

State of South Asian Minorities 2019

Afghanistan

At the time this volume went to press the result of the September 2019 presidential election in Afghanistan had just been announced, declaring that incumbent president, Ashraf Ghani, had won. The Chief Executive, Abdullah Abdullah, has rejected the result and vowed to form a parallel government. The controversies over the preliminary result of the election, and, even during the election campaign incited ethnic tensions as presidential elections are usually contested between two major ethnic groups. The final result of the election has literally pushed the government to the verge of collapse. Any instability is likely to exact a great toll on the minorities.

Ghani's government has also been accused of fuelling ethnic tensions. His policy of favouring his own ethnic group over others has caused widespread resentment among other ethnic groups.¹ His re-election as President of Afghanistan has raised fears among minority groups for being further marginalised during his tenure in the coming five years.

Another important development in 2019 was the peace talks with the Taliban insurgent group. However, as the talks continue between the US and the group, there are speculations that intra-Afghan peace talks will also begin soon,² following an initial agreement between the parties to the current peace negotiations. In the haggles over power-sharing, the Taliban, which is well-known for its maltreatment of women and minorities, might win a big share

1 International Crisis Group, 'Afghanistan: The Future of the National Unity Government,' (Asia Report, no. 285, 2017) <https://www.crisisgroup.org/asia/south-asia/afghanistan/285-afghanistan-future-national-unity-government>.

2 Kathy Gannon, 'Taliban say new intra-Afghan peace talks to be held in China,' *ABC News*, accessed February 22 2020, <https://abcnews.go.com/International/wireStory/taliban-intra-afghan-peace-talks-held-china-66443244>.

of power should an agreement be reached between the parties to the peace process in Afghanistan. The process has raised concerns among women and minority groups. Both representatives of women and members of minority groups have asked the governments of Afghanistan and the US to ensure that the process is inclusive, that their concerns are addressed, and that the post-Taliban gains in terms of human rights and democracy are consolidated.³

The drafting process of the anti-discrimination law that was begun two years back is still ongoing. President Ghani ordered the enactment of the law following a memo leaked out of his office, asking that members of minority groups holding senior positions in the Office of President, be replaced with members of the ruling (the President's) ethnicity. The memo caused an uproar in the mass media, and the President had to ask for drafting of the law.

There was also some controversy related to statements made by important political figures regarding minorities. In a Facebook post on 25 November 2019, Amrullah Saleh, the running mate of the President Ghani's election camp and former Minister of Interior and Head of Intelligence, wrote that he has evidence that a senior member of Abdullah Abdullah's election camp has made insulting and derogatory remarks about the Hazara ethnic group in an informal meeting.⁴ Elaborating his claims, he said the official had said that 'the Hazara people have rights no more than the size of their nose as God gave Hazara a smaller nose when God was distributing noses and told the Hazaras it is up to you to accept the smaller nose or not'. Later in his post, he claimed that others present in the meeting laughed at the remarks of their colleague. Saleh threatened to take the case to the Attorney General's Office and the courts for legal actions against those insulting and discriminatory remarks. When challenged to substantiate his claim, Saleh could not produce evidence.

3 Belquis Ahmadi, 'Afghans want U.S.-Taliban talks to resume, but with new approach,' United States Institute of Peace, October 3, 2019, accessed February 22 2020, <https://www.usip.org/blog/2019/10/afghans-want-us-taliban-talks-resume-new-approach>.

4 'Saleh's claims about alleged insult of Hazara people spark furor amid election tensions,' *Khama Press*, November 25, 2019, accessed February 22 2020, <https://www.khaama.com/salehs-claims-about-alleged-insult-of-hazara-people-spark-furor-amid-election-tensions-04392>.

On 9 December, a video clip⁵ of Mohammad Halim Tanwir, a former minister and close ally of President Ghani, went viral on social media in which he says he would have married Hazara girls to Pashtun men if he were in power in order to end social inequality. He also said that ‘for equality of rights in Afghanistan, Dostum [an Uzbek leader] and Mohaqiq [a Hazara leader] and others [probably referring to leaders of other ethnic groups] must be killed’. He further said that he is a follower of Mohammad Gul Khan Momand, a senior advisor to King Mohammad Nader Shah (1929-1933), who ruthlessly suppressed other ethnicities and tribes during his rule. Many interpreted Tanwir’s comment on ‘marrying Hazara girls to Pashtun men’ as enslaving the girls and then marrying them,⁶ a perceived reference to a common practice in the past to kill the male members of an ethnic group and enslave their female members as concubines and wives.

Bangladesh

Bangladesh has a progressive constitution which guarantees equal rights to all citizens irrespective of sex, caste, creed, or race. Articles 27, 28, 29, and 31 seek to establish equality and non-discrimination on the basis of religion and ethnicity, and Article 41 grants religious freedom for all. The constitution also provides for ‘special provision for backward sections’ although without clarification of what this entails (Article 28). However, despite constitutional commitments, minority communities often experience flagrant violation of their rights that includes physical and emotional violence such as killing and rape, destruction of houses and wealth, and forced eviction, among others.

Several incidents of violence on minority community took place all over the country, following a now-common pattern of behaviour on social media that starts with hacking the Facebook ID

5 ‘Tanwir: I would marry Hazara girls to Pashtoon men if I am in power,’ *Baztab News*, December 09, 2019, accessed February 22 2020, <https://baztab.news/article/1215063>.

