

HINDUS IN SOUTH ASIA & THE DIASPORA

A SURVEY OF HUMAN RIGHTS

2014–2015

HINDU AMERICAN
FOUNDATION



Hindus in South Asia and the Diaspora: A Survey of Human Rights 2014-2015



www.HAFsite.org

July 31, 2015

"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 Swami 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

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

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

Acknowledgements

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

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Samir Kalra, Esq.

Hindus in South Asia and the Diaspora: A Survey of Human Rights – 2014-2015

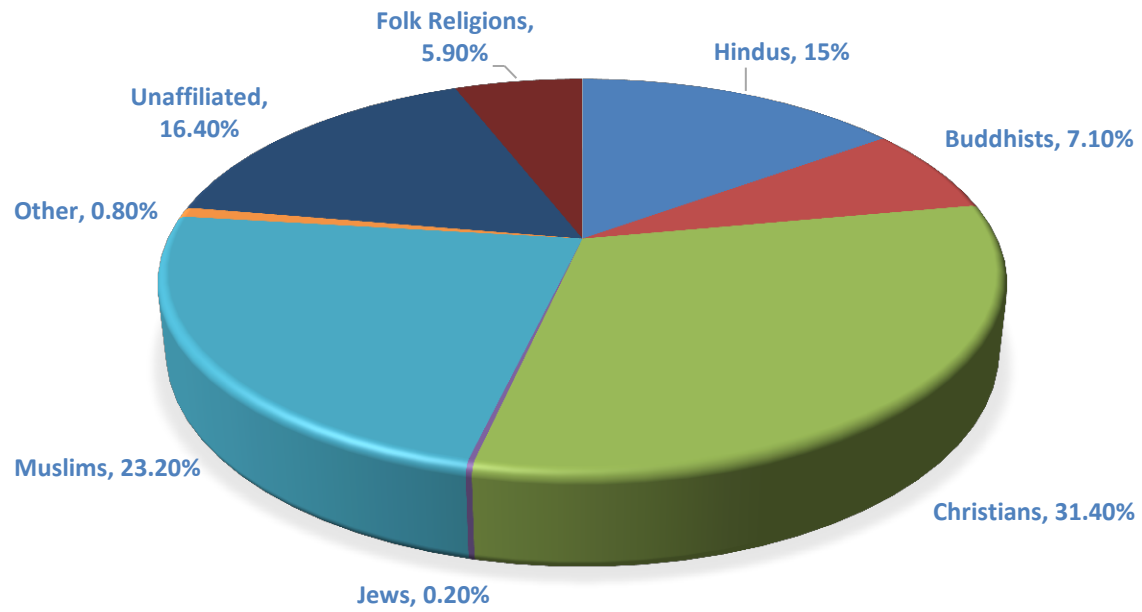
EXECUTIVE SUMMARY

The human rights of Hindu citizens are consistently violated in nine countries and one state in India where Hindus constitute a minority: Afghanistan, Bangladesh, Malaysia, Pakistan, Bhutan, the Indian state of Jammu and Kashmir, Sri Lanka, Fiji, Saudi Arabia, and Trinidad and Tobago. This report documents the ongoing violations of human rights in these countries, as well as those of specific refugee populations.

HINDUS ACROSS THE DIASPORA

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

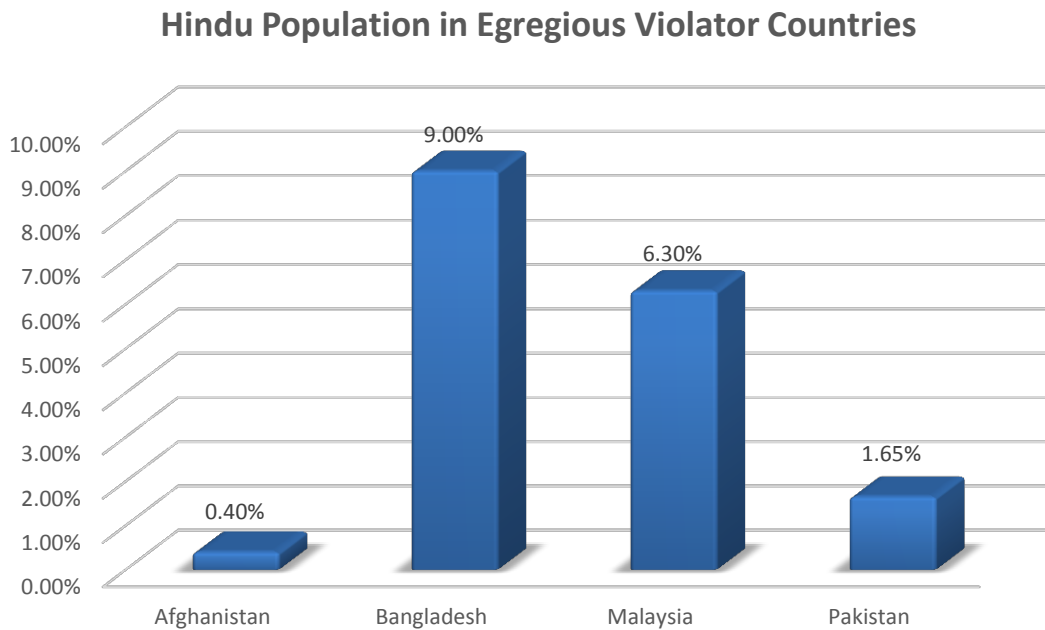
Global Religious Demographics^a



^a Religion & Public Life, Pew Research Center, <http://www.pewforum.org/>.

EGREGIOUS VIOLATORS

COUNTRIES DESIGNATED AS *EGREGIOUS VIOLATORS* HAVE EITHER ENGAGED IN OR ALLOWED RAMPANT AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS TO TAKE PLACE AGAINST THEIR MINORITY HINDU POPULATIONS. HAF HAS CATEGORIZED THE FOLLOWING COUNTRIES AS EGREGIOUS VIOLATORS IN 2014-2015: (1) ISLAMIC REPUBLIC OF AFGHANISTAN, (2) PEOPLE'S REPUBLIC OF BANGLADESH, (3) MALAYSIA, AND (4) ISLAMIC REPUBLIC OF PAKISTAN.



ISLAMIC REPUBLIC OF AFGHANISTAN

- The Hindu community, which was estimated at 200,000 in the 1970s, is now nearly extinct, with between 3,000 and 7,000 Hindus/Sikhs remaining after years of violence and persecution. Many of the Hindus/Sikhs that fled the country continue to endure problems as refugees.
- The increased conflict, violence, and political instability in Afghanistan in 2014 and the first half of 2015 led to a degradation of basic human rights for all Afghans, including restrictions on women's rights, increased internal displacement and migration, and abuses by both militants and government forces.
- Afghanistan's constitution and legal system institutionalize discrimination against non-Muslims and firmly establish Islam as the state religion. The constitution fails to adequately protect the religious freedom of minorities, who face significant legal inequalities.
- Hindus and Sikhs lack cremation rights and are often attacked and humiliated while trying to cremate their dead. They further face violence, social prejudice, intolerance, and Hindu and Sikh children, in particular, are harassed and bullied in school for their religious beliefs.
- Parents are hesitant to send their daughters out alone due to fear that they may be kidnapped and forcefully married to a Muslim.
- Religious minorities, including Hindus and Sikhs, have faced employment discrimination and are both politically marginalized and excluded from most government jobs.

HAF Recommendations:

- 1) The Afghan government should work to reform its legal system and constitution to provide greater safeguards for religious freedom and human rights. Legal experts from the U.S. and international bodies, such as the United Nations, should assist with this process.
- 2) The Afghan government must protect the funeral rites of Hindus and Sikhs and prevent non-state actors from interfering in their cremations. Moreover, the government should provide access to suitable land to house crematoriums.

- 3) Greater security and support should be provided for Hindus and Sikhs to allow them to worship freely and without fear of harassment, forced conversions, and societal discrimination.

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 9% of the population.
- Political and religious violence continued to plague Bangladesh throughout 2014 and the first half of 2015. Jel, ICS, and the BNP engaged in violent street riots, forced economic blockades and shutdowns known as "hartals", and carried out large-scale attacks on religious minorities and secular activists.
- Jel, ICS, and BNP supporters targeted Hindus in the aftermath of convictions by the International Crimes Tribunal (ICT), tasked with investigating crimes against humanity committed during the 1971 War of Independence. At least three Hindu temples were attacked in April 2015 following the execution of indicted war criminal Muhammed Karazuman.
- Hindus were subjected to restriction on religious freedom, attacks on their places of worship, illegal appropriations of lands, and abductions and forced conversions.
- Three atheist bloggers – Avijit Roy, Waishikur Rahman, and Ananta Bijoy Das – were hacked to death by extremists for their criticism of fundamentalism and Islamist groups in Bangladesh.
- The ruling Awami League government was also responsible for the current unrest by repressing political dissent, imposing restrictions on freedom of speech, and failing to protect minority communities from violence. Moreover, security forces committed widespread human rights abuses.

HAF Recommendations:

- 1) The Government of Bangladesh must take immediate steps to enforce the rule of law, prosecute those responsible for anti-minority violence, and ensure that religious minorities receive the necessary protection from further attacks. It should undertake legal and constitutional reforms and institute greater legislative safeguards for religious minorities.

- 2) Bangladesh should declare Jamaat-e-Islami and Islami Chhatra Shibir illegal terrorist organizations, based on their long-standing involvement in terrorist activities and violence against religious minorities, and impose complete bans on their activities.
- 3) The U.S. State Department and other government agencies should work constructively with the current Government of Bangladesh to ensure that attacks on Hindus and other minorities cease, past victims of violence are fully rehabilitated, and those responsible for attacks are brought to swift justice. In addition, human rights and civil society activists should be supported.
- 4) Jamaat-e-Islami Bangladesh and Islami Chhatra Shibir should be designated as Foreign Terrorist Organizations (FTOs) by the U.S. State Department.

MALAYSIA

- Malaysia is a self-declared Islamic Republic with Islam as the official state religion, despite significant Hindu (6.3%), Christian (9.1%), and Buddhist (19.2%) populations. Ethnic and religious minorities are subjected to inequitable constitutional provisions, such as the Bumiputra (sons of the soil) policies, which favor the Muslim Malay majority.
- The ruling government's policies under Prime Minister Najib Razak represented a significant step back for human rights and ethno-religious harmony. The ruling Barisan Nasional coalition increasingly pursued politics influenced by Islam and continued to suppress free speech and political dissent.
- Instead of upholding promises to implement social and economic reforms, the government increased economic entitlements for the majority Muslim Malay population, further marginalizing the Indian Hindu minority.
- Non-Muslims faced ongoing government restrictions on their religious freedom, including being forced to adjudicate family disputes with Muslims in Sharia courts. Moreover, Hindu temples were frequently destroyed or forcibly relocated by the government and subjected to burdensome requirements to bring foreign priests into the country.
- The Malaysian government also placed severe restrictions on the rights of minority Muslim sects, who were unable to register their associations or openly practice their faith.

HAF Recommendations:

- 1) Repressive laws should be rescinded or revised to allow for the free exercise of speech, assembly, and association, and to end arbitrary detentions and police abuses. The ruling government must further uphold its prior commitment to reform *Bumiputra* laws, rather than increasing benefits for Muslim Malays.
- 2) Religious freedom should be granted to non-Sunni Muslims consistent with those rights granted to their fellow Muslim citizens, including the rights of minority Muslims sects to register their associations and freely practice their religion in public.
- 3) Religious minorities should not be forced to deal with the country's Sharia courts.
- 4) Hindu temples must be protected 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 respective temple trustees/committees as has been done for pre-independence era mosques.
- 5) The U.S. and the international community must exert pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and to allow freedom of speech and assembly by amending repressive laws. This can be partially achieved by implementing the recommendations made to Malaysia by the UN Human Rights Council.
- 6) The U.S. should further revisit its trade ties with Malaysia as the Barisan National government continues to distribute economic entitlements to the majority Muslim Malay population. These policies not only impact minorities, but also affect the country's economy and the viability of foreign investment.

ISLAMIC REPUBLIC OF PAKISTAN

- 2014 and the first half of 2015 were marked by sectarian violence, political instability, and the flagrant violation of human rights and religious freedom.
- Islamist militants attacked civilians with impunity, with twin bombings of two churches in a Christian neighborhood in Lahore during Sunday services on March 15, 2015 and repeated attacks on Shiite pilgrims and places of worship.
- The Hindu community, which now constitutes less than 2% of the population (compared to 15% at the time of Partition), and other minorities were subjected to constitutional and legal discrimination, systematic violence, bonded labor and economic exploitation, and social prejudice. A spate of attacks against Hindu

temples during the religious festival of Holi in 2014 left the community in a state of fear and insecurity.

- The education system fosters hatred and intolerance towards non-Muslims, including Hindus, Christians, and Jews, while promoting violent jihad. Non-Muslim students are forced to take Islamiyat classes and study the Quran in schools.
- An estimated 1,000 Christian and Hindu women are abducted and forcibly converted to Islam every year. Often, after being abducted, these girls are forcibly married to unknown men, raped, sold off, or forced into prostitution.
- An estimated 5,000 Hindus continued to seek refuge in India annually to escape religious persecution in Pakistan. These refugees still face challenging socio-economic conditions in India and are in dire need of long-term legal status.

HAF Recommendations:

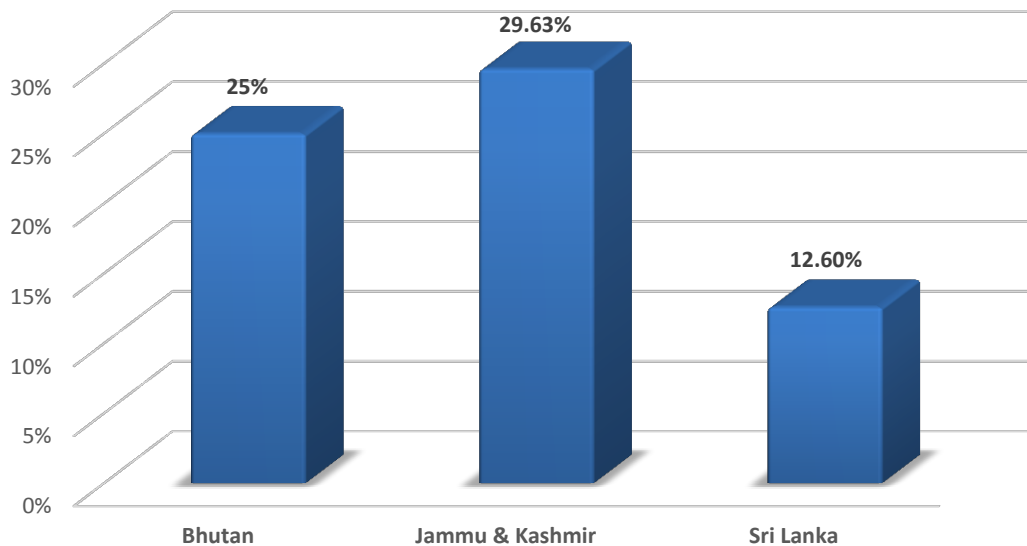
- 1) The Government of Pakistan must take immediate steps for the protection of Hindus from violence, rape, kidnapping, and forced conversions.
- 2) Pakistan should reform its education system in order to remove inflammatory and negative depictions about other religions and instead promote tolerance and pluralism.
- 3) HAF supports the repeal and/or revision of all discriminatory and inequitable laws and constitutional injunctions and urges the Pakistan National Assembly to pass the Hindu Marriage Bill 2015 to allow Hindus to register their marriages and receive national identity cards.
- 4) The U.S. should shift its relationship with Pakistan from a military centric one to one based on supporting civil society, democracy, human rights, education, and secular institutions in the country. Moreover, military aid should be limited and require strict accounting for every dollar Pakistan receives.
- 5) The U.S. Department of State should classify Pakistan as a *Country of Particular Concern* (CPC) due to its blatant disregard for human rights and religious freedom.
- 6) Pakistan should establish a truly independent Human Rights Commission and a new minorities' commission to investigate and effectively address all forms of violence and discrimination against minorities.
- 7) The Government of India has taken positive steps to accord long-term legal status to Pakistani Hindu refugees, but should expedite the process and address the basic

shelter and survival needs of newly arriving refugees, such as creating transitional housing and providing emergency aid.

COUNTRIES OF SERIOUS CONCERN

COUNTRIES LABELLED AS *SERIOUS CONCERN* HAVE COMMITTED SEVERE HUMAN RIGHTS VIOLATIONS AGAINST THEIR HINDU MINORITY, BUT NOT RISING TO THE LEVEL OF *EGREGIOUS VIOLATORS*. THESE COUNTRIES OR REGIONS INCLUDE THE FOLLOWING: (1) KINGDOM OF BHUTAN, (2) INDIAN STATE OF JAMMU AND KASHMIR (THIS DESIGNATION IS BASED ONLY ON THE TREATMENT OF THE HINDU MINORITY IN THE STATE AND NOT HUMAN RIGHTS IN GENERAL IN INDIA), AND (3) DEMOCRATIC REPUBLIC OF SRI LANKA.

Hindu Population in Countries of Serious Concern



KINGDOM OF BHUTAN

- Bhutan is a Democratic Constitutional Monarchy and comprises a multi-religious, multi-cultural, multi-ethnic, and multi-lingual society. Despite a recent democratic transition, basic human rights and fundamental freedoms remain elusive for large segments of the population.
- In the early 1990s, Bhutan implemented the discriminatory “One Nation, One People” policies to forcibly homogenize the country to the majority Buddhist Drukpa culture. This culminated in the eviction of over 100,000 mostly Hindu Lhotshampas (ethnic Nepalis), drastically reducing their population from 42% to between 25% and 30%.
- The Bhutanese government continues to violate the fundamental rights of Hindus, restricting their linguistic and political rights, preventing the full and open practice of Hinduism, and restricting the construction of Hindu temples and Sanskrit schools. Moreover, approximately 28,000 ethnic Nepalis are still waiting to have their citizenship rights restored.
- Approximately 108,000 Lhotshampa refugees were housed in UNHCR administered camps in Nepal until 2007, when the “resettlement movement” first began. As of March 31, 2015, 95,902 Bhutanese refugees have left the camps for third country resettlement. Of that, the U.S. has accepted 81,192.
- The resettled Bhutanese Hindu community in the U.S. has reported facing a number of challenges, including a high incidence of mental illness and suicide, and difficulty retaining their cultural and religious traditions.

HAF Recommendations:

- 1) The Bhutanese government should remove or revise any preferential language for Buddhism in Bhutan’s constitution and legal framework, and the government should treat all religions equitably. Moreover, non-Buddhist communities should be accorded the right to build new places of worship and register religious organizations free of cumbersome and arbitrary restrictions.
- 2) Continued attempts to forcibly homogenize the cultural identity of the country, including limiting minority linguistic rights, must end, thereby allowing all ethno-religious minorities to assert their independent identities.
- 3) HAF urges Bhutan to accept and repatriate all those refugees remaining in the camps or resettled elsewhere, who wish to return and are able to prove their nationality through reasonable means, while Nepal should make a similar offer to

integrate some refugees. Moreover, those Bhutanese Hindus living in India should be accorded official refugee status and provided with basic government assistance.

- 4) International donors, the United Nations, India, China, and the United States should put pressure on Bhutan to accept the return of exiled ethnic Nepali Hindus and ensure that those Lhotshampas currently living in Bhutan enjoy equal protection under the law.
- 5) The resettled refugee population, particularly in the U.S., should be given greater support in acclimating to their new environment, with increased focus on addressing their mental health needs, overcoming linguistic barriers, and helping retain their cultural traditions and religion.

INDIAN STATE OF JAMMU AND KASHMIR

- The former Princely State of Kashmir legally ceded his kingdom to India in 1947, following an invasion by Pakistani armed forces and Pashtun tribesmen. Pakistan, however, continues to occupy about 35% of the region, India governs approximately half, and China occupies the remainder, including a portion ceded to it by Pakistan.
- January 19, 2015 marked the 25th anniversary of the ethnic cleansing of more than 300,000 Kashmiri Hindu Pandits (over 95% of the Valley's indigenous Hindu population) from their homeland in the Kashmir Valley by Pakistani sponsored Islamic militants.
- 25 years later, Kashmiri Pandits have not yet been recognized as Internally Displaced Persons (IDPs) by the Indian government, or safely rehabilitated back to their homes in the Kashmir Valley. Although the newly elected state and central governments in 2014 brought hope for the resettlement of the Pandits, proposed plans have not yet been implemented.
- Thousands of Kashmiri Pandits still live in camps in Jammu and New Delhi, suffer from ongoing mental and emotional trauma, and are socially and politically marginalized.
- Kashmiri Pandits are unable to exercise independent control over their places of worship in the Kashmir Valley, despite the ongoing encroachments and illegal sales of temple properties in the State. Over 100 temples have been illegally occupied since 1989 and hundreds more destroyed.

HAF Recommendations:

- 1) The central government must officially recognize Kashmiri Pandits as IDPs to acknowledge their historical experience and provide them with the rights and protections accorded IDPs under international law.
- 2) The central and state governments should improve basic conditions for Pandits living in camps in Jammu and New Delhi. Moreover, the central and state governments must implement comprehensive resettlement plans for the displaced Pandits that: (1) Ensure the security for those returning; (2) Integrate returning Pandits into the normal economic development of the state; (3) Provide proper accommodations to resettling Pandits; and (4) Ensure basic freedoms for returning Pandits. Pandits must also be included in any political dialogue on the future of the state.
- 3) The Jammu and Kashmir government must provide for the protection of vulnerable Hindu shrines and allow Kashmiri Pandits to independently control their religious sites in the Valley. It must further provide full protection and accommodation to Hindu pilgrims visiting shrines from outside the state.
- 4) India must 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 to the detriment of Kashmir's religious minorities. The State must end the economic and political marginalization of Hindus and Buddhists in the state.
- 5) U.S. policy makers and the international community must exert economic and diplomatic pressure on Pakistan to end its use of terrorism as an instrument of state policy, leveraging the large amount of financial assistance annually provided to the country.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

- Sri Lanka is a multi-ethnic, multi-religious nation that was plagued by decades of violent conflict between the Sinhala-majority government and Tamil separatist groups in the northern and eastern parts of the country. The prolonged conflict was detrimental to all Sri Lankans, especially the Tamil Hindu minority (12.6%), which experienced an undue share of violence, displacement, and destruction of temples.
- Post-conflict justice still eludes Sri Lanka with the United Nations decision to delay its report into the war crimes committed during the civil war, particularly during the final phase when more than 40,000 Tamils were massacred by the Sri Lankan military.

- 2014 witnessed the continuation of systematic human rights violations and repressive policies under the previous regime of Mahinda Rajapaksa. Presidential elections in early 2015 saw the surprising victory of Maithripala Siresena, who had the support of Tamil and Muslim minorities.
- Although there have been some positive steps under the new government, the Tamil homelands in the Northern and Eastern provinces remain heavily militarized, with security forces committing widespread abuses and suppressing minority rights. Moreover, the federal government refuses to devolve power to the duly elected Northern Provincial Council.
- Sinhala-Buddhist nationalism has emerged as a destructive force after the war and led to the repression of minority rights and attacks on Hindus, Christians, and Muslims.

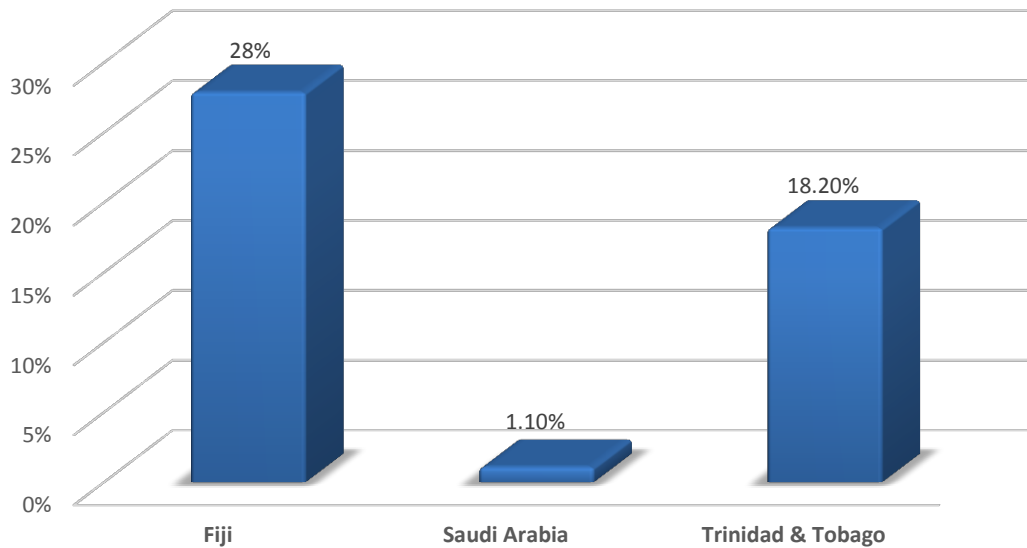
HAF Recommendations:

- 1) HAF calls on the Sri Lankan government to allow the United Nations to conduct its own external and independent investigation into war crimes committed by all sides during the civil war, as it is the only means to obtaining accountability and justice for the victims.
- 2) Similarly, demilitarization of the north and eastern sections of the country is necessary to build the trust of the minority Tamil population. Additionally, security forces should refrain from interfering in the daily lives of Tamil civilians and respect their freedom of speech and association. It is further incumbent upon the federal government and military to respect the results of the northern provincial council elections under the thirteenth amendment and devolve power to the elected council.
- 3) The government must also end impunity for human rights abuses committed by army personnel and attacks by militant Buddhist monks on minority places of worship. It should also cease pandering to Sinhala-Buddhist nationalists bent on homogenizing a highly diverse country.
- 4) The international community, including the UN, India, and the U.S., must continue to support human rights and democratic processes in the country and pressure Sri Lanka to pursue accountability and justice for the victims of the civil war.

MONITORED COUNTRIES

MONITORED COUNTRIES HAVE A HISTORY OF VIOLATIONS AGAINST THE HINDU COMMUNITY, BUT CONDITIONS HAVE IMPROVED IN RECENT YEARS. THE ONE EXCEPTION IS SAUDI ARABIA, WHICH HAS A SMALL POPULATION OF HINDU MIGRANT WORKERS AND A LACK OF AVAILABLE DATA ON VIOLATIONS AGAINST HINDUS. CONSEQUENTLY, *MONITORED* COUNTRIES INCLUDE THE FOLLOWING: (1) REPUBLIC OF THE FIJI ISLANDS, (2) SAUDI ARABIA, AND (3) TRINIDAD AND TOBAGO.

Hindu Population in Monitored Countries



REPUBLIC OF THE FIJI ISLANDS

- In Fiji, Hindus constitute approximately 27.9% of the population and comprise the second largest religious community in the country behind Christians (64.5%).
- On September 17, 2014, Fiji held its first democratic elections since 2006, when Commodore Frank Bainimarama came to power through a military coup. Bainimarama and his Fiji First Party emerged victorious in the elections. The government continued to repress fundamental rights, including abuses by security forces, suppression of political dissent, and restrictions on the freedoms of speech and assembly.
- Ethnic and religiously motivated violence targeting the Indian-Hindu minority in Fiji has largely subsided, but there was one incident of vandalism at a Hindu religious school in 2014. The Indian-Hindu minority continued to face ongoing racial prejudice and inequitable treatment in many sectors, although the government has taken steps to confront discrimination.
- Most of the restrictive regulations placed on Hindu temples and organizations in 2013 were lifted in 2014, although some restrictions on gatherings remained. Under the regulations, Hindus were required to acquire permits to hold events with more than ten people. Similarly, many Hindu temples were unable to obtain permits for religious gatherings or festivals.

HAF Recommendations:

- 1) The Fijian government must uphold and protect human rights and revise the new Constitution to ensure the full enjoyment of basic civil rights for all citizens. The government should also end its suppression of free speech and the right to assembly by those critical of its policies, while security forces should refrain from the continued use of arbitrary arrests and detentions.
- 2) The rescission of government restrictions on Hindu temples was a positive step, but the government should ensure that all limitations on religious gatherings are lifted in the interest of protecting the religious freedom of its citizens.
- 3) The government must also practice parity and equality in its response to and support of various ethnic and religious groups and should continue to take the necessary steps to stem discrimination and religious intolerance, whether by government officials or non-state actors.
- 4) Law enforcement should continue to protect Hindus from violent attacks, closely monitor hate speech, and institute permanent safeguards to protect Hindu temples and institutions.

KINGDOM OF SAUDI ARABIA

- Saudi citizens and non-resident migrant workers continued to be deprived of fundamental freedoms and basic civil liberties throughout 2014 and into 2015. The suppression of political dissent, restrictions on religious freedom, and an absence of basic women's rights persisted.
- Saudi law is based on Sharia and mandates all citizens to be Muslims. Public practice of other religions is prohibited, and non-Muslim places of worship, such as temples, synagogues, or churches, are expressly forbidden.
- Saudi Arabia's Hindu population is primarily comprised of migrant workers from South Asia (165,000 – 300,000), who frequently endure "slavery-like conditions." Non-Muslim migrant workers, particularly Hindus, are deprived of all basic human rights and religious freedom. Many migrants are frequently forced to sign labor contracts, where they relinquish their rights and agree to adhere to Saudi religious customs and morals.
- An Indian citizen was arrested under an anti-cyber crime law for allegedly posting Hindu religious symbols in a picture of Mecca's Grand Mosque on Facebook. Although he claims he only "liked" the picture, he faces up to five years in prison and an \$800,000 fine.
- Saudi Arabia exports extreme forms of Wahhabi Islam to other countries and spends **billions of dollars** annually on the construction of Wahhabi mosques, provision of intolerant educational materials, and support for Islamists.

HAF Recommendations:

- 1) The international community must urge the Saudi government to address fundamental human rights concerns, including the signing and ratification of major international human rights treaties. In particular, Saudi Arabia must revamp its legal system to recognize religious minorities and provide them with basic civil rights and equality under the law, including the right to publicly practice their religion.
- 2) The Saudi government should also end its criminalization of views that are deemed blasphemous or inconsistent with the State's official version of Islam. In addition, migrant workers must be protected from abusive employers, indentured servitude, and forced prostitution.
- 3) The Saudi regime must reform its intolerant education system domestically and cease funding and providing logistical support to hardline Wahhabi Muslim institutions and organizations internationally.

REPUBLIC OF TRINIDAD AND TOBAGO

- The country is a multi-ethnic, multi-religious island nation with Indo-Trinidadians (35.4%) and Afro-Trinidadians (34.2%) accounting for the majority of the population. The racial and religious animosity between Afro-Trinidadians and Indo-Trinidadians has been exacerbated over the years, with Hindu Indo-Trinidadians (18.2%) facing hate speech and intolerance.
- As in 2013, there were no substantial restrictions on religious freedom or attacks on Hindu temples in 2014 and the first half of 2015, and Hindus were afforded equal protection under the law.
- Hindus continued to be disproportionately affected by violence, as the country experienced a high rate of crime and a “public security crisis.” It is not clear, however, whether the violence was religiously or racially motivated or simply general criminal activity.

HAF Recommendations:

- 1) The Trinidadian government must guarantee fundamental rights and freedoms for all citizens and enforce civil and criminal laws in a uniform manner.
- 2) Trinidadian leaders of all backgrounds should also discourage racial and religious stereotypes and hate speech to reduce tensions between the country’s two largest communities, Afro-Trinidadians and Indo-Trinidadians, and continue to work towards a truly multi-religious and multi-ethnic society built on mutual respect and pluralism.
- 3) The U.S. and the international community should leverage their economic relations with the country to encourage an end to abuses by the police and security forces and end any discrimination based on sexual orientation. Similarly, they should urge the current government to continue its equitable racial and religious policies that promote equality and protect the rights of all the country’s citizens.

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Introduction

Followers of Hindu traditions constitute the third largest religious group in the world (1.03 billion), after Christians (about 2.1 billion) and Muslims (1.4 billion).¹ 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. Hindus number more than 973 million in India alone and constitute 79.5% of the population.² However, the Hindu Diaspora reaches far 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 also make up a significant portion of the population, with representation at the highest levels of government.

The top 25 countries^b 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, Kuwait, Fiji, Singapore, Trinidad and Tobago, Myanmar, Guyana, Saudi Arabia, Yemen, Zimbabwe, and Australia.

While Hindus comprise the majority in India and Nepal, Hindus constitute an important minority in a number of countries listed above. Even in India, Hindus are minorities in several states, including Jammu and Kashmir and Punjab. Hindu communities, especially in Pakistan and Bangladesh, have experienced a tumultuous history, and both the state and majority communities have violated their human rights with impunity. 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 ten years, brought these human rights violations to regular scrutiny. Since the first human rights report in 2005, which comprised of a brief summary of the South Asian region, the Foundation’s reports have evolved significantly to a systematic report detailing a range of human rights abuses in ten countries/regions around the world within the context of domestic legal frameworks and international human rights law. ***Specifically, this eleventh annual report covers human rights conditions in ten nations and regions across the world in 2014-2015: Afghanistan, Bangladesh, Malaysia, Pakistan, Bhutan, the Indian state Jammu and Kashmir, Sri Lanka, Fiji, Saudi Arabia, and Trinidad and Tobago. Moreover, it documents the challenges facing Afghan, Pakistani, and Bhutanese refugees living outside their country of origin.***

^b Hindus have fled Afghanistan en masse over the past several decades, and we have thus removed Afghanistan from the list of the top 25 countries of residence for Hindus.

The report also highlights HAF's recent fact-finding missions to Bangladesh as well as to Pakistani and Bhutanese refugee camps in India and Nepal, respectively. Moreover, it summarizes the Foundation's direct relief projects with the Bhutanese and Pakistani Hindu refugee communities. These projects complement HAF's human rights advocacy efforts in Washington, D.C. and provide greater depth to our human rights work as a whole.

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 lead to rampant human rights violations. Often this occurs with the tacit support of the ruling establishment, as is the case in Pakistan. In fact, in Pakistan, the legal system, as well as the close nexus between the military, elected government, and extremist groups has resulted in state sponsored discrimination and rampant violence against Hindus and other minorities. In Bangladesh, on the other hand, while the ruling establishment is certainly responsible for significant human rights violations against Hindus and discrimination in the legal framework, it is opposition political parties and their Islamist allies that have been primarily liable for the upsurge in attacks on Hindus.

In many nations where Hindus have been targeted, 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. In the case of Sri Lanka, ethnic based and religiously motivated discrimination and violence are often closely intertwined, further complicated by the re-emergence of Sinhala-Buddhist nationalism following the conclusion of the war, which has expanded to target Christians and Muslims as well.

Beyond Sri Lanka, race is also conflated with religious identity in countries, such as Malaysia, Fiji, and Trinidad & Tobago. In Malaysia, where ethnic Malays are automatically defined as Muslims, ethnic and religious discrimination against non-Malays often goes hand in hand and are escalating on a shared trajectory. Moreover, in Fiji and Trinidad & Tobago, the ethnic Indian populations are primarily Hindu and have historically faced a combination of religious and racial prejudice, although conditions have largely improved in these two countries.

Other countries and regions, including Afghanistan, the Indian State of Jammu and Kashmir, and Saudi Arabia pose further challenges in addressing and documenting human rights violations. In Saudi Arabia, for instance, the Hindu population is comprised almost entirely of South Asian migrant workers and thus, not officially recognized by the state. As a result, specific reports of persecution against Hindus are difficult to obtain.

Accounts of general conditions for migrant workers and legal restrictions on non-Muslims are, however, available. These reports have led both the U.S. Commission on

International Religious Freedom (USCIRF) and the U.S. Department of State to consistently designate Saudi Arabia as a *Country of Particular Concern* (CPC). Despite being labeled as a CPC, America has been reluctant to sanction the Saudi regime or hold it accountable for widespread repression, due to close relations between the two countries.

Afghanistan, on the other hand, presents a different issue, as the current population of Hindus and Sikhs (considered one community in Afghanistan) has dwindled to a few hundred families, despite a longstanding history in the country dating back thousands of years. Nonetheless, those Hindus and Sikhs remaining in this conflict-ridden nation face considerable discrimination. At the same time, there are large numbers of Afghan Hindus and Sikhs living outside of Afghanistan, who encounter difficulties as refugees.

Similarly, reporting on Bhutan covers those ethnic Nepali Hindus remaining in the country as well as the substantial refugee population living in United Nations administered camps in Nepal or resettled in third countries, such as the United States.

And the human rights issues facing Hindus from India's state of Jammu and Kashmir is an entirely unique situation, with Hindus being minorities at the state level, but a majority at the national level. Moreover, it raises important questions regarding responsibility for the current status of Kashmir's Hindu community, many of whom have been internally displaced from their homes, while remaining within India. Pakistan's interference and support for militant groups in India's state of Jammu and Kashmir adds an additional dimension to coverage of this region.

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 believes in the importance of addressing those problems,^c but they are beyond the scope of this report, which focuses on countries and regions where Hindus are generally a minority.

Cognizant of these complexities, this report attempts to provide an overview of human rights and religious freedom conditions in countries and regions where Hindus have endured systemic legal and institutional discrimination, attacks on places of worship, restrictions on religious freedom, and violence against women during the period of 2014 and the first half of 2015. Furthermore, given the varying degree of persecution faced by Hindus in each country, the 2014-2015 report categorizes each country based on their respective violations against Hindus.

Therefore, Afghanistan, Bangladesh, Malaysia, and Pakistan have been labeled as *Egregious Violators*; Bhutan, the Indian State of Jammu and Kashmir (J&K), and Sri

^c 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>

Lanka as *Countries of Serious Concern*; and Fiji, Saudi Arabia, and Trinidad and Tobago (T&T) as *Monitored Countries*.

While this report focuses primarily on the plight of Hindu minorities, it does note issues faced by other similarly situated groups in specific countries. In Afghanistan, for instance, human rights violations against Sikhs are detailed, while those of Christians, Sikhs, Ahmadiyyas, and Shiite Muslims in Pakistan are documented, albeit to a lesser extent. Moreover, the report covers the growing violence directed towards Christians and Muslims in Sri Lanka, as well as against Atheists, Buddhists, and indigenous tribes in Bangladesh, and ethnic minorities in Malaysia. This report is intended to demonstrate the larger patterns of abuse that exist in these countries and that impact Hindus and other minorities alike.

HAF Fact-Finding and Relief Projects

Bangladesh Fact-Finding Mission

The Hindu American Foundation (HAF) launched a new phase in its international human rights work in 2015, when it led a fact-finding mission to Bangladesh for the first time in its history. HAF's Director of Government Relations, Jay Kansara, and Washington, D.C. Working Group Member, Utsav Chakrabarti, travelled to the Bangladeshi capital of Dhaka from January 29 – February 5, 2015 for a week of intense meetings with three government officials and dozens of non-governmental organizations, civil society activists, and Hindu community leaders.

The HAF team also visited a number of Hindu temples and sites and surveyed conditions for religious minorities, amidst an atmosphere of growing political violence instigated by the opposition-led Bangladesh Nationalist Party and Jamaat-e-Islami. HAF similarly met with Bangladeshi Hindu refugees outside the Indian city of Kolkata, where they had crossed the border to seek refuge from religious persecution, and government officials and NGOs in Kolkata to understand the refugee crisis and border issues between India and Bangladesh.

