

# Foreword

In recent years, the particular challenges concerning the right to nationality for minorities have gained increasing recognition. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), as of 2017, more than 75 per cent of the world's estimated stateless population of over 10 million people belong to national or ethnic, religious, and linguistic minorities. This proportion seems likely to increase significantly, as minorities in the region are targeted by processes and legislation that may result in millions more being excluded because they are unable to prove to the satisfaction of authorities their long-standing presence in a country. Beyond this most extreme manifestation of minorities' exclusion from national communities which may be in breach of the fundamental right to equality without discrimination, are numerous other ways in which minorities belonging to a community of citizens are denied or diminished in a way that affect their enjoyment of a range of human rights. As the current report reveals, South Asia—the most populous region in the world, with vast numbers of diverse minority populations—is no stranger to such issues, with recent and longstanding laws, practices and policies, resulting in the exclusion of national or ethnic, religious, and linguistic minorities, Dalits and indigenous peoples.

In November 2018, hundreds of minority activists from around the world, including countries from across South Asia, congregated in Geneva for the eleventh session of the Forum on Minority Issues to explore the theme 'Statelessness: A Minority Issue'. Drawing on personal experiences, minorities in attendance shared interventions addressing themes related to the root causes of statelessness; the relationship between statelessness and conflict; access to documentation; and the gendered dimensions of statelessness for minorities. The outcomes of this gathering were both insightful and sobering. Critically, the discussions made apparent the scale and dynamics of statelessness as a minority

issue, but also the urgent need for further research and informed, minority-led interventions.

*The South Asia State of Minorities Report 2019* is an important and timely contribution which helps to address this gap. Through detailed primary and secondary research, the report examines numerous issues at the intersections of minority rights and the right to nationality across the region. Through exploring the contemporary dynamics of long-standing challenges—such as those affecting ‘up-country’ Tamils from Sri Lanka both within the country and in India, as well Bangladesh’s Urdu-speaking minority, often referred to as ‘Biharis’—the report makes apparent the impact of ongoing discrimination and the long shadow that statelessness casts over minority communities, even after legal barriers to citizenship are addressed. It also lends critical insight into minority rights issues entangled in emerging developments in South Asia. This includes in the state of Assam in north-eastern India, where following the conclusion of the National Register of Citizens process, criticised for both its discriminatory process and approach, almost 2 million people are at risk of statelessness. The cases addressed in the report help point to the gendered impacts of new documentary requirements, which can be particularly severe for minority women—an area that requires further attention.

The current report also takes a wider look at issues concerning minorities, migration, and citizenship status in South Asia, including the status of refugee populations such as Afghans in Pakistan and Tibetan and Bhutanese refugees in Nepal. This comprehensive approach helps to elucidate how refugee and migratory trends are intimately connected to the overall problem of statelessness in South Asia, as highlighted by the current fate of the Rohingya who have fled from Myanmar to countries across the region, including Bangladesh, India and Sri Lanka in recent years. It also contributes to an understanding that while legal statuses may shift overnight, this tends to be the outcome of longer-term political and social processes. As the report reflects, such issues are exacerbated by the fact that countries across South Asia have not signed onto international conventions which form key elements of the legal and normative framework concerning the right to nationality. None of the South Asian countries are party to

the 1954 Convention Relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. Similarly, only Afghanistan has signed onto the 1951 Convention Relating to the Status of Refugees or its 1967 Protocol.

While the issues covered in the report are diverse and vary across and within countries, the findings of *The South Asia State of Minorities Report 2019* highlight common patterns and, in particular, the central role of discrimination on the basis of religion, ethnicity, language, and other factors in each context. These matters also have important regional and cross-border dynamics in South Asia, animated by a history of colonialism and conflict, as well as more recent inter-state relations. Such a lens is particularly useful as we seen an increasing politicization of minority rights protection in South Asia, particularly concerning the movement and protection of refugees suffering religious persecution.

As the experiences of minorities show, in order to achieve the goal to eradicate statelessness which guides the UNHCR's #iBelong campaign, more attention must be directed towards understanding the circumstances which obstruct their right to nationality—and particularly the time has come to recognise that statelessness is mainly, disproportionately a minority issue around the world—if one truly hopes to be able to achieve the eradication of this blight. I believe that this report, led by an initiative of minority rights activists and researchers from across South Asia, is an important step in this direction and a reminder of the critical role that minority-led and focused civil society has in it.

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