6 ‘Letter from Halim Tanvir’, <http://afghanistan.fi/blog/2019/12/12/ی-همان-دقن-12/12>; *ریون ت-میل ح-ن ان خس-هب*; ‘Distorting the words of Halim Tanvir’, <http://daikondi.blog.ir/1398/09/21/ریون-ت-میل-ح-ن-ان-خس-ف-ی-ح>

of a minority person, posting images or messages hurting religious sentiment of the majority groups, its going viral, the resultant growing outrage on social media and streets, which finally ends in attacks on minority communities. In October 2019, this pattern was repeated in an incident in Bhola District in southern Bangladesh, which left four dead, following a message that hurt the religious sentiment of Muslims. The clash between the police and religious bigots in Bhola, following the social media propaganda, can also be seen as a consequence of the failure of the administration and the police to take action in previous incidents.

The violence took place after some anti-religious messages went viral through Facebook posts by one Biplob Chandra of Borhanuddin Upazila of Bhola District. Before the violence occurred, Chandra had gone to the local police station and informed the police that his Facebook ID has been hacked and used to spread anti-religious messages. In the meantime, the local Islamist group was already enraged and demanded tougher action against the perpetrator. In order to control the situation, police arrest Chandra immediately and convinced the Islamist group not to hold any demonstrations. However, despite the Islamist group reaching an understanding with the police and administration, local vested groups attacked the police and local administration during which four Muslims were killed. Police had already identified two hackers who had spread the message, but the religious extremists took advantage of the situation following the deaths of the four people and attacked some of the houses and property of Hindus in the locality and Hindus remained in utter fear of fresh violence against them.

Similar violence has earlier occurred in Ramu in Cox's Bazar in 2012; Nasirnagar in Brahmanbaria in 2016 and Nabinagar in Brahminbaria in 2018, but none of the police investigations that followed could find enough evidence to prove that those accused had made the posts. The cases against the accused, however, have not been dismissed. The police have also failed to bring to book those who instigated the attacks that led to destruction of religious temples and vandalism of the homes of minorities. According to the Bangladesh Hindu Buddhist Christian Oikya Parishad (Bangladesh Hindu Buddhist Christian Unity Council [BHBCOP]) a non-

partisan coalition of religious and ethnic minorities, minorities suffered 250 incidents of violence, including rape and murder in the first four months of 2019.⁷

The Ahmadiya community, a small Islamic revival movement, experienced a number of scattered incidents of violence in different part of the country in 2019. In February 2019, the Ahmadiya in Panchgarh District came under attack when they were arranging a 'Jalsha' (annual conference of the Ahmadiya Muslim Jamaat). Supporters of three Islamist organisations, Sammilito Khatme Nabuwat Shangrakkhan Parishad, Iman Akida Rokkha Committee, and Touhidi Janata, urged the government to prohibit the conference as well as declare the Ahmadiya non-Muslim. Around 500 people from the Islamist groups attacked Ahmednagar village of Panchagarh Sadar Upazila, vandalised houses, and looted the Ahmadiya.

Tension was also palpable regarding the National Register of Citizens (NRC) implemented in the neighbouring Indian state of Assam. Except for a few demonstrations by Islamist organisations, no other incident occurred. However, following the adoption of the Citizenship (Amendment) Act 2019 by India, tension has flared up in the border areas of Bangladesh.

Since the adoption of CAA in India, incidents of illegal entry of Bengali Muslims from Assam to Bangladesh increased. The media reported that till November 2019 329 people have been arrested for illegal trespassing into Bangladesh from India in the bordering district of Jhenaidah and Jessore.⁸ All the arrestees are Bengali-speaking Muslim people but failed to show and legal documents to prove their Bangladeshi citizenship. They claimed that they tried to flee from India as they were afraid of detention and harassment by the police. If such migration continues it may result in an increase in physical violence against religious minorities in Bangladesh,

⁷ The statement was made in a press briefing of BHBCOP held on 19 May 2019. Please see- Repression on the rise, minorities allege, <https://www.thedailystar.net/country/rape-incidents-in-bangladesh-repression-on-rise-minorities-allege-1745902>; also see- <http://bhbcop.org/wp-content/uploads/2019/10/Parishad-B-May-2019-compressed.pdf>; <http://bhbcop.org/wp-content/uploads/2019/10/Parishad-B-May-2019-compressed.pdf>

⁸ 'BGB detains over 300 intruders from India.' *The Daily Star*, November 22, 2019 <https://www.thedailystar.net/backpage/news/bgb-detains-over-300-intruders-india-1830355>.

especially the Hindu community, in order to force them to leave the country.

Marginalisation of indigenous communities by state and non-state actors, both in the plains and the Chittagong Hill Tracts (CHT), increased substantially. Economic tourism and infrastructure development often does not consider the needs and culture and heritage of the indigenous communities in CHT, and neither are they made part of any consultations. Eviction of indigenous people from their land is common while undertaking development work. According to the Bangladesh Indigenous People's forum, the implementation of the 1997 Chittagong Hill Tracts Peace Accord is not only slow, it also remains largely stagnant and hill people are forced to live a miserable life in uncertainty and insecurity. In July 2019, police fabricated charges against the alleged perpetrators of Gobindaganj mass attack on Santal village of November 2016, which left three indigenous people dead and hundreds injured, and also led to the eviction of thousands of families from their ancestral land. However, the affected community rejected the charge sheet as they claimed that the main accused were not included in the charge.