The Foundation plans on enumerating the findings from its trip to Bangladesh in a report and short documentary film that it expects to release in the Fall of 2015.

Bhutanese American Refugee Project

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

More than 80,000 Bhutanese refugees have thus far been resettled across the U.S. and struggle to maintain their religion, culture, and traditions. Although resettlement agencies and faith-based organizations have provided rudimentary services to the refugees, they remain in dire need of additional assistance.

In response to their acute needs, HAF launched *The Bhutanese American Project* in March 2014 in support of the resettled Bhutanese Hindus across the country. In 2014, HAF distributed \$6,000 in grants to several Bhutanese community organizations to support Bhutanese community-led efforts to procure space for religious gatherings and social services, transportation to Hindu temples and other cultural institutions, or youth mentorship programs and field trips. Moreover, through the project, HAF hosted its first Bhutanese Advocacy Day on Capitol Hill to generate awareness of the plight of the Bhutanese American community and human rights in Bhutan.

The initiative was an outgrowth of HAF's Hindu American Physicians in Seva (HAPiS) program, where two physicians from HAF visited several UNHCR administered Bhutanese refugee camps in 2012 in the city of Damak, Nepal, in order to both assess the current level of care administered to the refugees and explore areas of need. During that fact-finding and medical trip, HAF's team also met with UNHCR officials, the United States embassy in Kathmandu, and the Asian Medical Doctors Association (AMDA)-Nepal.

HAF subsequently formed a partnership with UNHCR in 2013, as part of a joint project to serve the medical needs of Bhutanese Hindu refugees in Nepal. HAF sponsored psychologist Dr. Liang Tien, Psy.D. from Antioch University in Seattle, Washington has made two visits to Nepal. She has conducted psychological trainings and workshops for counselors at the Transcultural Psychosocial Organization (TPO) – Nepal, the primary organization providing psychological support to refugees in the camps.

Furthermore she performed individual case consultations and assessments in the camps, and found that amongst other mental health issues, alcohol abuse, domestic violence, and suicidal ideation or attempts were major issues with which the refugees were coping.

Dr. Tien also developed a training manual for TPO counselors to use with the refugees that is based on therapy techniques indigenous to Nepalese and Bhutanese culture. In addition, she held a number of meetings with TPO and UNHCR on creating modules to improve the delivery of psychological assistance to the refugees.

Pakistani Hindu Refugee Fact-Finding Missions

HAF conducted a fact-finding visit in January 2015 to Pakistani Hindu refugee camps in the city of Jodhpur in India's northwestern state of Rajasthan, where a number of Pakistani Hindus have settled due to its close proximity to the Indo-Pakistani border. HAF found that there had been no substantive changes in the refugees' conditions, and the lack of formal long-term legal status remained the most significant issue they faced, though the Indian government has announced plans to address their legal status.

The trip was a follow-up to HAF's initial visit to the camps at the beginning of 2013, when an HAF team conducted an independent fact-finding mission in conjunction with a medical trip to three Pakistani Hindu refugee camps.

The team collected data over a six day period, which was based on first-hand observations and documentation, more than 30 individual and group interviews, medical assessments, and discussions with volunteers and camp leaders. While the trip focused on the migrants in Jodhpur specifically, the team's findings reflected larger trends surrounding the status of Pakistani Hindus in western Rajasthan and India in general.

Overall, the camps HAF visited lacked basic infrastructure and shelter, sanitation and clean drinking water, food rations, warm clothes, and blankets. The refugees also lacked long-term legal status, employment opportunities, education, regular access to health care, and suffered from a wide range of physical and mental health conditions.

In speaking with refugees from all three camps, several common themes emerged regarding the status and treatment of Hindus in Pakistan. Specifically, there were consistent accounts of temple destruction, restrictions on religious freedom, social prejudice, and economic exploitation and abuse by feudal landlords. Furthermore, many refugees discussed the prevalence of discrimination against their children in schools and the frequent abduction and forced conversion of both Hindu girls (under the age of 16, which is the legal age of marriage in Pakistan) and adult women.

The Foundation has enumerated its detailed findings in a separate report entitled, *Victims of History: The Untold Story of Pakistani Hindu Refugees in India*, which is available at:

http://www.hafsite.org/sites/default/files/HAFN_13_008_victimsReport_r2_web.pdf.

Similarly, HAF created a short documentary on the camps, which can be viewed at: <http://vimeo.com/63220831>.

Pakistani Hindu Refugee Rehabilitation Projects

Following HAF's fact-finding visit to refugee camps in Jodhpur, India in January 2013, HAF launched several refugee assistance projects in conjunction with a number of ethnic Sindhi organizations and other non-profits.

Thus far, HAF has supported projects that addressed the refugees' needs in the following areas: (1) Education; (2) Shelter; (3) Warm Blankets; and (4) Lighting/Electricity. Brief details of each project are included below. In addition, HAF is in the midst of collaborating with other community based organizations in India and the U.S. on a project that would provide long-term medical assistance to the refugees.

Education

Access to education is an ongoing challenge for Pakistani Hindu refugees in India. Often refugee children have difficulty enrolling in local schools in the absence of proper legal documentation. Even when they are admitted, they frequently lack the ability to purchase uniforms and school supplies. Consequently, HAF sponsored a project to purchase school uniforms, shoes, backpacks, and notebooks/stationary for 70 refugee children that were enrolled in a public school in Jodhpur.

Shelter

As HAF documented during its fact-finding trip to the Jodhpur refugee camps, shelter and protection from the elements is a significant problem for the refugees, especially during the winter season and summer monsoon rains. In order to help address this issue, HAF and its partner organizations provided funding for the purchase of 25 army

grade tents to house 25 families. Each tent accommodated two beds and four people. The tents were for newly arrived refugees previously living in the open air.

Warm Blankets

Many of the refugees also lack adequate warm clothing and blankets to protect them during the winter season, resulting in a high incidence of colds and other infections. This problem is particularly acute for young children, who are especially vulnerable to the cold. As a result, 110 blankets were provided for approximately 30 refugee families to help them stay warm during the 2013 winter season.

Solar Lamps

One of the major complaints of the refugees was the lack of electricity and/or lighting in the camps, which left them virtually in the dark at night. This caused numerous problems in their daily lives, including difficulty cooking or studying (for children) at night, and the inability to see and prevent snake and insect bites. Early in 2014, HAF helped spearhead the delivery of 250 solar lamps for 190 refugee families living in the Kali Beri settlement and another 60 families housed in the Chopasni camp.

Pakistan Flood Relief and Rehabilitation

In addition to assisting Pakistani Hindu refugees in India, HAF has also supported relief and rehabilitation projects for Hindus in Pakistan itself. In 2013, for instance, HAF partnered with Sewa International, a 501(c)(3) charitable organization, and the Hare Rama Foundation (HRF), a Pakistan based non-governmental organization assisting Hindus in Sindh and southern Punjab, to provide one month's worth of emergency relief supplies (food, clothing, and medicines) to 650 Hindu families, who were rendered homeless from devastating floods.

Egregious Violators

Islamic Republic of Afghanistan



© CIA World Factbook^d

Area: 652,230 sq km

Population: 31,822,848 (July 2014 est.)

Religions: Sunni Muslim 80%, Shi'a Muslim 19%, other 1% (includes Hindus, Christians, and Sikhs)

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

Languages: Afghan Persian or Dari (official) 50%, Pashto (official) 35%, Turkic languages (primarily Uzbek and Turkmen) 11%, 30 minor languages (primarily Balochi and Pashai) 4%, much bilingualism, but Dari functions as the lingua franca

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

^d Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html>.

Introduction

2014 was once again marked by violence and instability in Afghanistan, as NATO ended its formal combat operations in December amidst increased Taliban attacks on civilians and Afghan security forces. The country's much heralded democratic transition was marred by disputed presidential elections and allegations of fraud, eventually leading to a negotiated power-sharing agreement and the formation of a unity government with Ashraf Ghani as President and his primary challenger, Abdullah Abdullah, as Chief Executive.⁴

Violence continued into 2015 prompting the U.S. to announce plans to keep its force of nearly 10,000 counterinsurgency troops in the country through the end of year. Spring 2015 has reportedly been the most violent since 2001, and the Taliban has made advances into the northern parts of the country, including in the northeast province of Kunduz, where fighting displaced 10,000 families. Reports have also emerged that Islamic State (ISIS) fighters have been fighting alongside the Taliban in Kunduz and are beginning to recruit in several parts of the country.⁵

Though the presence and capabilities of ISIS in the country are currently limited, Afghanistan's leaders, along with several other countries and the United Nations, expressed concerns with the potential threat that an expanding ISIS presence might pose to the country's security and stability.⁶

Against this backdrop of increased violence, the Afghan government representatives began to hold talks with the Taliban in Qatar, though the Taliban continued to publicly reject a cease-fire until all foreign troops left the country.⁷ Moreover, from all indications, the Taliban has not changed its ideological position and would likely want the Constitution rewritten to reflect complete Sharia law,⁸ a prospect that would have severe ramifications for women's rights and religious freedom.

The country continued to be plagued by endemic corruption, a lack of governance, an ineffective judiciary unable to enforce the rule of law in many parts of the country, and abuses by security forces. And the plight of minorities and women was particularly concerning, as these vulnerable groups remained marginalized and subjected to violence, discriminatory laws, and social prejudice.

History/Background

Throughout its history, Afghanistan has been at the crossroads of civilizations and empires emanating from the Indian subcontinent, Iran, and Central Asia. It has seen the growth and establishment of various religions including early Hinduism, Zoroastrianism, Buddhism, and Islam, though at this juncture the country is predominantly Muslim.⁹

Notwithstanding its recent decline, Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu population.¹⁰ Vedic or Hindu history in

Afghanistan dates back thousands of years with some of the earliest settlements of people now identified as Hindus. Moreover, archaeologists have found remains of several ancient temples and numerous icons of Hindu deities at locations throughout the country.¹¹ A Hindu tribe, known as the Daasa, for instance, lived in Afghanistan in the third millennium BCE.¹²

Between the second and seventh centuries CE, Afghanistan was a center of Buddhism that simultaneously incorporated many aspects of Hinduism, and from the end of the sixth century CE to the end of tenth century CE, the “Hindu Shahis,” a series of small dynasties of Hindu faith, ruled Kabul and most of southeastern Afghanistan.¹³ Muslim expansion into Afghanistan began in the seventh century CE and eventually supplanted the Hindu Shahis entirely from Afghanistan by the end of the tenth century.¹⁴

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

The Russian intervention in Afghanistan in the late 1970s led to a civil war, and thereafter U.S. and Pakistani support for the Mujahadeen eventually culminated in the rise of the Taliban in the 1990s. During the 1970s, there were approximately 200,000 Hindus residing in Afghanistan, but due to the civil war, and years of violence and persecution,

large numbers of Hindus fled for their safety to countries such as India, Germany, and the U.S.¹⁵ According to the Afghanistan Independent Human Rights Commission (AIHRC), the civil war forced the majority of Hindus and Sikhs to emigrate from Afghanistan, and “most of their houses and lands were taken by force.”¹⁶

Notwithstanding its recent decline, Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu population.

In 1997, the Taliban renamed the country the Islamic Emirate of Afghanistan, and its leader, Mullah Omar, assumed the title Amir-ul Momineen (Commander of the Faithful). The Taliban authorities enforced their version of Islamic law, in parallel to the strict Wahhabi Islamic edicts in Saudi Arabia.

Under the Taliban's reign, Hindus faced pervasive discrimination and were forced to identify themselves by wearing a distinguishing yellow stripe on their arm (or yellow markings on their forehead or a red cloth according to some sources),¹⁷ similar to the Jews in Nazi Germany. The Taliban placed other restrictions on the religious freedom of minorities, including the prohibition of cremation, an essential funeral rite for most Hindus and Sikhs.¹⁸

Pressure to convert to Islam was also prevalent under the Taliban. As one Afghan Hindu recently recounted, he was “forced to convert to Islam by the

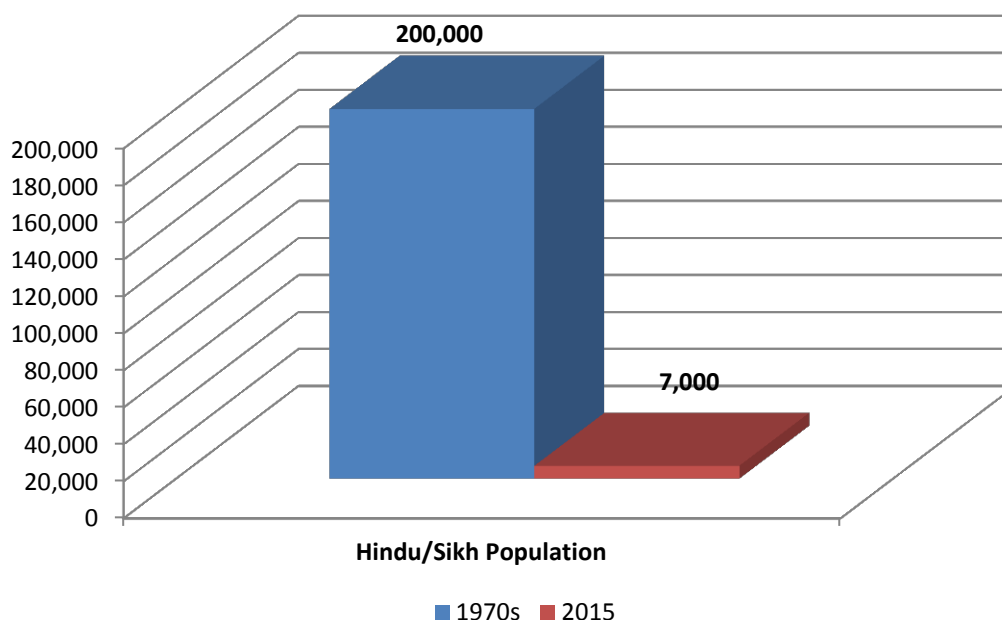
Taliban and marry a Muslim woman because he was seen speaking to her in a shop.”¹⁹ While the extent of forced conversions under the Taliban is unclear, the prospect of such incidents caused widespread fear among the community.²⁰

The fall of the Taliban and the establishment of a democratic government and a new constitution under former President Karzai did not significantly improve conditions for Hindus and Sikhs. Hindus continued to endure violence, political marginalization, economic and social discrimination, and legal inequalities, and were often forced to hide their religious beliefs to avoid persecution.²¹ As Freedom House recently noted, “Religious freedom has improved since the fall of the Taliban government, but it is still hampered by violence and harassment aimed at religious minorities and reformist Muslims.”²²

Prior to the civil war and the emergence of the Taliban, Hindus and Sikhs played an important role as traders and entrepreneurs. “[T]hey lived in Afghanistan in relative harmony for hundreds of years, mostly in the capital Kabul and in the southeastern Khost province.”²³ Moreover, they lived in several other parts of the country, including Ghazni, Paktiya, Kandahar, Jalalabad, Laghman, and Helmand.²⁴ 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 living there.²⁵

The Hindu population across Afghanistan has become nearly extinct, with barely an estimated 3,000 - 7,000 Hindus and Sikhs remaining in the country, according to information received from community sources. Given the current instability and extent of discrimination in the country, it is unclear whether the small Hindu and Sikh minority will be able survive in Afghanistan for much longer, particularly with the impending exit of U.S. troops in 2016.

Decline in the Hindu/Sikh Population of Afghanistan



Status of Human Rights, 2014-2015

Human rights continued to deteriorate in Afghanistan through 2014 and the first half of 2015. Government officials, security forces, and local militias, as well as militant groups were all responsible for committing gross human rights violations, contrary to their obligations under international law.

A UN report released in February 2015 indicated that torture and ill-treatment of detainees was widespread, though there had been some progress made to prevent torture and improve conditions in detention facilities.²⁸

Furthermore, militants groups attacked civilians with impunity, and the government was unable to protect its citizens from violence and sectarian attacks. Shiite Hazaras, for instance,

continued to be targeted by militants, highlighted by the kidnapping of 30 Shiite Hazaras on February 23, 2015 from Zabol province while travelling on a bus from Iran to Kabul. The Islamic Movement of Uzbekistan, which has collaborated with the Taliban, took responsibility for the abduction and subsequently beheaded one of the hostages.²⁹

In addition, despite making considerable strides in recent years to increase social freedoms and legal rights for women, violence and discrimination against women remained rampant.³⁰ Afghanistan has failed to live up to its commitments under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),³¹ which it ratified in 2003, by its inadequate efforts to ensure gender equality and to end violence against women.

Additionally, the government's restrictions on religious freedom, including inequitable provisions in the Constitution and penal code, and the failure to protect the rights of religious minorities violate Afghanistan's obligations under international law.

The government preference for Islam embedded in Afghanistan's legal system, for instance, violates Article 2 of the UN's International Covenant on Civil and Political Rights (ICCPR), which prohibits distinctions based on religion.³²

Moreover, the inability of Hindus and Sikhs to freely practice their faith and carry out their religious practices, such as cremation rites and other ceremonies, are in contravention of Articles 18 and 27 of the ICCPR.³³

In addition, Hindus and Sikhs have been subjected to institutionalized discrimination and social prejudice in violation of the provisions of the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), which protects individuals from discrimination based on "race, color, descent, or national or ethnic origin."³⁴

Religious Freedom

Afghanistan's Constitution pledged to "abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights."³⁵ Contrary to this promise, however, Article 2 of the Constitution declares Islam as the "sacred religion"

of the State,³⁶ while Article 3 states, "In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam."³⁷ This preference for Islam demonstrates an explicit distinction and preference for one religion in violation of international conventions.

Although the Constitution also provides that "followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law,"³⁸ this provision is meaningless as it contradicts with and is subordinate to the Articles protecting Islam. Moreover, the Constitution explicitly fails to protect the individual right to freedom of religion and provides that "fundamental rights can be superseded by ordinary legislation."⁴⁰

And the Constitution further establishes a restrictive interpretation of Islamic law, which may govern the rights of non-Muslims in specific situations. As a result, interpretations of Islamic law have been given precedence over human rights protections.⁴¹

Afghan law also treats apostasy by Muslims and blasphemy as capital crimes,⁴² and the laws are often enforced through mob justice, as exemplified by the recent case of Farkhunda.⁴³

Special Focus: Farkhunda

A 27-year old Afghan woman, Farkhunda, was beaten to death by a mob of men in Kabul before her body was dragged through the street, thrown off a bridge, and set on fire after being falsely accused of burning pages of the Quran. She was accused of burning the Quran by a religious cleric after she confronted the cleric for misleading and taking advantage of people. Police reportedly stood by and did nothing to prevent the attack. The incident heightened fears among the Hindu and Sikh minority, who are particularly vulnerable to blasphemy allegations as non-Muslims, according to one Afghan Hindu leader in Germany.

In addition, the legal system restricts certain federal public offices, such as the Presidency, to Muslims, while all federal ministers must swear an oath to “protect the Holy religion of Islam.”⁴⁴ Similarly, members of the Supreme Court must swear to “attain justice and righteousness in accordance with tenets of the Holy religion of Islam...”⁴⁵

Furthermore, under the Afghan penal code, courts may subject religious minorities to Islamic law in situations that are not addressed by the constitution or the penal code. Afghan laws also discriminate against religious minorities in other areas. Registration of marriages by the courts is formally restricted to Muslims, unless non-

Muslims either utilize a Muslim marriage ceremony or refrain from publicly expressing their faith.⁴⁶

Moreover, the law is applied in an inequitable and discriminatory manner by government authorities and accord Muslim Afghan citizens greater protections than others.⁴⁷ As a result, there have been continued reports of religiously motivated discrimination and societal abuses against Hindus, Sikhs, and Christians. The few legal protections that do theoretically exist in the Constitution have been inadequate in protecting the rights of minorities to practice their faith freely and openly. The government has similarly failed to adequately address the concerns of minority communities or keep them safe from harassment and violence.⁴⁸

Hindus and Sikhs, who are often looked at as one community in Afghanistan and participate in many of the same religious rituals, have consistently faced intolerance of their customs and harassment during religious festivals, and they have encountered significant obstacles to conducting their religious ceremonies, most notably cremation rites.⁴⁹

Although cremation is an essential funeral rite for Hindus and Sikhs and integral to the practice of their religious traditions, the government has been unable or unwilling to provide access to crematoriums or ensure that community members are able to conduct cremation ceremonies without fear or interference.

In many instances, crematoriums have been forcibly occupied by local Muslims, while in other cases Muslims have

physically interfered with cremations. Many Afghans view cremation as un-Islamic and often, Muslims attack and humiliate Hindus and Sikhs attempting to carry out cremation ceremonies, even throwing stones at them, according to Rayel Singh of the Central Council of Hindus and Sikhs in Afghanistan.⁵⁰

Beyond restrictions on conducting religious ceremonies, the estimated four Hindu and 11 Sikh places of worship have also reportedly faced discriminatory treatment. The government, for instance, provided electricity subsidies to mosques, while charging Hindu and Sikh temples the same high rates paid by private businesses.⁵¹

According to Hindu and Sikh community leaders, forced conversions and societal pressure to convert has been a major concern for several years and remains prevalent.⁵² Community members have frequently recounted incidents of Hindus and Sikhs being deceived into converting or being forcibly converted. One Sikh mother, Indira Kaur, for instance, recently told reporters that forced conversions to Islam was a serious threat. She noted that her own son “was caught by some Muslims and they said that they won't spare him and will convert him to Islam.”⁵³

Parents similarly fear sending their daughters out alone out of fear that “they would be kidnapped and forcefully married to a Muslim.”⁵⁴ Fear and insecurity have led the Hindu and Sikh communities to frequently shelter their women, or conversely, marry girls off by the age of 13 or 14.⁵⁵

While government officials, including President Ghani, have reiterated that Hindus and Sikhs are entitled to equal rights and have committed to addressing the concerns of Hindus and Sikhs, little has been done to improve their conditions.⁵⁶

Social Prejudice and Institutional Discrimination

Social prejudice and institutional discrimination against non-Muslims is commonplace in Afghanistan. Summarizing the status of Hindus and Sikhs in Afghanistan in particular, an Afghan periodical recently noted:

*In a country where the overwhelming population is Muslim and the state religion is Islam, members of non-Muslim minority communities in Afghanistan face issues of harassment, poverty, unemployment, education deficits and forced conversion. After years in exile during the Taliban regime, many Hindus and Sikhs returned to Afghanistan with high hopes but years of marginalization and neglect have left them less hopeful, and in some cases, ready to leave again.*⁵⁷

Religious minorities have faced employment discrimination and are politically marginalized and excluded from most government jobs. With the recent exceptions of Sham Lal Bhatija, the first Afghan Hindu to be appointed an ambassador (served as the Ambassador to Canada from May 5, 2014 – March 2015)⁵⁸ and Dr. Anarkali Honaryar, the lone Sikh member elected to the upper house of Parliament,⁵⁹ religious minorities lack political representation.

Despite proposals and a presidential decree from former President Karzai to create a reserved seat for Hindus/Sikhs in the 249 member lower house of Parliament, the initiative was rejected by legislators in December 2013, leaving the community without any representation in the lower house.⁶⁰

Societal hostility and harassment similarly plagues the Hindu and Sikh community, who often complain that they have been treated as subhuman and subjected to constant threats, violence, and humiliation.⁶¹ As Rawel Singh, Vice President of the Hindu and Sikh Council of Afghanistan, noted, “Our rights are trampled and we are treated badly by the Afghan people.”⁶² Wisak Singh from Helmand province similarly observed that Hindus and Sikhs are harassed on a daily basis and stated, “We can’t live our life with people telling us: ‘Hindu, Hindu! You are an infidel!’”⁶³

Moreover, due to this harassment and discrimination, the vast majority of Hindu and Sikh children, particularly girls, do not attend local public schools, often putting their children in Sikh schools, which receive limited government funding. Hindus do not have their own schools.⁶⁴ Those students that do attend public schools are confronted with bullying and face religious prejudice from their Muslim classmates and teachers.⁶⁵

Although non-Muslim students are not forced to study Islam in schools, the curriculum is heavily influenced by Islamic precepts. In fact, the constitution provides that the “state shall devise and implement a unified educational

***“We can’t live our life with people telling us: ‘Hindu, Hindu! You are an infidel!’” --
Wisak Singh***

curriculum based on the provisions of the sacred religion of Islam.”⁶⁶

Finally, according to the Afghanistan Independent Human Rights Commission (AIHRC), there have been several cases of 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,” stated Shamsullah Ahmadzai, regional head of AIHRC.⁶⁷

Many Hindus and Sikhs lament that their homes and shops have been taken by force, leading many to live in temples.⁶⁸ This homelessness coupled with poverty and a lack of economic opportunity has caused many more to leave the country.⁶⁹

Refugees

As noted above, the vast majority of Afghan Hindus fled Afghanistan to escape persecution and discrimination over the past several decades and now live as refugees in other countries. Although they meet the criteria for refugee status under the 1951 Geneva Convention, they have been denied asylum and have not been accorded

refugee status in many countries where they have sought refuge. In particular, Afghan Hindus continue to endure problems in nations such as India, the United Kingdom, Germany, Belgium, and Sweden.

In 2014, an additional 500 Hindus and Sikhs fled Afghanistan due to increased discrimination and security fears. Similar to other Afghan citizens, the Hindu and Sikh community has also suffered from the prevailing climate of violence, as one Hindu boy revealed in an interview the scars he endured during a Taliban suicide attack.⁷⁰

Due to its geographic location and spiritual connection for both Hinduism and Sikhism, India has been the most common destination for Afghan Hindu and Sikh refugees. Between 25,000 and 50,000 (estimates vary) Afghan Hindus and Sikhs migrated to India in the 1990s to escape discrimination and violence.⁷¹

There are no clear numbers on the number of Afghan Hindus and Sikhs living in Afghanistan, nor on the number of those that have been registered as refugees, nor on those that have either received citizenship or are still waiting.

The United Nations High Commissioner for Refugees (UNHCR) indicates that it has registered approximately 11,549 Afghans and Sikhs as refugees and has facilitated the naturalization of 690, as of September 2014. UNHCR has also processed a few cases of Afghan Hindu and Sikh refugees for resettlement in third countries.⁷²

Other estimates show that 5,000 Afghan Hindus and Sikhs have received refugee status, while 3,000 have been granted citizenship.⁷³ And one community based organization claims that 18,000 are still waiting for citizenship.⁷⁴

Regardless of the exact numbers, there are thousands of Afghan refugees waiting to receive citizenship. Making their struggle even more daunting, the Indian government has demanded verification certificates that demonstrate they were Afghan nationals. These have been difficult to obtain given the turmoil in Afghanistan over the past several years.⁷⁵

Many of the refugees that do not have official refugee status or citizenship live on the margins of Indian society and have been unable to find consistent employment, amongst other challenges.⁷⁶ In fact, the inability to find employment has forced some Afghan Hindus and Sikhs to return to Afghanistan in the past few years, though the security situation has now led them to once again migrate back to India.⁷⁷

There have been positive signs under the new government in India, however, as Prime Minister Narendra Modi announced in November 2014 that refugees from Afghanistan would be granted five-year long term visas, rather than one-year visas.⁷⁸ Similarly, as of April 2015, a combined 4,200 Hindus and Sikhs from Afghanistan and Pakistan had been granted citizenship.⁷⁹

Beyond India, Afghan refugees have continued to migrate to other countries, especially in Europe. In some cases, these refugees have faced lengthy delays in asylum applications and faced the risk of deportation, including in Belgium and Sweden.⁸⁰ Until recently, a number of Afghan Hindu and Sikhs in Belgium were at risk of deportation, although their asylum claims have now been resolved after years of waiting.⁸¹

In other countries, such as Germany, however, authorities have not deported any of refugees thus far and have accepted most of the asylum claims of Afghan Hindus and Sikhs, according to Dr. Faqir Chand Chandihok, an Afghan Hindu leader in Germany.⁸²

And the United Kingdom, which is already host to many Afghan Hindus and Sikhs, is currently considering the asylum applications of 35 Afghan Sikhs who fled Afghanistan and reached the British port of Tilbury in a cargo ship container in late 2014. One of the refugees died along the way.⁸³

Conclusion and Recommendations

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

in a state of fear and insecurity and forcing many to flee to other countries.

Thus, the international community must work with the Afghan government to improve the plight of religious minorities.

Recommendations to the Government of Afghanistan

We believe the following recommendations are necessary and should be implemented by the Government of Afghanistan:

1. The Afghan government should work to reform its legal system and Constitution to provide greater safeguards for religious freedom and human rights.
2. The Afghan government must protect the funeral rites of Hindus and Sikhs and prevent non-state actors from interfering in their cremations. Moreover, the government should provide access to suitable land to house crematoriums.
3. Greater security and support should be provided for Hindus and Sikhs to allow them to worship freely and without fear of harassment, forced conversions, and societal discrimination.
4. Hindu and Sikh places of worship should be treated equitably and allocated funding on par with mosques.
5. Afghanistan's lower house of Parliament should end its opposition to creating a reserved seat for Hindus/Sikhs in the Parliament in order to politically enfranchise these communities.
6. Additional schools for Hindus/Sikhs should be created by the government to allow them to obtain

an education free of religious prejudice and harassment.

Recommendations to the International Community

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

In particular, HAF submits the following recommendations:

1. Legal experts from the U.S. and international bodies, such as the UN, should assist the Afghan government in reforming its legal system and Constitution to provide greater safeguards for minorities.
2. The international community, including countries such as the U.S. and India, should continue to invest in developing Afghanistan's civil society, infrastructure, and democratic institutions.
3. The international community, in particular nations such as Belgium, Germany, Sweden, India, and the UK should provide refuge to Hindu and Sikh minorities forced to flee Afghanistan due to persecution and grant asylum or refugee status

People's Republic of Bangladesh



© CIA World Factbook^e

Area: 148,460 sq km (57,320.7 square miles)

Population: 166,280,712 (July 2014 est.)

Religions: Sunni Islam 89.5%, Hinduism 9.6% (many current estimates suggest less than 9%),⁸⁴ other 0.9% (includes .5% Buddhist and .3% Christian) (2004 est)

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

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

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

^e Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html>.

Introduction

Political and religious violence continued to plague Bangladesh throughout 2014 and the first half of 2015. The Awami League government has contributed to the current unrest by undermining democratic processes and elections and suppressing political dissent and basic civil liberties. It has further imposed restrictions on the freedom of speech, harassed journalists, and arrested political opponents, including placing the opposition leader, Sheikh Hasina, under house arrest.

However, the main opposition Bangladesh Nationalist Party (BNP) and its Islamist coalition partner, Jamaat-e-Islami (Jel) with its student-wing Islami Chhatra Shibir (ICS), have been primarily responsible for the recent bout of political violence and instability, and they pose an existential threat to the country's secular democracy.

The BNP-Jamaat alliance has engaged in violent street riots, disrupted public transportation systems utilizing small bombs, forced economic blockades and shutdowns known as "hartals", and carried out targeted attacks on religious minorities and secular activists.

The plight of religious minorities and atheists has become increasingly precarious as there has been a marked increase in religiously motivated violence over the past few years.

Election violence at the start of 2014, for instance, saw the BNP-Jel alliance intimidating voters and attacking polling stations.⁸⁵ Hindus and Christians, to a

lesser extent, were subjected to threats and attacks by mobs of BNP, Jel, and ICS members immediately prior to and subsequent to the elections, causing widespread fear and panic in the community⁸⁶ and resulting in the destruction of hundreds of Hindu homes, businesses, and temples.

Though the elections were flawed, the BNP-Jel alliance has yet to accept responsibility for their role in the violence and has continued to rely on violent means in its attempt to bring down the Awami League throughout the remainder of 2014 and the first part of 2015.⁸⁷ In 2014 alone, over 190 people were killed and more than 9,400 injured in political violence,⁸⁸ while more than 100 innocent civilians were killed and hundreds more injured in the first four months of 2015. The violence has also cost the economy billions of dollars in lost revenue.

As the International Crisis Group recently noted, "With daily violence at the pre-election level, the political crisis is fast approaching the point of no return and could gravely destabilise Bangladesh unless the sides move urgently to reduce tensions."⁸⁹

The large-scale violence against minorities has been accompanied by targeted attacks on atheist bloggers, who have been vocal critics of Islamic fundamentalism in Bangladesh. Most notably, in the first few months of 2015, three bloggers, the American citizen Avijit Roy, Washikur Rahman, and Ananta Bijoy Das, were brutally hacked to death by extremists for their views on

religious fundamentalism and Islamist groups.

In addition to these large bouts of violence, religious and ethnic minorities have been subjected to routine discrimination, intimidation and harassment, attacks on temples and properties, illegal occupation of their lands, forced conversions, and sexual violence at the hands of both Islamic extremists and state actors.

During an HAF fact-finding mission to Bangladesh from January 29 to February 5, 2015, the dozens of civil society leaders, human rights activists, minority groups, and three members of Parliament we met with all confirmed the rising tide of religious intolerance, extremism and expressed serious concern with the burgeoning threat of pro-ISIS activity in the country.

The widespread nature of violence against minorities and growing intolerance has forced many Hindus and Buddhists, in particular, to cross the border and take refuge in India.⁹⁰ Many of these Hindu refugees have been living in India without formal legal status, although Indian Prime Minister, Narendra Modi, announced in May, 2015 that the government would provide residential permits to Hindus from Bangladesh who had fled religious persecution.⁹¹

Given current conditions, Bangladesh's future trajectory will not only have important implications for its own citizens, but will also significantly impact stability in the subcontinent and affect U.S. strategic interests in the region. In

a positive sign, U.S. policy makers took note of the escalating political and religious violence when the U.S. House of Representatives Foreign Affairs Subcommittee on Asia and the Pacific held a hearing on the issue in April 2015, where HAF testified on the threat to religious freedom and minorities.

History/Background

Independence and the 1971 War

Bangladesh was created in 1971 from the eastern wing of Pakistan. Bangladesh's independence from Pakistan was the culmination of several longstanding factors, including linguistic and cultural repression, economic marginalization, political disenfranchisement, and a quest for greater provincial autonomy. Despite constituting the majority of the population of the erstwhile Pakistan, ethnic Bengalis were dominated by the West Pakistani military and civilian elite, who sought to create a cohesive polity unified by Islam and the Urdu language. In the process, they suppressed the Bengali culture and language, which was viewed as closely linked to Hinduism and therefore, a threat to their conception of an Islamic nation. West Pakistani cultural imperialism also resulted in the economic neglect of East Pakistan and political oppression of the Bengali people.

The ensuing independence movement and rebellion in 1971 was met with a brutal genocidal campaign of violence by the Pakistani army directed against East Bengali civilians, particularly Hindus, who were regarded as a "fifth

column” for India. While Bangladesh ultimately achieved independence with the assistance of India, the humanitarian impact on Hindus was calamitous.⁹²

The conflict resulted in the massacre of an estimated two million East Pakistani citizens, the ethnic cleansing of 10 million ethnic Bengalis (mainly Hindus) who fled to India, and the rape of 200,000 women.⁹³ Bangladeshi journalist and policy analyst Anushay Hossain asserts that “many experts put that number closer to 400,000 women and girls who were raped, mass-raped, [and] imprisoned for months in notorious rape-camps.”⁹⁴

Bangladeshi American author and human rights activist Rukhsana Hasib, who survived the 1971 War and genocide, recently narrated her family’s experience at an HAF Congressional Briefing on Capitol Hill. She recounted that “soldiers came and took my mother and my little sisters, 3 and 10, prisoners. The nearby School was converted into a prison camp. Here my mother and 250 women and children suffered many indignities.”⁹⁵

She further described how constant news streamed in of young girls being abducted, raped, and murdered, including the “[m]ore than 500 women [who] were forced to stay in Dhaka Cantonment to be raped and brutalized by soldiers daily.”⁹⁶

Approximately 53 different types of crimes were reportedly committed in nearly 5,000 locations throughout the country.⁹⁷

American Consul-General and senior U.S. diplomat in Dhaka at the time, Archer Blood, repeatedly raised concerns about the violence and particularly the selective targeting of Hindus. He specifically informed government officials in Washington that:

‘Genocide’ applies fully to naked, calculated and widespread selection of Hindus for special treatment...From outset various members of American community have witnessed either burning down of Hindu villages, Hindu enclaves in Dacca and shooting of Hindus attempting [to] escape carnage, or have witnessed after-effects which [are] visible throughout Dacca today...⁹⁸

Blood similarly indicated that the Pakistani military was engaged in the “mass killing of unarmed civilians, the systematic elimination of the intelligentsia and the annihilation of the Hindu population.”⁹⁹ Despite this assessment by Blood and other U.S. diplomats based in the erstwhile East Pakistan, the Nixon Administration continued to support the Pakistani regime, led by the military dictator Yahya Khan.¹⁰⁰

Furthermore, an official report published after the war by the International Commission of Jurists (ICJ), entitled *The Events of East Pakistan, 1971* confirmed that the Pakistani army and local Islamist militias in East Pakistan were responsible for mass human rights violations. The ICJ report noted that there was “a strong prima facie case that criminal offences were committed in

international law, namely war crimes and crimes against humanity under the law relating to armed conflict, breaches of Article 3 of the Geneva Conventions 1949, and acts of genocide under the Genocide Convention 1949 [1948].”¹⁰¹ The ICJ specifically found that the Pakistani army indiscriminately massacred civilians including women and children and was complicit in “the attempt to exterminate or drive out of the country a large part of the Hindu population of approximately 10 million people.”¹⁰² Moreover, the Pakistani army and East Pakistani militias were responsible for “the arrest, torture and killing without trial of suspects; the raping of women; the destruction of villages and towns; and the looting of property.”¹⁰³

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.”

As historian Gary Bass noted, “Senior Pakistani officers would later admit much of this targeting before a secret Pakistani postwar judicial inquiry. It noted that ‘senior officers like the COAS [chief of army staff] and CGS [chief of general staff] were often noticed jokingly asking as to how many Hindus have been killed.’”¹⁰⁴

The International Crimes Tribunals

Nearly 40 years after the horrific events of the 1971 War, the Government of Bangladesh established the International Crimes Tribunal (ICT) in 2010 (a second tribunal, ICT-2, was set up in 2012 to expedite the process) to investigate war crimes committed during the conflict.¹⁰⁵ The ICT was authorized through an amendment to the International Crimes (Tribunals) Act, originally enacted in 1973 by Bangladesh to “provide for the detention, prosecution and punishment of persons responsible for genocide, crimes against humanity, war crimes, and crimes committed in the territory of Bangladesh, in violation of customary international law,” during the War.¹⁰⁶

Despite the existence of the 1973 Act, large numbers of Islamist collaborators were granted amnesties following the conclusion of the war, while 195 members of the Pakistani military initially charged with war crimes were granted immunity by a 1974 agreement signed by Bangladesh, Pakistan, and India.¹⁰⁷ Until the establishment of the ICT in 2010, successive Bangladeshi governments failed to both provide justice to the victims and hold the perpetrators responsible for their actions. Moreover, following the conclusion of the War, the international community was conspicuously silent on the need for post-conflict justice.

