist party, and was also part of the BNP coalition government; Has supported violence against Hindus.

Jama'atul Mujahideen Bangladesh (JMB) has been implicated in a number of suicide bomb blasts across Bangladesh; A number of its leaders were previously affiliated with Jel and ICS.

Harkat-ul-Jihad-al-Islami (HuJI-B) Largest militant Muslim organization operating in Bangladesh, and has an estimated 15,000 members, recruited primarily from *madrasas*; Involved in a number of attacks.

Islamic Republic of Pakistan^{dccxli}

Militant Organization	Description
Harakat-ul-Jihad-ul-Islami (HuJI)	Islamic extremist group trying to establish Islamic rule in Pakistan through violence; Accession of the Indian state of Jammu and Kashmir to Pakistan; Spread terror throughout India; Has affiliate in Bangladesh (HuJI-B)
Jundallah	Rejects democracy of even the most Islamic-oriented style; Establish Sharia law; Accession of the Indian state of Jammu and Kashmir to Pakistan
Khuddam ul-Islam	Accession of Indian state of Jammu and Kashmir to Pakistan; Radical Islamist state in Pakistan; "Destroy" India and the U.S.

Lashkar-e Jhangvi (LeJ)	Violently transform Pakistan into a Sunni state under the complete control of Sharia law; Declare all Shia as <i>kafirs</i> (infidels), and responsible for several attacks on Shias; Destruction of other religions, notably Hinduism, Judaism, and Christianity; Its leader is Muhammad Ajmal, alias Akram Lahori; The group has links to SSP, Taliban, HuM, JeM, Al Qaeda
Sipah-e Sahab Pakistan (SSP)	Violently transform Pakistan into a Sunni state under the complete control of Sharia law; Declare all Shia as <i>kafirs</i> (infidels), and responsible for several terrorist attacks on Shia civilians; Destruction of other religions, notably Hinduism, Judaism, and Christianity; SSP has links to LeJ, HuM, Taliban, JeM, Jel, and Jul; Its leader is Maulana Mujibur Rehman Inqilabi
Harkat ul-Mujahidin (HuM) Previously known as Harkat-ul-Ansar	Targets Indian troops, civilians in the Indian state of Jammu and Kashmir, and Western interests; Masterminded the Kandahar hijacking of an Indian airlines in December 1999
Jaish-e-Mohammed (JeM) (Army of Mohammed)	Stated goal is the accession of the Indian state of Jammu and Kashmir with Pakistan and to take control of the Babri Masjid in Ayodhya, Amritsar and Delhi; Targets include Indian government/political leaders, and civilians; Has links

to HuM, Pakistan's Inter-Services Intelligence, Taliban, Al Qaeda and several Sunni groups like SSP and LeJ; Its leader: Maulana Masood Azhar

Lashkar-e-Taiba (LeT)
(Army of the Righteous)

Stated goal is to restore Islamic rule over India, take control of Kashmir, and unionize the Muslim regions in countries that surround Pakistan; Considers India, Israel and the U.S. prime enemies; Attacks primarily in J&K and other parts of India, including the recent terror attacks in Mumbai; Operates under the charity of Jamaat-ul-Dawa; Has links to Inter-Services Intelligence, Taliban, Al Qaeda, Al Muhajiraun, International Sikh Youth Federation and various international Islamist terrorist groups; Its leader is Hafiz Muhammad Saeed

Lashkar-e-Omar (LeO)
(Army of Omar)

A loose coalition of terrorist organizations: LeT, JeM, and LeJ; Believes in Islamic fundamentalism and fascism, hatred towards the West; Carried out attacks against Western targets and non-Muslims

Tehreek-e-Jaferia Pakistan (TJP)

Shia extremist group whose goal is to create a society based on "pure Islam" and protect the social, political and religious rights of Shiites; Also claims to fight against imperialism, and obtain Islamic egalitarianism and social justice; Has links to Pakistani Parliament and Iranian clergy; Its leader is Allama Syed Sajid Ali Naqvi

Tehreek-e-Taliban

Tehrik-e Taliban Pakistan (TTP) is an alliance of militant groups in Pakistan formed in 2007 to unify groups fighting against the Pakistani military in the Federally Administered Tribal Areas and Khyber Pakhtunkhwa. TTP leaders also hope to impose a strict interpretation of Qur'anic instruction throughout Pakistan and to expel Coalition troops from Afghanistan. TTP maintains close ties to senior al-Qa'ida leaders, including al-Qa'ida's former head of operations in Pakistan.

Tehreek-e-Nafaz-e-Shariat-e-Mohammadi

An extremist group whose goal is the militant enforcement of Islamic law (totalitarianism view), and transform Pakistan into a "Taliban style" country; It operates most of Swat Valley and neighboring districts, and has links to the Taliban; Its leader is Maulana Fazalullah

Nadeem Commando

Small terrorist group whose members are Mohajirs (Muslims who left India in 1947); Its stated goal is to protect the rights of Mohajirs, and operates primarily in Karachi and Hyderabad; Terror tactics include random shootings of selected targets and staging violent incidents during political strikes; It has links to Muttahida Quami Movement Altaf (MQM-A)

Sipah-e-Muhammad Pakistan

Shia extremist group, whose goal is to protect the

(SMP)
"Army of Muhammad"

Shiite community from Sunni extremist groups; Has links with Shia regime in Iran; Its leader is Ghulam Raza Naqvi and it is a rival of LeJ

Popular Front for Armed Resistance

Its goal is to advocate the secession of all Baluch regions from Pakistan; also involved in drug trafficking; Has links to Taliban

Haqqani Network

Insurgent group fighting against US-led NATO forces and the government of Afghanistan. Originating from Afghanistan during the mid-1970s, it was nurtured by the U.S. Central Intelligence Agency (CIA) and Pakistan's Inter-Services Intelligence (ISI) during the 1980s Soviet war in Afghanistan. Maulvi Jalaluddin Haqqani and his son Sirajuddin Haqqani lead the group, which operates on both sides of the Afghanistan-Pakistan border but U.S. officials believe is based in Pakistan's Waziristan tribal frontier It is allied with the Taliban

Muslim United Army

An umbrella group consisting of, "all the rightwing organizations including LeJ." Its stated goal is to organize groups against America and to launch a war against anti-Islam forces and non-Muslims; Its leader is Sheikh Ahmed

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