Allegations of silent disappearance of CHT leaders and thinkers increased this year. In April 2019, Michael Chakma, a popular leader and thinker went missing. He belonged to the United People's Democratic Front (UPDF), a Chiittagong Hill Tracts-based organisation. The leaders of the UPDF believed that Chakma was abducted as part of a state-sponsored conspiracy to destroy the legitimate movement of the oppressed people of the Chittagong Hill Tracts.

India

The year 2019 was a tumultuous one for India's religious minorities, particularly its Muslims, with the country's liberal-secular polity coming under fresh and renewed attack following the re-election of the Hindu nationalist Bharatiya Janata Party (BJP) government led by Narendra Modi. The election campaign itself was heated and communally charged, with several political leaders openly

indulging in religious hate speech—both in explicit and in dog-whistle terms.⁹ A number of these politicians were elected or re-elected to the Parliament, including the BJP's Pragya Singh Thakur, the prime accused in a series of bombings in 2008 near a mosque in western India that had left at least 10 dead.

In the first parliamentary session after its resumption of power, the BJP government unveiled a slew of legislations that have the potential to further embolden the targeting of the country's religious minorities: the Unlawful Activities (Prevention) Amendment (UAPA) Act, 2019, which makes it possible for the state to declare individuals as terrorists before they have ever been convicted of a crime;¹⁰ the Muslim Women (Protection of Rights on Marriage) Act, 2019, which has made 'triple talaq', or instant divorce, a punishable criminal offence, leaving it ripe for abuse by the state to harass Muslim men;¹¹ and the Jammu and Kashmir Reorganisation Act, 2019, which revoked Article 370 of the Indian constitution—a clause that had granted limited autonomy to Jammu and Kashmir, which had been India's only Muslim-majority state.¹² The former state, including the restive Kashmir valley, was bifurcated and downgraded to Union Territory status, essentially bringing it under the direct control of the central government in New Delhi.

Opposition to the revocation of Kashmir's autonomy has been ruthlessly crushed. In the midst of a near-total communications blackout,¹³ thousands of local Kashmiri Muslims, including activists, journalists, political leaders, and children as young as

9 'Senior Indian Politicians Censured for Hate Speech as Election Begins,' *Bloomberg*, April 4, 2019. <https://www.bloomberg.com/news/articles/2019-04-15/senior-politicians-censured-for-hate-speech-as-india-polls-begin>.

10 Press Trust of India, 'Individuals Can Now Be Declared as Terrorists: President Kovind Gives Assent to UAPA Amendments,' *India Today*, August 9, 2019. <https://www.indiatoday.in/india/story/individuals-declared-terrorists-president-kovind-assent-uapa-amendments-1579141-2019-08-09>.

11 Abhishek Sudhir, 'The Triple Talaq Bill Is Hasty, Impulsive and Cruel—Much like the Act It Seeks to Criminalise,' *Scroll.in*, December 25, 2017, <https://scroll.in/article/862502/the-triple-talaq-bill-is-hasty-impulsive-and-cruel-much-like-the-act-it-seeks-to-criminalise>.

12 'The Jammu and Kashmir Reorganisation Bill, 2019,' *PRS Legislative Research*, October 17, 2019, <http://prsindia.org/billtrack/jammu-and-kashmir-reorganisation-bill-2019>.

13 Amy Kazmin, 'A Voice Pierces the Silence Imposed on Kashmir,' *Financial*

nine years old, were arbitrarily detained, over the protestations of the international human rights community.¹⁴ News reports that have trickled out of the region have revealed stories of intimidation campaigns, night-time raids, and widespread torture by Indian security forces.¹⁵ While the communications blockade has been partially lifted, internet services remained blocked when this review was written, the longest such instance in any democracy.¹⁶ India's moves in Kashmir have resulted in catastrophic losses to the local economy,¹⁷ choked access to information and communication for Kashmiris, and led to the region's education system coming to a virtual halt.¹⁸ Earlier in the year, Kashmiri Muslims across mainland India faced harassment and targeted violence following a terrorist attack in the erstwhile state that had left 40 Indian paramilitary personnel dead.

In the eastern state of Assam, the publication of the final National Register of Citizens (NRC) left 1.9 million people, around 40 per cent of whom might be Muslims, one step closer to being stripped of their citizenship,¹⁹ in a move that has been condemned by the UN High Commissioner for Refugees (UNHCR) as an

Times, September 16, 2019, <https://www.ft.com/content/c8437230-d7b1-11e9-8f9b-77216ebe1f17>.

14 Press Trust of India, 'UN Human Rights Chief Urges India to Ease Lockdown, Curfew in Kashmir,' *Business Standard*, September 9, 2019, https://www.business-standard.com/article/pti-stories/un-rights-chief-asks-india-pakistan-to-respect-and-protect-human-rights-of-kashmiris-119090900622_1.html.

15 'Thousands Detained in Indian Kashmir Crackdown, Official Data Reveals,' *Reuters*, September 12, 2019, <https://in.reuters.com/article/india-kashmir-detentions/thousands-detained-in-indian-kashmir-crackdown-official-data-reveals-idINKCN1VX12W>.

16 'India's Internet Shutdown in Kashmir Is the Longest Ever in a Democracy,' *The Washington Post*, December 16, 2019, https://www.washingtonpost.com/world/asia_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da_story.html.