The current trials have focused on the prosecution of Bangladeshi collaborators, particularly those that played leading roles in paramilitary

militias established by the Pakistani army during the war, such as the Razakars, Al-Badr, and Al-Shams brigades. These three brigades were comprised primarily of Islamists affiliated with Jel or ICS (then known as the Islami Chhatra Sangha), who opposed Bangladesh's independence from Pakistan and the creation of a secular state.¹⁰⁸ As a result, those indicted or convicted by the Tribunals for crimes against humanity are naturally leaders of Jel or BNP,¹⁰⁹ which, as explained earlier, enjoy a close relationship.

BNP, Jel, and ICS supporters have engaged in violent riots in response to verdicts in the trials and have consistently attempted to undermine and disrupt the proceedings. According to American Enterprise Institute Scholar, Sadanand Dhume, the trials and convictions have elicited a “violent Islamist backlash” amongst those who feel threatened by a “secular vision of Bangladesh unified by language, culture and history, instead of divided by faith.”¹¹⁰ In addition, BNP and Jel leaders have lobbied internationally to undermine the credibility of the Tribunals, as in the case of Mir Quasem Ali, who contracted the services of American lobbying firm, Cassidy and Associates, to lobby U.S. policy makers.¹¹¹

Although some have criticized the Tribunals as politically motivated or failing to meet international standards of due process, others have hailed the trials as providing long overdue justice to the victims of genocide.¹¹² To be

sure, the Tribunals do contain due process flaws and are far from perfect. However, even the International Criminal Court has been attacked for its lack of due process and procedural safeguards.

Furthermore, international criticisms of the Tribunals are resented by many ordinary Bangladeshis of all religious backgrounds, who view them as long overdue and necessary for their nation to move forward and heal the wounds of the past.¹¹³ In fact, the Tribunals are widely popular in Bangladesh and gave rise to the Shahbag movement in 2013, where tens of thousands of Bangladeshis peacefully gathered in Dhaka's Shahbag Square in support of the war crimes trials.¹¹⁴

Indeed, many Bangladeshi believe that flawed justice is better than no justice and recognize the challenges in holding trials more than 40 years after the war. Moreover, they understand that this opportunity is unlikely to come again and are eager to attain closure on the events of the war.¹¹⁵

Thus far, there have been 18 convictions.¹¹⁶ The chart below details the names, affiliations, and indictments/convictions of some, but not all, of the high profile individuals that have been tried by the ICT. Two of the war criminals that have been sentenced in absentia are believed to be living in the U.S. – Abdul Jabbar and Ashrafazuman Khan.

Convictions by the ICT

Name	Affiliation	Indictment/Conviction/Sentence
<i>Motiur Rahman Nizami</i>	<i>Head of Jel</i>	<i>Sentenced to death for his role in mass killings and rapes in 3 villages in Pabna district.</i>
<i>Delawar Hossain Sayedee</i>	<i>Former Deputy Chief of Jel/Leader of Al-Badr Brigade</i>	<i>Sentenced to life for abducting and raping 3 Hindu sisters over 3 days; forcibly converting 100+ Hindus to Islam; burning down 25 houses in a Hindu village; and murdering 2 civilians.</i>
<i>Abdul Qader Molla</i>	<i>Senior Jel Leader</i>	<i>Executed on charges of rape and mass murder of 350 unarmed civilians.</i>
<i>Ashrafuzzaman Khan</i>	<i>High Command of Al-Badr Brigade</i>	<i>Convicted in absentia and sentenced to life for murder of 18 civilians.</i>
<i>Mir Quasem Ali</i>	<i>High Ranking Jel Leader/Al-Badr</i>	<i>Mir Quasem Ali sentenced to death on charges of abduction and murder.</i>
<i>Mohammed Kamarazzuman</i>	<i>Assistant Secretary General of Jel</i>	<i>Executed on charges of abduction, torture and mass murder.</i>
<i>Forkan Malik</i>	<i>BNP/Razakar Commander</i>	<i>Indicted for crimes against humanity on charges of murder, rape, and forced conversions.</i>
<i>Mobarak Hossain</i>	<i>Former Jel Union Member/Razakar Commander</i>	<i>Sentenced to death on five charges of murder, abduction, confinement, torture and loot.</i>
<i>Zahid Hossain Khokon</i>	<i>Vice President of BNP's Nagarkanda Unit</i>	<i>Sentenced to death in absentia as a razakar commander for 11 charges, including genocide, torture, abduction and confinement.</i>
<i>Abdul Jabbar</i>	<i>Former Jatiya Party MP</i>	<i>Sentenced in absentia to life imprisonment for murdering 36 people and forcibly converting 200 Hindus to Islam as head of a pro-Pakistan militia.</i>
<i>Syed Mohammed Qaisar</i>	<i>Muslim League Leader/Qaisar Bahini</i>	<i>Sentenced to death on charges of genocide, rape, extortion, arson and torture.</i>
<i>Obaidul Haque</i>	<i>Razakar Leader</i>	<i>Indicted for abducting and killing at least 15 people, and burning 400-450 homes.</i>
<i>Ataur Rahman Noni</i>	<i>Razakar Leader</i>	<i>Indicted for abducting and killing at least 15 people, and burning 400-450 homes.</i>
<i>Ghulam Azam</i>	<i>Former Jel Chief</i>	<i>Sentenced to 90 years on 60 crimes against humanity for setting up militias that assisted the Pakistani army. Died in prison.</i>
<i>Abdul Alim</i>	<i>BNP Leader</i>	<i>Sentenced to life on charges of genocide, arson, and loot, including for the murder of nearly 400 Hindus. Died in prison.</i>
<i>Abul Kalam Azad</i>	<i>Jel Islamic Cleric</i>	<i>Sentenced to death in absentia on charges of genocide, rape, abduction, confinement and torture</i>
<i>AKM Yusuf</i>	<i>Senior Jel Leader/Founder of Razakars</i>	<i>Indicted on 13 charges of genocide and crimes against humanity. Died in Prison.</i>
<i>Ali Ahsan Mujaheed</i>	<i>Jel Secretary General/Al-Badr Commander</i>	<i>Sentenced to death on charges of genocide, conspiracy in killing intellectuals, torture, and abduction.</i>

<i>Chowdhury Mueen-Uddin</i>	<i>Jel Leader/Al-Badr Leader</i>	<i>Sentenced to death in absentia for torture and murder of 18 intellectuals.</i>
<i>Salahuddin Quader Chowdhury</i>	<i>BNP Leader</i>	<i>Sentenced to death on charges of genocide, abduction, committing atrocities against Hindus and forcefully converting a number of Hindus to Islam.</i>
<i>Azharul Islam</i>	<i>Jel Asst. Secretary General/Al-Badr Commander</i>	<i>Sentenced to death on charges of genocide of more than 1,200 people.</i>
<i>Moulana Abdus Sobhan</i>	<i>Jel Leader</i>	<i>Sentenced to death on charges of crimes against humanity, including murder, confinement, extermination, torture, and abduction.</i>

Growing Religious Intolerance in the Post-Independence Era

Bangladesh emerged from the 1971 War as a secular democratic state and adopted a constitution with a basic structure to ensure “Nationalism, Secularism, Socialism and Democracy.”¹¹⁷ Shortly thereafter, however, the country renounced its commitment to secularism and added a new clause to the Constitution to “consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”¹¹⁸

After 1975, Bangladesh increasingly shifted towards the creation of a Bengali Muslim identity and there was a “renewed emphasis in the public media on Islamic symbolism.”¹¹⁹ Muslims in Bangladesh also became influenced in part by Wahhabi and Salafi Islam through migrant workers working in the Middle East, and Islamist radicals sought to make a complete break with traditional Bengali culture.¹²⁰

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.¹²¹

As Islam began to increasingly permeate the legal system, religious minorities, including Hindus, Christians, Buddhists, and Ahmadiyya Muslims, were subjected to greater restrictions on their religious freedom, discriminatory property laws, and violence by both state and non-state actors.¹²²

The process of Islamization rapidly expanded in 2001 with the election of the BNP, led by Khaleda Zia, and its Islamist allies. Following the elections, the BNP coalition and its supporters unleashed a large-scale systematic campaign of violence targeting the Hindu community that lasted more than 150 days, leading an estimated 500,000 Hindus to seek refuge in India.¹²³ According to a judicial commission probing the post-election violence, there were more than 18,000 incidents of major crimes and 26,352 individuals, including 25 ministers and lawmakers from the BNP-Jel alliance, that were

involved in the state sponsored violence.¹²⁵ Moreover, approximately 1,000 Hindu women and girls were raped,¹²⁶ and 200 gang-raped.¹²⁷

The election of Sheikh Hasina and her Awami League party on January 6, 2009 was consequently hailed as a victory for secularism.¹²⁸ In 2011, however, Parliament passed 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.”¹²⁹

Similarly, the Awami League has allowed Islamist groups to operate with impunity and appeased them in many instances.

Many civil society leaders, particularly from the Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC), that HAF interviewed during its fact-finding trip in January 29 – February 5, 2015 expressed serious concern that many officials in the government and administration don’t believe in secularism. Moreover, they noted that with Islam as the state religion and the growing power of extremist groups, such as Jel, there is an ongoing struggle for secularism in the country.¹³⁰

A prominent secular activist and practicing Muslim, Imran Sarkar, a leader of Gonojagaran Mancha (national awakening stage) whom we met with, for instance, described his trepidation with the increasing Islamization of Bangladeshi society. He specifically noted, “Islam has been imposed upon

the people of Bangladesh. In fact, in certain sections of the school textbooks, followers of Islam are considered superior to those of other religions. It is this process that is causing disharmony in Bangladesh, leading to further subjugation of followers of Sanatan Dharma [Hinduism].”¹³¹ Sarkar also publicly stated that he is facing threats from Islamists for his views.¹³²

Islamic Extremism

Islamist groups in Bangladesh, most notably Jamaat-e-Islami (Jel), wield tremendous power and exert disproportionate influence over the country’s political, social, legal, and religious affairs. Moreover, they pose an imminent threat to Bangladesh’s religious minorities and democratic institutions. And according to NGOs, civil society activists, and minority groups that HAF interviewed, Jel has grown powerful through its extensive network of financial assets and control over madrassas and social and educational institutions.¹³³

Jel is the most powerful Islamist group in the country and along with its student wing, Islami Chhatra Shibir (ICS), strive to create a Taliban style regime in Bangladesh. Jel and ICS have been the ideological center and recruiting base for several terrorist groups, including Harkat-ul-Jihad-al-Islami Bangladesh (HuJI-B), a State Department designated Foreign Terrorist Organization (FTO),¹³⁴ and Jama’atul Mujahideen Bangladesh (JMB),¹³⁵ outlawed by the British government.¹³⁶ For instance, the former head of JMB, Maulana Saidur Rahman, who was

arrested in 2010, was a former Jel member.¹³⁷

JMB has carried out several high-profile bombings and was responsible for a bomb blast in India's West Bengal state as recently as October 2014. The blast was reportedly part of a larger plan to target Hindu religious festivals in the state in conjunction with the Indian Mujahideen, a State Department designated FTO.¹³⁸

Jel is the most powerful Islamist group in the country and along with its student wing, Islami Chhatra Shibir (ICS), strive to create a Taliban style regime in Bangladesh.

Jel and ICS also enjoy extensive links with the wider Islamist militant network in South Asia, including the Taliban, al Qaeda, and Lashkar-e-Taiba, and reportedly receive funding and support from Pakistan's Inter-Services Intelligence (ISI) spy agency and from Saudi Arabia.¹³⁹

Moreover, both Jel and ICS have consistently utilized violent tactics to achieve their religio-political goals, including bombings, political assassinations and targeted killings, and attacks on security personnel.¹⁴⁰ In 2014 and 2015, Jel-ICS activists set off hundreds of bombs across the country and engaged in wanton attacks on civilians, particularly those from the Hindu minority. Following the execution of Jel leader and convicted war criminal, Muhammed Kamaruzzaman, on April

11, 2015, Jel-ICS activists started violent riots, vandalizing 30 vehicles and burning several others, while setting off 20 bombs in Dhaka.¹⁴¹

Additionally, Jel and ICS supporters have carried out large-scale orchestrated attacks on the homes, businesses, and places of worship of minorities, as well as engaging in the abductions and forced conversions of Hindu girls.¹⁴²

ICS was rated the third most active non-state armed group in 2013 by a Global Terrorism and Insurgency Attack Index, based on its engagement in activities defined as "illegal act[s] of politically or ideologically motivated violence against persons or property, with the aim of coercing others to adopt or comply with its objectives or to submit to their authority, that results in death, damage, or disruption."¹⁴³

Police raids on Jel and ICS members have also uncovered large caches of weapons, ammunition, bombs, bomb-making material, and literature promoting jihad.¹⁴⁴ In January 2015, police discovered a bomb-making factory of ICS in Mohakhali in Dhaka city and recovered 130 crude bombs, two litres of petrol, one kilogram of gunpowder and other bomb-making materials.¹⁴⁵ And in February 2015, a shootout between Jel activists and police uncovered a number of bombs and weapons.¹⁴⁶

Security forces arrested at least 1,757 members of Jel and ICS for engaging in violent activities in 2014.¹⁴⁷

Additionally, many terrorist groups in the region carry out their activities in Bangladesh with the assistance of Jel and ICS.¹⁴⁸ Jamaat has been involved in laundering money for a group associated with al-Qaeda and the International Islamic Front and has funneled funds to other Islamic militant groups through its control of Islami Bank Bangladesh.¹⁴⁹

Jel and ICS have provided other forms of logistical and material support to militant groups, including the provision of infrastructure, bases and safe-havens, and weapons.¹⁵⁰ Jel and ICS have also been intimately involved in facilitating terrorist activities outside of Bangladesh, including supplying arms and ammunitions to terrorist groups in India.¹⁵¹

Another Islamist organization, Hefazat-e-Islam, gained notoriety in 2013 after calling for the prosecution and execution of “atheist bloggers” as part of its 13-point Islamist agenda. The charter included, in part, “banning women from the work force by ending ‘free mixing’ of the sexes, a harsh new blasphemy law similar to Pakistan’s, the declaration of the beleaguered Ahmadi sect as non-Muslim, and an end to ‘candle lighting in the name of personal freedom and free speech.’”¹⁵² Moreover, Hefazat’s agenda demanded the removal of sculptures, “special protection” for Islam, and reinstatement of references to Allah in the constitution.¹⁵³

Hefazat derives its strength from its control over many of the country’s madrassas (Islamic schools), where one

of the killers of the humanist blogger, Washikur Rahman, was a student.

Beyond the dangers posed by indigenous Islamist groups, the expanding threat of ISIS activities in Bangladesh should raise concerns for the international community. In October 2014, for example, a British man was arrested by Bangladeshi authorities near the capital of Dhaka while recruiting for ISIS¹⁵⁴ under the guise of Tablighi Jamaat, a missionary Islamic group with terrorist links. And in January 2015, four other individuals were arrested for their links to ISIS. NGOs and civil society leaders HAF interviewed expressed concern over the burgeoning threat of pro-ISIS activity in the country.

Decline of the Hindu Population

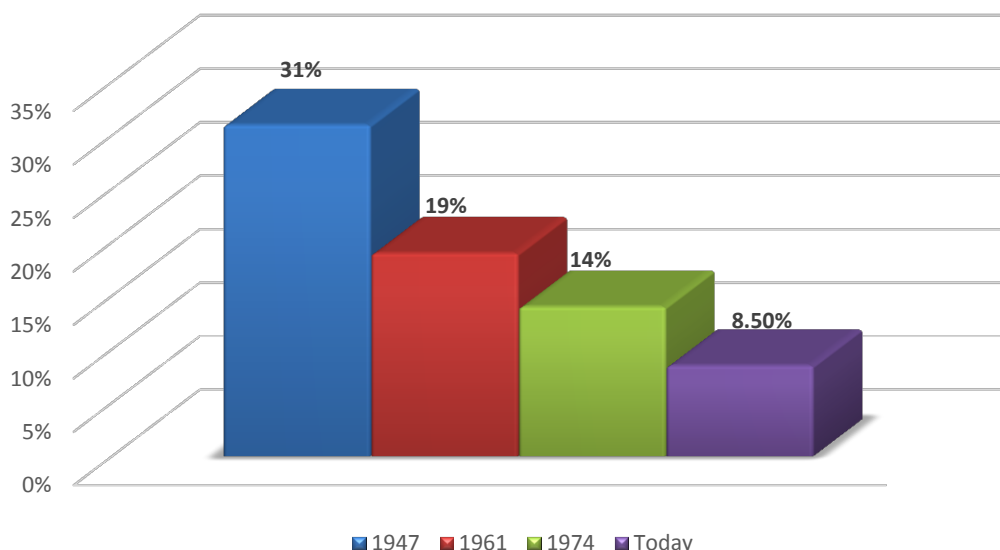
Since the time of Partition in 1947, there has been a precipitous decline in the Hindu population in what is now Bangladesh due to a multitude of factors, some of which have been noted above. Specifically, over the past 67 years, the Hindu population has steadily declined from 31% in 1947 to 19% in 1961 and 14% in 1974, to less than 9% today.¹⁵⁵

According to Professor Abul Barakat of Dhaka University, 8.1 million Hindus were missing from Bangladesh (East Pakistan) from 1964 – 2001, or 218,819 Hindus per year.¹⁵⁶ Moreover, Professor Barakat notes there was an average decline of 12% over a forty-year period in each of the following districts that historically had high Hindu populations: Khulna, Dinajpur, Faridpur, Sunamganj, Jhenaidah, and Barisal.¹⁵⁷ And in the

past decade alone, nine million Hindus were considered “missing” or unaccounted for, according to the

Bangladesh Statistical Bureau (BSB) and the National Population Research and Training Institute (NPRTI)¹⁵⁸

Hindu Population in Bangladesh (formerly East Pakistan)



Status of Human Rights, 2014-2015

Human rights conditions continued to deteriorate in Bangladesh as the basic rights of Bangladeshi citizens were violated with impunity. The actions of the government, opposition activists, and non-state actors contravened human rights guarantees under international law.

The constitutional preference for Islam and the inequitable application of the law and differential treatment of non-Muslims violate Article 2 of the International Covenant on Civil and Political Rights (ICCPR) by making a clear distinction amongst the individuals in its territory on the basis of

religion.¹⁵⁹ The underrepresentation of Hindus in politics and government employment¹⁶⁰ is also a violation of Article 2.

Similarly, the targeted attacks on minorities and their places of worship, as well as the illegal seizures of minority owned land, are in contravention of the right to freedom of thought, conscious and religion, and the right to profess and practice one’s religion under Articles 18 and 27 of the ICCPR.¹⁶²

The restriction on the freedom of speech and assembly rights and the government’s failure to protect atheist bloggers from violence are also in violation of the ICCPR and basic international human rights norms.

Despite its accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),¹⁶³ Bangladesh has not upheld its responsibility to protect the rights of minority women under this treaty. For instance, the abductions, forced conversions, and forced marriages of Hindu women constitute a form of human trafficking and exploitation under the provisions of Article 6¹⁶⁴ and contravene the right to freely enter into a marriage under Article 16(b).¹⁶⁵

In addition, by explicitly reserving the right to not consider provisions of this Convention binding if they conflict with Sharia (Islamic law), Bangladesh has weakened the protections of this Convention for Hindus and other minority women.¹⁶⁶

The ongoing racial discrimination towards non-Bengali tribal groups by both the government and Bengali Muslim settlers in the Chittagong Hills Tract is in direct contravention of Article 2 of the United Nation's International Convention on the Elimination of All Forms for Racial Discrimination (ICERD), to which Bangladesh is a party.¹⁶⁷ Although a peace accord was signed in 1997 between the tribes and the government, the tribes continue to face widespread violence and the forced occupation of their lands.¹⁶⁹

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

prisoners. According to Odhikar, a human rights group in Bangladesh, there were more than 172 extra-judicial killings in 2014.¹⁷⁰ Moreover, the government has restricted the freedom of the press, harassing and threatening journalists and shutting down publications critical of the government.¹⁷¹

The government has also shut down websites and arrested bloggers that have been vocal of Islamic extremism, in attempt to appease radical groups. It has similarly failed to prevent attacks on bloggers, intervene in a timely manner, and prosecute those responsible.

Religious Freedom

The Bangladesh Constitution provides freedom of religion and equal protection under the law to all of its citizens. Article 28 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."¹⁷² Article 41 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."¹⁷⁴

Despite provisions ostensibly protecting religious freedom, 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.¹⁷⁵

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.”¹⁷⁶ And Article 25(15) stipulates, “The State shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”¹⁷⁷ While language was added to the Constitution promoting Islam, Article 12 that provided “mechanisms for implementation of the principle of secularism”¹⁷⁸ was deleted.

Collectively, these provisions send a message of official government favoritism for Islam and Muslims, thereby institutionalizing the inferior status of non-Muslims. These injunctions further conflict with and weaken the provisions of religious freedom and equal protection as defined under Articles 41 and 28, respectively,¹⁷⁹ subordinating the rights of minorities to Muslims.

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 by

groups such as Jel¹⁸⁰ through the use of archaic punishments, such as whippings, lashings, and the public humiliation of women.¹⁸¹

Criticism or defamation of Islam, the Prophet Muhammed, and the Koran has also been criminalized by the legal system. On April 26, 2015, a Hindu businessman, Anok Kumar Ghosh, was by convicted by a court for sharing a Facebook post that was allegedly defamatory of Islam. Prior to his arrest, he had been forcibly held against his will by local Muslims, who physically assaulted him before turning him in to the police.¹⁸²

Temples/Religious Sites

The right to worship free from physical violence or interference is a core component of religious freedom. This right, however, was repeatedly violated with several attacks on Hindu and Buddhist temples, destruction of Hindu deities, and disruption of Hindu festivals by both Islamic extremists and state actors.

According to a human rights report released jointly on November 7, 2014 by Bangladesh Minority Watch (BDMW), Bangladesh Center for Human Rights and Development (BCHRD), and Global Human Rights Defense (GHRD), 1,699 Hindu temples were demolished over the previous two years (2013 and 2014).¹⁸³

During large scale election violence at the beginning of 2014 (the violence started in November 2013 and continued into January 2014), 169 temples were vandalized, damaged, or

destroyed. Many Buddhist temples were similarly targeted and attacked. In many of these instances, the government and police failed to stop the attacks or to take appropriate action to arrest and prosecute those responsible for the crimes.

Attacks on Hindu religious sites continued throughout 2014, including the arson attack on a 100-year-old temple at Fakirhat Upazila in Bagerhat on March 21.¹⁸⁴ Subsequently, in May, a Hindu temple and surrounding homes in a Hindu village were destroyed by a mob of over 3,000 Muslims after reports surfaced of two Hindus allegedly insulting the Prophet Muhammed on Facebook.¹⁸⁵

In September, ahead of Durga Puja (one of the largest Hindu religious festivals in Bangladesh in honor of the Hindu Goddess Durga), 22 Puja Pandals (religious structures set up to venerate the Goddess) across 15 districts were destroyed.¹⁸⁶ Similarly, in November, five Hindu temples were vandalized in Ashuganj Upazila after a Hindu man allegedly posted lyrics online defaming the Prophet.¹⁸⁷

1,699 Hindu temples were demolished over the previous two years (2013 and 2014).

The trend continued into 2015, highlighted by attacks on at least three Hindu temples in April, in the immediate aftermath of the execution of indicted war criminal Muhammed Karazuman.

Moreover, on April 19, 2015, a gang of 50-60 Muslims fired shots into the Bongram Sree Sree Sudhonya Kripamoyee Kali Mandir in Gazipur City Corporation and destroyed religious icons, and on May 30, there was an attack on the Joykali Mandir in Kalihati Upazila, Tangail District, where several icons of Hindu deities were vandalized and gold ornaments stolen.¹⁸⁸

Anti-Minority Violence

In recent years, Bangladesh has witnessed a dramatic escalation in anti-minority violence and a growing climate of religious intolerance. Over a two-year span (2013 and 2014), Bangladeshi minority rights groups assert that 302 minorities were killed, 2,900 physically assaulted, 5,050 minority families forcibly displaced from their lands, and 3,128 Hindu homes attacked.¹⁸⁹

Although Awami League officials have been directly involved in attacks on Hindus and other non-Muslims, much of the violence has been instigated and carried out by officials or supporters of the BNP, Jel, and ICS.¹⁹⁰ Moreover, despite arrests of members of these groups for their involvement in violence, they have largely been allowed to operate with impunity.

Starting with the elections on January 5, 2014, Jel-ICS activists launched several attacks on Hindu community members in Dinajpur, Jessore, Sathkira, and Thakurgaon districts, among others.¹⁹¹ Dozens of Hindus were killed in the run up to the elections, and thousands of Hindus displaced and hundreds of homes and businesses destroyed after

the elections when Jel-ICS mobs attacked Hindu villages.¹⁹² In the Upazilla (subdistrict or county) of Sathkira Sadar (a Jel stronghold), at least 20 Hindu families received anonymous letters threatening them to leave their homes.¹⁹³

According to information received from the Bangladesh Hindu Buddhist Christian Unity Council, an estimated 495 Hindu homes were damaged, 585 shops were attacked or looted, and 169 temples were vandalised in election related violence.

Hindu Parliamentarian Chhabi Biswas, from the Netrokona-1 district, described to HAF's fact-finding team the warnings he received from radical Islamists to stay silent during election violence targeting members of the Hindu community. As a result of his refusal to comply, his car was bombed on December 24, 2014 by BNP activists.¹⁹⁴ Mr. Biswas narrowly escaped death and is still serving as a Member of Parliament.

There were several additional incidents of violence against the Hindu minority in 2015, including an attack on 50 Hindu homes and a Hindu temple by Islamic extremists in Bongram, Gazipur District on April 20. The incident also injured at least seven people, including women and children.¹⁹⁵

While Hindus have endured the brunt of anti-minority violence, Buddhists, Christians, and Ahmaddiya Muslims have also been "harassed, threatened, and attacked by Jel and other Muslim extremists."¹⁹⁶ Moreover, indigenous

tribes in the CHT have similarly been subjected to ongoing "physical attacks, property destruction, and land grabs by Bengali settlers, as well as occasional abuses by security forces."¹⁹⁷ In December 2014, Bengali Muslim settlers in the CHT attacked and burned down dozens of tribal houses and businesses.¹⁹⁸

Beyond ethnic and religious minorities, atheists and secular activists have come under increasing attack from Islamists for their criticism of Islamic extremism.

According to the Center for Inquiry, a leading secular human rights organization, at least eight bloggers have been attacked by Islamist groups such as Hefazat, Islami Chattra Shibir and Ansar-Bangla 7, since 2004. And countless other bloggers have gone into hiding after receiving death threats from Islamist groups.¹⁹⁹

In 2014, a group calling itself the Defenders of Islam in Bangladesh released a "hit list" of 84 secular bloggers viewed as antagonistic towards Islam,²⁰⁰ while the first three months of 2015 saw three high-profile bloggers killed for their views on growing fundamentalism in Bangladesh.

Special Focus: Avijit Roy

Avijit Roy, a humanist blogger and writer, and an outspoken critic of religious fundamentalism, was attacked by machete wielding assailants while on his way back from a book fair at Dhaka University in February 2015. His wife and fellow blogger, Rafida Ahmed, also sustained severe injuries in the attack. Islamist group, Ansar Bangla-7, has claimed credit for the attack. Roy, the founder of a popular Bengali-language blog, Mukto-Mona (Free Mind), had also reportedly received death threats from Islamist bloggers linked to Jamaat-e-Islami (Jel), the largest radical Islamist organization in the country. In March, Farabi Shafiur Rahman was arrested in connection with the case, and had previously made several death threats against Roy and publicly called for his murder.

Shortly after Roy's murder, two more secular bloggers, Washikur Rahman and Ananta Bijoy Das, were hacked to death for espousing similar views on religious extremism. One of three students responsible for Rahman's murder attended a madrassa run by Hefazat-e-Islam.

The state's failure to protect members of minority communities and atheists from mass violence and targeted attacks violates their right to life and liberty guaranteed by Article 11 of the

Constitution. Law enforcement's frequent inaction in anti-minority violence further infringes the constitutional rights of affected communities, particularly equal protection of the law under Article 31.

Sexual Violence against Ethnic and Religious Minorities

Sexual violence plagues women of all backgrounds in Bangladesh. Minority women, in particular, have suffered disproportionately and often bear the brunt of sectarian violence.

According to a human rights report by Bangladeshi rights groups, 706 Hindu girls were forcibly converted to Islam over a two-year period (2013 and 2014). The report also found that there were 292 incidents of rape and gang-rape of minority women and girls over the same time frame.²⁰¹

Indigenous tribal women in the CHT have similarly been targeted and as the Kapaeeng Foundation, a human rights organization for indigenous tribals, noted, 122 indigenous women and girls suffered incidents of sexual and physical violence in 2014.²⁰²

Women from minority communities are often especially vulnerable during mass bouts of violence. In the run-up to and during the elections in January 2014, Hindu women were reportedly raped and sexually assaulted by BNP and Jamaat activists in an attempt to intimidate the community and prevent them voting.

At the same time, minority women and girls were confronted with the slow and

steady phenomenon of abductions and forced conversions to Islam throughout 2014 and the first half of 2015.

Special Focus: Minoti Rani

On April 29, 2014, Minoti Rani Das, a Hindu girl, was abducted from Majhipara village in Velabari Union, Aditmari Upozilla by four Muslim men. She was subsequently raped by each of her abductors, forcibly converted to Islam (her name was changed to Mina Khatun) and married against her will to one of the men. A police report was filed, but the police failed to investigate the case, and Minoti's family was threatened by the alleged perpetrators to withdraw the case. Through the help of local Hindu community members, Minoti was fortunately rescued and brought home to her family.

In another incident indicative of the threat minority women and girls face in Bangladesh, in December, 2014, a 14-year old girl, Setu Das, was kidnapped by a local Muslim politician, UP Chairman Mohammad Khorshed Alam, in Comilla district, before her mother found her.²⁰³

And finally, according to a fact-finding report received directly from Bangladesh Minority Watch, a Hindu tribal woman, Sagorika Sarkar, and her daughter, Beauty Karmakar, were repeatedly gang-raped by six to seven Muslim men, who broke into their home on January 6, 2015.²⁰⁴

Such incidents are not isolated, but rather part of a larger pattern of sexual violence and forced conversions that reflect an attitude of religious triumphalism by extremists, who are intent on shaming Hindu society and creating a minority-free Bangladesh.²⁰⁵

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.

Historically sanctioned by discriminatory property laws, the mass appropriation of Hindu owned land began in the former East Pakistan prior to the country's independence in 1971. Specifically, the Enemy Property Act (EPA), which was initially instituted by the Government of Pakistan in 1965, encompassed a series of discriminatory property laws targeting primarily Hindus and tribal communities in the eastern portion of the country (Bangladesh).²⁰⁶ 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).²⁰⁷ 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.²⁰⁸

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 remained relatively the same as the VPA/EPA and maintained 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 lost or had been robbed of 122,000 bighas of land (one bigha equals 1333.33 sq.metres/1594.65 sq. yards/0.33 acres), including their homes between 2001 and 2007, when the Vested Property Act was annulled.²⁰⁹

Similarly, up until 2007, Hindus had been collectively robbed of a combined 2.2 million acres of land. At that time, the value of those 2.2 million acres was Taka 2.52 billion (US \$36 million at a rate of \$1 = 70 Taka in 2006), which was more than half of the country's gross domestic product.²¹⁰

A new Vested Properties Return Act was passed in November 2011, while the Vested Property Return (Second Amendment) Act was promulgated in September 2012, but the measures identified in the new legislation have not yet been fully implemented and properties have not been returned to their rightful Hindu owners.²¹¹ Furthermore, the government has not taken any steps to curtail the ongoing appropriation of Hindu-owned land, and local officials from all major political parties (as well as politicians from smaller parties) are often complicit in the practice.²¹² The practice operates through a system of force and deception, supported and patronized by

influential politicians and political organizations.

The trend persisted unabated into 2014 and 2015, with several reported incidents impacting the Hindu community. In April and May, 2015, for instance, three Hindu families were forced to leave their homes in Nathpara village in Shoilokupa Upazila, Jhenaidah District, by extortionists attempting to forcibly occupy their land.²¹³ The ongoing appropriation of lands has similarly affected the indigenous tribes in the CHT, as Bengali Muslim settlers continue to expand their settlements with state patronage.²¹⁴

Conclusion and Recommendations

Bangladesh is at a critical juncture in its history. With repeated attacks on religious minorities and atheists, expanding religious intolerance and the suppression of political dissent and free speech, the country's secular democracy is in peril.

The recent escalation in violence coincides with the growing power of religious extremist groups, such as Jamaat-e-Islami (Jel) and Islami-Chhatra Shibir (ICS), who seek to destabilize the country and impose an Islamic state. These same organizations that are fomenting violence and chaos have a long history of engaging in mass-violence against Hindus and secular Bangladeshis, dating back to the country's struggle for independence from Pakistan in 1971, when an estimated three million people were

killed, ten million displaced, and 200,000 women raped.

Civil society leaders, minority groups, and secular Bangladeshis are concerned by this growing extremism as well as by the burgeoning threat of pro-ISIS activity in the country. Collaboration between ISIS and other radical groups, including Jel/ICS, would be catastrophic for Bangladesh and the wider region.

While Islamist groups have been primarily responsible for the recent violence, Awami League officials and law enforcement have failed to prevent the attacks through inaction or delayed responses. Moreover, minorities have not been provided with adequate protection or sufficiently rehabilitated.

The Awami League has also contributed to the current situation by subverting democratic processes, suppressing civil liberties, and committing other human rights abuse.

As conditions continue to deteriorate, given Bangladesh's strategic location and importance as a trade partner, its internal security and stability are essential to U.S. national interests in South Asia. These core objectives, however, are undermined by the ongoing political violence, repeated attacks on religious minorities and atheists, expanding religious intolerance and suppression of free speech, and growing destabilization caused by radical groups.

Promoting religious freedom, minority rights, and secularism in Bangladesh is consistent with America's commitment

to human rights and prevents the growth of Islamic extremism in the region. And although Bangladesh is an important trading partner and a recipient of considerable U.S. foreign assistance, American economic interests cannot be achieved without ensuring that human rights, religious freedom, and secular institutions are safeguarded. The recent bout of political and religious violence, for instance, has cost the Bangladeshi economy billions of dollars in lost revenue and created an unpredictable climate for foreign investors.

Conditions in Bangladesh also have wider regional implications, including the large-scale migration of Bangladeshis into India, along with the increased infiltration of narcotics, arms, and militants across the border.

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

Recommendations to the Government of Bangladesh

HAF submits the following recommendations to the Government of Bangladesh (GoB):

1. The GoB must take immediate steps to enforce the rule of law, prosecute those responsible for anti-minority violence, and ensure that religious minorities receive the necessary protection from further attacks.
2. The GoB should continue to conduct the war crimes trials while ensuring that they are consistent with due process of law, in order to achieve

- closure, justice, and accountability for events that occurred during the 1971 War of Independence.
3. Bangladesh should declare Jel and ICS illegal organizations, based on their long-standing involvement in terrorist activities and violence against religious minorities, and impose complete bans on their activities.
 4. Bangladesh must undertake legal and constitutional reforms by removing any reference to Islam from the Constitution. In the alternative, it should institute greater legislative safeguards for religious minorities.
 5. The Vested Property Return (Second Amendment) Act promulgated in September 2012 should be fully implemented and the government must take immediate steps to return previously confiscated properties to their rightful Hindu owners.
 6. Strengthen the National Human Rights Commission to support constitutional guarantees of religious freedom and equal protection, and to ensure the protection of minorities.²¹⁵

Recommendations to the International Community

Considering Bangladesh's importance to the U.S. as a trading partner and strategic ally in the region, HAF submits that the U.S. should take the following steps to assist the country:

1. The U.S. State Department and other government agencies should work constructively with the current Government of Bangladesh to ensure that attacks on Hindus and other minorities cease, past victims

- of violence are fully rehabilitated, and those responsible for attacks are brought to swift justice. U.S. officials should be unequivocal in their condemnation of violence in all public statements. In addition, human rights and civil society activists should be supported.
2. Despite its flaws, the United States should support the International Crimes Tribunal as a means of achieving justice for the victims of genocide and crimes against humanity. It should further uphold the process to ensure accountability for the perpetrators and send a message that war criminals cannot act with impunity.
 3. Jel and ICS should be designated as Foreign Terrorist Organizations (FTOs) by the U.S. State Department under Section 219 of the Immigration and Nationality Act, as amended, and as Specially Designated Global Terrorists under section 1(b) of Executive Order 13224.²¹⁶
 - Specifically, Jel and ICS have engaged in terrorist activities, including indiscriminate bombings and attacks on civilians, political assassinations and targeted killings, attacks on minorities and security personnel, and illegal arms smuggling to terrorist groups.
 - These activities threaten American national security and economic interests in Bangladesh and the wider region, considering that Jel is part of an extensive network that facilitates recruits, ideological and material support, and bases to terrorist groups operating in South Asia.

4. Under section 212(a)(2)(G) of the Immigration and Nationality Act, the U.S. should deny entry to any officials from Jel that have engaged in particularly severe violations of religious freedom as defined by section 3 of the International Religious Freedom Act.²¹⁷
5. Despite the absence of an extradition treaty, the U.S. should repatriate Ashrafuzzaman Khan and Abdul Jabbar to Bangladesh to face justice for war crimes committed during the 1971 War.²¹⁸

Malaysia



© CIA World Factbook^f

Area: 329, 847 square kilometers

Population: 30,073,353 (July 2014 est.)

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

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

Languages: Bahasa Malaysia (official), English, Chinese (Cantonese, Mandarin, Hokkien, Hakka, Hainan, Foochow), Tamil, Telugu, Malayalam, Panjabi, 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

^f Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/my.html>.

Introduction

The ruling government's policies under Prime Minister Najib Razak represented a significant step back for human rights and ethno-religious harmony in Malaysia. Despite previously pledging to improve ethnic equality and inclusion and reform discriminatory *Bumiputra*⁹ (sons of the soil) policies that benefit the Muslim Malay majority, the government has taken several steps to further institutionalize discrimination. In 2013, the government allocated \$9.2 billion dollars in new funding for bumiputra, or Muslim Malay, owned businesses,²¹⁹ further widening the economic divide between the majority Muslim Malay population and minorities.

Prime Minister Najib's failure to implement ethnically inclusive policies and improve the conditions of the marginalized Indian-Hindu minority, in particular, also led to the resignation of human rights activist and chairman of Hindu Rights Action Force Chairman (Hindraf), Waytha Moorthy, from his post as Deputy Minister in the Prime Minister's Department at the beginning of 2014.²²⁰

Beyond increased discrimination under the Bumiputra policies, Islam increasingly pervaded government policy and Malaysian society, while high ranking government officials made several statements reflective of a climate of escalating religious intolerance. Prime Minister Najib

attacked human rights and secularism as threats to Islam, while declaring the Sunni sect as the only acceptable form of Islam in the country.²²¹

Simultaneously, additional restrictions were placed on the religious rights of non-Muslims and members of minority-Muslims sects throughout 2014 and the first half of 2015. The Federal Court's decision to uphold the ban on the use of Allah by non-Muslims to refer to God in June 2014 was a significant setback for the religious freedom of Malay Christians, who use the word Allah in their Bibles and as part of their daily religious practice.²²² Moreover, official state preference for Sunni Islam and continued prohibitions on non-Sunni sects led to mounting discrimination and harassment of Shi'ite Muslims, highlighted by the arrest of 114 Shi'ites in Perak state for attending a public religious celebration in March 2014.²²³

Non-Muslim places of worship were also subjected to inequitable treatment and many Hindu temples were demolished or forcibly relocated by the state apparatus. Similarly, non-Muslims continued to be forced to adjudicate family law and "moral" matters in the Shariat (Islamic law) courts, where they faced severe disadvantages.