17 'Kashmir Economy Suffered Loss of Rs. 17,878 Crore in 4 Months after Abrogation of Article 370,' *News18*, December 18, 2019, <https://www.news18.com/news/india/kashmir-economy-suffered-loss-of-rs-17878-crore-in-4-months-after-abrogation-of-article-370-2428417.html>.

18 Kaiser Andrabi, and Saqib Mugloo, 'Inside Kashmir's Education Crisis,' *The Kashmir Walla*, December 8, 2019, <https://www.thekashmirwalla.com/2019/12/inside-kashmirs-education-crisis/>.

19 'The Clock Is Ticking': Race to Save 2 Million from Statelessness in Assam,' *The Guardian*, November 20, 2019, <https://www.theguardian.com/global->

‘enormous blow to global efforts to eradicate statelessness’,²⁰ and led Genocide Watch to renew its genocide alert for the state.²¹ The Indian government has announced its intentions to extend the NRC exercise to the rest of the country and has already begun the construction of massive detention centres in anticipation. In a bid to ensure that only Muslims would be affected by such an exercise, the government passed the Citizenship (Amendment) Act (CAA), 2019. The CAA, which significantly eases the path to Indian citizenship for all non-Muslims fleeing religious persecution in Afghanistan, Bangladesh, and Pakistan, would give a workaround for all non-Muslims excluded from the NRC in Assam. Together with the government’s declared plans to prepare an NRC for the rest of India too, the CAA has sparked fears of disenfranchisement of Muslims not just in Assam, but across the country.²² The ‘fundamentally discriminatory nature’ of the CAA has been condemned by the Office of the United Nations High Commissioner for Human Rights (OHCHR), which also urged India to reconsider the compatibility of the law with its international human rights obligations.²³

The passing of the CAA sparked protests in India’s north-eastern states, where the BJP is accused of communalising an ethno-linguistic issue,²⁴ and in Muslim universities across the country, including the Jamia Milia Islamia in New Delhi and the Aligarh

[development/2019/nov/20/race-to-stop-2-million-becoming-stateless-as-the-clock-starts-ticking-in-assam.](#)

20 United Nations, *UN High Commissioner for Refugees Expresses Alarm at Statelessness Risk in India’s Assam*. UNHCR, Accessed December 21, 2019, <https://www.unhcr.org/news/press/2019/9/5d6a24ba4/un-high-commissioner-refugees-expresses-alarm-statelessness-risk-indias.html>.

21 Gregory Stanton, *Genocide Watch for Assam, India—Renewed*. Genocide Watch, August 19, 2019, <https://www.genocidewatch.com/single-post/2019/08/18/Genocide-Watch-for-Assam-India---renewed>.

22 ‘NRC Soon in Entire Country: Amit Shah,’ *The Hindu BusinessLine*, November 20, 2019, <https://www.thehindubusinessline.com/news/national/nrc-process-to-be-carried-out-in-entire-country-amit-shah/article30027360.ece>.

23 ‘New Citizenship Law in India ‘Fundamentally Discriminatory’: UN Human Rights Office,’ *UN News*, United Nations High Commissioner for Refugees. Accessed December 21, 2019, <https://news.un.org/en/story/2019/12/1053511>.

24 ‘North-East India Gripped by Protests over Citizenship Bill Excluding Muslims,’ *The Guardian*, December 10, 2019, <https://www.theguardian.com/world/2019/dec/10/india-braces-for-protests-over-citizenship-bill-excluding-muslims>.

Muslim University in Uttar Pradesh. The violent police response, with visuals of protestors being shot, tear-gassed and assaulted spreading widely among the general public,²⁵ and the government's use of other undemocratic tactics like the enforcement of curfews and communications shutdowns, has galvanised more protests elsewhere in the country, cutting across religious divides.²⁶ At the time this review was prepared, these protests were intensifying, with the police exercising relative restraint in some cosmopolitan areas where media presence is strong, while at the same time unleashing brute force on protests in localities inhabited by working-class Muslims, resulting in several deaths.²⁷ These have been most severe in Uttar Pradesh, ruled by the BJP with Yogi Adityanath, founder of the militia group Hindu Yuva Vahini (Hindu Youth Army), as its Chief Minister.²⁸

The CAA has been challenged in India's Supreme Court (SC), where it must pass a test of constitutionality. The recent track record of the SC on minority rights, however, raises serious questions about its ability to defend India's founding principle of secularism. The NRC exercise in Assam, the harbinger of the current turmoil over citizenship, was closely overseen by the Court.²⁹ In late 2018, it refused to stay the deportation of Rohingya Muslim refugees back to Myanmar, violating the international principle of non-refoulement.³⁰ And in November 2019, a five-judge bench of the SC unanimously awarded the site of the demolished Babri mosque in

25 'India's Police Response to Protests Was Swift and Violent, Videos Show,' *The New York Times*, December 17, 2019, <https://www.nytimes.com/video/world/asia/10000006877279/india-protests-police.html>.

26 'As Modi Pushes Hindu Agenda, a Secular India Fights Back,' *The New York Times*, December 20, 2019, <https://www.nytimes.com/2019/12/20/world/asia/india-muslims-citizenship.html>.

27 'Death Toll in India Citizenship Law Protests Climbs to a Least 17,' *TRT World*, December 21, 2019, <https://www.trtworld.com/asia/death-toll-in-india-citizenship-law-protests-climbs-to-a-least-17-32381>.

28 'UP: Yogi Adityanath's Hindu Yuva Vahini goes from fringe to mainstream,' *The Hindustan Times*, Accessed December 22, 2019. <https://www.youtube.com/watch?v=bWxc-Lw7ADc>.

29 Sruthisagar Yamunan, 'How the Supreme Court's Hardline Stance on Citizenship Deepened the Flaws in Assam's NRC,' *Scroll.in*, July 31, 2019, <https://scroll.in/article/932176/how-the-supreme-court-s-hardline-stance-on-citizenship-deepened-the-flaws-in-assams-nrc>.

30 'Supreme Court Refuses to Stop Deportation of 7 Rohingya Refugees,' *The Hindustan Times*, October 4, 2018, <https://www.hindustantimes.com/india-news/>

Ayodhya to Hindus and ordered the construction of a temple at the site, even as it acknowledged that the demolition of the mosque in 1992 by radical Hindus was a crime.³¹

Elsewhere in India, the violent targeting of religious minorities, a phenomenon that has persisted in India for decades but has significantly spiked following the assumption of power at the centre by the BJP, continued, according to Amnesty International, which recorded 181 incidents of violent hate crimes and at least 37 deaths in just the first six months of the year.³² A closer look at these incidents, which have been reported from across the country, from the rural hinterlands of Uttar Pradesh,³³ Jharkhand³⁴ and Tamil Nadu³⁵ to the urban sprawls of New Delhi,³⁶ Mumbai³⁷ and Kolkata,³⁸ suggests that there are a few discernible trends: the victims are usually Dalits or Muslims, often the poorest and most vulnerable among them. The National Campaign on Dalit Human Rights (NCDHR) has documented 43 instances of atrocities being

[supreme-court-refuses-to-stop-deportation-of-7-rohingya-refugees/story-BczG2dPkvwUNxcu4nGm40l.html](https://www.supreme-court-refuses-to-stop-deportation-of-7-rohingya-refugees/story-BczG2dPkvwUNxcu4nGm40l.html).

31 'Ayodhya Verdict: Indian Top Court Gives Disputed Site to Hindus,' *Al Jazeera*, November 9, 2019, <https://www.aljazeera.com/news/2019/11/babri-mosque-case-indian-top-court-disputed-site-hindus-191109052713446.html>.

32 'Amnesty Report: Hate Crimes Rose Sharply the First Half of 2019,' *The Hindu*, October 4, 2019, <https://www.thehindu.com/news/national/amnesty-report-hate-crimes-rose-sharply-the-first-half-of-2019/article29598191.ece>.

33 'Teenager Refuses to Say 'Jai Shri Ram', Set Ablaze,' *National Herald*, July 30, 2019, <https://www.nationalheraldindia.com/india/teenager-refuses-to-say-jai-shri-ram-set-ablaze>.

34 'Jharkhand: Muslim Man Beaten up on Suspicion of Theft, Forced to Chant Jai Shree Ram, Succumbs to Injuries,' *India Today*, June 23, 2019, <https://www.indiatoday.in/india/story/jharkhand-muslim-man-lynching-jai-shree-ram-jai-hanuman-1554634-2019-06-23>.

35 'Caste Tensions in Madurai Village: Dalit Families Forced to Pull Kids out of School,' *The News Minute*, June 14, 2019, <https://www.thenewsminute.com/article/caste-tensions-madurai-village-dalit-families-forced-pull-kids-out-school-103609>.

36 'Minor Muslim Boy Lynched to Death by Mob in Delhi's Adarsh Nagar Area,' *The Muslim Mirror*, July 27, 2019, <http://muslimmirror.com/eng/minor-muslim-boy-lynched-to-death-by-mob-in-delhis-adarsh-nagar-area/>.

37 'After Jharkhand Mob Lynching, Thane Cab Driver Beaten Up, Forced To Chant 'Jai Shri Ram',' *ScoopWhoop*, June 28, 2019, <https://www.scoopwhoop.com/news/thane-cab-driver-beaten-up-jai-shri-ram/>.

38 'Bengal: 24-Year-Old Beaten up for 'Theft' Dies, Malda Tense,' *The Indian Express*, July 1, 2019, <https://indianexpress.com/article/india/bengal-24-year-old-beaten-up-for-theft-dies-malda-tense-5808110/>.

perpetrated upon Dalits in 2019.³⁹ The real number of atrocities is believed to be significantly higher. Christians are not spared either from the violence, with another report, by the Alliance for Defending Freedom (ADF), revealing 159 violent incidents in the first half of the year.⁴⁰ The perpetrators are usually radical Hindus, often affiliated directly to the Sangh Parivar, the umbrella of Hindu nationalist organisations of which the ruling BJP is a member. In many cases, they operate with impunity, sometimes aided by the local police and bureaucracy.⁴¹ The official state response to the phenomenon of violent targeting of religious minorities, meanwhile, has been one of denial. The National Crime Records Bureau (NCRB), in its report for 2017 that was released in October 2019, refused to divulge any data about mob lynching, despite having the information ‘ready and fully compiled and analysed’.⁴² Instead, the NCRB has introduced a chapter on violence by ‘anti-national elements’,⁴³ a common dog-whistle term for those opposed to the ruling dispensation.

Nepal

The International Dalit Solidarity Network identifies religious and sexual minorities, Dalits, refugees, and stateless people as minorities suffering the worst forms of discrimination in South Asia and women as an intersectional vulnerable group.⁴⁴ This

³⁹ *Atrocity Tracking and Monitoring System (ATM)*. Accessed December 22, 2019, <http://www.annihilatecaste.in/atrocity-cases/any-title/all-states/all-districts/all-atrocities/2019-1-1/2019-12-22/newer-top>.