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

⁹ The use of the term *Bumiputra* for these policies is ironic, given the word's Sanskrit (liturgical language of Hinduism) origins.

trial, continued with impunity. Sedition and defamation laws were especially used to suppress speech critical of the government and as Freedom House noted, “The government increasingly targeted regime critics and those challenging conservative societal norms in 2014.”²²⁴

On a positive note, a Sharia statute criminalizing cross-dressing by men in public was declared unconstitutional by the Court of Appeal in November 2014 in the case of 16 transgender women in Negeri Sembilan state. The Court’s decision, however, has been appealed by the government.²²⁵

In contrast, the independence of the country’s judiciary came into question after the Federal Court, the highest court in Malaysia, upheld the conviction of opposition leader and former deputy Prime Minister Anwar Ibrahim for sodomy under a British colonial era anti-sodomy law. The case was widely seen as a politically motivated attempt by Prime Minister Najib to silence his strongest political opponent.²²⁶

According to Human Rights Watch (HRW), the case was emblematic of a “growing intolerance for civil and political rights” in Malaysia that should be a cause for concern for the country’s allies, foreign investors, and the United Nations.²²⁷ And subsequent to Ibrahim’s conviction, his daughter and Member of Parliament, Nurul Izzah Anwar, was arrested and detained under the 1948 Sedition Act for her speech in Parliament criticizing the Federal Court’s decision.²²⁸

Joshua Kurlantzick, Senior Fellow for Southeast Asia at the Council on Foreign Relations, described these troubling events as a “democratic regression” and “one of the largest attacks on dissent in modern Malaysian history” that would have significant implications for the region.²²⁹ Ironically, it is against this backdrop that Malaysia is attaining a more prominent international role as the chair of the Association of Southeast Asian Nations and a non-permanent member of the United Nations Security Council.

“The government increasingly targeted regime critics and those challenging conservative societal norms in 2014.”

History/Background

Indian influence in the Malay-speaking world dates back to at least the third century BCE when traders arrived at the archipelago. Hinduism and Buddhism were both established in the region by the first century CE, and Indian Hindu culture reigned in the Malay world between the seventh and fourteenth centuries. During the tenth century, however, the arrival of Islam supplanted a Hindu empire and led to the conversion of most of the Malay-Indonesian world.²³⁰ The 1800s witnessed another influx of ethnic Indian Hindus, who were forcibly brought to Malaysia by British colonialists to work as indentured laborers.²³¹

Upon the British departure in 1957, an independent Federation of Malaya was established in 1957 which subsequently became Malaysia in 1963.²³² Although the former colony became a “federal constitutional elective monarchy,” the British left provisions in the constitution that favored Muslims and ethnic Malays, known as the *Bumiputra* (Sons of the Soil) policies.²³³ These provisions, enshrined in the Constitution, created a system that left non-Malays as second-class citizens and provided a legal justification for the discrimination and oppression of ethnic and religious minorities.

The practical implications of these provisions led to the departure of nearly 500,000 mostly ethnic Chinese and Indian Malaysians, who were tired of being treated as second-class citizens, from the country between 2007 and 2009.²³⁴

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 Hindraf leaders, organized a peaceful rally to protest the religious apartheid policies pursued by the Malaysian government. Malay authorities broke up the rally using tear gas and chemical-laced water under the pretext of maintaining national security.

The Malaysian government subsequently 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.²³⁵ Hindraf was officially banned in 2008, and the ban was not lifted until 2013.²³⁶

Despite increased political activism by Hindus and Indians since 2007, their conditions have not meaningfully changed.

Islamic Fundamentalism

In recent years, the Malaysian polity and society have become increasingly Islamized. Islamists have steadily gained influence over the judicial system since the 1990s and the Federal Constitution was amended in 1988 to give official recognition to Sharia.

Other developments have reflected a growing influence of Islamic precepts on public life. The National Fatwa Council, an organization comprised of Islamic legal experts and scholars within the Prime Minister’s Office, has issued fatwas, or religious edicts, with intensifying frequency and has banned practices it deems un-Islamic, such as yoga and participation in beauty pageants.²³⁷

Many states have similarly implemented Sharia provisions targeting behavior considered inconsistent with official interpretations of Sunni Islam, including the prohibition of traditional performing arts, Mak Yong and Wayang Kulit, due to their animist and Hindu influences, respectively.²³⁸ All of Malaysia’s 13 states have criminalized transgender dressing by men, and three states have banned “women posing as men”

regardless of religious affiliation.²³⁹ And Kelantan state, considered the most religiously conservative in the country, has enforced dress codes for both Muslim and non-Muslim women²⁴⁰ and announced plans to enact hudud provisions that would punish various crimes with “amputation of limbs, whipping and death by stoning.”²⁴¹

Conditions in Malaysia are also fertile for Islamic extremists and ISIS recruitment given societal attitudes towards terrorism and violence. This was reflected in a 2013 Pew Global Attitudes Survey that found 39% of Malaysians considered attacks on civilians in defense of Islam to be justified.²⁴²

Though terrorism is not widespread in Malaysia, as in countries such as Pakistan, ISIS has begun recruiting Malaysians, with an estimated 60 – 150 citizens fighting for the Islamic State in Iraq and Syria.²⁴³ ISIS has also inspired homegrown Malaysian militants to pursue a Southeast Asian caliphate and 19 militants were arrested between April and June 2014 for plotting to bomb several bars, clubs, and a brewery.²⁴⁴

And recently, Hindu spiritual leader and founder of Art of Living, Sri Sri Ravi Shankar, received death threats from ISIS in Malaysia for carrying out “Hindu activities” in the country in reference to his yoga programs.²⁴⁵

Analysts and human rights activists similarly assert that there has been a growing mixture of Islam and politics to the detriment of ethnic and religious

“[N]on-Muslim Malaysian[s] are marginalized as Islamist parties try to ‘out-Islam’ each other.”

minorities. The ruling Barisan Nasional (BN) coalition has notably pursued policies influenced by Islam in an attempt to pander to its core Muslim Malay constituency and maintain its hold on political power,²⁴⁶ which has lasted for more than five decades. United Malays National Organization (UMNO), the largest party in the coalition, in particular, has viewed itself as a guardian of Malay-Muslim supremacy, even as its political opponents similarly tout their Muslim “religious credentials.”²⁴⁷

As a consequence, “[t]o the extent that there is political ideology at play in Malaysia today, it is Islam, and specifically Islamism, that dominates,” stated Joseph Chinyong Liow, Senior Fellow at the Center for East Asia Policy Studies at the Brookings Institute.²⁴⁸ And “the net effect of this is that non-Muslim Malaysian[s] are marginalized as Islamist parties try to ‘out-Islam’ each other.”²⁴⁹

Liow posits that the political reliance on religion has further led to intolerance of non-Muslims and the stoking of anti-minority sentiments.

He specifically notes:

For fear of further erosion of legitimacy and political support, the Malay-Muslim leadership of the country have in their public

*statements circled the wagons, allowing vocal right-wing ethnonationalist and religious groups to preach incendiary messages against Christians and Hindus with impunity. In extreme cases, they have even flippantly referred to fellow Malaysians who are adherents to other religious faiths as 'enemies of Islam.' Even state-sanctioned Friday sermons have occasionally taken to referring to non-Muslim Malaysians as 'enemies of Islam.'*²⁵¹

Islamic preachers, such as Shahul Hamid, a member of the Pan-Malaysian Islamic Party (PAS), have made inflammatory remarks about Hinduism and called on Muslims to boycott Hindu businesses.²⁵² Even former chief justice of the country's highest court, Abdul Hamid Mohamad, publicly claimed that Islam was under threat as the official religion in Penang state, as non-Muslims wanted their respective religions to be given equal status.²⁵³ In a similar vein, retired Court of Appeal judge, Mohamad Noor Abdullah, called statues of the Hindu deity, Lord Murugan, and the Buddha as affronts to Islam, which he opined is above other faiths according to the Constitution.²⁵⁴

Beyond intolerant statements, religious fundamentalists have attempted to target and intimidate non-Muslims. In June 2014, a bloody and skinned cow's head was left in front of the home of R.S.N. Rayer, a Hindu opposition party Assembly Member in Seri Delima, Penang. The incident was reminiscent of an episode in 2009 when a cow head was placed in front of the Selangor state

In June 2014, a bloody and skinned cow's head was left in front of the home of R.S.N. Rayer, a Hindu opposition party Assembly Member in Seri Delima, Penang state.

secretariat building to protest a Hindu temple.²⁵⁵ Cows are considered sacred and revered by Hindus for their gentle attributes.

Finally, subtle societal pressure on non-Muslims has become more commonplace, underscored by a recent announcement by the Islamic Information and Services Foundation to distribute one million copies of the Quran to Malaysian non-Muslims.²⁵⁶

Status of Human Rights, 2014-2015

Malaysia continued to violate basic principles of human rights law enshrined in the Universal Declaration of Human Rights (1948). The government's continued suppression of peaceful activities and speech criticizing the government, as well as its restriction of peaceful assembly and association violated its obligations under Article 20 of the Declaration.²⁵⁷

Furthermore, the ongoing use of repressive security measures and the widespread restrictions on religious freedom and the destruction (or forced relocation) of non-Muslim places of worship were all in contravention of the Declaration and human rights norms under customary international law.

The existence of individual rights and protections in Malaysia's Constitution was of little assistance in safeguarding the rights of Malaysian citizens, as these provisions were limited in scope and subject to national security and the position and status of Islam. In particular, the human rights conditions of ethnic and religious minorities deteriorated in 2014 and 2015 amidst a worsening climate of repression and intolerance.

Ethnic Indians continued to face economic and social marginalization due to the persistence of *Bumiputra* policies favoring the majority Malaysian Muslim community. Similarly, cumbersome restrictions on religious freedom, the inequitable treatment of non-Muslim places of worship, and state-sponsored destruction of Hindu temples continued to subordinate the rights of religious minorities, thereby violating their basic human rights to equality and religious freedom.

Finally, the government failed to implement several recommendations concerning religious freedom and the curtailment of basic liberties made during its Universal Periodic Review by the United Nations Human Rights Council in 2013. Moreover, it has not yet taken any steps towards signing or ratifying the major international human rights treaties, including the following: (i) International Covenant on Civil and Political Rights, (ii) International Covenant on Economic, Social and Cultural Rights, (iii) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

and (iv) International Convention on the Elimination of All Forms of Racial Discrimination.

Religious Freedom

Malaysia's Federal Constitution explicitly gives preference to Muslims and establishes Islam as the official state religion. Article 3(1), for instance, recognizes that Islam is the official religion of Malaysia and provides that other religions may be practiced in "peace and harmony" in the Federation.²⁵⁸

Article 11 guarantees the right to practice and profess one's religion, but simultaneously protects only the right of Muslims to freely propagate their religion, while prohibiting other religious groups from propagating their religion amongst Muslims.²⁵⁹ Additionally, while it is illegal for Muslims to convert out of Islam, a non-Muslim must convert to Islam in order to marry a Muslim and have their marriage officially recognized by the state.²⁶⁰ Moreover, it is official government policy to "infuse Islamic values" into the administration of the country.²⁶¹ These explicit messages of government preference for Islam have provided justification for the inequitable treatment of minorities.

The constitution guarantees that everyone shall have the right to "prove and practice his religion"²⁶² and 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.”²⁶³ These principles, however, have been violated as minority Muslim sects, such as Shi’ites and Ahmadiyyas, are unable to openly practice, assemble, or register their organizations.²⁶⁴ In March 2014, 114 Shi’ite Muslims were arrested in Perak state for attending a public religious celebration.²⁶⁵

Particularly problematic is the arbitrary power exercised by the Registrar of Societies, which enjoys “absolute discretion” to register or declare unlawful an organization or society believed to be a threat to national security or against “public order or morality,”²⁶⁶ and requires all registered groups to support Islam as the religion of Malaysia.²⁶⁷

A number of “deviant” non-Sunni Muslim sects have been proscribed as they allegedly pose a risk to national security and Muslim unity. While the exact number and names of all the proscribed sects are unknown (the list is not publicly available), the U.S. State Department estimates that there are more than 50 groups that have been officially banned, including Shi’ites and Ahmadiyyas.

Additional restrictions were placed on religious freedom in 2014-2015 through intrusive government policies and court decisions. Prime Minister Razak announced plans in 2014 to expand the scope of the Sedition Act, which has been used to silence political expression, to include provisions criminalizing perceived insults of Islam.²⁶⁸

And the government continued its plans to establish a religious police force to enforce Islamic law against Muslims. The police would fall under the Department of Islamic Development Malaysia at the federal level and parallel programs would be created within state religious departments.²⁶⁹ Though the religious police would technically only have jurisdiction over Muslims, non-Muslims would likely come under their purview as has already occurred with the Shariat courts.

In fact, the Selangor state Islamic Religious Affairs Department already violated the rights of non-Muslims, when its officers raided and stopped a wedding taking place in a Hindu temple in Petaling Jaya in June 2014. The practicing Hindu bride, Zarinah Abdul Majid, was then detained by Department officers and questioned over her religious identity, as her identity card listed her as a Muslim. The case was investigated for an alleged violation of the 1988 Enactment (Control of Propagation Amongst Muslims) for inciting a Muslim to change their faith, but Zarinah was eventually released.

Zarina’s parents were both Hindus, but her father later converted to Islam before he abandoned the family. Prior to him leaving, however, he registered Zarina and her siblings as Muslims with the National Registration Department (NRD). Zarina was subsequently raised as a practicing Hindu and her multiple attempts to change her religion on her identity card were denied by the NRD and Shariat Courts, as she was unable to obtain her father’s signature.²⁷⁰

In June 2014, the Selangor state Islamic Religious Affairs Department raided and stopped a wedding taking place in a Hindu temple in Petaling Jaya.

The religious rights of Malay Christians have also increasingly come under fire, marked by the Federal Court's decision to uphold the ban on the use of Allah by non-Muslims in June 2014. Allah is frequently used by Malay Christians to refer to God in their Bibles and as part of their daily religious practice.²⁷¹

Conflicts Between Civil and Islamic Law

The Constitution establishes a parallel court system with secular civil and criminal courts and Sharia courts. The Sharia courts have authority over Muslims in issues such as religion, marriage, divorce, inheritance, apostasy, and religious conversion, where the Federal courts have no jurisdiction.²⁷²

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. This is due in part to a Malaysian law which gives custody of children to a Muslim parent in divorce proceedings with a

non-Muslim spouse when the children have been converted to Islam.²⁷³

As the State Department recently noted, there have been a number of cases where minor children were converted to Islam by a Muslim parent without the knowledge or consent of the non-Muslim parent. In these instances, the Sharia courts typically found in favor of the Muslim parent and sanctioned the conversion, thereby violating the non-Muslim parent's rights under the constitution and international law.²⁷⁴

In April 2013, S. Deepa, a 29-year-old Hindu woman discovered that her estranged husband, Izwan Abdullah, had converted her two children (ages five and eight at the time) to Islam without her knowledge or consent. Izwan, who left the family 16 months earlier, took the children from their school in April and had them converted at an Islamic center.²⁷⁵

Izwan was initially granted custody of the children by a Shariat court, but Deepa challenged it in a civil court and eventually obtained a custody order at the Seremban state High Court. Izwan subsequently abducted their son from Deepa's home, however, and Deepa was reportedly "dragged along the stone-strewn road outside her house until she dropped to the ground, scratched and sobbing, as her ex-husband drove off."²⁷⁶

In January 2015, the Federal Court granted Izwan a stay against the Seremban Court's custody order, allowing Izwan to keep his son until the

next hearing date, which has yet to be scheduled.²⁷⁷

Finally, incidents known as “body-snatching” are fairly common and have caused significant tension between Muslims and non-Muslims. These disputes have occurred when Islamic authorities allege that an individual converted to Islam prior to his death and lay claim over the deceased’s body, contrary to the claims of the family.²⁷⁸

Special focus: Thiayagguru

A 14-year old Hindu boy, G. Thiayagguru was forcibly converted to Islam by two teachers at his school in the state of Negeri Sembilan on February 13, 2015. The teachers reportedly also filed a complaint with the Negeri Sembilan Islamic authorities, informing them that Thiayagguru was a practicing Hindu, contrary to the designation of Islam listed on his national identification card. The Islamic authorities subsequently took Thiayagguru and detained him at the Pusat Dakwah Islam rehabilitation center without first notifying or obtaining his father’s consent. Thiayagguru’s father, Mr. Ganesan, who is also a practicing Hindu, had previously converted to Islam in order to marry an Indonesian Muslim woman and was a Muslim at the time of Thiayagguru’s birth. After Mr. Ganesan’s wife abandoned the family in 2001 he reconverted to Hinduism and raised Thiayagguru as a Hindu. Mr. Ganesan obtained a decree from the Shariat Court in 2003 allowing him to officially renounce Islam and sanctioning his reversion, but he was unable to change the religious designation on Thiayagguru’s identification card to Hinduism. After his release, Thiayagguru was hospitalized for attempting suicide. Thiayagguru was subsequently discharged and went into hiding with his father out of fear of being taken back to the rehabilitation center by the state Islamic authorities.

Temples/Religious Sites

Inequitable government policies favor Muslim places of worship in the distribution of funds and through zoning and building ordinances that selectively impact non-Muslim religious structures.²⁷⁹

Federal and state budgets in Malaysia allocated specific funds for Muslim places of worship, while non-Muslim places of worship lacked similar funding. Moreover, minority groups reported that federal and state government permission to build and/or renovate non-Muslim places of worship was often delayed, while Muslims were able to build mosques without similar delays.²⁸⁰ The building of new temples has similarly faced societal hostility and intolerance, exemplified by opposition to the Devi Sri Lalithaambigai Alayam temple in Putrajaya by extremist groups, such as Perkasa, in early 2015.²⁸¹

In addition, according to Hindu groups, approximately 23,000 Hindu temples/shrines in Malaysia have been denied legal status since independence in 1963, many in existence since the pre-independence era, while Muslim mosques built in the same period have been granted land titles.²⁸² The absence of land titles has also facilitated the government's demolition and forced relocation of Hindu temples. Since independence, for instance, 10,000 Hindu temples/shrines have been demolished, desecrated, and forcibly relocated or appropriated for "public use" under special laws (including private shrines located on plantation estates).²⁸³

This longstanding trend continued through 2014 and 2015, with several temples destroyed or relocated by the government and private developers. Approximately 100 temples in Selangor state were reportedly designated for demolition by the government, according to reports from Hindraf.²⁸⁴

Furthermore, arbitrary designations of religious sites as "shrines" rather than "temples" by government officials have reportedly been used to appropriate the land a temple sits on for city use.

The Malaysian state has also placed burdensome requirements on Hindu temples, which wish to bring foreign priests and religious workers into the country. These include requiring a support letter from a federal minister of Indian descent and mandating orientation classes for priests conducted by the Ministry of Human Resources. Hindu organizations, such as Malaysia Hindu Sangam, claim that such conditions are inequitable and not required of other religions. Consequently, it has resulted in a shortage of Hindu priests to serve the needs of the country's Hindu community.²⁸⁵

Institutional Discrimination

The *Bumiputra* policies, encompassed in Articles 159 and 160 of the Constitution, collectively relegate ethnic and religious minorities to second-class citizenship not deserving of equal protection under the law.²⁸⁶ The provisions afford a special status to ethnic Malays by defining "Malay" as a

“person who professes the religion of Islam, habitually speaks the Malay language, [and] conforms to Malay custom...”²⁸⁷

The policies have had far reaching implications for minorities and have resulted in severe economic, social, and educational discrimination. For instance, Muslim Malays are afforded discounts on housing, quotas in educational institutions, and preference for government jobs.²⁸⁸

Government projects are primarily given to Malay *Bumiputra* individuals and organizations, while all government procurement requires the involvement of or outright Malay equity participation in the supplying organization. Furthermore, Malays are disproportionately promoted in the civil service to assure that Malays fill the highest policy-making positions, regardless of objective performance standards.²⁸⁹

A central feature of the discriminatory Malaysian system is the requirement to constantly proclaim one's Bangsa (race) and U gama (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 licenses, bank accounts, passports, marriages, deaths, and burials.²⁹⁰ Moreover, as analyst John Pang asserts, the concept of “Malay supremacy” has been ingrained in the country's school curriculums and civil service training programs.²⁹¹

The *Bumiputra* policies have caused significant damage to Malaysia's economy and have driven skilled and educated Malaysian minorities (especially ethnic Chinese) to seek opportunities outside of the country.²⁹²

In addition, minorities have been grossly underrepresented in higher education and account for less than 20% of all college admissions, despite comprising one third of the Malaysian population. Indian and Chinese students with perfect 4.0 grade point averages are frequently denied entry into schools, while their Malay counterparts are admitted with lower scores.²⁹³ Half the country's Indian children attend Indian primary and secondary schools, which have been under-funded and lack resources.

And in mixed public schools, non-Muslim Malay students frequently face discrimination and harassment from teachers and school administrators. Moreover, Muslim prayers are commonly held to begin school assemblies or programs. Although non-Muslim students are not required to take Islamic studies classes that are compulsory for Muslims, requests for the inclusion of non-Islamic religion classes have been denied by the government.²⁹⁴

Beyond economic and educational discrimination, state development programs have resulted in the “massive forced displacement” of Indian rubber estate workers without compensation, land, or other economic or employment opportunities. A recent Malaysian

Centre for Public Policy Studies analysis found that approximately 600,000 Indian estate workers had been displaced throughout the country, while Waytha Moorthy asserted that this number may be as high as 800,000.²⁹⁵

Furthermore, nearly 200,000 Malaysians of Indian ethnicity have been denied citizenship rights, 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. As a result, these ethnic Indians have been rendered virtually stateless.²⁹⁶

Hindraf has also accused the government of misappropriating and embezzling funds purportedly intended for the upliftment of Malaysian Indians, after the Treasury Secretary-General claimed that 2.88 billion Malaysian Ringgits was allocated in 2012-2014 and an additional 260 million Malaysian Ringgits in 2015 for the community, but never actually distributed.²⁹⁷

A complex set of repressive laws that regulate speech deemed to be “seditious,” restrict peaceful assembly and protests, and give security forces broad powers to arrest and indefinitely detain individuals suspected of threatening national security without charges or trial, have further violated the fundamental civil liberties of Malaysians.²⁹⁸

The 1948 Sedition Act, in particular, has been utilized as a political tool to silence criticism of the government. In 2014, for

instance, at least 15 people faced sedition charges, including six members of opposition parties.²⁹⁹ And there have already been 22 investigations for sedition in the first few months of 2015, most notably the daughter of opposition leader Anwar Ibrahim³⁰⁰ and Zulkiflee Anwar Alhaque, who was charged with nine counts of “sedition” and faces up to 43 years in jail for tweeting cartoons critical of Ibrahim’s conviction.³⁰¹

Human rights groups also contend that police abuse is widespread, and according to Hindraf, such abuse disproportionately impacts the Indian Hindu community.³⁰²

The media is similarly regulated and media censorship is pervasive, according to the World Press Freedom Index, which ranked Malaysia at 147 out of 180 countries on freedom of the press in 2014.³⁰³ Furthermore, media ownership is strictly controlled and the print media, television, and radio are monopolized by publications connected to the government.³⁰⁴

Conclusion and Recommendations

2014 and the first half of 2015 were marked by a progressive erosion of human rights and civil liberties for the Malaysian people. The systematic suppression of political dissent coupled with a decline in religious freedom and continued institutional discrimination against minorities left the country deeply divided.

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

The continuation of the discriminatory *Bumiputra* policies benefitting Muslim Malays, restrictions on the religious freedom of non-Muslims and minority Muslim sects, and the silencing of freedom of speech, in particular, were all ongoing concerns for human rights and civil society activists.

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

Recommendations to the Government of Malaysia

HAF submits the following recommendations for the Government of Malaysia:

1. The Malaysian government should sign all outstanding international conventions and treaties on human rights, and adopt the recommendations of the United Nations Human Rights Council (UNHRC), in order to improve human rights conditions in the country.
2. Repressive laws should be rescinded or revised to allow for the free exercise of speech, assembly, and association and to end arbitrary detentions and police abuses.
3. Religious freedom should be granted to non-Sunni Muslims

consistent with those rights granted to their fellow Muslim citizens, including the rights of minority Muslims sects to register their associations and freely practice their religion in public.

4. Non-Muslim places of worship, particularly Hindu temples, which are 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. Similarly, onerous requirements on Hindu temples bringing foreign priests to the country should be amended to conform to procedures applied to other religious groups.
5. The conflict between civil law and Islamic law must be resolved and non-Muslims and any matter involving non-Muslims should be subject to the jurisdiction of the civil courts, regardless if it is a family law dispute with a Muslim.
6. Islamic religious affairs departments at the federal and state levels must avoid interfering in the free exercise of religion of non-Muslims.
7. The ruling government must further uphold its prior commitment to reform *Bumiputra* laws, rather than increasing benefits for Muslim Malays.
8. Finally, the nearly 200,000 ethnic Indian Hindus, who have been deprived of their citizenship rights, should be accorded legal status consistent with their family's presence in the country for generations.

Recommendations to the International Community

It is also incumbent upon the U.S. and the international community to exert pressure on the Malaysian government to provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and to allow freedom of speech and assembly by amending repressive laws. This can be partially achieved by implementing the recommendations made during Malaysia's UPR by the UN Human Rights Council.

The U.S. should further revisit its trade ties with Malaysia, as the Barisan National government continues to distribute economic entitlements to the majority Muslim Malay population. These policies not only impact minorities, but also affect the country's economy and the viability of foreign investment. Putting pressure on Malaysia to reform these policies will benefit American investors, while addressing the economic marginalization of the Indian and Chinese minorities.

Islamic Republic of Pakistan



© Compare Info Base^{h305}

Area: 796,095 sq km

Population: 193,238,868 (July 2013 est.)

Religions: Muslim (official) 96.4% (Sunni 85-90%, Shi'a 10-15%), other (includes Christians, Hindus,ⁱ and Sikhs) 3.6% (2010 est.)

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

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

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

^h Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/pk.html>.

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

Introduction

Political instability and militancy continued to plague the Islamic Republic of Pakistan throughout 2014 and the first half of 2015.

A political crisis in mid-2014 initiated by opposition politician, Imran Khan, and a leading religious cleric, Muhammad Tahir-ul-Qadri, nearly brought down the elected government of Prime Minister Nawaz Sharif, bringing further uncertainty to the country's citizens. The protest movement, which reportedly had the support of the military, alleged fraud and corruption in the 2013 elections and called for fresh elections, but Khan and Qadri called off their movement by the end of the year.³⁰⁶

At the same time, militant groups remained active and launched several high-profile attacks, including an attack on the Karachi airport that killed 24 people in June and an attack on a military-run school in Peshawar that killed 150 children.³⁰⁷

Despite their antagonism to the Pakistani state, numerous terrorist groups operate in Pakistan, frequently with the tacit or explicit approval of the powerful Inter-Services Intelligence (ISI) agency and the military establishment. According to SATP, "Islamabad's long sustained policy of appeasing the extremists and terrorists has promoted their unrestrained growth, even as some of these groups have gone renegade."³⁰⁸

Concomitant with the rise in terrorism and political instability, human rights and

religious freedom conditions deteriorated at an unprecedented rate, as sectarian violence contributed to an increasingly volatile and intolerant atmosphere.

Militant groups targeted minorities with impunity, marked by the twin bombing of two churches in a Christian neighborhood in Lahore during Sunday services on March 15, 2015. A Pakistani Taliban splinter group took responsibility for the attack and stated it would continue to carry out such attacks in its quest to implement sharia law in Pakistan. The attack set off violent protests and the lynching of two suspected militants.

In addition, Shias continued to be targeted by sectarian Sunni groups, such as Lashkar-e-Jhangvi (LeJ), which attacked a bus of 30 pilgrims in January 2014.³⁰⁹

In particular, Hindus, officially estimated at nearly two percent (unofficial estimates from the Pakistan Hindu Council place that figure much higher),³¹⁰ face discrimination and widespread violence, including attacks on temples, kidnappings for ransom, and the abduction of Hindu girls.³¹¹

In a positive step, on June 19, 2014, the Supreme Court expressed concern over multiple incidents of anti-minority violence and issued a directive to establish a special task force to protect minority places of worship and a National Council for the Rights of Minorities. The government, however, has failed to consult representatives from minority groups in implementing the Court's order and establishing the

Council, creating doubt as to the effectiveness of such a mechanism.³¹²

And in an encouraging sign from Pakistani society, students of all religious backgrounds from the National Students Federation formed a human chain outside a temple in Karachi during the Hindu religious festival of Holi to protect the temple and show solidarity with the Hindu community.³¹³

Unfortunately, such positive developments have been few and far between, as Hindus and other minorities continue to be treated as second-class citizens in Pakistan.

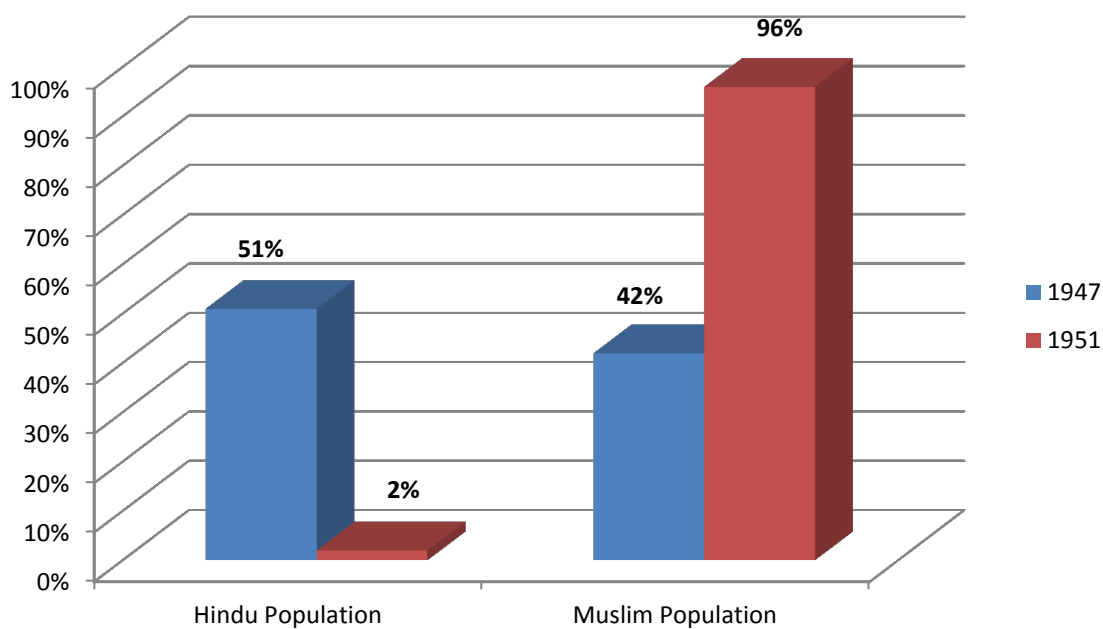
History/Background

The modern Pakistani state was created through the partitioning of the

subcontinent in 1947, following the British withdrawal from India. Partition and the accompanying violence forced millions of Hindus and Sikhs to flee Pakistan for the safety of India. As a result, the number of Hindus declined from 15% in West Pakistan (not including Bangladesh, or the former East Pakistan) at the time of partition to approximately 2% by 1951.

Similarly, in the city of Karachi, the Hindu population decreased from 51% in 1947 to only 2% in 1951, while the Muslim population in the city went from 42% to 96% during that same period.³¹⁴ Notwithstanding its recent decline, Hindu civilization and culture flourished in Pakistan for thousands of years.

Hindu Population Decline in Karachi (1947 – 1951)



There are conflicting figures on the current number of Hindus residing in Pakistan, and the government has not conducted a census since 1998. The 1998 census places the number at 1.6%,³¹⁵ while the Pakistan Hindu Council (PHC), one of the leading representative bodies for Hindus in the country, approximates that there are more than 7,000,000 Hindus, or 5.5% of the population.³¹⁶

At independence, Pakistan proclaimed itself an Islamic Republic. Since then, Islam has become a central part of the country's national ideology and legal framework. In addition, there has been a recent proliferation of Islamic schools, or *madrasas*, in the past 50 years. Current estimates show that there are over 10,000 *madrasas* in Pakistan, whereas in 1956, there were only 244. Many of these schools teach extreme and intolerant interpretations of Islam to children as young as five years old.³¹⁷ This process of indoctrination has not been limited to *madrasas*, however, as the public school system similarly teaches hatred for minorities, particularly Hindus, and glorifies violent jihad.

During the last several years, the rights of Pakistani minorities have deteriorated at an alarming rate. I.A. Rehman, Director of the Human Rights Commission of Pakistan (HRCP), associated this erosion with the continued Islamization of the country initiated by former President General Zia-ul-Haq in the 1980s.³¹⁸

Despite rampant human rights violations and war crimes committed by numerous

Pakistani regimes, historically, Pakistan's actions have been tolerated by the international community due to the country's strategic location and perceived importance in the region.

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Islamic Extremism

Pakistan has long utilized militant groups as an instrument of state policy, in order to pursue its perceived foreign policy interests vis-à-vis India and Afghanistan, as well as its domestic priorities.³¹⁹ Pakistan has engaged in a proxy war in India's state of Jammu and Kashmir since the late 1980s by supporting terrorist groups there.

Although it has ostensibly confronted militants in the northwest of the country, such as Tehreek-e-Taliban (Pakistani Taliban), the military and ISI continue to maintain alliances with many groups in order to create strategic depth against India and Afghanistan.³²⁰ There are a number of groups operating freely throughout the country, who promote Islamic rule, violent *jihad* (holy war), and hatred towards non-Muslims. These include the Sunni sectarian Lashkar-e-Jhangvi (LeJ) and Lashkar-e-Taiba (LeT), which carried out the Mumbai terrorist attacks. Other major groups include the Lashkar-e-Omar (a loose coalition of several militant groups), Tehreek-e-Nafaz-e-Shariat-e-Mohammadi, Muslim United Army (an

umbrella organization consisting of several extremist groups), Hizb-ul-Mujahideen and Jaish-e-Mohammed (anti-Indian groups operating in Kashmir), and Afghan Taliban groups (ex: Quetta Shura and the Haqqani Network).³²¹ These organizations have enjoyed a varying degree of support from the military and ISI, even though some have launched attacks on the Pakistani state. Al Qaeda also maintains several bases in Pakistan and functions with the tacit assistance of the Pakistani military establishment.³²²

Beyond the military and ISI's connections to extremist groups, Prime Minister Nawaz Sharif and his Pakistan Muslim League-Nawaz (PML-N) party have enjoyed extensive links with radical groups, particularly in their home base of Punjab. Sharif's brother, Shahbaz who is the Chief Minister of Punjab province, has distributed state funds to organizations such as Jamaat-ud-Dawa, the charitable front for LeT.³²³

In 2014 there were 5,496 terrorism-related fatalities, and there were 697 deaths in the first two months of 2015.³²⁴ Further exacerbating the indigenous threat of terrorism, there have been increased reports of Islamic State activities in the country. U.S. military officials recently noted reports of ISIS recruiting in Pakistan.³²⁵ Pakistani militant groups, such as Jundallah and Tehreek-e-Khilafat, have also pledged allegiance to the Islamic State.³²⁶

Islamists have also increasingly started to impose Islamic law in areas under their control, particularly in Khyber Pakhtunkwa and the tribal areas.

Militants in the tribal areas, including Khyber Agency, have forced Hindus and Sikhs to pay a punitive tax known as *jizya* (a tax historically imposed on non-Muslims living under Islamic rule) in return for their protection.³²⁷

The reach of extremists has now extended far beyond the tribal areas, with Islamist militants targeting civilians, particularly minorities, as well as human rights activists, and military targets in major cities throughout the country.³²⁸

In Karachi, the Taliban has firmly established roots and created a "lucrative criminal enterprise."³²⁹ With its expanding influence on the peripheries of the city, the Taliban has started implementing Sharia law in areas under its control. For instance, it has started hearing complaints and administering Sharia based punishments for a range of crimes, including public lashes for an alleged theft.³³⁰

Equally troubling is the attempts by religious groups to erase all aspects of non-Muslim culture from Pakistani life. This includes shared Indian and Pakistani cultural festivals, such as the spring festival of Basant, recently banned by the Punjab provincial government due to its Hindu roots. Similarly, there has been a burgeoning popularity of Islamic themed television shows and "Islamic TV evangelist[s]" that preach religious intolerance.³³¹

Status of Human Rights, 2014-2015

Pakistan's widespread violation of human rights and its tolerance of human rights violations by non-state actors demonstrate a blatant disregard for international human rights norms and its obligations under human rights treaties and conventions.

The blasphemy laws, restrictions on the Ahmadiyya Muslim faith, and continued forced conversions of Hindu and Christian girls, violate Article 18 of the International Covenant on Civil and Political Rights (ICCPR), which protects the basic "right to freedom of thought, conscience and religion."³³² And the government's failure to take all necessary steps to stop the forced marriages of Hindu and Christian girls clearly contravenes Article 23(2) of the ICCPR, which states, "No marriage shall be entered into without the free and full consent of the intending spouses."³³³

Moreover, the constitutional preference for Islam, religious identification laws, and depiction of non-Muslims in school textbooks, all promote discrimination against minorities, contrary to Articles 26 and 27, which guarantee equality before the law and freedom of religion without discrimination.³³⁴ The lack of Hindu marriage rights and inability to manage their own religious institutions similarly violate these articles.

Although Pakistan entered numerous reservations to its ratification of the ICCPR based on Islamic provisions in its Constitution, it is still bound by the principles enshrined in this Covenant under customary international law.³³⁵

Similarly, Hindus and other minorities have been subjected to violence, conversions, and other acts of intolerance at the hands of non-state actors with the complicit or implicit support of government officials (or failure to act), in contravention of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief. 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.³³⁶

In addition, the continued use of the Hudood Ordinance, discriminatory treatment against minority women, kidnappings and forced conversions, and systematic oppression and violence against women violate the Convention on the Elimination of All Forms of Discrimination against Women, which 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.³³⁷ Particularly, Pakistan has failed to comply with Article 4, which provides, "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."³³⁸

Finally, the active complicity of law enforcement and political officials in perpetuating the bonded labor system and their failure to take necessary steps to completely abolish it, violate the

principles enshrined in the Slavery Convention of 1926 and the Abolition of Forced Labor Convention.³³⁹

Religious Freedom

In Pakistan, the freedom of religion continued to elude religious minorities and members of minority Muslim sects. Although the Constitution guarantees religious freedom to its citizens under Articles 20-22,³⁴¹ minorities have been unable to freely practice their faith without fear of attacks or persecution. For example, Article 20 which states, “Every citizen shall have the right to profess, practice and propagate his religion; and every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions,” has proven meaningless.³⁴²

Furthermore, many of the rights theoretically provided for in the Constitution are subordinated to government regulations and constitutional injunctions shaped by Islamic law, thereby denying equal protection and religious freedom to non-Muslims.