⁴⁰ ‘Violence Against Christians: India in Denial,’ *The Year 2019 So Far*. New Delhi: Alliance for Defending Freedom (ADF) India, 2019.

⁴¹ ‘Tension Brews in Naya Bans, Muslims ‘Forced’ to Migrate,’ *NewsClick*, May 27, 2019, <https://www.newsclick.in/Uttar-Pradesh-Narendra-Modi-Muslims-Forced-Migration>.

⁴² ‘Despite Collecting It, NCRB Hasn’t Published 2017 Data on Lynchings,’ *The Wire*. Accessed December 21, 2019, <https://thewire.in/government/despite-collecting-it-ncrb-hasnt-published-2017-data-on-lynchings-religious-murders>.

⁴³ ‘Centre Introduces Chapter on Violence by ‘Anti-Nationals’ as Part of NCRB Data,’ *The News Minute*, October 22, 2019, <https://www.thenewsminute.com/article/centre-introduces-chapter-violence-anti-nationals-part-ncrb-data-110975>.

⁴⁴ They also include internally displaced persons in the list. See International Dalit Solidarity Network (IDSN), ‘Caste based discrimination in South Asia’, (Copenhagen: IDSN, 2009).

holds true in Nepal where women and members of specific caste and ethnic communities such as Dalits, Janajatis and Madhesis have been disproportionately under-represented in public life.⁴⁵ This chapter is a brief overview of the status of these minorities in Nepal in 2019, encompassing political, legal or policy-based developments related to minorities, as well as incidents that uplift or curtail their freedom and rights.

The Status of Refugees

Bhutanese

There are 6,470 Bhutanese and 12,540 Tibetan refugees in Nepal recorded by the United Nations High Commissioner for Refugees (UNHCR) and 378 Rohingya who have entered the country until the end of 2019.⁴⁶ The Rohingya are not recognised as refugees by the government of Nepal.⁴⁷ They have been living in Nepal since 2012⁴⁸ and consider it to be the safest and most tolerant country in South Asia.⁴⁹ Yet there has been resistance to their settlement here⁵⁰ as seen by the recent eviction of some Rohingya from a plot of land they had rented and constructed temporary cottages in.⁵¹ UNHCR has also stopped providing monetary relief to the Rohingya since 2015,⁵² forcing them to find menial employment to sustain themselves.⁵³

45 Pratyoush Onta, 'The Growth of the Adivasi-Janjati Movement in Nepal after 1990: The Non-Political Institutional Agents', *Studies in Nepali History and Society* 11, no. 2 (2004): 303-354.

46 Devendra Bhattarai, 'Nepal has refugees from nine countries,' *Kantipur*, December 13, 2019, <https://ekantipur.com/news/2019/12/13/157620509938678727.html>.

47 *ibid.*

48 Robic Upadhyay and Ashwin Sharma, 'A new beginning,' *The Record*, <https://www.recordnepal.com/wire/videos/a-new-beginning-for-rohingya-refugees-in-nepal>.

49 'Rohingyas in Nepal: Give us citizenship or send us elsewhere,' *Onlinekhabar*, June 05, 2019, <https://english.onlinekhabar.com/rohingyas-in-nepal-give-us-citizenship-or-send-us-elsewhere.html>.

50 Makar Shrestha, 'Rohingya enter by spending 30,000 taka,' *Kantipur*, December 12, 2019, <https://ekantipur.com/news/2019/12/12/157611753610886152.html>.

51 Nagendra Adhikari, 'A week's notice of eviction to Rohingyas,' *Kantipur*, December 13, 2019, <https://ekantipur.com/news/2019/12/13/157624814196224629.html>.

52 *Ibid.*

53 Robic Upadhyay and Ashwin Sharma, 'A new beginning,' *The Record*,

After the bulk of the 108,000 Bhutanese refugees opted for third-country settlement after 2007, the remaining Bhutanese refugees⁵⁴ in Nepal now find themselves in a limbo as several humanitarian agencies, including the World Food Programme, stated that their support will cease in 2019.⁵⁵ Nepal has rejected any possibility of their local assimilation while expressing commitment to resuming talks with Bhutan to repatriate the remaining refugees.⁵⁶ However, any plans or initiatives are yet to materialise. The difficulties of Bhutanese refugees are further exacerbated by two factors. One, there are still refugees in the camp who want to get resettled elsewhere but cannot as they do not have a refugee card.⁵⁷ Second, while refugee females married to Nepali males have easier paths to citizenship, and, thereby, assimilation, difficulties still persist for refugee males married to Nepali females.⁵⁸

<https://www.recordnepal.com/wire/videos/a-new-beginning-for-rohingya-refugees-in-nepal>.

⁵⁴ Nepal hosted up to 107,000 Bhutanese refugees since early 1990s (UNHCR, 'Refugees from Bhutan poised for new start', <https://web.archive.org/web/20110510005625/http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=47a30dc82&query=bhutan>) when third-country resettlement started and eventually more than 112,800 refugees were resettled in the United States, Canada, Australia, New Zealand, Denmark, Norway, the Netherlands, and the United Kingdom (Anil Giri, 'Nepal to resume talks with Bhutan on refugee repatriation,' *The Kathmandu Post*, February 3, 2019, <https://kathmandupost.com/national/2019/02/03/nepal-decides-to-resume-talks-with-bhutan-on-refugee-repatriation>).