The absence of specific laws protecting the equal rights of all Pakistani citizens is similarly problematic. For instance, there still exists no legal mechanism to officially recognize Hindu marriages, resulting in widespread discrimination against Hindu women. Without registered marriages, Hindu women face numerous obstacles obtaining identification cards as well as other documents, lack property and divorce

rights, and are subject to kidnappings and forced conversions.³⁴³

Moreover, according to Pakistani American comparative law expert, Waris Husain, Pakistan currently lacks effective legislation that clearly defines discrimination, and it fails to provide adequate legal redress to victims of discriminatory acts or violent hate crimes.³⁴⁴

Discriminatory Provisions in the Legal System

The absence of religious freedom in Pakistan can be traced back to the Constitution and wider legal framework that define the role and rights of the country's citizens.

Islam has been institutionalized in the Constitution and pervades all aspects of the legal system. Article 2 of the Constitution proclaims that Islam is “the State religion of Pakistan” and recognizes the Koran and Sunnah as the highest sources of law, not to be contradicted by secular laws, while Article 31 protects and promotes the Islamic way of life and moral standards, among many other provisions.³⁴⁵

Additionally, Article 203A - J establishes the power and jurisdiction of the Federal Shariat Courts, while Articles 227 - 231 provide that all laws must be in conformity with Islamic injunctions and create an Islamic Council to advise Parliament and Provincial Assemblies on whether laws contradict Islamic injunctions.³⁴⁷

Pakistan's official affiliation with Islam reflects its preference for one religion

over others and consigns “the other” to a subordinate role with fewer rights.

The Pakistani Constitution, for instance, lays out explicit restrictions on non-Muslims, such as Article 41(2), which provides that an individual must be Muslim in order to hold the office of President of Pakistan.³⁴⁸ Similarly, it requires that high office holders must take the oath of office by invoking an Islamic prayer, regardless of whether they are Muslim. The oath starts with, “In the name of Allah, the most Beneficent, the most Merciful,” and ends with “May Allah Almighty help and guide me, (A’meen).”³⁴⁹

Furthermore, freedom of religion is severely limited and “subject to law, public order and morality.”³⁵⁰ 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.³⁵¹

And freedom of speech under Article 19 of the Constitution is “subject to any reasonable restrictions imposed by law in the interest of the glory of Islam or the integrity, security or defense of Pakistan.”³⁵² This constitutional clause provides in part the justification for criminalizing blasphemy under the penal code.

Beyond the Constitution, there are a number of statutory laws that favor Muslims and directly or indirectly discriminate against religious minorities.

The religious identification laws require an individual to identify their religion on legal documents, including in passports and computerized national identity cards.³⁵³ By distinguishing minorities from the majority Muslim population, particularly on national identification cards, these laws have had the impact of “...demonising, harassing, and isolating the 3% of Pakistan’s Hindu, Ahmadi, Christian and other minorities.”³⁵⁴ It has further left them vulnerable to the denial of government services and jobs, and institutionalizes their inferior status.

According to HRCP, these and other discriminatory laws and constitutional injunctions have led to social discrimination and have reduced “religious minorities to second-class citizens whose rights and welfare are easily ignored and violated both by the majority community and the state.”³⁵⁵

Blasphemy Laws

The blasphemy laws, which are part of Pakistan’s Penal Code (Sections 295B and C, and 298A-C), impose severe punishments for perceived insults to the Prophet Mohammed or desecration of the Koran,³⁵⁶ and prohibit Ahmadiyyas from using Islamic terminology and symbols and from “preaching their faith or pos[ing] as Muslims.”³⁵⁷ Punishments range from imprisonment for three years and a fine to life imprisonment and the death penalty.³⁵⁸

The blasphemy laws have received widespread support from both radical Islamist organizations and purportedly mainstream political parties,³⁶⁰ and a large majority of the Pakistani people.³⁶¹ Additionally, criticism of the laws is

treated as blasphemy in itself, demonstrated by the high-profile murders of former Punjab Governor, Salman Taseer, and Minister for Religious Affairs, Shahbaz Bhatti, in 2011.

These archaic laws have harmed all sections of Pakistani society, but have had a disproportionate impact on religious minorities, particularly Hindus, Christians, and Ahmadiyyas. The laws have emboldened Muslim extremists and in many instances, the mere allegation of blasphemy is used as a pretext to attack and kill minorities.³⁶²

Two Ahmadiyya Muslim children, a seven year-old girl and her baby sister, along with their grandmother were burned to death in July 2014 in Gujranwala. The girls and their grandmother died when a rioting mob burned down several Ahmadiyya homes in the city, after an Ahmadiyya man was accused of allegedly posting a blasphemous picture of the Kaaba (cube-shaped structure at the center of the Grand Mosque in Mecca, Saudi Arabia that Muslims consider sacred) on Facebook. The violence also left at least nine other people severely burned and caused a pregnant woman to miscarry her baby, while the police reportedly stood by idly and watched.

Similarly, on November 4, 2014, a Christian man, Sajjad Masih, and his pregnant wife, Shama Bibi, were violently attacked by a mob and burned alive in a brick kiln outside the city of Lahore, after Sajjad was accused of desecrating the Quran. The couple's death came shortly on the heels of a

Lahore High Court decision to uphold the death sentence of a Christian woman, Asia Bibi, for purportedly making derogatory statements about the Prophet Muhammed in 2009.

Furthermore, although Christians and Ahmadiyyas have been impacted by the blasphemy laws at a higher rate, Hindus have also been subject to attacks and arrest under the statutes.

Special Focus: Holi 2014

On the eve of the Hindu religious festival of Holi in March 2014, mobs set fire to a Hindu dharamshalla and temple in Larkana, Sindh and four other temples and 10 Hindu owned businesses. Violence also spread to the cities of Usta Mohammad, Dera Allah Yar, and Sohbat Pur in neighboring Balochistan. Police and Pakistani Army Rangers were called in to quell the violence and protect other Hindu temples and properties in the area. Hindus in Larkana and nearby cities closed their businesses, remained home, and refrained from public Holi celebrations out of fear of further attacks. The mobs, which were reportedly made up of at least 200 local Islamic seminary students, went on a rampage after rumors circulated that a Hindu man, Sanjeet Kumar, burned pages of the Quran. He was arrested, along with his family, under the country's blasphemy laws. According to police, the man had just moved into a new home, which he was renting from a Muslim family, and may have inadvertently discarded the pages while cleaning out the house.

Temples/Religious Sites

Pakistan is home to several ancient Hindu temples and pilgrimage sites, but there has been a drastic decline in the number and condition of Hindu temples since the country's partition in 1947. Thousands of temples have been destroyed or converted into mosques in the years since then, and there are an estimated 360 temples remaining (with a smaller number still functioning).³⁶³

In the years following independence, many Hindu temples were destroyed or left in dilapidated conditions by the government. Many first-hand accounts from Pakistani Hindu refugees in India indicated that there was a spike in temple attacks subsequent to a dispute over the destruction of an abandoned mosque, known as Babri Masjid, in India in 1992.³⁶⁴ While it is difficult to ascertain the exact number of temples attacked, there have been numerous reports from Hindu community groups, human rights organizations, and the media indicating that a large number of temples were in fact destroyed during that period.

In subsequent years, there have been a number of attacks on temples, pilgrimage sites, and religious leaders. 2014 and the first half of 2015, in particular, saw a spike in incidents at Hindu religious sites.

During March 2014, five Hindu temples were attacked in Larkana, Sindh and surrounding areas (as noted above), while a Bhagwad Geeta temple was attacked on May 7, 2014 in Shikarpur, Sindh.³⁶⁵ Moreover, in November, a temple in Tando Mohammed Khan

district of Sindh was set on fire, destroying an icon of a Hindu deity and several religious books.³⁶⁶

And in February 2015, three Hindu temples in Sindh were attacked: (1) Makli Mata temple in Makli district; (2) Radha temple in Mirpurkhas; and (3) Krishna temple in Hyderabad.³⁶⁷

In the aftermath of the church attacks in March 2015, the Sindh provincial government announced that it would hire 2,000 Hindu and Christian police officers to protect temples and churches.³⁶⁸ While an encouraging initiative, it is unclear whether this has yet been implemented and how effective it will be.

Many of the existing temples in Pakistan also suffer from decay and neglect (from a lack of funds/government support) and are subject to illegal encroachments or government sanctioned demolition.³⁶⁹ The problem largely stems from the inability of Hindus to independently control many of their places of worship. Currently, the Evacuee Trust Property Board (ETPB), a government body, is responsible for managing a large number of Hindu properties,^j including temples and crematoriums, left behind by Hindus who fled for India at the time of Partition in 1947.³⁷⁰

The Trust Board, however, lacks adequate Hindu representation and has consistently failed to consult Hindu organizations, such as the Pakistan Hindu Council (PHC), before making

decisions regarding Hindu properties and places of worship.³⁷¹ As a result, there are hundreds of Hindu temples in disrepair that have not been maintained by the ETPB, according to Sanjesh Dhanja, president of the Pakistan Hindu Sewa Welfare Trust.³⁷²

The ETPB's control over Hindu properties has further caused problems in conducting funeral rites. Community leaders allege that lands previously used for cremations have been illegally sold by the ETPB. They further contend that there is no useable crematorium throughout Khyber Pakhtunkwa province, and Hindus and Sikhs have to either bury their dead or travel long distances to conduct cremation rites.³⁷³ Similarly, many of the Pakistani Hindu refugees HAF spoke with noted the difficulties Hindus faced in cremating their dead in Sindh province.³⁷⁴

Beyond those Hindus that utilize cemeteries out of compunction, some Hindu communities in Pakistan have a tradition of burying their dead. Even these groups have endured significant obstacles in conducting burials, including problems using Muslim cemeteries.

Anti-Minority Violence

There were multiple militant attacks on religious minorities during the reporting period, including the attack on Shiite pilgrims in January 2014, a bombing of a Shiite mosque in Shikarpur, Sindh in January 2015, the twin bombings of Christian churches in Lahore in March 2015, and the execution of 45 Shiite Ismailis in May 2015.³⁷⁵ And a bombing

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

in the town of Chaman, Balochistan in February 2015 killed an eight year old boy and injured nine more near a Hindu temple, although it's not clear whether the temple was the target.³⁷⁶

Beyond high-profile attacks by militants, minorities were harassed, threatened, intimidated, and attacked on a routine basis throughout 2014 and the first half of 2015.

Ahmadiyyas endured incessant violence, highlighted by the murder of a Pakistani American doctor, Mehdi Ali Qamar, in Punjab province in May 2014. Qamar, a resident of Columbus, Ohio, who was visiting Pakistan to volunteer at the Tahir Heart Institute, was shot 11 times at an Ahmadiyya cemetery in front of his wife and young son. The attack came shortly on the heels of the murder of an Ahmadiyya shopkeeper, who was killed while being detained by police on blasphemy charges.

Similarly, the small Sikh population has faced attacks in Pakistan, including the murder of a Sikh shopkeeper by masked gunmen on August 6, 2014 in Peshawar.³⁷⁷

Hindus have been especially vulnerable to violence, and police and local government officials have done little to protect the community or investigate specific incidents.

In 2015, in an apparent honor killing, a young Hindu man, Himraj Gill, was shot and killed by two Muslims for falling in love with their sister, in Nowshera district, Khyber Pakhtunkwa. Himraj's body was then dumped in the Kabul

river and has yet to be found.³⁷⁸ Moreover, Hindus in Merabpur, Sindh reported being harassed by members of a local Muslim clan. The Halepota clan members allegedly issued death threats against Hindu leaders and visitors to a temple, while also interfering with worship at the temple.³⁷⁹

The frequent abductions of Hindus for ransom or forced conversions are also of significant concern and have left the Hindu community in a continuous state of insecurity.

The failure of government authorities to protect Hindus has forced many to pay local gangs "protection money" to avoid being kidnapped for ransom. Often times, however, a family is unable to pay "protection money" and cannot afford the demanded ransom, resulting in the abducted victim being murdered.³⁸⁰ Moreover, those that have resisted kidnapping attempts have been killed.³⁸¹ 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.³⁸²

In August 2014, two Hindu traders, Ashok Kumar Malhi and Heera Lal Malhi, were shot and killed in Umerkot, Sindh.³⁸³ And on December 2, 2014, a Hindu doctor, Dr. Manoj Kumar, was abducted in Quetta, Balochistan and released after two months in captivity when his family paid a 15 million rupee ransom. Dr. Kumar was reportedly beaten and deprived of food while detained by his abductors.³⁸⁴

There have also been several cases of underage boys being kidnapped and converted to Islam, including the recent abduction of Pawan Kumar.³⁸⁵

Special Focus:
Pawan Kumar

On June 15, 2015, a 15-year old Hindu boy, Pawan Kumar, was abducted while out playing cricket with a friend in Tando Allah Yaar district, Sindh. Pawan was then taken to an Islamic seminary run by Mir Ayub Jaan Sirhandi, an influential and politically connected religious leader, and converted to Islam. Although the police know that Pawan is being held at the seminary, they have yet to register a case or secure his release. Additionally, a judicial magistrate has recorded a statement under oath from Pawan indicating that he voluntarily converted, despite Pakistan's penal code barring a magistrate from taking testimony of a minor.

Violence against Minority Women

The wanton violence women face in Pakistan violates Article 25 of the Pakistani Constitution, which 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."³⁸⁶

Every year, thousands of Pakistani women are the victims of forced prostitution, honor killings, rapes,

kidnappings, sexual harassment, and domestic violence.

Further victimizing women, the Hudood Ordinance criminalizes adultery (among other offenses), which is defined as sexual intercourse between two adults that are not married, even if consenting. It has been used to imprison thousands of women who report rapes. Moreover, in order for women to prove rape charges, a woman must present the testimony of two male witnesses,^k and if she is unable to prove the charges she can be punished for adultery.³⁸⁸ As a result of this near insurmountable evidentiary burden, rape victims in Pakistan are effectively silenced.

Minority women are especially vulnerable to such patterns of abuse, and often times, gender based violence is used as a means to intimidate and harass minority communities in Pakistan. Many Hindu and Christian women suffer from a high incidence of sexual violence and rape and are the frequent victims of abductions and forced conversions.

According to a recent National Commission for Justice and Peace report, 76% of minority women in Pakistan reported that they had been subjected to sexual harassment or abuse.³⁸⁹

^k The Women's Protection Bill reduced the required witnesses from four to two, but most provisions of the Bill intending to reform the Hudood Ordinance were struck down by the Sharia Court in 2010.

Rape/Kidnapping/Forced Conversions

Perhaps the most dangerous trend currently plaguing Hindus in Pakistan is the abduction and forced conversions of Hindu girls, particularly in Sindh province. Often, after being abducted, these girls are forcibly married to unknown men, raped, sold off, or forced into prostitution. This practice violates the State's obligations under Article 35 of the Constitution to "protect the marriage, the family, the mother and the child."³⁹⁰

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.³⁹² These seminaries, or madrasas, hold the kidnapped Hindu girls against their will, convert them to Islam, and subsequently force them to marry Muslims.³⁹³ Threatened into silence and fearful for the safety of their families, the girls are then taken to a local court by their abductors, where the judge usually sanctions the legality of the marriage and conversion.³⁹⁴ Furthermore, many of the girls are well below the legal age for marriage (16 years for girls) and unable to comprehend the process.

In some cases, courts order the girls to be sent to Darul Amans (Islamic women's shelters) during court proceedings. Darul Amans have come under criticism in Pakistan for their treatment of kidnapped girls and for allegedly giving access to accused abductors.³⁹⁵

Civil society activists note that the government, police, and the courts

have all ignored the magnitude of the issue, further perpetuating the occurrence of abductions and forced conversions. And while government officials have made public statements against the practice and provincial police officials in Sindh have conceded that there is indeed a problem, there has been no concrete action taken to prevent these incidents or provide legal redress to victims and their families.³⁹⁶

Although there are no definitive statistics on the number of incidents, many NGOs and human rights groups, including Global Human Rights Defence (GHRD) and the Movement for Solidarity and Peace, have estimated that more than 1,000 Hindu and Christian girls are kidnapped and forced to convert to Islam every year.³⁹⁷ And according to information received directly from Sanjesh Dhanja of Pakistan Hindu Seva Welfare Trust, 1,261 non-Muslim girls were abducted in Sindh province in 2014.³⁹⁸ Dhanja further indicated that many more incidents have not been publicized or reported due to the lack of representation of minorities in the province.³⁹⁹

Similarly, Amarnath Motumal, an advocate and member of the Human Rights Commission of Pakistan (HRCP), 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.⁴⁰⁰ A number of the refugees interviewed by HAF in India in 2013 confirmed the prevalence of this practice and recounted several stories, citing the surge in such incidents as a major reason for leaving Pakistan.

HAF has received reports of numerous incidents in 2014 and 2015 from Hindu human rights activists and community organizations, a few of which have been detailed below.

Kajal Bheel

On October 21, 2014, a 12 year-old Hindu girl, Kajal Bheel, was abducted, forcibly converted to Islam, and married against her will to one of her kidnappers. Although she was a minor, a civil court applied Sharia law to determine that she became a woman upon reaching puberty and was thus eligible to get married. Kajal remains with her abductor and has not been returned to her family.⁴⁰¹

Anjali Meghwar

12 year-old Anjali Meghwar was abducted October 29, 2014 from her home by five armed men in Mustafa Abad Mohalla, Sindh province and was forcibly converted to Islam and married to a Muslim man, Riaz Sial, at the nearby Bharchundi Sharif shrine, according to Pakistani human rights activist, Ramesh Jaipal of the Hare Rama Foundation. The shrine and its religious leader, Mian Mithoo, have been at the center of a number of conversions of Hindu girls, including the high profile forced conversion of Rinkle Kumari in 2012. Leaders from the shrine, however, claim that Anjali both converted and married Sial out of her own free will. Although Anjali's abductor was subsequently arrested, a civil court judge ordered her stay in a shelter house in Karachi until she turns 18. Under Sindh law, however, the judge should have returned her to her family as she is a minor and unable to legally

marry. Moreover, the shelter house where she was sent has refused to allow Anjali's parents to visit her in the shelter house. Her family is now in hiding and has dropped the case after receiving death threats.⁴⁰²

Neelan Kohli

In a rare victory, 11 year-old Neelan Kohli, who was abducted, forcibly converted, and married to one of her abductors in Kot Ghulam Muhammad in Sindh, was returned to her parents on October 2, 2014 after a Sessions Court Judge ruled in the family's favor. The abductors, however, were not prosecuted, and continued to harass and threaten the family, according to information received from a human rights advocate in Pakistan.⁴⁰³

More than 1,000 Hindu and Christian girls are kidnapped and forced to convert to Islam every year.

Special Focus:
Honey/Meena

According to information received from contacts in Pakistan, two Hindu sisters, Honey and Meena Meghwar (ages 12 and 13 years old, respectively) were kidnapped from the family's home in a small rural village, Chanri, in Talhar, Sindh on February 16, 2015 by Shabir Ahmed Junejo. Meena was subsequently sold to another Muslim man, Sikander Solangi, for 50,000 rupees. The girls were then taken to a local madrassa, where they were forcibly converted to Islam and married against their will. The seminary produced a certificate claiming that the conversion and marriage were voluntary. The marriage certificates issued by the madrassa were accepted as proof of a valid marriage by the Hyderabad High Court, which ruled in favor of the girls' abductors. Meena escaped from her abductors on June 10, 2015 and returned to her parents. She is now in hiding and fears for her life as Mr. Sikander Solangi and his associates are searching for her and have threatened to kill her. Honey is believed to still be with her abductor.

Institutional Discrimination

Hindus, along with other minorities, face systemic economic, political, and educational discrimination in Pakistan.

Religious minorities are politically disenfranchised and severely underrepresented in the federal and provincial legislatures. At the federal level, there are only ten reserved seats for minorities out of 342 total seats in the National Assembly.

Moreover, as Freedom House noted, "The participation of non-Muslims in the political system continues to be marginal. Political parties nominate members to legislative seats reserved for non-Muslim minorities, leaving non-Muslim voters with little say in selecting the parliamentarians who supposedly represent them."⁴⁰⁴

Similarly, minorities are underrepresented in government services according to a recent census of federal civil servants. Hindus, for instance, held only 0.21% of available civil service positions, well below their population of 1.6%.⁴⁰⁵ Hindus were not even allowed to join the armed forces until the year 2000 and remain severely underrepresented. In addition, Hindu soldiers have faced inequitable treatment, including Ashok Kumar, who died in 2013 in Waziristan, but was not given the title of *Shaheed* (martyr), as is customary for all Pakistani soldiers that die in service to the country.⁴⁰⁶

Beyond political discrimination, Hindus in Pakistan are poor and economically marginalized, with large numbers enslaved by the bonded labor system.

The Human Rights Commission of Pakistan (HRCP) estimates that there are between three and eight million bonded laborers across the country,

primarily in Sindh and Punjab provinces.⁴⁰⁷ This modern day form of slavery, which disproportionately impacts poor Hindus, operates on a debt bondage system and is characterized by patterns of abuse, detention, and exploitation.⁴⁰⁸ Bonded laborers work in a number of sectors, such as agriculture, brick kilns, mining, and domestic households.⁴⁰⁹

Many of the Pakistani Hindu refugees in India HAF spoke with confirmed the prevalence of the bonded labor system and exploitation by feudal landlords, or *jagirdars*.⁴¹⁰ Hindu bonded laborers have also reportedly been induced into converting to Islam by mosques and Islamic organizations who pay off their debt in return for their conversion.⁴¹¹

The Global Slavery Index called Pakistani government efforts to address the problem as “token at best and nonexistent at worst,”⁴¹² with federal laws and provincial legislation failing to meet international standards.⁴¹³ Enforcement also remains a major concern, as local government officials have been uncooperative in ending the practice, while the police are often unwilling to register complaints against abusive landowners.⁴¹⁵

Minority women, in particular, are marginalized and face extensive discrimination. Hindu women, for instance, have reportedly faced challenges when applying for computerized national identification cards (CNIC), as Hindu marriages are not legally recognizable in the same manner as Muslim marriages. Despite a recent Supreme Court ruling that

ordered the National Database and Registration Authority (NADRA) to issue identity cards to Hindu women and that eased regulations on demonstrating proof of marriages, very few Hindu women have been able to obtain CNICs, and as a result, many still cannot vote, buy property, use a bank, or obtain credit.⁴¹⁶

Moreover, the lack of an official mechanism to register Hindu marriages continues to significantly disadvantage Hindu women.⁴¹⁷ In certain parts of rural Sindh, however, Hindu Panchayats (village councils) have been able to issue marriage certificates that have been upheld in court in divorce or domestic disputes. On the other hand, these certificates have not alleviated other challenges such as obtaining CNIC cards or providing documentation for buying property.⁴¹⁸

A proposed Hindu Marriage Bill 2015 was introduced in the National Assembly in March, although at the time of the writing of this report it had not yet passed. If the landmark bill passes, as it is expected to, it would allow Hindus to register their marriages for the first time in the country’s history and allow the community to receive CNIC cards.⁴¹⁹

Educational Discrimination

Pakistan’s public school system and its madrassas continue to use textbooks that indoctrinate students with prejudicial and intolerant views of religious minorities. Although Prime Minister Sharif ordered a review of all curriculum in October 2014⁴²⁰ and the Sindh provincial government ordered all instances of anti-minority rhetoric to be

removed at the end of 2014, it is unclear whether there has been any tangible change to textbook content.

A recent study of Pakistani textbooks (first to tenth grade) conducted by the National Commission for Justice and Peace (NCJP) found that at least 55 chapters in 22 textbooks from Sindh and Punjab provinces used during the 2012-2013 school year included discriminatory language towards minorities, as well as inaccurate historical accounts. Moreover, the study demonstrated that the country's overarching education policy was generally biased against religious minorities.⁴²¹ Similarly, a previous study found that 80% of teachers viewed non-Muslims as the "enemies of Islam" (p. 57).⁴²²

Hindus have particularly been singled out for criticism in the textbooks, with negative depictions of Hindus pervasive through both "historical distortions and the framing of concepts through religious language that promotes the superiority of Islam over Hinduism..." (p. 44).⁴²³

The following extracts from textbooks provide a few specific examples of the inflammatory content taught in Pakistani public schools:⁴²⁴

- **Grade IV (Social Studies, Khyber Pakhtunkwa):** "Muslims treated Hindus in [a] very good manner despite that Hindus used to main[tain] deep animosity against Muslims."
- **Grade V (Social Studies, Punjab):** "The religious beliefs of the Muslims and Hindus are absolutely different...In the Hindu religion the

men are divided into different classes by their system of caste and creed, whereas in Islam all the Muslims are equal and are brotherly with one another. In Hindu religion the women are given a low status. Whereas Islam teaches to give due respect to the women."

- **Grade VI (Social Studies, Punjab):** "Before the Arab conquest the people were fed up with the teachings of Buddhists and Hindus...The foundation of [the] Hindu set up was based on injustice and cruelty. The system of Islam, which was based on justice, equality and brotherhood as described earlier, impressed a lot to the Hindu culture and set up."
- **Grade VI (Social Studies, Sindh):** "The social equality and justice to all freed the caste ridden Hindu society and paved the way for spread of Islam, we know that the low caste Hindus suffered due to the low caste system. The Hindus belonging to lower castes were tortured, insulted and disgraced.[sic]"
- **Grade IX, X (Pakistan Studies, Khyber Pakhtunkwa):** "Hindu leadership has not only shown their religious hatred but also expressed their political hatred by opposing to celebrate their independence day on the same day. They proposed 15th August 1947, as their independence day because they never wanted to celebrate with Pakistan on the same day and this shows their psyche of narrowmindedness."

In addition, the NJCP study found that there were no options for minority students except to study Islam and take Islamiyat classes.⁴²⁵ 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.⁴²⁶ Many Pakistani Hindu refugees we met with in India frequently cited this as a major reason they took their children out of school in Pakistan. They also contended that their children were frequently bullied by their Muslim peers and harassed by their teachers.⁴²⁷

Refugees

Over the past several years, there has been a significant upsurge in the migration of Pakistani Hindus to India, in an attempt to escape rampant economic and social discrimination and escalating violence. Between 2009 and 2012, an estimated 11,000 refugees fled from Balochistan province to India,⁴²⁸ in addition to thousands of others from Sindh and southern Punjab province.

And in May 2014, a Hindu politician from the Pakistan Muslim League-Nawaz claimed that approximately 5,000 Hindus flee Pakistan annually to escape discrimination and forced conversions.⁴²⁹ Similarly, community organizations working with the refugees in India have confirmed the large scale of the migration.⁴³⁰

In India, the majority of refugees have settled in Rajasthan with approximately 1,000 Pakistani Hindus settling there annually.⁴³¹ Additionally, there are significant numbers in Punjab, Haryana, Gujarat, Madhya Pradesh, and the capital of New Delhi.⁴³²

With the exception of those arriving during the 1971 Indo-Pakistan War, Pakistani Hindus have not been formally

recognized as “refugees” by the Indian government or the United Nations High Commissioner for Refugees (UNHCR). Despite the absence of this official recognition, however, they meet the criteria for refugee status under the 1951 Geneva Convention due to their well-founded fear of persecution and Pakistan's failure to protect them.⁴³³

On a positive note, in April 2015, the central government announced plans to grant long term legal status to refugees from Pakistan. According to the government, since May 2014, 4,300 Hindus and Sikhs from Pakistan and Afghanistan had been granted Indian citizenship (the exact number from Pakistan is not clear), and citizenship requirements had eased. Similarly, nearly 19,000 Pakistani Hindus have been given long-term visas in Madhya Pradesh, 11,000 in Rajasthan, and 4,000 in Gujarat.⁴³⁴

***Approximately 5,000 Hindus
flee Pakistan annually to
escape discrimination and
forced conversions.***

Despite these positive developments, a follow-up HAF visit to refugee camps in Jodhpur in January 2015 and continued conversations with refugee leaders, indicate that the refugees are still struggling with health issues and socio-economic conditions.

Conclusion and Recommendations

Religious minorities continued to suffer at an alarming rate in 2014 and 2015, with several high-profile targeted bombings of minority communities and attacks on places of worship. Much of this extremist violence can be traced back to the education system and textbooks that promote religious intolerance and glorify violent jihad.

Women of minority faiths, in particular, endured violence and discrimination on account of both their gender and religious identity. Hindu and Christian girls, for instance, were systematically kidnapped, forcibly converted to Islam, and married to Muslim men. Furthermore, without legislation to register Hindu marriages, Hindu women have been denied their basic right to vote, obtain property and family rights, and access government services.

Other aspects of the legal system posed ongoing challenges to minorities, including the blasphemy laws, restrictions on Ahmadiyyas' religious practices, and government interference with Hindu and Sikh places of worship.

Therefore, the subsequent sections suggest recommendations for both the

Government of Pakistan and the international community.

Recommendations to the Government of Pakistan

Current legislation and constitutional provisions in Pakistan have proven ineffective in protecting minorities from systematic discrimination and violence. HAF calls on the Government of Pakistan to take immediate steps for the protection of religious minorities from discrimination, violence, rape, kidnapping, and forced conversions. In particular, we believe the following steps are necessary for Hindus and other religious minorities:

1. The government must appoint a Hindu community representative to chair the ETPB, allowing Hindus to administer their own religious properties and prevent the illegal sales and encroachment of Hindu religious sites.
2. Temples under the ETPB's control must be opened to the Hindu community for active worship and adequate land for use as cremation grounds (or burial sites for those Hindus that bury their dead) should be made available.
3. Provide adequate security to places of worship, including full implementation of the plan to hire 2,000 Hindu and Christian policemen to guard religious sites.
4. The Electoral Commission should ensure that disenfranchised Hindu voters are not left off of voter registration lists and are provided their due voting rights.
5. The number of reserved seats for religious minorities in both federal and provincial legislatures should be

- increased to afford them adequate political representation.
6. The Federal Education Ministry, provincial bodies, and local school administrations must closely monitor schools to ensure that non-Muslims are not forced to take Islamiyat classes and strictly enforce the provision of separate ethics courses for minorities. Federal legislation should be passed to protect minorities from being forced to take Islamiyat studies classes.
 7. Enforce current laws prohibiting bonded labor and provide increased training and funding to police at the local level to combat the practice.
 8. The legislature must pass the pending Hindu Marriage Bill in order to officially register Hindu marriages and accord Hindus with National Computerized Identity Cards.
 9. Repeal and/or revise discriminatory and inequitable laws and constitutional provisions. Furthermore, create an administrative agency to adjudicate claims of discrimination by state actors and introduce hate crimes legislation to protect religious minorities, as advocated by Pakistani American comparative law expert, Waris Husain.
 10. Create standard police and judicial procedures, and local law enforcement training to deal with kidnappings, forced conversions, and involuntary marriages of Hindu and Christian women and girls. Police must also crack down on mosques that promote such activities. Furthermore, we agree with the recommendations of HRCF that women and girls should be provided with appropriate shelters, redress, and reparation. [The] [s]afety of families of women and girl victims should also be ensured.”⁴³⁵

11. Create a truly independent human rights body and a new minorities’ commission to investigate and effectively address all forms of violence and discrimination against minorities.

Recommendations to the International Community

The international community must continue to support democratization initiatives in Pakistan, while exerting pressure on the government to rescind its discriminatory laws, ensure equality for all its citizens, protect minorities from rampant violence, and provide assistance to Pakistani refugees.

Specifically, HAF offers the following recommendations for international bodies:

1. The United Nations Human Rights Council (UNHRC) and General Assembly should censure Pakistan for its human rights record through resolutions. While these resolutions are non-binding, they would keep attention focused on Pakistan’s human rights record.
2. The International Monetary Fund and the World Bank should apply economic pressure on Pakistan by placing preconditions on future loans requiring the government to meet certain democratic and human rights indices, and if these markers are not met its debt or loans should not be forgiven.
3. Those fleeing or those that have fled Pakistan on account of religious persecution and who meet the requirements of the Geneva Convention should be accorded “refugee” status by the United

Nations High Commissioner for Refugees (UNHCR) in accordance with international law.

Furthermore, the United States is in a unique position of leverage given the large sums of military and civilian aid it provides to Pakistan on an annual basis. Consequently, HAF submits the following recommendations for the U.S. government:

1. The U.S. Department of State should classify Pakistan as a *Country of Particular Concern* (CPC) due to its blatant disregard for human rights and religious freedom. This would place international attention on Pakistan's human rights record and enable the U.S. to leverage sanctions on Pakistan, if necessary.
2. The U.S. should shift its relationship from a military centric one to one based on supporting civil society, democracy, and human rights. Moreover, military aid should be limited and require strict accounting for every dollar Pakistan receives to prevent funds from being diverted to destabilize India or Afghanistan.
3. Civilian assistance should be focused on meaningful constitutional and legal reform to provide equality and religious freedom for minorities. Alternatively, humanitarian and economic assistance should be provided for the benefit of the country's marginalized minorities.
4. Continued USAID funding of education programs in Pakistan should be contingent on the Federal Education Ministry and provincial textbook boards implementing standardized curriculum reforms

and working with publishers to print new textbooks that (1) promote religious pluralism and mutual respect, (2) remove inflammatory and negative content about minorities, and (3) segregate Islamic instruction from secular subjects. The failure to do so should result in a temporary suspension of USAID's funding of education programs in Pakistan, until verifiable and meaningful steps have been taken to institute reforms.

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

Finally, India has been intimately impacted by the deterioration in human rights in Pakistan, with the recent influx of refugees across the border. As a result, the Government of India should raise the humanitarian implications of the issue in regional and international forum, as well as directly with Pakistan.

Additionally, the Indian central government and state governments with refugee populations should take all necessary steps to provide long-term legal status to the refugees, as promised in recent government statements. Until these plans are fully implemented, the Government of India should address the basic shelter and survival needs of newly arriving refugees and lift all restrictions on the refugees' freedom of movement within India should be lifted.

Countries of Serious Concern

Kingdom of Bhutan



© CIA World Factbook¹

Area: 38,394 square kilometers

Population: 733,643 (July 2014 est.)

Religion: Lamaistic Buddhist 75.3%, Indian and Nepalese-influenced Hinduism 22.1%, other 2.6%

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

National Language: Sharchhopka 28%, Dzongkha (official) 24%, Lhotshamkha 22%, other 26%

Location: Southern Asia, between China and India

¹ Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/bt.html>.

Introduction

Bhutan has undergone significant changes in recent years as it transitions to a democracy and increasingly opens up to the world.

Although the U.S. still does not have formal diplomatic relations with Bhutan, it has taken a greater interest in the tiny Himalayan kingdom due to its strategic location between India and China and the large population of Bhutanese refugees resettled in the U.S. In early 2015, for instance, U.S. Secretary of State, John Kerry, became the first U.S. Secretary to hold a cabinet-level meeting directly with a Bhutanese government official when he met Prime Minister Tshering Tobgay in India.⁴³⁶

Despite these geopolitical developments, Bhutan has made little progress on implementing human rights reforms. The longstanding refugee issue, for instance, remains unresolved as the government continues to refuse to repatriate any of the expelled Nepali Hindu refugees. These ethnic Nepalis, known as Lhotshampas, were exiled from the country more than 20 years ago under discriminatory citizenship laws and the “One Nation, One People” policy aimed at forced ethnic and religious cohesion.

Beyond the refugee issue, the government continued to suppress the civil liberties of its people by placing arbitrary restrictions on religious freedom, prohibiting the construction of non-Buddhist places of worship, repressing minority linguistic and cultural rights, denying citizenship rights

to thousands of residents, and strictly limiting political activity. In fact, during its Universal Periodic Review by the United Nations Human Rights Council, Bhutan received recommendations to repatriate those ethnic Nepali refugees who wish to return and to protect the religious freedom of its citizens

While Bhutan’s move towards a democracy is commendable, it must protect the fundamental rights and civil liberties of all its people, regardless of ethnic or religious identity.

History/Background

Bhutan is a multi-ethnic, multi-lingual country home to a number of ethnic and religious groups, including Drukpa Buddhists and Lhotshampas, the overwhelming majority of whom are Hindu, but also include Tamang and Gurung who are Buddhist and Kirati who are animists. Although Drukpa Buddhists are politically and religiously dominant, Lhotshampas comprise a substantial minority. The Lhotshampas are descendants of Nepalese who have lived in Bhutan for centuries, with increased immigration to the southern lowlands of Bhutan in the nineteenth century.⁴³⁷

During the 1980s, the Bhutanese authorities adopted a series of nationalist policies that sought to undermine the influence of the ethnic Nepalis, including citizenship laws that disenfranchised many ethnic Nepalis by declaring them “illegal immigrants.”⁴³⁸

In the name of national integration, the government implemented various

ethnically, religiously, and linguistically discriminatory policies such as the “One Nation, One People” policy, aimed at forced homogenization of a multi-ethnic society. This policy was designed to annihilate the culture, religion, and language of Lhotshampas and other minority ethnic, religious, and linguistic groups. Under its regulations, all other ethnic and minority groups were required to disregard their distinct social and cultural identities, and conform to the socio-religious framework created by the politically and economically dominant Drukpa Kargyudpa, to which the royal family belongs.⁴³⁹

The *Driglam Namzha* decree (official code of conduct, customs, and dress) had its greatest impact on minority 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.⁴⁴⁰

In conjunction with these policies, the government pursued a violent pogrom of intimidation of the Lhotshampas in southern Bhutan. Their property was destroyed, and activists were arbitrarily detained and tortured. Individuals were forced to sign “voluntary migration certificates” before being expelled from the country.⁴⁴¹ In December 1990, the authorities announced that Lhotshampas, who could not prove that they were residents of the country before 1958, must leave the country. This made tens of thousands of

Lhotshampas stateless, forcing them to flee to Nepal and the Indian state of West Bengal. It is estimated that more than 100,000 Bhutanese citizens, approximately one-sixth of the kingdom’s total population of 700,000, were forced to leave.⁴⁴²

Following the crackdown, the government severely curtailed the basic religious rights of the remaining Hindu community, who were unable to freely practice their religion. According to reports received from Dr. DNS Dhakal, Senior Fellow at the Duke School of International Development and Chief Executive of the Bhutan National Democratic Party, Hindu temples in Lamidara, Surey, Sharbang and Dagapela Bhutan were closed, while the Sanskrit Pathshalas (schools) in Laimidara, Surey and Dagapela were turned into army barracks. This state suppression of the Hindu community in Bhutan continued for more than two decades.⁴⁴³

Additionally, Bhutanese American community leaders assert that the government then began “resettling” Bhutanese from the Northern, Eastern, and Western parts of the country into the South and onto the lands of the exiled Lhotsampas, even changing the traditional Nepali names of villages and landmarks to Drukpa Buddhist names.⁴⁴⁴

The refugees that sought shelter in India (approximately 18,000) were not granted formal refugee status and have been unable to avail themselves of the protections and benefits normally granted to refugees under international

law. Accordingly, these refugees in India have been forced to work as manual laborers to survive and live on the margins of Indian society.⁴⁴⁵ In Nepal, on the other hand, the United Nations High Commission for Refugees (UNHCR) set up camps to accommodate the Bhutanese refugees, which swelled to an estimated 108,000. The Nepalese government, however, did not want to locally integrate the refugees, although many that did not live in the camps assimilated into Nepali society.

Bhutan's refusal to repatriate any of the refugees led to the "resettlement movement" beginning in 2007, whereby the refugees were resettled in third-party countries. To date, approximately 95,902 refugees have been resettled in third countries, including 81,192 in the United States. There are now only 21,884 registered refugees remaining in the camps in Nepal (including 34 registered individuals outside the camps).⁴⁴⁶

The resettled Bhutanese Hindu community in the U.S. has reported facing a number of challenges in their new home, including a high incidence of mental illness and suicide, difficulty obtaining employment, and difficulty retaining their cultural and religious traditions in an attempt to assimilate.⁴⁴⁷

Although the former monarchy is now seemingly transitioning to a democracy, with two consecutive elections in 2008 and 2013, many of the discriminatory policies favoring Buddhists and Drukpa culture remain in place. In the previous 2008 elections, Lhotshampas were

excluded from voting en masse⁴⁴⁸ and restrictions were placed on the use of minority languages during the elections.⁴⁴⁹ Similarly, the Election Commission retained discriminatory rules during the 2013 elections that limited the voting rights and participation of Lhotshampa Hindus.⁴⁵⁰ In fact, international monitors asserted that Nepali speakers were turned away from voting in the 2013 elections.⁴⁵²

It is estimated that more than 100,000 Bhutanese citizens, approximately one-sixth of the kingdom's total population of 700,000, were forced to leave.

Status of Human Rights, 2014-2015

While Bhutan's recent democratic transition is a positive step for this small Himalayan country, basic human rights and fundamental freedoms remain elusive for large segments of the population. Despite the government's failure to sign a number of significant human rights treaties protecting civil, political, and religious rights, it is responsible for providing fundamental human rights to all its residents, as enshrined in the International Bill of Human Rights (1948) and required under customary international law.

Bhutan's nationalist policies and discriminatory laws violate basic norms of international law by institutionalizing discrimination against minorities and restricting religious freedom. The ongoing imposition of Buddhist Drukpa

norms on the country, the continued prohibition of teaching the Nepali language in schools, as well as the state preference for Buddhism and limitations on non-Buddhist places of worship are in contravention of the principles enshrined in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR).

Moreover, the continued repression of political activity, arbitrary denial of citizenship rights to stateless Lhotsampas living in Southern Bhutan, and refusal to repatriate refugees are similarly violations of these covenants and other existing norms under customary international law. And the failure to correct flaws in the current birth registration system for children born after 1990, which requires that both parents must be of Bhutanese nationality, contravenes Articles 7 and 8 of the Convention of the Rights of the Child (CRC), which Bhutan ratified in 1989.⁴⁵³

Religious Freedom

Contradictory provisions in Bhutan's Constitution have rendered protections for religious freedom and equality under the law largely ineffective. For instance, although Article 7, section 4 guarantees Bhutanese citizens "the right to freedom of thought, conscience and religion" and assures that "no person shall be compelled to belong to another faith by means of coercion or inducement,"⁴⁵⁴ the Constitution simultaneously expresses official preference for Buddhism.

Article 3 specifically provides that "Buddhism is the spiritual heritage of Bhutan, which promotes the principles and values of peace, non-violence, compassion and tolerance," and the King is the protector of all religions in Bhutan.⁴⁵⁶ The Constitution further explains that preserving the state's Buddhist heritage is important and that Bhutanese society is "rooted in Buddhism."⁴⁵⁷

This official recognition of Buddhism in the Constitution relegates Hinduism and other religions to inferior status and subject to discriminatory policies. In particular, the state preference for Buddhism provides the justification for the government's official support of Buddhist temples, monasteries, and institutions and the provision of financial aid to large numbers of the country's Buddhist monks and nuns. On the other hand, non-Buddhist religious leaders and places of worship do not receive financial assistance from the government.⁴⁵⁸

Similarly, despite a constitutional injunction in Article 15 that "[n]o one shall be discriminated against on the grounds of race, sex, language, religion, politics, or other status,"⁴⁵⁹ in practice, the government's policies actively discriminate against non-Buddhist minorities, including the Hindu Lhotshampas.⁴⁶⁰ The construction of non-Buddhist religious buildings is reportedly restricted and government authorization is necessary to build places of worship.⁴⁶¹ Moreover, reports from non-governmental organizations indicate that Hindus are routinely denied permission to build new temples and

permits for construction of temples are difficult to obtain.⁴⁶²

Although the government recently approved the construction of a new temple in Thimpu and a cremation ground in Khasadapchu, it has continued to restrict the construction of new temples in rural areas. Similarly, many of the temples and Sanskrit (Sanskrit is the sacred language of Hinduism) Pathshalas previously closed by the government, such as the ones in Lamidara and near Siva Laya, remain in disrepair and are not functioning.⁴⁶³

In addition, in order to protect the country's Drukpa Buddhist identity or to purportedly ensure stability, the government retains the power to arbitrarily restrict the freedom of religion.⁴⁶⁴ Chhoekey Lhentshog, a religious regulatory body established to protect and preserve the spiritual heritage of the country and register religious organizations, has registered several Buddhist organizations, but only one non-Buddhist legal entity.⁴⁶⁵ The Hindu Dharma Samudaya (Hindu Religious Community) of Bhutan is the sole representative entity for Bhutan's entire Hindu minority, which is estimated at approximately between 22% and 25% of the country's total population.⁴⁶⁶

Finally, there were reports of societal discrimination against non-Buddhists, particularly in rural areas, and subtle pressure on non-Buddhists to conform to Buddhist Drukpa norms in school.⁴⁶⁷

Institutional Discrimination

Institutional discrimination remains pervasive in Bhutan, with conformity to the state's cultural and religious identity required of all citizens. In fact, under the Kingdom's laws, the King has the mandate to protect Drukpa Buddhist identity, leading to inequality for ethnic, linguistic, and religious minorities. The government continues to prohibit the teaching of the Nepali and Sanskrit languages in schools and restricts the cultural practices of ethnic minorities in rural areas.⁴⁶⁸

Basic civil liberties and fundamental freedoms are similarly repressed by the government.

In spite of holding democratic elections in 2013, Bhutan continues to strictly regulate political activity in the country. According to Freedom House, the government approval process has significantly limited the ability of Bhutanese to form political parties and hold political rallies.⁴⁶⁹ Moreover, the Lhotsampa population living in the country lacks any political parties to represent its interests, while political parties established by the refugees have been banned by the government and prohibited from participating in elections.⁴⁷⁰

The Druk National Party, founded by Sharchop (eastern Bhutanese) ethnic leaders, has been labeled as "illegal, terrorist, and antinational" for seeking the repatriation of ethnic Nepali refugees and other democratic reforms and has been barred from carrying out activities in the country.⁴⁷¹ Similarly, the

Bhutan National Democratic Party has been banned from operating in Bhutan, as have NGOs working on issues related to the ethnic Nepalis. Security forces have also arrested Bhutanese refugees that have entered Bhutan from Nepal to protest for their right of repatriation.⁴⁷²

Beyond suppression of the freedom of assembly and association, speech is also restricted by the government. The Security Act, 1992 criminalizes “words either spoken or written that undermine or attempt to undermine the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people.”⁴⁷³

Furthermore, there are continued reports of human rights abuses by the police and arbitrary arrests of Lhotshampas suspected of involvement with violent anti-government activities.⁴⁷⁴ There are also reportedly over 100 political prisoners facing treason charges in Bhutanese jails for their outspoken criticism of the government and activism for democratic reforms.⁴⁷⁵ The Chairman of the Druk Indigenous People’s Rights Organization, Tshewang Rinzin was given a life sentence for engaging in political and human rights activities in 1998 and still remains incarcerated.⁴⁷⁶

These violations contradict the ostensible protections of Article 7 of Bhutan’s Constitution, which guarantees “the right to life, liberty and security of person” and “the right to freedom of speech, opinion and expression.”⁴⁷⁷

The country’s discriminatory citizenship policies have disenfranchised the ethnic Nepali population in Bhutan, rendering thousands virtually stateless, while further perpetuating economic and political inequality. The policies have been affirmed by the Constitution, which establishes greater rights and duties for those it deems “citizens.” There are currently approximately 28,000 ethnic Nepalis awaiting the King’s approval to restore their citizenship rights in Bhutan.⁴⁷⁹

As a result of these policies, ethnic Nepalis or Lhotshampas confront inequality in employment opportunities and are not entitled to employment in the national airlines, postal service, ministries of home and foreign affairs, and police and army.⁴⁸⁰ They have also been denied the security clearance necessary to obtain business licenses and access to other government facilities.⁴⁸¹

Moreover, Bhutan has still not rectified the flaws in the system of birth registration for children born after 1990, which requires that both parents must be of Bhutanese nationality, rendering them effectively stateless.⁴⁸² These laws have resulted in problems accessing education and health services for minority children.⁴⁸³ Similarly, the state has denied education to thousands of children whose parents were unable to provide a “no objection certificate,” (this certificate states that neither the applicant nor their relative are involved in the democracy movement and other ‘anti-national’ activities and is extremely difficult to obtain).⁴⁸⁴

Refugee Resettlement

In 2007, the UNHCR in conjunction with third party countries began to resettle the approximately 108,000 Bhutanese refugees living in camps in Nepal. As of March 31, 2015, 95,902 Bhutanese refugees left the camps for third country resettlement. Of that total, the U.S. has accepted 81,192; Canada, 6,271; Australia, 5,357; New Zealand, 963; Denmark, 874; Norway, 561; the Netherlands, 362; and the United Kingdom, 358.⁴⁸⁵

There are now 21,884 registered refugees remaining in Nepal, out of which 17,470 are in the Beldangi camp, 4,380 in the Sanischare camp, and 34 individuals living outside the UNHCR camps. 10,000 of those remaining in the Nepal camps are likely to opt for repatriation to Bhutan.⁴⁸⁶ The Bhutanese government has been steadfast in its refusal to allow repatriation and even prohibits resettled Bhutanese refugees from visiting Bhutan.

The refugees that have been resettled to the U.S. and other countries, as well as those still remaining in the camps, have faced a number of challenges, particularly mental health issues and a high incidence of suicide. The overall suicide rate amongst Bhutanese refugees is 20.3 per 100,000 people in the resettled population and 20.7 among those refugees in the camps, well above the global average of 16 per 100,000.⁴⁸⁷

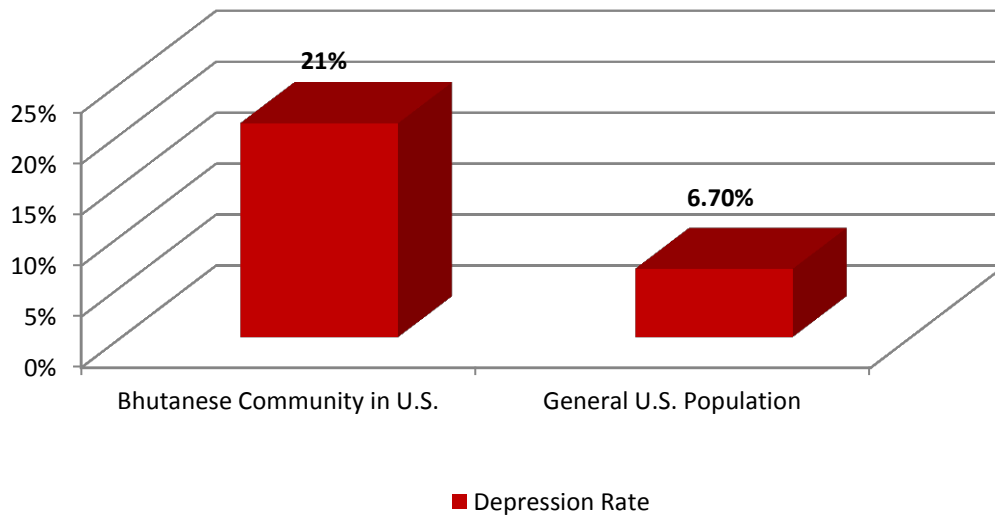
Between 2008 and 2014, up to 55 Bhutanese immigrants reportedly committed suicide by hanging themselves.

In the U.S., the refugees have been resettled in all 50 states, with particularly high concentrations in Texas, Pennsylvania, Ohio, and Arizona.⁴⁸⁸ The federal and state governments have provided a range of services to help the refugees integrate into their new surroundings, including assistance with housing, food, clothing, medical care, and employment services. Despite this support from resettlement agencies, the refugees have endured great difficulty assimilating into American life.

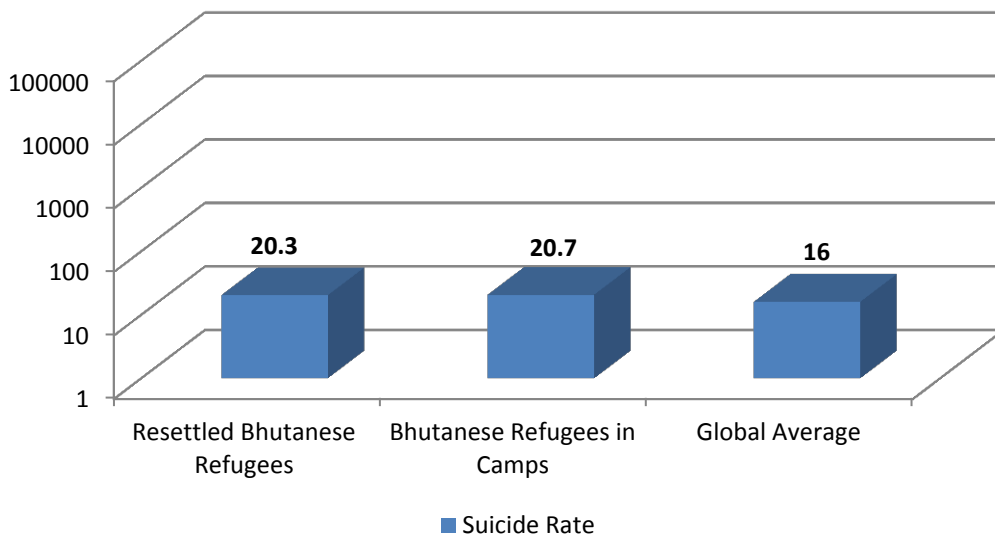
Between 2008 and 2014, up to 55 Bhutanese immigrants reportedly committed suicide by hanging themselves.⁴⁸⁹

Amongst several risk factors, such as economic problems, social isolation, and linguistic barriers, the high incidence of depression and the inability to maintain cultural and religious traditions were cited as significant motivations for suicide or suicidal ideation. Specifically, the rate of depression within the Bhutanese community is estimated at 21% or three times the general U.S. population of 6.7%.⁴⁹⁰ Similarly, 43% of those surveyed by the Office of Refugee Resettlement (ORR) reported difficulty maintaining their cultural and religious traditions.⁴⁹¹

Depression Rate



Suicide Rate



A new 2014 study by the Asian & Pacific Islander American Scholarship Fund (APIASF) found that there are significant socio-economic barriers for Bhutanese refugees, including limited proficiency in English, which impacts their ability to access resources, employment, and educational opportunities. The study further noted that elder refugees without a prior education and teenagers or young adults encounter the greatest challenges adapting to life in America. In fact, there is reportedly a high dropout rate for Bhutanese refugees in their teens.⁴⁹² Moreover, “[i]ntergenerational conflict has emerged as a result of differences in adaptation experiences between children and youth, and elders.”⁴⁹³ And these vulnerable refugees have been targeted by financial scams, including those involving individuals posing as immigration or IRS officials.⁴⁹⁴

An additional problem that may soon plague elderly refugees is the potential loss of Social Security and Medicare/Medicaid benefits. Many Bhutanese refugees who are over the age of 65 have been unable to complete the American citizenship test and become naturalized citizens due to illiteracy and severe language barriers. The first group of these refugees will have been in the country for seven years in July 2015 and will be at risk of losing their benefits, without an extension or waiver to the citizenship test requirement.

Special Focus: Conversions

According to anecdotal evidence and reports from community leaders, Bhutanese refugees are facing tremendous pressure from local missionary groups that seek to convert them to Christianity through the guise of providing social services. In many parts of the country, Christian missionaries have preyed upon Bhutanese Hindu and Buddhist refugees. Missionaries, for instance, have portrayed Christianity as a means to becoming more “American.” Moreover, some Nepali speaking churches have modified baptisms to mirror traditional Hindu rites, misleading unsuspecting Bhutanese Hindus who only later discover that they have been baptized. In Kansas City, 50 families have already been baptized and converted, with only 49 Hindu families remaining in the area.

Conclusion and Recommendations

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

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

While its democratic transition has been a positive development, the government has a responsibility to reform its discriminatory policies and laws to provide for fundamental freedoms and liberties to all its residents. It must therefore take meaningful steps to bring about real substantive change.

Recommendations to the Government of Bhutan

HAF calls on the Bhutanese government to remove or revise any preferential language for Buddhism in Bhutan's constitution and legal framework and for the government to treat all religions equitably. If the government chooses to continue subsidizing religious institutions, it must do so without making any distinction between Buddhist and non-Buddhist religions. Moreover, non-

Buddhist communities should be accorded the right to build new places of worship and register religious organizations free of cumbersome and arbitrary restrictions.

In addition, continued attempts to forcibly homogenize the cultural identity of the country, including limiting minority linguistic rights and other restrictive policies targeting the Lhotshampa community must end, thereby allowing all ethno-religious minorities to assert their independent identities. Moreover, exiled and banned political parties should be allowed to operate freely in Bhutan and participate in elections, while human rights organizations representing the interests of the refugees and the broader Lhotshampa community should similarly be free to operate in the country.

HAF further urges Bhutan to accept and repatriate all those refugees remaining in the camps or elsewhere who wish to return and are able to prove their nationality through reasonable means, while Nepal should make a similar offer to integrate some refugees. If any refugees are in fact repatriated to Bhutan, they should be afforded full citizenship rights and basic human rights protections.

Finally, we support the recommendation of the Bhutan National Democratic Party and Dr. DNS Dhakal to allow Bhutanese refugees to visit Bhutan and accord them the status of non-resident Bhutanese.

Recommendations to the International Community

International donors, the United Nations, India, and the United States should work constructively with Bhutan to implement additional democratic reforms, put pressure on Bhutan to accept the return of exiled ethnic Nepali Hindus, and ensure that all residents living in Bhutan enjoy equal protection under the law and religious freedom. Moreover, those Bhutanese Hindus living in India should be accorded official refugee status and provided with basic government assistance. We support other human rights agencies' calls that "ultimately, each and every refugee should have the right to choose their own future."⁴⁹⁵

And the resettled population, particularly in the U.S., should be given greater support in acclimating to their new environment. While government resettlement agencies in the U.S. have provided considerable assistance to the Bhutanese refugees, greater attention needs to be focused on addressing their mental health needs and overcoming linguistic barriers, as well as addressing the impending end of social security benefits for many elderly refugees above the age of 65 who have been in the country for seven years without naturalizing.

Indian State of Jammu and Kashmir



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Area: 54,571 square miles

Population: 12,548,926 (2011 estimate)

Religions: Islam (66.97%), Hinduism (29.63%), Sikhism (2.03%), Buddhism, Christianity, and others (1.36%); Many forcibly displaced Hindus and Sikhs from Kashmir now live in other parts of India.

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

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

^m The above statistics are based on information from the Government of India Ministry of Home Affairs at <http://www.mha.nic.in/more3> and the Election Commission of India's 2014 Survey of Jammu and Kashmir State (there are some discrepancies in statistics). These statistics are for the Indian part of Jammu and Kashmir only and do not include Pakistan Occupied Kashmir or the areas occupied by China.

Introduction

January 19, 2015 marked the 25th anniversary of the ethnic cleansing of more than 300,000 Kashmiri Hindus (known as Kashmiri Pandits) from their homeland in the Kashmir Valley, located in the Indian state of Jammu and Kashmir. Fleeing a campaign of violence, threats, and intimidation by Islamic extremists, Kashmiri Hindus were forced to seek refuge in makeshift camps in neighboring Jammu division and in New Delhi. Over the past 25 years, successive state and central governments failed to safely rehabilitate the Pandits back to their homes in the Valley or adequately address their needs.

The resettlement of the Kashmiri Pandits gained greater attention in 2014, as the issue was part of the Bharitya Janata Party's (BJP) election manifesto during national elections. And in June 2014, the newly elected BJP central government announced plans to resettle the displaced Pandits in a separate area in the Valley, but the proposal received opposition from Muslim religious leaders in the state.⁴⁹⁷

Similarly, after Assembly elections in the state in December 2014, which were punctuated by active political campaigns and high voter turnout,⁴⁹⁸ resulted in the formation of a new governing alliance between the PDP and the BJP,⁴⁹⁹ the state revealed a proposal in April 2015 to resettle the Kashmiri Pandits in separate composite townships in the Valley.⁵⁰⁰

The plan to resettle the displaced Kashmir Pandits in composite townships in the Valley drew strong opposition from separatists and many Muslim political leaders in the Kashmir Valley, who both claimed that they wanted Kashmiri Pandits to be integretated back into the mainstream in the Valley, rather than in separate locales. This led to violent riots by separatists⁵⁰¹ and backtracking by the government on the proposed plan. The PDP later claimed that the townships would accommodate not only Pandits, but members of any community that chose to live there.

The opposition to the townships, however, was viewed by Kashmiri Pandit groups as general opposition to their right of return to the Valley and ignored their legitimate safety and security concerns. Also ignored was the ground reality that they no longer had homes to return to in the Valley. Separatist claims that they wanted Pandits back in the Valley, in particular, were seen as disengenious, given their religious intolerance and long history of targeting Pandits.

Terrorism continued to plague the state in 2014, with at least 21 major incidents of terrorist violence in the state, resulting in the deaths of 107 people and 54 injuries.⁵⁰²

Ahead of the state Assembly elections and a visit by Prime Minister Modi to the state in December 2014, four orchestrated terrorist attacks by militants killed 18 people, including two civilians that died in a grenade attack on a bus stand.⁵⁰³ A militant killed in one of the

attacks was identified as a district-commander of Lashkar-e-Taiba (LeT),⁵⁰⁴ a Pakistan-based terrorist group and a State Department designated Foreign Terrorist Organization (FTO).⁵⁰⁵

In addition to its unrelenting support for terrorism in India's state of Jammu and Kashmir, Pakistan's military committed several ceasefire violations across the international Line of Control (LoC) dividing the two countries in 2014, targeting civilian sites with mortar fire in October 2014. The cross-border firing damaged several houses and killed five civilians, including a 13 year-old girl, while injuring 34 in Jammu on the Indian side of the border, eliciting a response from the Indian military.⁵⁰⁶ The violence also displaced 20,000 people living near the border in October 2014 and an additional 10,000 in December 2014/January 2015.⁵⁰⁷

Pakistani ceasefire violations and terrorist activity continued into the first half of 2015 (through June 7), with an additional 31 deaths in seven incidents.⁵⁰⁸ In March 2015, militant attacks on an army camp and police station in the state resulted in several deaths, including two civilians.⁵⁰⁹

Separatists also continued to force shutdowns and foment violent riots throughout 2014 and the first part of 2015, including ahead of Prime Minister Modi's visit in October 2014 and after the arrest of separatist leader, Masaram Alam Bhat, in April 2015, where at least 24 people were injured.⁵¹⁰ Some reports also surfaced of support for ISIS

January 19, 2015 marked the 25th anniversary of the ethnic cleansing of more than 300,000 Kashmiri Hindus.

in the Kashmir Valley with ISIS flags seen during protests and riots.⁵¹¹

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. Hindus indigenous to the Kashmir Valley, known as Kashmiri Pandits, are the original inhabitants of Kashmir and have a unique ethno-religious culture that dates back more than 5,000 years.⁵¹²

Following waves of Islamic invasions, numerous foreign origin Muslim rulers occupied Kashmir until 1819. Under Muslim rule, Hindus faced periods of persecution resulting in several mass migrations from Kashmir.⁵¹³ Sikhs gained control over the region in 1819 and ruled Kashmir until 1846, followed by the Hindu Dogra (an ethnic group native to the Jammu region in the state) reign from 1846 to 1947.⁵¹⁴

Kashmir's Accession to India

The Princely State of Kashmir, which was ruled by the Dogra king Hari Singh

at the time of partition in 1947, joined the Indian Union after Pakistan's armed forces orchestrated an invasion of Kashmir using Pashtun "tribesmen" and regular military personnel. Following the Pakistani offensive, Hari Singh signed the Instrument of Accessionⁿ formalizing Kashmir's legal accession to India.⁵¹⁵

The accession was also approved by the largest and most popular Kashmiri political party, the All Jammu and Kashmir National Conference, led by Sheikh Mohammed Abdullah. Once Kashmir legally joined India, Indian forces were deployed to stop the advancing Pakistani military, leading to an all out war between the two countries.⁵¹⁶

India then sought the intervention of the United Nations (UN), and in April 1948, the UN Security Council passed Resolution 47 which required Pakistan to first withdraw all its military personnel and "tribesmen" from the state as a necessary pre-condition to holding a plebiscite.⁵¹⁷ In August 1948, however, the UN Commission on India and Pakistan (UNCIP) found that Pakistan not only failed to abide by the Resolution, but actually increased its military presence in Kashmir.⁵¹⁸

After a ceasefire in January 1949, Pakistan remained in control of approximately one-third of the state while the remaining two-thirds were incorporated into India under Article 370

of India's Constitution, which granted a special status to the state.⁵¹⁹ Specifically, it restricted the Indian Parliament's legislative power over Jammu and Kashmir in defense, foreign affairs, and communications, and it also placed a restriction on people moving from other parts of India to the state.⁵²⁰

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.⁵²¹

The former princely State of Jammu and Kashmir has a total area of 85,807 sq. miles and is now divided between three countries.⁵²² Pakistan occupies approximately 28,160 sq. miles, known as Pakistan occupied Kashmir (PoK), or Azad (free) Jammu and Kashmir (AJK) and the Northern Areas.⁵²³ After approximately 41,000 Hindu families fled the tribal invasion of PoK in 1947, along with subsequent migrations, there are virtually no Hindus left in PoK.⁵²⁴ Residents in PoK and the Northern Areas lack basic rights and are socially, politically, and economically marginalized.⁵²⁵

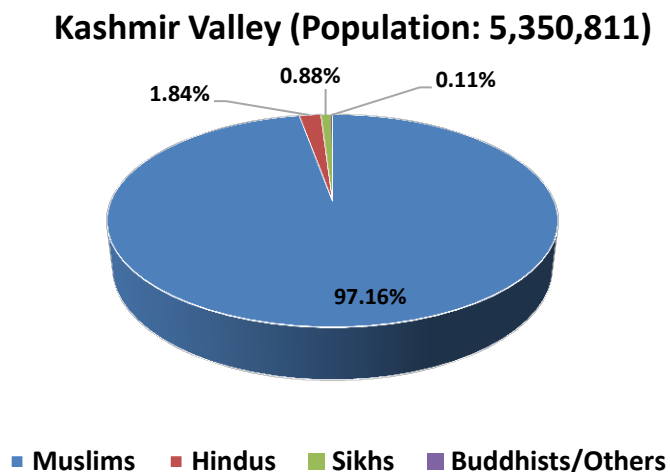
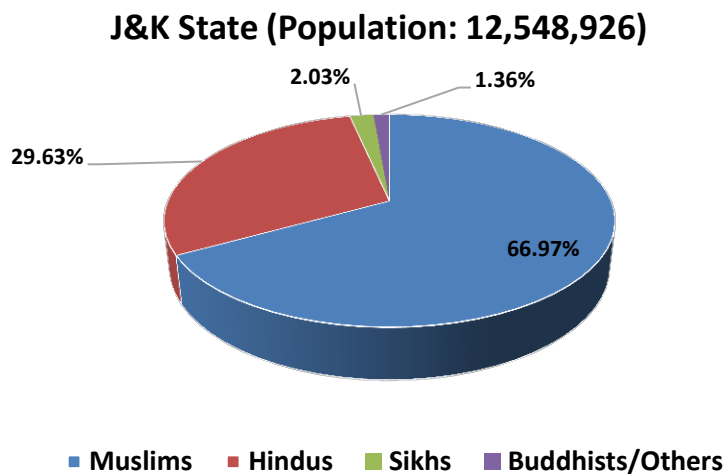
China controls a total of 16,500 sq. miles, of which 2,000 sq. miles in the Shaksgam Valley was ceded to them by Pakistan in a 1963 boundary settlement (which India does not accept). And 14,500 sq. miles, known as Aksai Chin, was seized by China during the 1962 Indo-China war.⁵²⁶

ⁿ 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.

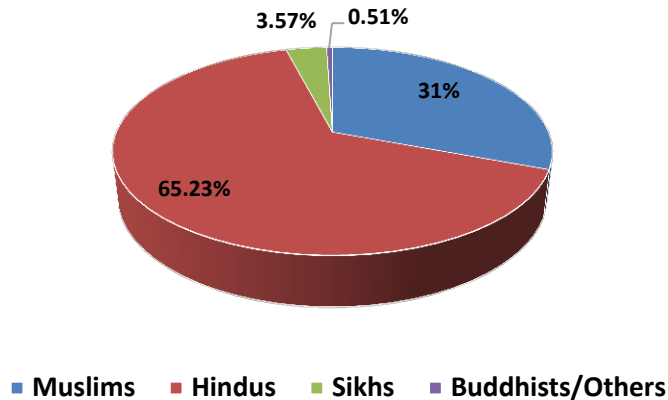
The remaining territory forms the Indian state of Jammu and Kashmir, which is divided into three main parts: Kashmir Valley (8,639 sq. miles), Jammu (12,378 sq. miles), and Ladakh (33,554 sq. miles).⁵²⁷ Despite significant populations in the Jammu and Ladakh regions, Hindus and Buddhists have historically been politically marginalized and severely underrepresented in

government positions at the state level.⁵²⁸ Redistricting and the creation of new Muslim majority constituencies in Jammu and Ladakh have resulted in further dilution of Hindu and Buddhist votes, which Buddhists have viewed as an attempt to alter the religious balance in Ladakh.⁵²⁹ The religious demographics of the state and each major region are detailed below.

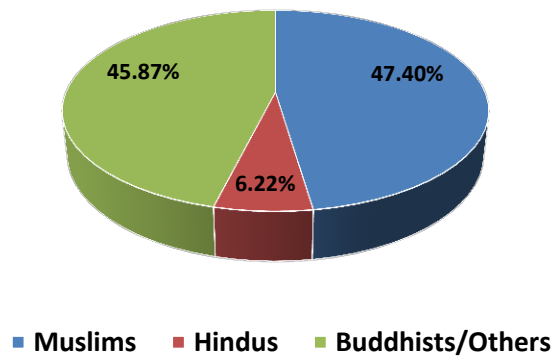
Religious Demographics in Jammu & Kashmir⁵³⁰



Jammu (Population: 6,907,623)



Ladakh (Population: 290,492)



Pakistan's Proxy War in Kashmir

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. Although the violence initially targeted Kashmiri Pandits in the Valley, Islamic militants subsequently expanded their operations to attack Hindu, Sikh, and Muslim civilians throughout the state.

The Islamic extremists in Kashmir were recruited, trained, funded, and given refuge by Pakistan's military and powerful Inter-Services Intelligence (ISI) agency, which supported jihad in Kashmir as an instrument of official state policy.⁵³¹ According to former scholar and previous 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."⁵³³ Given this shared Islamist ideology, Kashmiri

terrorists enjoyed ties with the broader militant network in South Asia.⁵³⁴

The Pakistan sponsored insurgency included plans to complete a “communal cleansing” of Kashmir by attacking non-Muslim indigenous Kashmiris, in order to change the demographics and create a minority free Kashmir.⁵³⁵ Between 1988 and 2003, for instance, approximately 1,490 Hindus were killed across the state (including Kashmiri Pandits and other Hindu civilians), although some estimate that the numbers are much higher.⁵³⁶ Moreover, there were several subsequent attacks and massacres of Hindus throughout the state. Overall, since 1988, there have been 14,673 civilians killed in terrorist related violence, the vast majority of whom are Muslim residents of Kashmir.⁵³⁷

Militants utilized a campaign of terror and intimidation to spread fear and silence Kashmiri civilians into submission. During the early years of militancy, the abduction and rape of both Hindu and Muslim women was a common tactic used by terrorist groups.⁵³⁹

Human rights agencies have also accused Indian security forces of committing human rights abuses against Kashmiri Muslims in the state.⁵⁴⁰ In particular, they point to the Armed Forces Special Powers Act (AFPSA), which gives security forces broad powers to confront militants in the state, as a major source of abuse. Security analysts and Kashmiri Pandit groups, however, believe that the AFSPA is

necessary to maintain security in the state and effectively counter cross-border terrorism.⁵⁴¹

In addition to direct involvement in the militancy, Pakistan has actively waged a propaganda war on the Kashmir issue in an attempt to manipulate U.S. and international policy makers. Specifically, Pakistan set up Kashmir centers in London, Belgium, and the U.S. to disseminate anti-India and pro-Kashmiri separatist propaganda.⁵⁴² The executive director of the Kashmiri American Council (KAC), Syed Ghulam Nabi Fai, was arrested and convicted for engaging in illegal lobbying activities on behalf of Pakistan’s ISI and served two years in prison. He is also being sought by the Indian government for his connection to the insurgency.⁵⁴³

***Violence in Kashmir was
“rooted in the ideology of
Pakistani Islamists, carefully
nurtured for decades by the
Pakistani military.”***

Ethnic Cleansing of Kashmiri Pandits

Ethnic cleansing “can be understood as the expulsion of an ‘undesirable’ population from a given territory due to religious or ethnic discrimination, political, strategic or ideological considerations, or a combination of these.”⁵⁴⁴

Under this definition, what happened to the Kashmiri Pandits between 1989 and

1991, when more than 300,000^o of them were driven out of the Valley by Muslim extremists, was nothing short of a brutal ethno-religious cleansing. As a result, over 95% of the indigenous Hindu population from the Kashmir Valley was internally displaced from their historic homeland, with thousands forced to live in refugee camps throughout New Delhi and Jammu.⁵⁴⁵

The forced displacement was accompanied by a campaign of violence and destruction in the Valley. Kashmiri Pandit groups estimate that since 1989, nearly 105 educational institutions run by Kashmiri Hindus have been burned down or destroyed, hundreds of temples and religious sites damaged or demolished, 14,430 businesses and shops destroyed, and more than 20,000 Kashmiri Hindu homes destroyed, looted, or occupied.⁵⁴⁶

Selective killings, aimed at intimidating the community and forcing them to leave, led to the murder of nearly 400 Kashmiri Pandits, with 302 killed in 1990 alone, according to Pandit groups.⁵⁴⁷

While India's National Human Rights Commission (NHRC) stopped short of calling the cleansing of Kashmiri Hindus a genocide, they observed that the crimes amounted to near genocide.⁵⁴⁸

The violent campaign targeting Hindus in Kashmir was organized and systematic, and included massacres, rape, threats, and intimidation. Public announcements were placed in

newspapers, sermons made in mosques, and posters hung on houses ordering all Kashmiri Hindus to leave the Valley, threatening violence if they did not and calling on Muslims to take up jihad against non-Muslims.⁵⁴⁹ Letters were sent to Pandit homes stating, 'We order you to leave Kashmir immediately, otherwise your children will be harmed -- we are not scaring you but this land is only for Muslims, and is the land of Allah. Sikhs and Hindus cannot stay here.' The threatening note ended with a warning, 'If you do not obey, we will start with your children. Kashmir Liberation, Zindabad.'⁵⁵⁰

Col. Tej Kumar Tikoo, a well-known Kashmiri Pandit analyst, recently wrote that mobs of tens of thousands of Kashmiri Muslims took to the streets chanting slogans, including death to Kafirs (non-Muslims or non-believers), and armed members of militant groups marched publicly to intimidate the Pandit community.⁵⁵¹ Col. Tikoo further explained that posters announcing Kashmir as the "Islamic Republic of Kashmir" were hung throughout the Valley and press releases were published in local papers, such as the following from Hizb-ul-Mujahideen: "Aim of the present struggle is the supremacy of Islam in Kashmir, in all walks of life and nothing else. Any one who puts a hurdle in our way will be annihilated."⁵⁵²

Similarly, according to American journalist Hillary Brenhouse, Kashmiri Pandits became easy targets for Islamist militants, and "[a]nti-Hindu rhetoric was broadcast at weekly

^o Some estimates put the figure at closer to 400,000.

prayers, [while] dozens were murdered.”⁵⁵³

In the words of noted journalist Rahul Pandita, who fled Kashmir with his family in the early 1990s,

*It is not only the Islamist Muslim with a gun in his hand who [was] responsible for the brutalization of Kashmiri Pandits. Not all ordinary Kashmiri Muslims took part in this ethnic cleansing, but a substantial number of them did. Otherwise, how would have so many people come out of the mosques on one night in January 1990 and raised frightening slogans against Kashmiri Pandits? And it wasn't just that one day. All of us know how so many of us were killed.*⁵⁵⁴

Retelling his experience in the Kashmir Valley at the height of the insurgency, one elderly Kashmiri Hindu remembered, "Our people were killed. I saw a girl tortured with cigarette butts. Another man had his eyes pulled out and his body hung on a tree. The armed separatists used a chainsaw to cut our bodies into pieces. It wasn't just the killing but the way they tortured and killed.”⁵⁵⁵

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 2004.⁵⁵⁶

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. Thousands of Kashmiri Hindus continue to languish in these camps as government rehabilitation programs have thus far been ill-conceived and the Pandits have been unable to return to the Kashmir Valley in large numbers.

"Our people were killed. I saw a girl tortured with cigarette butts. Another man had his eyes pulled out and his body hung on a tree."

Status of Human Rights, 2014-2015

During the course of 2014 and the first part of 2015, Hindus and other minorities continued to face challenges throughout Jammu and Kashmir, including discrimination, lack of religious freedom, and increased security threats with a spike in terrorism in the state.

Furthermore, Islamic militant groups violated the basic human rights of ordinary Kashmiri civilians, including the right to life, liberty, and security. Although they are non-state actors, they should still be held accountable under international law, as should their Pakistani state sponsors.