⁵⁵ Anil Giri, 'Bhutanese refugee issue resurfaces after provisions dry up,' *The Kathmandu Post*, December 5, 2018, <https://kathmandupost.com/valley/2018/12/05/bhutanese-refugee-issue-resurfaces-after-provisions-dry-up>.

⁵⁶ Official talks of repatriation ceased in 2004 after an alleged attack on the Bhutanese Joint Verification Team at a refugee camp. See B. Gautam and T.P. Mishra, 'Who stands with Bhutanese refugees in Nepal,' *Nepali Times*, June 19, 2019, <https://www.nepalitimes.com/opinion/who-stands-with-bhutanese-refugees-in-nepal/>; On Nepal government's refusal to assimilate the refugees, see Anil Giri, 'Nepal to resume talks with Bhutan on refugee repatriation,' *The Kathmandu Post*, February 03, 2019, <https://kathmandupost.com/national/2019/02/03/nepal-decides-to-resume-talks-with-bhutan-on-refugee-repatriation>.

⁵⁷ A refugee card is mandatory to begin the resettlement process, which has also ceased now. Refugees who were working outside of the camp at the time of the verification have not received refugee cards. See Chetan Adhikari, 'Bhutanese refugees devoid of IDs facing uncertain future,' *The Kathmandu Post*, January 7, 2015, <http://kathmandupost.ekantipur.com.np/news/2015-01-07/bhutanese-refugees-devoid-of-ids-facing-uncertain-future.html>.

⁵⁸ If a Nepali man marries a foreign woman, he can get Nepali citizenship for her and their children automatically. But if a Nepali woman marries a foreigner,

Tibetans

Before the Chinese President Xi Jinping's visit to Nepal in October 2019, the police arrested 22 free-Tibet movement campaigners and human rights activists from Kathmandu.⁵⁹ Individuals unwittingly wearing garments with Tibetan signage were also detained along with journalists perceived to be sympathetic to the movement.⁶⁰ The celebrations of the 84th birthday of the Dalai Lama in July was banned for Tibetans living in Nepal which was a massive reversal from previous years.⁶¹ In September 2019, the Nepal police handed over six Tibetans to the Chinese police mere hours after they had crossed into Nepal to seek asylum, in blatant violation of the obligation of non-refoulement.⁶²

Religious and Ethnic Minorities

The Constitution of Nepal 2015 defines the country as secular. Yet there are inherent contradictions as laws that disadvantage certain communities over others still exist. One example is the criminalisation of slaughtering of cows, animals that are sacred only to Hindus. In 2018/19, 34 such cases have been registered in the Supreme Court, mostly against members of Dalit, Magar and Tamang communities.⁶³ Additionally, acts of religious conversion are prohibited by the constitution as a criminal offence. It was

the husband does not immediately get citizenship and their children cannot be Nepali by descent. 'Patriarchy in an oligarchy,' *Nepali Times*, March 22, 2019, <https://www.nepalitimes.com/editorial/patriarchy-in-an-oligarchy>.

59 '11 Tibetan refugees among 22 held,' *The Himalayan Times*. October 13, 2019, <https://thehimalayantimes.com/kathmandu/11-tibetan-refugees-among-22-held>.

60 Bhrikuti Rai, 'Nepali citizens detained during Xi Jinping's visit for Tibetan signage on clothes and accessories,' *The Kathmandu Post*, October 17, 2019, <https://kathmandupost.com/2019/10/17/nepali-citizens-detained-during-xi-jinping-s-visit-for-tibetan-signage-on-clothes-and-accessories>.

61 Thomas David, 'Nepal bans spiritual events of Tibetan refugees, further undermining their rights,' *Tibet Post International*, July 09, 2019, <http://www.thetibetpost.com/en/impact/politics/6551-nepal-bans-spiritual-events-of-tibetan-refugees-further-undermining-their-rights>.

62 'Nepal Deports 6 Tibetan Asylum Seekers to China,' *Radio Free Asia*, September 09, 2019, <https://www.rfa.org/english/news/tibet/nepal-deport-09092019064318.html>.

63 Shiva Hari Gyawali, 'Criminalization of cow-slaughter is a tool of caste terror,' *The Record*, June 14, 2019, <https://www.recordnepal.com/podcast/criminalization-of-cow-slaughter-is-a-tool-of-caste-terror>.

reported that four Christians in April⁶⁴ and three in July were arrested under the suspicion of converting people to Christianity.⁶⁵ A recent news report also warned that elements of Hindutva were making religious minorities in Janakpur, mostly Muslims, uncomfortable as saffron, the colour associated with Hindu nationalism, was freely distributed by the local government to colour public and private properties in the city.⁶⁶

Reservations for minorities and marginalised groups in public service is also facing obstacles. The Public Service Commission issued a vacancy notice in May to recruit more than 9,000 staff at the local level, which drew criticism for i) overstepping its jurisdiction, and ii) failing to ensure 45 per cent of the seat seats for the marginalised as per the Civil Service Act.⁶⁷ This will reportedly lead to a reduction in quotas of Madhesis by 92 per cent and Janajatis by 52 per cent in these positions.⁶⁸ The vacancy notice led to protests from people of various marginalised communities, their associations as well as political parties, mostly in Kathmandu.⁶⁹

There have been some policy developments in 2019 for the benefit of Dalits. In September, the government stipulated a

64 'Christians seized by police while training pastors in Nepal,' *Barnabas Fund*, April 24, 2019, <https://barnabasfund.org/en/news/christians-seized-by-police-while-training-pastors-in-nepal>.