Pakistan's use of state sponsored terrorism and support for Islamic militants in Indian Kashmir is a violation of UN 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.⁵⁵⁷ A number of these Pakistan-based groups have been labeled as terrorist organizations by the United States, such as Harakat ul-Mujahidin (HuM), Jaish-e-Mohammed (JeM), and Lashkar-e-Taiba (LeT).⁵⁵⁸

The continued displacement of the Kashmiri Pandits violates the principles enshrined under the United Nations Guiding Principles on Internal Displacement, which encompass the protections of international human rights law and humanitarian law, as applied to internally displaced persons. Substantively, the Guiding Principles prohibit the arbitrary displacement of persons based on their religious and ethnic background.⁵⁵⁹

Furthermore, those Kashmiri Hindus still living in squalid refugee camps are socially, economically, and politically disenfranchised. Similarly, they suffer from ongoing mental and emotional trauma, including high rates of dementia, insomnia, depression, and hypertension.⁵⁶⁰ The failure to protect their basic civil rights and rights to food, water, shelter, dignity, and safety are a violation of India's obligations under the ICCPR and the UN Guiding Principles on Internal Displacement, respectively.⁵⁶¹

In addition, though rehabilitation plans have recently been announced by the central and state governments, India has not upheld its obligations under the ICCPR as Pandits have largely been

unable to return and exercise their rights in the Valley.⁵⁶²

Finally, the inability of Pandits to return safely and exercise their rights in the Valley has been a violation of 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,"⁵⁶³ and the UN Guiding Principles on Internal Displacement, which emphasize the "importance of voluntary and safe return, as well as the need to assist the displaced to recover their property and possessions."⁵⁶⁴

Religious Freedom

Hindu Temples/Pilgrimage Sites

Hindus in Jammu and Kashmir have been denied religious freedom and have frequently come under attack from Muslim fundamentalists. Many Hindu pilgrimage sites and temples continue to lack rudimentary facilities and accommodations. Furthermore, the Hindu Pandit community continues to lack the right to exercise independent control over religious institutions that they were forced to abandon when fleeing the Valley between 1989 and 1991.

According to official statistics from the state government, 208 Hindu temples have been destroyed or damaged since the start of the violence in 1989. Other estimates, however, assert that the numbers are much higher. A recent survey of Hindu shrines in Kashmir by the Pandit Prem Nath Bhat Memorial

Trust found that 347 Hindu religious sites were destroyed or damaged, while the Kashmiri Pandit Sangarsh Samiti (KPSS) asserts that 550 temples were destroyed or damaged.⁵⁶⁵

In 2002, the Raghunath temple in Jammu was attacked by militants in March and November, each time killing at least ten people.⁵⁶⁶ Pilgrims and ancient pilgrimage sites located throughout the state have also come under attack by Islamic extremists, including the famous Vaishno Devi and Amarnath shrine, visited by millions of devotees every year.

Moreover, following the mass exodus of Hindus from the Kashmir Valley in 1989-1990, local Muslims have illegally occupied more than 100 religious sites, according to a recent fact-finding mission by Kashmiri Pandit groups.⁵⁶⁷

Kashmiri Hindus (as Hindus in many other states), unlike other religious communities in India, have been unable to exert independent control over many of their religious institutions in the Kashmir Valley. This discriminatory treatment based on religion is proscribed under Article 15 of India's Constitution.⁵⁶⁸

Internal Displacement of Kashmiri Hindus

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,

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situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internally recognized state border."⁵⁶⁹

The responsibility for preventing internal displacement and protecting the rights of the displaced persons lies with a country's "national authorities," according to the United Nations Guiding Principles on Internal Displacement. Consequently, the Indian government, as the responsible "national authority" has failed to protect the rights of the Kashmiri Pandits under this legal framework.⁵⁷⁰

Moreover, despite meeting the definition of IDPs under international law and being categorized as such by the United Nations, Kashmiri Pandits continue to be labeled as "migrants" by the Indian government.⁵⁷¹ The term "migrant" is problematic as it implies that Hindus left Kashmir of their own volition rather than being forced to flee due to violence, threats, and intimidation,⁵⁷² thereby denying their collective experience.

There are currently 60,500 registered displaced Kashmiri families, or approximately 350,600 individuals (the vast majority of whom are Pandits, with small numbers of Sikhs and Muslims), according to statistics from the Internal Displacement Monitoring Centre. 38,100 of the displaced families live in Jammu, 19,300 reside in Delhi, and the remainder are scattered in other states.⁵⁷³

Furthermore, according to the PoK Refugee Sangharsh Morcha, an organization representing the interests of the 41,000 Kashmiri Hindu families that fled from PoK in 1947, only 9,000 are officially registered with the government due to restrictive registration requirements. Similar to their brethren from the Kashmir Valley, they are not considered IDPs. And although they have crossed what is now an international boundary, they have yet to be accorded the rights and benefits of refugees under international law.⁵⁷⁴

Along with their physical displacement, the Kashmiri Pandits and PoK refugees have been deprived of their basic civil and political rights. They lack adequate representation in the State Assembly and have been deprived of a political voice. On a positive note, ahead of the state elections in December 2014, the BJP promised three reserved seats in the Jammu and Kashmir Assembly for Kashmiri Pandits, in addition to five reserved seats for the refugees from PoK out of the 24 kept vacant for the territory constituting PoK. It similarly promised to give citizenship and voting rights in Assembly and local body elections to PoK refugees.⁵⁷⁵ With the BJP-PDP alliance coming to power after the elections, these proposals may in fact be implemented, though it is unclear at this point what if any steps have been taken in this regard.

Thousands of displaced Kashmiri Pandits have also been systematically disenfranchised and prevented from voting. Kashmiri Hindus must undergo a cumbersome process to obtain voter

ID cards, limiting their ability to vote. The use of the M-Form (Migrant Form) to establish voter eligibility, in particular, has proven onerous for the displaced Pandits. 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.⁵⁷⁶

Though the number of eligible displaced Pandit voters has increased over the years, it is still relatively low, with a total of 92,000 registered Kashmiri Pandits at the time of the 2014 state Assembly elections.⁵⁷⁷ During those elections, only 16 percent of Kashmiri Pandits exercised their franchise, compared to an overall voter turnout of 49 percent in the fourth phase of voting. 5,169 displaced Pandits out of 31,000, for instance, cast their ballot for the eight constituencies comprising Srinagar district, according to Chief Electoral Officer Umang Narula.⁵⁷⁸

While access to voting has been expanded for the displaced Pandits through additional polling booths,⁵⁷⁹ the continued existence of onerous voter registration requirements placed on Pandits living in the camps constitute discrimination based on ethno-religious identity, in violation of Article 15 of the Constitution.⁵⁸⁰

Additionally, the Pandits have lost all rights to the properties they left behind when they fled the Valley, with the steady encroachment and illegal occupation of their lands over the past several years. Between 1990 and 1997, hundreds of Kashmiri Pandit homes were auctioned and sold illegally after

their exodus from the Valley. The Indian Supreme Court recently criticized the state government for its failure to invalidate any of these illegal house sales.⁵⁸¹

The greatest tragedy to befall the displaced Pandits, however, is their ongoing socio-economic marginalization and inhumane conditions they continue to face in refugee camps. The government set up approximately eight camps in the Jammu/Udhampur area of the state and 14 in the vicinity of the national capital city of New Delhi. These camps are overcrowded and lack adequate facilities and basic necessities. There is no regular supply of clean drinking water, a shortage of medicine, and poor sanitation.

As a result of the substandard conditions, 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.⁵⁸²

A 2014 study examined socio-economic conditions facing displaced Pandits in both camp (Nagrota) and non-camp (Durga Nagar) areas of Jammu district. Overall, the study found that 78.57 percent of the households interviewed endured some type of health problems, such as diabetes, high blood pressure, asthma, and jaundice. And specifically in the Nagrota camp, 82.85 percent of those surveyed faced health issues.⁵⁸³

In particular, the Nagotra camp, which is located a considerable distance away

from Jammu city, lacks a health care center, an emergency facility for the ill, and medicine. Additionally, the water filtration system is in disrepair and is inadequate in meeting the needs of the camp residents. Families in the camps are housed in small one room tenements and complain of being “cramped, dull and miserable as they are huddled together like cattle and lack privacy.”⁵⁸⁴

Moreover, children are forced to travel long distances to attend schools and there are no provisions within the camp premises for school. Similarly, there are large numbers of unemployed youth with few options of employment opportunities.⁵⁸⁵

In both the camp and non-camp areas, sanitation is a major problem, with water pumps situated close to latrines and rotting waste material laying around in the open, breeding further bacteria, infections, and diseases.⁵⁸⁶

In addition to Pandits from the Valley, thousands of Hindus from remote mountainous villages in Jammu region have been displaced by Islamist violence and forced to live in camps near larger cities.⁵⁸⁷ Many of the IDPs from Jammu have complained of neglect from both the central and state governments, and live in miserable conditions in overcrowded camps. At one camp in Talwara, Reasi district (72 kilometers from Jammu city), there are approximately 994 families (each family consists of several extended members, reaching up to 35 people in some

cases) living in dilapidated 10x10 structures.⁵⁸⁸

The socio-economic marginalization of Kashmiri Hindus noted above violates Article 15 of the Indian Constitution, which prohibits discrimination “against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.”⁵⁸⁹

Similarly, the welfare of the Kashmiri Pandits has been neglected under Article 38, which declares, “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.”⁵⁹⁰

A 2014 study found that 82.85% of Kashmiri Pandits surveyed in Nagrota camp faced health issues.

Rehabilitation/Resettlement of Kashmiri Hindus

Although the central Indian government and the state government in Kashmir have proposed plans to rehabilitate the displaced Pandits to the Valley, they have thus far been ill conceived, poorly implemented, and slow to take effect.

Pandit leaders have been weary of rehabilitation plans as they have failed to involve community members in discussions on resettlement and they remain skeptical of the government’s ability to protect Hindus upon their

return. In fact, many Kashmiri Pandits believe that “until Kashmir is no longer engulfed by insurgency, return is not possible.”⁵⁹¹ This is due in part to the ongoing threats from militant groups and the fear and insecurity Pandits who returned to the Valley continue to face.

Many Pandits that returned to the Valley under rehabilitation packages now live in “ghetto-like camps” under constant police protection, and rarely leave the camps.⁵⁹² There have been many attacks on these transition camps and the returnees have faced daily harassment when they venture outside the camps. Moreover, according to information received from Kashmiri Pandits, at least seven Kashmir Hindus have converted to Islam after accepting employment packages to return to Kashmir (mostly women).⁵⁹³

The most recent government proposals involve the creation of separate composite townships in the Valley for Kashmiri Pandits, but these plans have drawn significant criticism from separatists and other Muslim religious leaders and politicians, who view the initiative as an attempt to change the demographics of the Valley. Such views neglect the fact that the Kashmiri Pandits are entitled to the right of return to their homeland, and the actual numbers returning are relatively small and would not have an impact on the broader population of the Valley.

Muslim leaders also claim that the Pandits should be assimilated back into Kashmiri society with Kashmiri Muslims and not into separate townships. This

ignores their legitimate safety and security concerns as well as the ground reality that they no longer have homes to which to return. Many Pandits, such as Shadi Lal, head of the Jagti Township Tenement Committee in Jammu, view the prospect of returning to their old neighborhoods or in mixed neighborhoods as untenable due to fear for their safety and security.⁵⁹⁴

Moreover, noted author, Rahul Pandita similarly claimed that while the townships are not an ideal solution, they are the only practical one given that the Pandits are unable to return to their old neighborhoods, where their previous homes have either been destroyed or taken over by others. He added that the Pandits would slowly assimilate and interact with their Muslim neighbors over time.⁵⁹⁵

On the other hand, Kashmiri Pandits Sangharsh Samiti, an organization based in the Valley, opposes the separate townships and wants the resettled Pandits to be resettled into the broader Kashmiri community in the Valley, though it conceded it would be difficult to do in their old neighborhoods.⁵⁹⁶ Instead Sangharsh Samiti leader, Sanjay Tikoo, believes that new “smart cities” within the Valley that house both the returning Pandits and Muslims are the best solution and will help reconciliation between the two communities.⁵⁹⁷

At the same time, Pandit groups, such as Panun Kashmir, continued to advocate for a separate Union Territory within Kashmir to resettle the displaced Pandit population.⁵⁹⁸

The opposition from separatists and other Muslims led the state government to reverse its position on composite settlements.

Overall, many Pandits have felt disenfranchised by the process and have not been adequately consulted by the state and central governments. In May 2015, large numbers of Pandits protested the state and central government’s failure to elicit their views before finalizing resettlement plans. They similarly held demonstrations demanding a probe into the ethnic cleansing and the re-opening of cases against those involved in the violence.⁵⁹⁹ Subsequently, however, the state government indicated that it would invite Pandit leaders to discuss and negotiate resettlement plans.⁶⁰⁰

The voluntary and safe return of the Kashmiri Pandits to the Kashmir Valley has proven elusive, as both the central and state governments have neglected to properly conceive and implement rehabilitation packages or adequately assist in the recovery of their lost properties. The central government’s inability to protect and preserve the life and personal liberty of Hindus in the Kashmir Valley violates Article 21 of the Constitution, which maintains, “No person shall be deprived of his life or personal liberty except according to procedure established by law.”⁶⁰¹

Finally, in the past, PoK refugee families were deprived of even the basic accommodations and assistance that Pandits from the Valley have received. The BJP-led central government, however, promised to address the plight

of Hindu refugees from PoK in 2014 and announced rehabilitation assistance packages worth Rs. 49 crore (or \$7,840,000) in addition to seats in professional and educational institutions and loans for businesses and vocational training.⁶⁰²

Conclusion and Recommendations

Nearly 25 years after Pakistani sponsored militants ethnically cleansed Kashmiri Hindus from their indigenous homeland in the Kashmir Valley, there has been little significant change to the conditions of this ethno-religious minority. Thousands of Hindu Pandits still live in decrepit refugee camps in Jammu and New Delhi, in violation of their fundamental rights to shelter and dignity, with only a nominal number remaining in the Valley.

Whether living in camps or within the Kashmir Valley, the Pandits face economic, political, and social marginalization. Beyond the Pandits, Hindus, Sikhs, and Buddhists from Jammu and Ladakh divisions of the state lack adequate political representation in the state legislature. Additionally, Hindu shrines and temples remain unprotected, many of which have been illegally encroached upon or have fallen into disrepair.

Rehabilitation and resettlement plans have thus far proven ineffective and a long-term durable solution for the Kashmiri Pandits remains elusive. Those Pandits that have returned to the Kashmir Valley under government

rehabilitation and employment programs have faced numerous hardships, including harassment from their Muslim colleagues and attacks on transition camps, a lack of basic accommodations, and a general fear for their safety.

A change in government at both the state and central level, however, has led to some positive steps in the resettlement of the displaced Pandits, but the views of a wide spectrum of Pandit leaders and organizations must be incorporated in any resettlement proposals or plans going forward.

Similarly, despite past failures to address the needs of Hindu families that fled PoK in 1947, including the failure to register the vast majority of them, rehabilitation plans initiated by the current government are encouraging.

Finally, with the continued influx of Pakistani sponsored militants into the state and Pakistan's unwillingness to alter its strategy of waging a proxy war against India in Kashmir, security remains a major concern for all Kashmiris in the state.

Consequently, HAF offers the following recommendations for the Government of India and the international community.

Recommendations to the Government of India

While Pakistan has undoubtedly played a significant role in impacting events in Kashmir through its support for an Islamist insurgency in the state, the Indian government must take steps to

improve the conditions and rights of minorities in the state.

Specifically, we call on the Government of India (GoI) and the Jammu and Kashmir State Government to implement the following recommendations:

1. The central government must officially recognize Kashmiri Pandits as Internally Displaced Persons to acknowledge their historical experience and provide them with the rights and protections accorded IDPs under international law.
2. India must 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 to the detriment of Kashmir's religious minorities.
3. The central and state governments should improve basic conditions for Pandits living in camps in Jammu and New Delhi and register all the refugees that fled PoK.
4. The central and state governments must implement comprehensive resettlement plans for the displaced Pandits that: (1) Ensure the security for those returning; (2) Integrate returning Pandits into the normal economic development of the state; (3) Provide proper accommodations to resettling Pandits; and (4) Ensure basic freedoms for returning Pandits.
5. The Jammu and Kashmir government must provide for the protection of vulnerable Hindu shrines and allow Kashmiri Pandits to independently control their religious sites in the Valley. It must further provide full protection and

accommodation to Hindu pilgrims visiting shrines from outside the state.

6. Any dialogue on the political future of the state must include representatives from the Kashmiri Hindu community. While continuing dialogue with all elements in the State, the central government should end its appeasement of separatists and promote the views of secular Kashmiri Muslims in the Valley.
7. The state government must end the economic and political marginalization of Hindus and Buddhists in Jammu and Ladakh and accord these regions representation in the state legislature in accordance to their size and population. Additionally, the State should develop policies that equally benefit all segments of the state, rather than favoring the interests of those in the Kashmir Valley at the expense of the residents of Jammu and Ladakh.

Recommendations to the International Community

The Kashmir issue must remain a bilateral one between India and Pakistan and between the Indian government and its citizens in the state. U.S. policy makers and the international community must exert economic and diplomatic pressure on Pakistan to end its use of terrorism as an instrument of state policy, leveraging the large amount of financial assistance provided to the country.

Democratic Socialist Republic of Sri Lanka



© CIA World Factbook^p

Area: 65,610 square kilometers

Population: 21,866,445 (July 2014 est.)

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

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

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

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

^p Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>.

Introduction

2014 witnessed the continuation of systematic human rights violations and repressive policies by the increasingly autocratic and corrupt government of Mahinda Rajapaksa.

According to Amnesty International, the government and security forces arrested and detained human rights activists, placed arbitrary restrictions on the freedoms of expression and association, and discriminated against ethnic and religious minorities. In particular, members of the ethnic Tamil minority (mainly Hindus, with smaller numbers of Christians and Muslims) were harassed, threatened, and arrested by military personnel in the former conflict zones in the northern and eastern parts of the country. Many detained Tamils were reportedly tortured and subjected to sexual violence while in custody.⁶⁰³

Moreover, the government clamped down on non-governmental organizations, banning press conferences, and otherwise restricting their activities. Similarly, peaceful political activism by Tamils advocating for justice for victims of the country's civil war were suppressed, and Hindu and Christian memorial events for those that were killed were restricted or prohibited by the government.⁶⁰⁴

Additionally, Sinhala-Buddhist nationalism continued to plague the country resulting in an escalation in attacks on religious minorities and their places of worship.⁶⁰⁵ These attacks were often condoned by the police, who failed to adequately investigate and

arrest those responsible for engaging in communal violence.⁶⁰⁶

Rajapaksa's government also refused to address allegations of war crimes during the final phase of the civil war in 2009 between the Sinhalese dominated government and the Liberation Tigers of Tamil Eelam (LTTE), an ethnic Tamil separatist group. The government's unwillingness to create a credible internal process to address issues of post-conflict accountability and reconciliation, and its failure to cooperate with the United Nations, led to the adoption of a U.S.-sponsored resolution at the United Nations Human Rights Council in March 2014 that demanded an external investigation.⁶⁰⁷

In addition to ordering an independent inquiry into human rights abuses committed during the war, the resolution urged inquiries into ongoing attacks on religious minorities, journalists, and human rights activists.⁶⁰⁸

The resolution tasked the Office of the High Commissioner for Human Rights (OHCHR) with conducting an investigation and releasing a report on its findings in March 2015. Consistent with this directive, the OHCHR on Sri Lanka (OISL) was established in Geneva.⁶⁰⁹

2015 provided a glimpse of hope for post-conflict justice and human rights with the surprising election of opposition candidate Maithripala Sirisena, a former member of the ruling government, in January. Growing discontent amongst incumbent Mahinda Rajapaksa's traditional Sinhalese Buddhist (the

majority ethno-religious group in the country) power base and a coalescence of ethnic and religious minority support propelled Sirisena to an unlikely victory.

The elections were largely peaceful, although there were reports of extensive violence in the run-up to the elections by members of Rajapaksa's party, the United People's Freedom Alliance.⁶¹⁰

Soon after coming to power, Sirisena's new government took some positive steps, including appointing new non-military governors in the northern and eastern provinces and promising that the Tamil led northern provincial council would be able to exercise full power, as required under the 13th amendment to the Constitution,⁶¹¹ although the amendment has been weakened over the years.

President Sirisena also appointed a Tamil judge, Kanagasabapathy Sripavan, as the country's chief justice, the first time a Tamil has held the position in over twenty years.⁶¹²

Other contentious issues remained unresolved, however, such as the refusal to de-militarize the north and east, where Sri Lankan security forces continue to wield extensive control, forcibly occupy Tamil lands, and interfere in the daily life of Tamils.⁶¹³

And perhaps most significantly, the current government remained firmly opposed to an outside investigation into the civil war and successfully lobbied the UN to postpone the release of its report and investigation into war crimes until September 2015.

Although Sirisena's administration promised to conduct its own internal domestic inquiry into the civil war with assistance from the OHCHR,⁶¹⁴ it is doubtful that such an investigation would be transparent or credible.

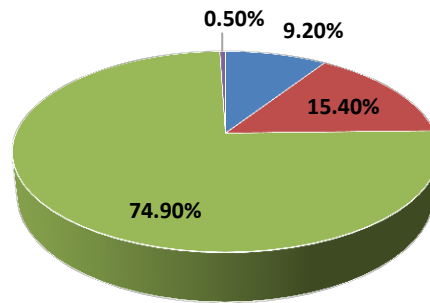
And finally, on June 26, 2015, President Siresena dissolved the 225 member Parliament and announced new parliamentary elections for August 17. A majority of the members of the Parliament were from former President Rajapaksa's UPFA, which created obstacles to implementing many of Siresena's promised reforms.⁶¹⁵

History/Background

Sri Lanka's complex political, religious, and ethno-linguistic dynamics can be traced back thousands of years to this island nation's early history. An aboriginal group, known as the Vedda, were believed to be the indigenous inhabitants of Sri Lanka. Subsequently, the ethnic Sinhalese migrated to the country from northern and/or eastern India in the fifth or sixth century BCE, followed by Tamils from southern India in the third century BCE.⁶¹⁶ A subsequent influx of Tamils from south India arrived in 1815 as indentured laborers to work in tea, coffee, and coconut plantations.⁶¹⁷

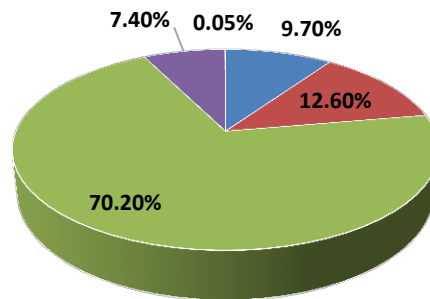
The south, west, and central regions of the island are primarily inhabited by the Sinhalese, while the Tamils reside in the north, east, and plantations in the central hills. The Tamil northeast covers an estimated 7,500 square miles. The Sinhalese majority is Buddhist, while most Tamils are Hindus, with Christian and Muslim minorities.

Ethnic Groups in Sri Lanka



■ Sri Lankan Moors ■ Tamil ■ Sinhalese ■ Other

Religion in Sri Lanka



■ Muslims ■ Hindus ■ Buddhists ■ Christians ■ Other

The foundation for the present divide between the primarily Buddhist Sinhalese and Tamil Hindus (and to a lesser extent other minorities) can be found in part in a Sinhala-Buddhist document written in the sixth century CE. Known as the *Mahavamsa*, this historical narrative on Sri Lanka lends credence to the idea that only the Sinhala-Buddhist people are the rightful heirs to the island nation,⁶¹⁸ and religious and ethnic minorities are only “guests.”⁶¹⁹

The *Mahavamsa* has given rise to a toxic form of ethno-religious supremacy

and contributed to Buddhist revivalism and nationalism in the late 19th and 20th centuries, leading to violence against non-Sinhala Buddhist minorities.⁶²⁰

Sinhala Buddhist revivalism and nationalism was supported by and served the interests of a rising Sinhala Buddhist middle class and businessmen, who resented the British failure to accord Buddhism its rightful place in the national politic.⁶²¹ Buddhist nationalism was also fueled by a Sinhalese perception that the British gave preferential treatment to Tamils, leading to resentment with the

disproportionate number of Tamils occupying positions of prominence in post-independence Sri Lanka.⁶²²

When the British departed in 1948, power was transferred to the Sinhala majority, although Tamil leaders were in the forefront of the freedom movement. Governments in 1949, 1962, and 1965 stripped hundreds of thousands of Tamils who worked in plantation estates of their citizenship. Many of these Tamils were not granted full citizenship rights until 2003.⁶²³ Similarly, successive post-independence 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.

Simultaneously, in the post-independence period, the power and influence of Sinhala-Buddhist nationalists in politics expanded significantly at the expense of minorities, setting the stage for a conflictual relationship between the Sinhalese and Tamils that led to the civil war.⁶²⁴ In 1956, Sinhala-Buddhist nationalists came to power and further marginalized the Tamil minority by passing laws that favored Sinhalese and Buddhism, including instituting Sinhala as the only official language (replacing English and excluding Tamil) through the Sinhala Only Act of 1956.⁶²⁵

Efforts to make Tamil the administrative language in the Tamil majority north and east regions of the country was also undermined by pressure from Sinhala-Buddhist nationalists, heightening

tensions and leading to Sinhala-Tamil riots in 1958.⁶²⁶

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.⁶²⁷ 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. And in 1972, the idea of a separate Tamil nation emerged.

Tamils continued to be targeted by Sinhalese extremists and in 1983, the “Black July” 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.⁶²⁸ The widespread violence led thousands of Tamil youths to join various Tamil militant groups, including the LTTE, and ushered in decades of brutal conflict.

The Civil War and Post-Conflict Justice

Tamil militant groups, particularly the LTTE, fought to create an independent state (Tamil Eelam) in the north and east regions of the island nation, leading to a civil war with the Sinhala-majority government and state sponsored paramilitary groups. Although a cease-fire was declared in December 2001 and

a formal agreement signed in late 2002, both sides subsequently violated the truce and 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 another settlement.⁶²⁹ The Sri Lankan government then ended its truce with the LTTE on January 2, 2008, and the civil war resumed until 2009, when the Tamil Tigers were defeated.

According to journalist William McGowan:

*Militant Buddhism was a driving force behind the 25-year war between the majority Sinhalese (74 percent of the population) and the minority Tamils (18 percent), who were fighting for an independent state in the island's north and east. (Muslims, who make up six percent of Sri Lanka's population, were often caught in the middle.) During the war, monks repeatedly undercut efforts to work out a peace agreement. The sangha, as the clergy is collectively referred to in Theravada Buddhism, has historically exercised political power from behind the scenes, embodying a broad form of religious nationalism. But in the later years of the war, it became more overtly politicized...*⁶³⁰

The civil war took a heavy toll on this island nation, with nearly 100,000 fatalities in the three decades of conflict. Moreover, the fighting left hundreds of thousands of civilians, primarily Tamils, displaced from their homes, while more than 100,000 were forced to flee in March 2007 alone.⁶³¹ The 300,000

internally displaced persons (IDPs) at the end of the final battle in 2009 were put in military camps that some termed "internment camps," although the Sri Lankan government claimed that they were refugee camps.⁶³² As of 2014, there were still 90,000 IDPs and hundreds of Tamils whose status is still unknown.⁶³³

According to human rights groups and the United Nations, both the government and LTTE were guilty of mass atrocities and war crimes, as thousands of Tamil civilians were killed, seriously injured, or displaced. The systematic recruitment or abduction of young child soldiers, some as young as 12, was a common practice employed by government forces, pro-government militias, and Tamil rebel groups alike. The pro-government militias were allowed to operate freely in areas controlled by government forces, and the Sri Lankan army often actively assisted them in kidnapping young boys.⁶³⁴

Moreover, a large number of Hindu temples and religious institutions were reportedly destroyed during the course of the war.

Sri Lanka's final military offensive against the LTTE in the closing months of the war in 2009 resulted in up to 40,000 civilian deaths, according to the UN, two-thirds of which allegedly occurred in purported safe zones created by the government.⁶³⁵

Moreover, a British news documentary, *Sri Lanka's Killing Fields*, claims that the military engaged in extrajudicial killings of large numbers of LTTE prisoners in

their captivity.⁶³⁶ The documentary presented images of “Sri Lankan soldiers executing several naked, presumably Tamil, prisoners.”⁶³⁷ Although Sri Lanka’s government denied the charges, contending that the images used in the documentary were “fake,”⁶³⁸ human rights groups have corroborated the allegations of extrajudicial killings.

Tamil political leaders also claimed that there were a number of mass graves of murdered Tamils, including civilians, concealed across the north of the country.

Since the end of the war, international institutions and human rights groups have called for independent investigations into the conduct of government forces, especially towards the end of the war.

Under the previous Rajapaksa regime, Sri Lanka refused to cooperate with the United Nations in creating domestic mechanisms to investigate war-time atrocities. Moreover, Rajapaksa sought to actively obstruct the UN from conducting its own external investigation, as mandated in a UNHRC resolution in March 2014. In August, for instance, he announced that he would deny entry to UN investigators probing alleged war crimes.⁶³⁹

And with the postponement of the UN’s report until September 2015, justice continues to elude the Tamil minority.

Sri Lanka’s final military offensive against the LTTE in the closing months of the war resulted in up to 40,000 civilian deaths according to the UN.

Despite this postponement, Sri Lanka’s Northern Provincial council passed a resolution in February 2015 directly demanding the UN’s High Commissioner for Human Rights to investigate charges of genocide against Tamils by consecutive Sri Lankan governments and to prosecute those responsible.⁶⁴⁰

Status of Human Rights, 2014-2015

The government systematically violated the human rights and fundamental freedoms of its citizens throughout 2014. The Tamil majority regions in the northern and eastern provinces, in particular, witnessed the brunt of government abuses, due in large part to the heavy military presence in these areas.

According to a Freedom House report, “Security forces have engaged in abusive practices, including arbitrary arrest, extrajudicial execution, forced disappearance, custodial rape, torture, and prolonged detention without trial, all of which disproportionately affect Tamils. Human Rights Watch in 2014 found the use of rape and other forms of sexual violence continuing against Tamil men and women held on suspicion of links to the LTTE.”⁶⁴¹

Beyond excesses by security forces, the government continued its Sinhalization policies in the northeast by resettling large numbers of Sinhalese to change the demographics, appropriation of Tamil lands,⁶⁴² and attempting to alter historic Tamil cultural and Hindu religious sites.

And indicative of the Rajapaksa regime's attempt to restrict freedom of expression, media outlets and journalists critical of the regime and its policies, particularly on human rights issues, were increasingly suppressed, with a number of journalists subjected to physical assaults and death threats. The Tamil run publication, Uthayana, for instance, was surrounded by hundreds of soldiers in May 2014 when it published pieces in remembrance of the victims that were killed in the final phase of the civil war.⁶⁴³

Moreover, the military imposed extensive limitations on the right to assemble and specifically on Tamil gatherings and events in the northeast commemorating war-time victims.⁶⁴⁴

Restrictions on the freedom of expression and assembly in Tamil dominated areas were somewhat eased in 2015 under the new government, while some military occupied land was returned to its owners. Despite these positive initiatives, the military continued to exercise widespread control and commit abuses in high security zones in the north and east. Attacks on minorities by Sinhala-Buddhist nationalist groups also persisted into 2015.

This systematic persecution of the Tamil Hindu minority and the attacks on non-Buddhist places of worship in 2014 and the first part of 2015 was in violation of international norms under Article 18 of the of the UN's International Covenant on Civil and Political Rights (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. Similarly, Sri Lanka's inequitable constitutional framework, detailed below, further violates equal protection and freedom of religion under Articles 26 and 27.

Additionally, the ongoing inability of Tamils to enjoy their cultural rights free from government and military interference is in violation of the UN's International Convention on the Elimination of All Forms of Racial Discrimination (ICERD).

Furthermore, the failure by both the previous and current governments to address systematic human rights abuses and war crimes committed during the civil war violate commonly accepted norms of international law on post-conflict justice.

Religious Freedom

The Constitution of Sri Lanka accords Buddhism "the foremost place" and states that "it shall be the duty of the State to protect and foster the Buddha Sasana [religion],"⁶⁴⁵ while dedicating an entire chapter of the Constitution to Buddhism (Chapter II).⁶⁴⁶

While this language does not explicitly establish Buddhism as the state religion, it affords a privileged status to Buddhists and implicitly relegates other religions to an inferior status by demonstrating government preference for one religion over others.

Moreover, although Article 10 of the Constitution 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,”⁶⁴⁷ these provisions are undermined by conflicting language that elevates the status of Buddhism.

The Constitution’s deference to Buddhism has been accompanied by a perception that the ruling government is the protector of Buddhism and distributes state largess to Buddhist institutions, shrines, and monks, which are unavailable to other religious communities.⁶⁴⁸

Similarly, despite the existence of separate Ministry of Religious Affairs departments for each religious tradition (Buddhism, Hinduism, Islam, and Christianity),⁶⁴⁹ in practice, non-Buddhist faiths do not enjoy equitable treatment on par with Buddhism.

In addition, the substantial involvement of Buddhist religious clergy in the affairs of the state has resulted in the influence of Buddhist conceptions of morality on all aspects of public life, thereby impinging on the rights of religious minorities.

The elevation of Buddhism in the state’s legal framework and national politic has also provided justification for the belief that Sri Lanka is only for Buddhists and the tacit endorsement of Sinhala-Buddhist nationalism, often resulting in discrimination and violence against religious minorities. This was particularly true during the war and has continued in the post-conflict period. “Since the war ended, Buddhist clerics have been at the forefront of promoting punitive triumphalism. The Sinhalese majority widely views its victory over the Tamils as a ratification of its scripturally ordained dominion, with other groups occupying a subordinate position...,” according to William McGowan.⁶⁵⁰

Subsequent to the War, this assertion of Sinhala-Buddhist nationalism has led to “cultural and demographic Sinhalisation” in historic Tamil areas and has been accompanied by the destruction of Hindu, Christian, and Muslim religious sites.

Tamil sources allege that there have been a series of attacks on Hindu religious sites and priests and the destruction of several temples in the northeast region of the country.⁶⁵¹ In many instances, Hindu temples have been destroyed under the pretext of development projects or due to their location within a Buddhist sacred zone.⁶⁵²

Beyond the targeting of Hindu religious institutions, Sinhala-Buddhist nationalist groups, such as the militant Buddhist Bodu Bala Sena (BBS), have increasingly attacked Christians and

Muslims in recent years. In June 2014, BBS mobs attacked Muslims in the towns of Aluthgama and Beruwela, killing at least four people, injuring over 100, and displacing 2,000 from their homes. Several Muslim businesses and three mosques were also destroyed in the violence. Sri Lankan security forces failed to stop the violence and no arrests were made.⁶⁵³

Christians and churches have similarly been targeted, reportedly due in part to friction over activities by evangelical Christian groups, which have been blamed for forced conversions.⁶⁵⁴

Moreover, in October 2014, BBS called for making Sri Lanka a Buddhist theocratic state, allowing Buddhist monks to participate in governance.⁶⁵⁵

In addition, the government has not rebuilt a number of Hindu temples and Christian churches that were targeted and destroyed during the course of the civil war. According to Human Rights Defence International (HRDI), "It is estimated that 2500 Hindu temples and 400 churches have been destroyed. The Sinhala forces do not permit the people to reconstruct these worship places and many are in a dilapidated state."⁶⁵⁶ And despite demands by the Tamil National Alliance (TNA) that temples destroyed during the conflict be restored, the government has thus far failed to reconstruct them.⁶⁵⁷

The promotion of an exclusivist Sinhala Buddhist identity has further manifested itself in increasing Sinhalization of signboards and village and street names, as well as in the proliferation of Buddha statues and Buddhist temples.

A recent report by ICG stated that Buddhist temples are being built near military installations, but also "without permission on private land." "New constructions" are emerging over destroyed Hindu temples. "There are also fears," the ICG report said, "that the government's archaeological department, long under the influence of Sinhalese nationalists and heavily lobbied by influential Buddhist groups, would use 'discovered' ancient Buddhist sites in the north" to build new Buddhist temples there.⁶⁵⁸

As a Tamil community activist told the ICG: "[A]t latest count, 27 *dagobas* [Buddhist shrines] have come up in Kilinochchi, Mullaitivu, Mannar and Jaffna. But how many Sinhalese are there in these districts? This count doesn't include temples in police and military camps. These are just the huge ones.... The whole Tamil identity in these areas is being changed. The military is forcefully taking over a community's visible identity."⁶⁵⁹

Tamil groups further contend that the establishment of these new Buddhist temples in close proximity to Hindu shrines or destroyed Hindu temples has been explicitly sanctioned by the military and often occurs with its assistance. Additionally, the military has permitted Buddhist monks to illegally occupy Tamil land near military cantonments for their own use.⁶⁶⁰

In Trincomalee district, for instance, the government has prevented the Hindu community from renovating an ancient Shiva temple located at the site of hot springs in Kanniya, considered sacred

to Hindus, but has simultaneously allowed Buddhist monks to build a Buddha statue there.⁶⁶¹ Similarly, in Verugal Divisional Secretariat, a Hindu temple, Murugun Kovil, was destroyed, and a Buddhist temple was erected in its place.⁶⁶²

This forced Buddhist Sinhalization in the northeastern regions of the country has obstructed the ability of Tamils to assert their religious, cultural, and linguistic identity, in violation of the freedom “to enjoy and promote [one’s] own culture and to use [one’s] own language,” embedded in Article 14 of the Constitution.⁶⁶³

In addition, the government and military’s actions in regards to non-Buddhist places of worship, in contrast to Buddhist sites that are considered sacred and protected by the state, violates equal protection under the law guaranteed by the Constitution.

In Verugal Divisional Secretariat, a Hindu temple, Murugun Kovil, was destroyed and a Buddhist temple was erected in its place.

State Sponsored Violence and Repression

The ongoing military occupation in the northern and eastern provinces has led to systematic state repression of the Tamil minority. According to a new report, *The Long Shadow of War: Struggle for Justice in Post War Sri Lanka*, there were approximately

160,000 soldiers stationed in the north in 2014.⁶⁶⁴

As a consequence, Tamil civilians, mostly Hindus and Christians, routinely reported harassment and intimidation by the military, in addition to widespread discrimination and infringements on basic freedoms.⁶⁶⁵ Specifically, the military has used repressive tactics to quell dissent amongst Tamils and members of civil society and restrict peaceful political expression in violation of constitutional guarantees of freedom of speech, peaceful assembly, and association.

Similarly, the arbitrary arrest and detention of Tamils and human rights activists persisted throughout 2014 and the first half of 2015.

Special Focus: Arbitrary Arrests and Detentions

Human rights activists, Ruki Fernando and Father Praveen Mahesh were arrested in March 2014 under anti-terrorism laws for investigating the arrest of another activist, Balendran Jayakumari, and his daughter. Both Fernando and Mahesh were released after spending two days in custody, but Jayakumari was not released until March 2015.

In addition, political rallies, meetings, and religious gatherings have been frequently prohibited or suppressed by security forces. For instance, the military ban on public events commemorating the victims of the civil war, including religious rituals in Hindu temples and churches, remained in effect in 2014. With the exception of three Tamil politicians that participated in a religious ceremony at a major Hindu temple and at a Catholic church, the annual May memorials were prohibited under anti-terrorism laws. The ban in May 2014 was accompanied by crackdowns on media outlets, religious sites, Tamil political parties, and universities in the northern and eastern provinces.⁶⁶⁶

In 2015, the Sirisena government reportedly reversed the ban and allowed Tamils to hold public memorial events for the first time, although there were reports of strict security surveillance and intimidation.⁶⁶⁷

Siresena's administration also released military occupied land in the north and revoked the distribution of 818 acres of land in the Eastern Province, facilitating the resettlement of displaced Tamils.⁶⁶⁸

Despite these encouraging measures, the government indicated that there was no plan to reduce the army's presence in 2015 from these former conflict zones.⁶⁶⁹ This continuation in Rajapaksa's policies in conjunction with the failure to release prisoners being held without charges, drew intense criticism from Tamils.⁶⁷⁰

Conclusion and Recommendations

The election of President Maithripala Sirisena in early 2015 brought hope for Sri Lankans after years of repression and corruption under the Rajapaksa regime. Early reforms and initiatives by Sirisena were positive, but the failure to address outstanding issues threatens to undermine his government.

The ongoing militarization in the former conflict zones of the north and east and unwillingness to end impunity for abuses by security forces continue to prevent true reconciliation with the Tamil minority. Similarly, the need to resettle thousands of displaced Tamils, return occupied lands, and confront Sinhala-Buddhist nationalists is long overdue.

Given the enduring intricacy 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.

Recommendations to the Government of Sri Lanka

HAF calls on the Sri Lankan government to allow the United Nations to conduct its own external and independent investigation into war crimes committed by all sides during the civil war, as it is the only means to obtaining accountability and justice for the victims. At this point, it is doubtful if any domestic inquiry will be effective or

credible, even with technical assistance from the UN.

Similarly, demilitarization of the north and eastern sections of the country is necessary to build the trust of the minority Tamil population. The number of military personnel operating in these areas must be reduced to only that which is necessary for the security and protection of civilians, and arbitrary arrests and detentions must end. Additionally, security forces should refrain from interfering in the daily lives of Tamil civilians, return occupied lands, and respect their freedom of speech and association. Moreover, those civilians still displaced from the war must be resettled and rehabilitated in a timely manner.

It is further incumbent upon the federal government to fully devolve political power to the Northern Provincial Council as guaranteed by the 13th Amendment to the Constitution. Finally, the government must confront Sinhala-Buddhist nationalists and do more to protect ethnic and religious minorities and minority places of worship from communal violence.

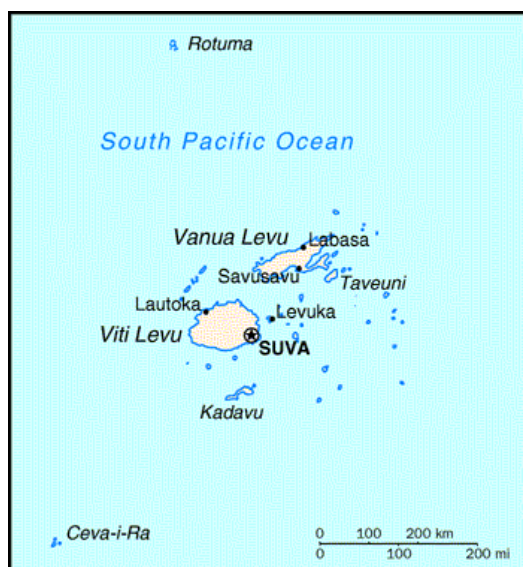
Recommendations to the International Community

The international community, including the UN, India, and the U.S. must continue to support human rights and democratic process in the country, and pressure Sri Lanka to accept an external UN investigation into the civil war in order to achieve political reconciliation and create a stable country.

At the same time, the Tamil diaspora must play a constructive role in the rehabilitation of Tamils in Sri Lanka, the welfare of the Tamil minority in particular, and the Sri Lankan state in general. The Diaspora must end any attempts to reorganize the LTTE or foment conflict and instead support engagement with the ruling coalition.

Monitored Countries

Republic of the Fiji Islands



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Area: 18,274 square kilometers

Population: 903,207 (July 2014 est.)

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

Languages: English (official), Fijian, Hindustani

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

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

^q Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/fj.html>.

Introduction

On September 17, 2014, Fiji held its first democratic elections since 2006, when Commodore Frank Bainimarama came to power through a military coup. Bainimarama resigned from his post of interim Prime Minister in March 2014 to compete in the elections, and his newly formed Fiji First Party emerged victorious.

Although civil society organizations were prohibited from conducting campaign activities prior to the elections, including educational forums on human rights,⁶⁷¹ the elections were considered free and fair according to international electoral monitors and proceeded without any major disruptions.⁶⁷² Moreover, they marked the first time in Fiji's history that elections were not held along racial lines,⁶⁷³ as no ethnic groups had reserved seats or received preferential treatment.⁶⁷⁴

Despite the elections, Fiji's human rights record has continued to come under scrutiny from human rights groups and the international community. For instance, during its Universal Periodic Review (UPR) by the United Nations Human Rights Council (UNHRC) in October 2014, Fiji was urged to lift restrictions on the media and curtail its repression of the freedoms of expression, association, and assembly.⁶⁷⁵ In addition, concerns were raised over allegations of torture and abuse by security forces, gender-based violence, worker's rights, and the government's unwillingness to ratify important international human rights treaties.⁶⁷⁶

Fiji responded to the UPR by asserting that its new Constitution included a Bill of Rights with unprecedented social, economic, civil, and political rights, and that complaints of police abuse were investigated and prosecuted when appropriate.⁶⁷⁷

At the same time, the Indian-Hindu minority faced ongoing racial prejudice and inequitable treatment in many sectors, although the government has taken steps to confront discrimination in recent years. In addition, longstanding ethnic tensions between the iTaukei (indigenous Fijian) population and Indo-Fijians continued to plague the country. On the other hand, ethnic and religiously motivated violence targeting the Indian-Hindu minority has largely subsided.

History/Background

Fiji is home to a diverse multi-ethnic and multi-religious population. The population is split primarily between two main ethnic groups: iTaukei (indigenous Fijians), who constitute 56.8%, and Indo-Fijians, who make up an estimated 37.5% of the population. Religious identity is closely correlated with ethnicity, as most Indo-Fijians are Hindu (27.9% of the total population and 76% of the Indian community), while indigenous Fijians are primarily Christian (all Christian denominations collectively comprise 64.5% of the total population).⁶⁷⁸

The largest Christian denomination in Fiji is the Methodists, and 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.⁶⁷⁹

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.⁶⁸⁰ This brutal practice, akin to slavery, was finally abolished in 1916, but discrimination against Hindus continued, abetted by the state.

During colonial rule, the British pursued a policy of separate communal developments to prevent Indian laborers and indigenous Fijians from becoming a unified community and posing a threat to colonial rule. When the British departed, political power and the vast majority of land (87% of land) was left in the hands of indigenous Fijians, who dominated politics at the expense of the Indo-Fijian community, which comprised 40% of the population at that time.⁶⁸¹

Since Fiji's independence in 1970, the country has experienced three coups. The first military coup in May 1987, carried out by Lt. Colonel Sitiveni Rabuka, a Fijian nationalist, removed Prime Minister Timoci Bavadra and a government supported by Indo-Fijians. Rabuka sought to make ethnic Fijians politically dominant, and he justified his actions by asserting that the government was dominated by Indo-Fijians, although it was the first time that the community held political power in 17 years.⁶⁸² Lt. Colonel Rabuka then orchestrated a second coup in September of the same year after negotiations with the Governor-General (the Governor-General represented the

British monarchy's interests in Fiji until 1987 when Fiji became a republic), failed to reach a settlement. During the unrest of 1987, over 12,000 Indo-Fijians and other minorities fled the country.⁶⁸³

Ethnic discrimination and religious intolerance have historically been closely intertwined in Fiji, especially since the unrest in 1987, when large-scale violence targeted the Indian community. The Reverend Akuila Yabaki, Head of Fiji's Citizens Constitutional Forum, recently noted:

There is a general feeling amongst the indigenous people that they have a superior religion, and I think that tends to be at the root of sacrilege. In times of political instability, this sense of superiority comes to the fore, or when this is a standoff between Indo-Fijians and indigenous Fijians, the feelings of superiority are shown up in the burning of temples and mosques, desecration of holy books of Hinduism and Islam. And this has become common expression of religious intolerance since 1987.⁶⁸⁴

Rabuka promulgated a new constitution in 1990, which effectively ensured political dominance for the ethnic Melanesian Fijians and explicitly discriminated against Indian Hindus by creating a "race-based political system in which the majority of seats in both Houses were allocated to Fijians,"⁶⁸⁵ leading large numbers of Indians to leave the island nation. International

pressure and domestic unrest, however, resulted in amendments to the constitution in 1997, making it more equitable and removing discriminatory provisions.⁶⁸⁶

Elections in 1999 saw the emergence of the first Hindu Prime Minister, Mahendra Chaudhary, who was overthrown a year later by a Fijian extremist and U.S.-educated businessman, George Speight. Subsequently, violence against Hindus increased and threatened their fundamental right to practice their faith.

The third coup occurred in 2006, when the democratically elected Prime Minister, Laisenia Qarase, was deposed by the military led by Commodore Frank Bainimarama, who justified the coup as an attempt to curb state sponsored racism against Indians and Hindus, and stem widespread political corruption.⁶⁸⁷ Discrimination and violence targeting the Indian-Hindu minority had been commonplace under previous democratically elected governments as well as military regimes, and Bainimarama made considerable strides to improve the conditions of the Indian-Hindu population.

On the other hand, Bainimarama's regime was heavily criticized for its general repression of basic civil rights and fundamental freedoms in what Amnesty International has described as a climate of fear. Specifically, Amnesty has lamented "[a] combination of draconian laws, a pattern of intimidation and harassment of those who are critical of the government, as well as reports of torture by the security forces..."⁶⁸⁸

Status of Human Rights, 2014-2015

Restrictions on the freedoms of expression and assembly, including press censorship and ongoing abuses by security forces continued to violate the fundamental civil and political rights of all Fijians. Moreover, the new constitution adopted in 2013 sets out broad limitations on the freedom of expression, assembly, and association 'in the interests of national security, public safety, public order, public morality, public health, or the orderly conduct of elections.'⁶⁸⁹

Although Fiji has not taken any action toward ratifying or signing the UN International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture (CAT), it is still bound to uphold the rights of its citizens under customary international law that are reflected by these treaties.

At the same time, the Hindu population in Fiji has been steadily declining, with heavy migration to the United States, Australia, and New Zealand.⁶⁹¹ According to Freedom House, "Indigenous Fijians receive preferential treatment in many areas despite multiple actions by the interim government to eliminate it. An estimated 250,000 people—many of them educated and skilled Indo-Fijians—have left the island in the last 25 years due to persistent discrimination, economic hardship, and political instability."⁶⁹²

In a positive step, the government announced its intention to re-establish the Human Rights and Anti-Discrimination Commission (HRADC), tasked with investigating individual complaints of human rights violations and empowered to redress such violations. Similarly, Fiji removed its existing reservations to the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD) and is now obligated to uphold the Convention's provisions in their entirety.⁶⁹³

“An estimated 250,000 people—many of them educated and skilled Indo-Fijians—have left the island in the last 25 years due to persistent discrimination, economic hardship, and political instability.”

Religious Freedom

The Fijian government has generally supported the free practice of religion in accordance with the Constitution adopted in 2013, which “guarantees religious freedom and establishes a secular state, in which all religions are equal.”⁶⁹⁴

The Constitutional framework further protects religious freedom through provisions that ensure that “the State and all persons holding public office must treat all religions [e]qually” and that “the State and all persons holding public office must not prefer or advance, by any means, any particular religion, religious denomination, religious belief,

or religious practice over another, or over any non-religious belief.”⁶⁹⁵

In addition, Section 22 provides that every individual “has the right to freedom of religion, conscience and belief” and has the right to freely manifest or practice his religion in public or private.⁶⁹⁶

Section 22 was recently violated, however, when restrictive regulations were imposed, requiring Hindu temples to acquire permits to hold events with more than ten people or for religious gatherings or festivals unless a temple was registered with one particular Hindu religious body. These restrictions have since been lifted by the government, though some others have continued.⁶⁹⁷

There has also been a significant reduction in violence against Hindus and their places of worship in recent years. In April 2014, however, there was an incident of vandalism and desecration of religious items at the Nadi Arya Samaj Primary School, a Hindu religious school.⁶⁹⁸ There were no other reports of major attacks on Hindu temples or on members of the Hindu community in 2014 and the first half of 2015.

Additionally, the government observes the Hindu festival of Diwali as a national holiday, along with several Christian holidays and the birth of the Prophet Mohammed. Bainimarama's government has also issued directives in recent years to end the practice of government and police officials using their positions of power to promote their Christian religious beliefs.

Although the government has taken steps to stem religious intolerance, private religious institutions have pushed to erase the line separating politics and religion. Fiji's Methodist Church openly advocated for Fiji to officially become a Christian state, claiming that "Fiji was given to God...When we say that Fiji is a Christian state we say it was decided by our chiefs who ceded Fiji to Great Britain that Fiji be a Christian country...When it was given to God, it has already established its covenant relationship with God, and that covenant relationship is eternal - it cannot be withdrawn."⁷⁰⁰ The majority of Fiji's Christian population is Methodist and the Church wields considerable influence and power in the island nation.

In April 2014, the Nadi Arya Samaj Primary School was vandalized and desecrated.

Conclusion and Recommendations

Human rights abuses by the government and security forces remain prevalent in Fiji despite the recent democratic transition. Additionally, limitations on fundamental civil rights included in the constitution are concerning. The Fijian government should take steps to amend the

constitution to provide broader protections for the freedoms of expression, association, and assembly. Bainimarama's government should also end its suppression of free speech and the right to assembly by those critical of its policies, while security forces should refrain from the continued use of arbitrary arrests and detentions.

The rescission of government restrictions on Hindu temples was a positive step, but the government should ensure that all limitations on religious gatherings are lifted in the interest of protecting the religious freedom of its citizens.

The government must also practice parity and equality in its response to and support of various ethnic and religious groups and should continue to take the necessary steps to stem discrimination and religious intolerance, whether by government officials or non-state actors. This includes government and police officials distancing themselves from Christian fundamentalists who promote hatred against Hindus and Hinduism and refraining from using their positions of power to promote Christianity.

Finally, law enforcement should continue to protect Hindus from violent attacks, closely monitor hate speech, and institute permanent safeguards to protect Hindu temples and institutions.

The Kingdom of Saudi Arabia



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Area: 2,149,690 sq. km

Population: 27,345,986 (July 2014 est.), 30% of the population include non-national immigrants (based on 2013 UN data)

Religion: Muslim (official; citizens are 85-90% Sunni and 10-15% Shia), other (includes Eastern Orthodox, Protestant, Roman Catholic, Jewish, Hindu, Buddhist, and Sikh) (2012 est.)

Ethnicity: 90% ethnic Arab, 10% Afro-Asian. This does not include migrant workers who are predominantly of South Asian descent.

Languages: Arabic (official)

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

^r Demographic information is based on the Central Intelligence Agency's World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/sa.html>.

Introduction

In January 2015, the ten year reign of King Abdullah came to an end when he died at the age of 90 from pneumonia. He was succeeded by King Salman bin Abdul Aziz Al Saud, who took control of the Islamic monarchy from his brother. Although the former King was known as a reformer, there was little appreciable change in human rights conditions under his rule.

Saudi citizens and non-resident migrant workers continued to be deprived of fundamental freedoms and basic civil liberties throughout 2014 and into 2015. Religious freedom was systematically denied to both Muslims and non-Muslims alike, as the Kingdom continued to enforce its strict interpretation of Sunni Islam, outlawing other public forms of religion. At the same time, religious minorities, including Hindu migrant workers, suffered ongoing persecution, slave-like conditions, and severe restrictions on their religious freedom.

Despite some minimal advances in women's rights in recent years, including increased educational opportunities, allowing women into the workforce, and promising women the right to participate in municipal elections in 2015, systematic gender discrimination continued to plague the country. The male guardianship system remained in place, which required approval of a male guardian for a woman to access basic public services or travel abroad.⁷⁰¹

Moreover, Sharia based laws continued to treat women inequitably and empowered the religious police to enforce the strict segregation of men and women in public (unless a woman was with a male guardian).⁷⁰²

2014 also witnessed increased restrictions on political dissent and the freedom of speech, as an anti-terrorism law took effect in February 2014, giving authorities broad powers to crackdown on "anyone who demands reform, exposes corruption, or otherwise engages in dissent."⁷⁰³ Activists from the minority Shiite community, who make up 10 – 15 percent of the population, were particularly targeted by security forces.⁷⁰⁴

Furthermore, Saudi Arabia remained a major exporter of Wahhabi Islam, spending an estimated \$3 billion annually on mosques, madrasas, and Islamic centers abroad. Many of these institutions have radicalized Muslims in various parts of the world and fomented conflict and instability.⁷⁰⁵ The Saudi regime has provided direct support to extremist Islamist groups, such as Jamaat-e-Islami in Bangladesh, which has been responsible for widespread violence against religious minorities.⁷⁰⁶

Saudi Arabia, however, has largely escaped international censure primarily due to its strategic position as a critical western ally and a regional bulwark against Shiite Iran in the Middle East. Similarly, its importance as a major oil producer and the second largest source of crude oil for the U.S. (1.3 billion barrels of crude oil per day)⁷⁰⁷ has led the U.S. to turn a blind eye to its

rampant human rights abuses and funding of a radical strain of Islam internationally.

History/Background

In the late eighteenth century, Saudi tribal ruler Muhammad bin Saud and Wahhabi cleric Muhammad Abd Al-Wahhab merged to form a new political union on the Arabian Peninsula, eventually leading to the establishment of the Kingdom of Saudi Arabia in 1932.⁷⁰⁸ The relationship between the U.S. and Saudi Arabia dates back to 1940, when the U.S. helped develop Saudi Arabia's vast oil reserves, a relationship that persists till today.

The Saud family and the Wahhabi clerical establishment created an Islamic monarchy with a legal system based on the Koran and Islamic Sharia. As an Islamic state, religious clerics and authorities play a leading role in all aspects of the government, strictly enforcing Islamic injunctions and restricting religious freedom. The monarch is the head of all the branches of the government. He appoints the two legislative bodies, including the Council of Ministers, the Majlis-al-Shura (Consultative Council), and the judicial branch. The king also appoints emirs to administer the state's regions. Political parties are forbidden, and traditionally, neither men nor women possessed the right to vote.⁷⁰⁹

The monarchy held municipal council elections nationwide in 2005 and 2011, but political parties continued to be banned and women prohibited from

Migrant workers "...suffer abuses and exploitation, sometimes amounting to conditions of forced labour or servitude..."

voting,⁷¹⁰ rendering the elections effectively meaningless. Although, the monarchy promised to allow women to vote in 2015 municipal elections, it is yet to be seen whether they will follow through on their promise.

Saudi Arabia's economy, including its oil industry, is heavily reliant on foreign workers, resulting in a dramatic demographic transformation in the past few decades, including greater ethnic and religious diversity. Starting in 1962, King Saud abolished slavery, creating a large demand for labor and a consequent steady influx of migrant workers from developing countries.⁷¹¹ Though the vast majority of Saudis are still ethnically Arab, there are now an estimated nine million migrant workers (estimates vary widely), primarily from Asia and Africa, in the country.⁷¹²

These nine million plus workers, "...suffer abuses and exploitation, sometimes amounting to conditions of forced labour or servitude. The kafala (sponsorship) system ties migrant workers' residency permits to 'sponsoring' employers, whose written consent is required for workers to change employers or exit the country. Some employers illegally confiscate passports, withhold wages, and force migrants to work against their will."⁷¹³

Human rights groups have extensively detailed the “slavery-like conditions” endured by expatriate workers in the Gulf Kingdom. A recent HRW report documented the physical and sexual abuse, and in some instances, cases of trafficking and forced labor.⁷¹⁴ And a report on the conditions of Indian workers revealed that they were treated inhumanely and managed like “cattle.”⁷¹⁵

Furthermore, those foreign laborers that are non-Muslims are subjected to even greater abuses and severe restrictions on their religious freedom, including the approximately 165,000 to 300,000 Hindu laborers.⁷¹⁶

Status of Human Rights, 2014-2015

In March 2014, the UN Human Rights Council conducted its Universal Periodic Review of Saudi Arabia’s human rights record. The monarchy received several recommendations, such as improving women’s rights and conditions for migrant workers, protecting religious freedom and freedom of speech, and ensuring equality for all citizens.

Additionally, Saudi Arabia was urged to sign several human rights treaties, including the following:⁷¹⁷

- International Covenant on Civil and Political Rights (ICCPR)
- Convention on the Elimination of Discrimination Against Women (CEDAW)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- Convention on the Rights of Persons with Disabilities (CRPD)
- International Convention on the Protection of the Rights of All Migrant Workers

Despite its unwillingness to sign or ratify these international conventions, it is still bound to uphold commonly accepted human rights principles under customary international law.

Saudi Arabia’s Islamic based constitution and the inability of non-Muslims to publicly practice their faith or build places of worship violate basic norms of religious freedom and equality under the law. Similarly, the religious police’s interference with the private practice of religion and confiscation of private religious material violates the fundamental right to worship. Moreover, the inequitable judicial rules that favor Muslim men deny equal treatment under the law to both non-Muslims and women.

The explicit discrimination and often inhumane conditions non-Saudi migrant workers are subjected to violate principles under the International Convention on the Protection of the Rights of All Migrants Workers, which prohibits forced labor and protects the freedom of movement, right to security and liberty, and the freedom of thought, conscience, and religion.⁷¹⁸ Contrary to the Convention, migrant workers in Saudi Arabia are systematically exploited and abused and remain

almost entirely unprotected under Saudi law. The sole exception was a 2014 Ministry of Labor rule that allows migrant workers to switch their work sponsors if they are not paid for more than three months. On the other hand, more than 400,000 workers were deported in 2014 for not being employed by their original work sponsor or for allegedly overstaying their visas.⁷¹⁹

Religious Freedom

Saudi Arabia's constitution proclaims the kingdom to be "a sovereign Arab Islamic state with Islam as its religion" and "God's Book and the Sunnah of His Prophet" to be its "constitution."⁷²⁰ Article 7 states that the government "derives power from the Holy Koran" while Article 8 declares the basis of the government to be "in accordance with the Islamic Shari'ah."⁷²¹

Furthermore, the constitution states that education should instill "the Islamic faith in the younger generation" and that "the state protects Islam."⁷²²

The country's legal framework continues to be based on Sharia, and Saudi law mandates all citizens to be Muslims. Human rights are theoretically protected by Article 26 but only in accordance with Shari'ah law. Non-Muslim minorities, however, are not officially recognized by the constitution and thus have no fundamental rights or protections.⁷²³ Islamic law further characterizes Hindus as polytheists and consequently places them in the same category as those who practice "black magic" or "sorcery."⁷²⁴

Public worship is strictly limited to a state sponsored version of Sunni Islam, thereby restricting the freedom to worship and assembly of non-Muslims and minority Muslim sects. Consequently, non-Muslim places of worship, such as temples, synagogues, or churches, are expressly forbidden, and proselytizing by non-Muslims is illegal.⁷²⁵

In 2014, there were a number of additional restrictions placed on the freedom of religion, including a royal decree officially criminalizing atheism, with imprisonment of up to 20 years.⁷²⁶

Notwithstanding the lack of rights to publicly manifest one's religion, even the private religious practice of non-Muslim workers is severely restricted. Although the Saudi government proclaimed that non-Muslims were allowed to worship in private, that right has not been clearly defined. Consequently, religious vigilantes and police frequently harass, assault, and interfere with private worship of non-Muslims.

According to the Berkely Center for Religion, Peace & World Affairs, "...the government does not guarantee Shi'as and other religious minorities the right to worship privately. Religious minorities often practice their religion in the privacy of their homes, but the religious police unit has disrupted these ceremonies in the past."⁷²⁷ Furthermore, visitors and non-residents often complain that the police and customs authorities routinely confiscate private religious material, including books and symbols, upon entry into the country. In addition, migrant workers are frequently forced to

sign labor contracts where they relinquish their rights and agree to adhere to Saudi religious customs and morals.⁷²⁸

Saudi laws also provide for disparate judicial rules, favoring Muslim males and discriminating against non-Muslims and women. For example, a Jewish or Christian plaintiff can only recover half the compensation a Muslim male would in a favorable court judgment, while certain other religious groups, such as Hindus, Buddhists and Sikhs, are only allowed to recover 1/16 the amount. In addition, judges may reject the testimony of non-Muslims during court proceedings. Children of all male citizens are also considered Muslims, regardless of the religious tradition in which they are raised or born.⁷²⁹

Enforcing the Kingdom's interpretation of Islamic law falls under the mandate of the Commission to Promote Virtue and Prevent Vice (CPVPV), which monitors a range of activities including: "Mixing of the two sexes; men's advances toward women; practicing or displaying non-Muslim faiths or disrespecting Islam; displaying or selling media contrary to Islam, including pornography; producing, distributing, or consuming alcohol; venerating places or celebrating events inconsistent with Islamic practices; practicing magic for profit; and committing or facilitating of lewdness, including adultery, homosexuality and gambling."⁷³⁰ The CPVPV's mandate is enforced through the religious police, known as the mutawwa'in.⁷³¹

In several cases, the CPVPV's mutawwa'in has interfered with the

private worship and rituals of non-Muslim workers. Some reports also indicate that non-Muslim migrant laborers have been subject to surveillance by the mutawwa'in and constantly fearful of raids by the police.⁷³²

The following cases in 2014 and 2015 highlighted the extent of the restrictions on religious freedom in Saudi Arabia.

Raif Badawai

Liberal activist, Raif Badawai, was sentenced in 2014 to 10 years in prison, 1,000 lashes, and a \$260,000 fine for allegedly "insulting Islam" by promoting discussion of social and religious issues on his website, the Liberal Saudi Network. And at the beginning of 2015, authorities began implementing the punishment of 50 lashes every Friday. His lawyer was also sentenced to 15 years in jail by an Anti-Terrorism Court.⁷³³

Sheikh Nimir

Shiite cleric, Sheikh Nimir, was sentenced to death in October 2014 for his criticism of the government's policies and its harassment of religious minorities. Crucifixion was noted as one of the possible methods of execution. He was previously held in detention for 250 days before being brought to court.⁷³⁴

Unidentified Saudi Citizen

A Saudi man was sentenced to death for apostasy after he reportedly made a video of himself tearing pages of the Quran, while making inflammatory comments. The video was posted on a

social networking site and was used as evidence of his alleged crime.⁷³⁵

**Special Focus: Anti-Cyber
Crime Law**

An Indian citizen was arrested for allegedly posting a picture of Hindu religious symbols in Mecca's Grand Mosque on Facebook. The Indian citizen, who was arrested by Saudi Arabia's notorious religious police under the country's anti-cyber crime law, claimed that he did not post the picture and only "liked" it on Facebook. Nonetheless, he could face up to five years in jail and a fine of close to \$800,000. The anti-cyber crime law prohibits the "production or transmission of materials that are deemed to violate public order, religious values or morality."

***State Support for Islamic
Extremism***

Although Saudi Arabia is ostensibly confronting terrorism and cracking down on support for groups such as ISIS, it is simultaneously exporting extreme forms of Wahhabi Islam to other countries through the construction of mosques, provision of educational materials, and support for Islamists. Saudi Arabia has reportedly spent an estimated \$100 billion over the past two plus decades on promoting Wahabi Islam.⁷³⁶ As a USCIRF report recently noted, "The

government continues to be involved in supporting activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims."⁷³⁷

Similarly, according to leaked memos from former U.S. Secretary of State, Hillary Clinton, Saudi Arabia has been the largest source of funds for Sunni Islamist militant groups worldwide, including the Afghan Taliban and Lashkar-e-Taiba, and has done little to stop the flow of money. Moreover, despite labeling ISIS as a terrorist organization, Saudi nationals are still directly funding the group, raising questions as to whether the government is doing enough.⁷³⁸

South Asia, in particular, has witnessed the exportation of an extremist Wahabi ideology. Indian media sources recently reported that Saudi Arabia "has a massive \$35 billion program to build mosques and religious schools across South Asia."⁷³⁹

In India's state of Jammu and Kashmir, for instance, Saudi Arabia has allegedly promoted Wahhabism through a local organization known as Jamiat Ahl-e-Hadith and funded more than 700 mosques in the Kashmir Valley. According to Indian intelligence sources, Saudi charities have funneled large sums of money to Wahhabi groups in Kashmir through illegal hawala networks. Local Kashmir groups, such as the Jammu and Kashmir Peace Foundation (JKPF), are worried by the influx of Saudi influence in the state, and believe that Saudi funded madrasas and

schools are indoctrinating their students in Islamic extremism.⁷⁴⁰

Additionally, moderate religious leaders in Pakistan warn that Saudi funded Wahhabism is making an “ideological assault” on the country through its funding of hardline mosques and militant organizations.⁷⁴¹

Intolerance of other religions is also embedded in the Kingdom’s educational institutions and schools that teach Islamic law.⁷⁴² A 2011 report by the Hudson Institute’s Center for Religious Freedom, found that Saudi textbooks promoted “violent jihad and hatred and violence against Jews, Christians, and infidels.”⁷⁴³ Similarly, the education system and textbooks teach intolerance for other religions and condemn polytheism, which is commonly associated with Hinduism.

Although the Saudi government recently announced plans to revise the textbooks and remove religiously inflammatory language, it is unclear to what extent this has been done. Moreover, teachers continue to propagate intolerant and prejudicial views of non-Muslims and minority Muslim sects.⁷⁴⁴

Conclusion and Recommendations

Given Saudi Arabia’s importance as a critical ally in the Middle East and a major oil producer, it is unlikely that the U.S. or other western countries will exert significant economic and diplomatic pressure on the monarchy to implement

meaningful reforms. The U.S. State Department designation of Saudi Arabia as a “Country of Particular Concern” has proven futile over the past ten years as the country has been granted an indefinite waiver from sanctions despite its particularly egregious religious freedom violations.

The international community must nonetheless urge the Saudi government to address fundamental human rights concerns, including the signing and ratification of major international human rights treaties. In particular, Saudi Arabia must revamp its legal system to recognize religious minorities and provide them with basic civil rights and equality under the law, including the right to publicly practice their religion.

Moreover, the monarchy should reign in the CPVPV and ensure that both Muslims and non-Muslims enjoy the right to worship in private and possess religious material without interference from the state. The Saudi government should also end its criminalization of views that are deemed blasphemous or inconsistent with the State’s official version of Islam. In addition, migrant workers must be protected from abusive employers, indentured servitude, and forced prostitution.

And finally, the Saudi regime must reform its intolerant education system domestically and cease funding and providing logistical support to hardline Wahhabi Muslim institutions and organizations in various parts of the world.

Republic of Trinidad and Tobago



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Area: 5,128 square kilometers

Population: 1,223,916 (July 2014 est.)

Religions: Protestant 32.1% (Pentecostal/Evangelical/Full Gospel 12%, Baptist 6.9%, Anglican 5.7%, Seventh-Day Adventist 4.1%, Presbyterian/Congregational 2.5, other Protestant .9), Roman Catholic 21.6%, Hindu 18.2%, Muslim 5%, Jehovah's Witness 1.5%, other 8.4%, none 2.2%, unspecified 11.1% (2011 est.)

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

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

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

^s Demographic information is based on estimates from the Central Intelligence Agency World Factbook at <https://www.cia.gov/library/publications/the-world-factbook/geos/td.html>.

Introduction

Trinidad and Tobago was rated as “Free” by Freedom House in 2014,⁷⁴⁵ and its citizens for the most part enjoyed fundamental freedoms and basic civil liberties. As in 2013, there were no substantial restrictions on religious freedom or attacks on Hindu temples in 2014 and the first half of 2015, and Hindus were afforded equal protection under the law.

On the other hand, Hindus continued to be disproportionately affected by violence, as the country experienced a high rate of crime and a “public security crisis.” It is not clear whether the violence was religiously or racially motivated or simply general criminal activity.

In response to the high crime rate, human rights groups, such as Amnesty International, accused security forces of committing extra-judicial killings and torture of detainees.⁷⁴⁶

Furthermore, discrimination based on sexual orientation was an ongoing issue and was widely debated across the country.⁷⁴⁷ Legislation still remained in place criminalizing same-sex relationships. Specifically, the Trinidadian Sexual Offences Act punishes same-sex relationships with up to 25 years imprisonment, and under the Immigration Act, “homosexuals” are banned from entering the country. As a result, these statutes legitimize discrimination against lesbian, gay, bisexual, and transgender individuals, although they are not consistently enforced.

A Constitution Reform Commission was recently constituted and issued its report in January 2014, calling for a national debate on the issue, but failing to call for the protection of gay rights. Although a subsequent round of consultations was held in 2014, the Constitution has yet to be reformed.⁷⁴⁸ There is increasing support for gay rights from some quarters, including religious leaders.⁷⁴⁹

History/Background

The Republic of Trinidad and Tobago is an archipelagic state in the southern Caribbean. The country consists of two main islands, Trinidad and Tobago, and 21 smaller islands.

A history of slavery and indentured labor has left the country with a diverse population. African slaves along with Chinese, Portuguese, Indian, and free African indentured laborers were brought by British colonialists to supply labor in the 19th and early 20th centuries. These groups, in addition to emigres from Barbados and Lesser Antilles, Venezuela, Syria, and Lebanon, have left a significant impact on the country’s national culture.⁷⁵⁰

Political parties in the country are generally divided along ethnic lines, with the People’s National Movement (PNM) supported primarily by Africans while the United National Congress (UNC) drawing its constituency largely from Indians. Support for political parties, however, is not completely polarized along racial lines. In the most recent elections, the PNM fielded Indian candidates for election, while the main financial benefactor of the UNC was an

Afro-Trinidadian. The PNM has dominated politics in Trinidad and Tobago for much of the country's post independence history.⁷⁵¹

These political divisions reflected underlying racial and religious tensions and divisions between ethnic Africans (primarily Christian) and Indo-Caribbeans (mostly Hindu) and manifested in various sectors. The political dominance by ethnic Africans resulted in "rural neglect, alienation, marginalization, and discrimination..." according to prominent Hindu leader and Secretary General of the Hindu Maha Sabha, Satnarayan Maharaj.⁷⁵² Furthermore, Maharaj recently asserted that the PMN pursued policies that were religiously, culturally, and racially biased against the Indo-Caribbean Hindu community.

Institutional discrimination against Hindus and Indians in Trinidad and Tobago was rampant until recently, and previous governments sanctioned economic and political discrimination against Hindus.

A recent report contends that Indo-Trinidadians (mainly Hindus) were underrepresented in most professions and government positions, despite comprising nearly 40% of the population.⁷⁵³ Similarly, Indo-Trinidadians were grossly underrepresented in the police force, Regiment of the Defense Force, Coast Guard, and Port Authority. The percentage of Indo-Trinidadians was

Institutional discrimination against Hindus and Indians in Trinidad and Tobago was rampant until recently.

25%, 5%, 16%, and 6%, respectively.⁷⁵⁴

Moreover, Hindus have historically been denied equal protection under the law and faced restrictions on religious freedom, which manifested in the state preference for Christianity and inequitable funding of Hindu religious activities in comparison to Christians. According to a Joint Select Committee of Parliament meeting, the National Social Development Programme (NSDP), a State agency, was responsible for explicit discrimination against Hindus, Muslims, Catholics, and Anglicans, while favoring predominantly Afro-Trinidadian Christian denominations.

Hindu places of worship and religious festivals were also treated inequitably by the government and subjected to frequent attacks.

Until recently, the small island of Tobago's House of Assembly refused to allow the Hindu community to construct a *mandir* (temple) on residential land purchased on the island.⁷⁵⁵ The Tobago Assembly also pursued discriminatory policies in the funding of religious events. The Assembly routinely approved funding for churches on the island and promoted a Christian gospel concert, but refused to fund a similar Hindu religious concert.⁷⁵⁷

Furthermore, in the past, many primary and secondary schools and colleges violated the religious rights of Hindu students by preventing them from wearing Hindu clothing, *rakshas* (protective amulet), and other symbols.⁷⁵⁸

The election of Kamla Persad-Bissessar and her multi-ethnic People's Partnership (PP) coalition in 2010 significantly improved conditions for the country's Hindu community and largely curtailed state sponsored discrimination. Bissessar, who is of Indian and Hindu descent, became Trinidad and Tobago's first female Prime Minister in 2010.⁷⁵⁹ 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.⁷⁶⁰

Status of Human Rights, 2014-2015

Trinidad is a democratic state that "acknowledge[s] the supremacy of God [and] faith in fundamental human rights and freedoms."⁷⁶¹ Chapter 1 of the constitution recognizes an individual's right to "equality before the law" and freedom of religion, thought, and expression, irrespective of race, origin, colour, religion or sex.⁷⁶²

Hindus generally enjoyed equal protection under the law and the freedom to freely and openly practice their faith consistent with constitutional protections and international law. Similarly, while Hindu temples (estimated at between 300 and 400)

previously faced attacks, in recent years there have been no major reported incidents of vandalism or desecration of temples.

In another positive development, the Tobago Hindu Society received a land deed from the Chief Secretary of the Tobago House Assembly on October 21, 2014 to allow for the construction of the first Hindu temple on the island of Tobago.⁷⁶³

Religious groups in the country 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.⁷⁶⁴

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.⁷⁶⁵ Parents may enroll their children in private schools for religious reasons. As a result, there are thriving Hindu, Muslim, and Christian schools. Christian secondary schools previously received higher amounts of government funding compared to Hindu ones.⁷⁶⁶

The Government has also established public holidays for every religious group with a large following, although there are more official Christian holidays (four) compared to Hindu holidays (one).⁷⁶⁷ In addition, the Government grants financial and technical assistance to various organizations to support religious festivals and celebrations,

including Indian Arrival Day, commemorating when ethnic Indians first arrived on the island nation.⁷⁶⁸ The level of state funding for such activities has been inequitable in the past and generally favored Christian groups, although the current government has made efforts to equalize the distribution of funds.

Finally Hindu marriages are officially recognized by the Ministry of Legal Affairs under a separate Hindu Marriage Act, which provides for the solemnization and registration of Hindu marriages (Ministry of Legal Affairs).

Violence directed against Indians and Hindus in Trinidad and Tobago is not uncommon, and there has been an upsurge in violent crime across the country over the past few years. The community has been subjected to kidnappings, as well as physical assaults. According to Freedom House, “Many Trinidadians of East Indian descent, who are disproportionately the targets of abduction, blame the increase in violence and kidnapping on government corruption and police collusion. Most abuses by the authorities go unpunished.”⁷⁶⁹

Conclusion and Recommendations

Trinidad and Tobago’s citizens, including the Hindu-Indian population,

generally enjoyed fundamental freedoms and basic liberties throughout 2014 and the first half of 2015. The government, however, should rescind legislation criminalizing homosexual relationships and take steps to reform the Constitution to ensure equality for the LGBT community.

Bisseasar’s government should further re-accede to the Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR) and the Inter-American Convention of Human Rights, to ensure that it conforms with the highest standards of international law.

Trinidadian leaders of all backgrounds should also discourage racial and religious stereotypes and hate speech to reduce tensions between the country’s two largest communities: Afro-Trinidadians and Indo-Trinidadians and continue to work towards a truly multi-religious and multi-ethnic society built on mutual respect and pluralism.

Finally, the U.S. and the international community should leverage their economic relations with the country to encourage an end to abuses by the police and security forces and end any discrimination based on sexual orientation. Similarly, they should urge the current government to continue its equitable racial and religious policies that promote equality and protect the rights of all the country’s citizens.

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