65 'Three Foreigners Arrested Over Religious Conversion Accusations In Nepal,' *New Spotlight Online*, July 24, 2019, <https://www.spotlightnepal.com/2019/07/24/three-foreigners-arrested-over-religious-conversion-accusations-nepal>.

66 Sweksha Karna, 'Janakpur is decked out in saffron, and not everyone is thrilled,' *The Kathmandu Post*, September 28, 2019, <https://kathmandupost.com/province-no-2/2019/09/28/janakpur-is-decked-out-in-saffron-and-not-everyone-is-thrilled>.

67 Deepak Thapa, 'In filling public sector jobs, the federal government is making mistakes,' *The Kathmandu Post*, June 12, 2019, <https://kathmandupost.com/opinion/2019/06/12/in-filling-public-sector-jobs-the-federal-government-is-making-mistakes>; Prithvi Man Shrestha, 'Instead of encouraging provinces, federal government went ahead with staff recruitment,' *The Kathmandu Post*, June 12, 2019, <https://kathmandupost.com/politics/2019/06/12/instead-of-encouraging-provinces-federal-government-went-ahead-with-staff-recruitment>.

68 'SRC continues protest against FPSC,' *The Himalayan Times*, July 18, 2019, <https://thehimalayantimes.com/kathmandu/save-reservation-campaign-continues-protest-against-federal-public-service-commission>.

69 'Hundreds protest against FPSC's job notice,' *The Himalayan Times*, July 16, 2019, <https://thehimalayantimes.com/kathmandu/hundreds-protest-against-fpsc-job-notice>.

provision of providing land to landless Dalits.⁷⁰ The government of Province 2 has drafted a bill proposing full scholarship to all Dalit students in higher and technical education as well as ration cards and health benefits.⁷¹

Irrespective of the state's stance and policies toward Dalits, they report facing both structural and physical violence in their communities. There are reports of Dalits, even lawmakers, being denied accommodation in the capital,⁷² being barred from shops,⁷³ and being confined to specific areas during festivals and celebrations.⁷⁴ On the representation front, there is just one Dalit ministers in the seven provincial governments, just one Dalit mayor in a rural municipality and six in urban municipalities.⁷⁵ Dalit women make up 19 per cent of all registered rape cases in Nepal, even they Dalits constitute only 13 per cent of the country's population.

⁷⁰ 'Land Rules amended to benefit landless Dalits,' *The Himalayan Times*, October 14, 2019, <https://thehimalayantimes.com/nepal/land-rules-amended-to-benefit-landless-dalits>.

⁷¹ Ram Kumar Kamat, 'Scholarships, ration cards, health benefits to poor Dalits proposed,' *The Himalayan Times*, September 09, 2019, <https://thehimalayantimes.com/nepal/scholarships-ration-cards-health-benefits-to-poor-dalits-proposed>. Implementation is the key here since even in 2013, the government had announced housing stipends for Dalits in Baglung district, but these houses remain unfinished due to 'budget shortage'. Prakash Baral, 'Dalits await houses under People's Housing Programme in Baglung,' *The Kathmandu Post*, October 11, 2019, <https://kathmandupost.com/gandaki-province/2019/10/11/dalits-in-baglung-await-houses-under-the-people-s-housing-programme>.

⁷² Binod Ghimire, 'People refuse to rent me a room when I tell them my surname,' *The Kathmandu Post*, July 19, 2019, <https://kathmandupost.com/national/2019/07/19/people-refuse-to-rent-me-a-room-when-i-tell-them-my-surname>.

⁷³ Binu Timsina, 'A discrimination case riles up Dalit activists in Morang district,' *The Kathmandu Post*, November 03, 2019, <https://kathmandupost.com/province-no-1/2019/10/19/a-discrimination-case-riles-up-dalit-activists-morang-district>.

⁷⁴ Shiva Puri, 'In Rautahat, people from Dalit communities continue to face ostracisation during Chhath celebrations,' *The Kathmandu Post*, November 03, 2019, <https://kathmandupost.com/province-no-2/2019/11/03/in-rautahat-people-from-dalit-communities-continue-to-face-ostracisation-during-chhath-celebrations>.

⁷⁵ Chandan Kumar Mandal, 'Discrimination against Dalits still rife, continue to be left out of decision-making processes,' *The Kathmandu Post*, September 08, 2019, <https://kathmandupost.com/national/2019/09/08/discrimination-against-dalits-still-rife-continue-to-be-left-out-of-decision-making-processes>.

Sexual minorities

Nepal has been hailed as a leader in South Asia for upholding the rights of sexual minorities. The constitution forbids all discrimination based on sexual orientation, and citizenship certificates and passports have the option for an ‘other’ category for gender.⁷⁶ The Equality Index of Nepal is higher than that of the United States,⁷⁷ and as of 2019, 1,500 individuals have received their citizenship in this category.⁷⁸ Despite such legal progress, a recent report by Mitini Nepal detailed that 51 per cent of lesbian, transgender, and bisexuals across the country reported facing discrimination with 36 per cent admitting that they were not accepted in their homes.⁷⁹

Further, the Civil and Criminal Codes of 2018 both define marriage as a union between a man and a woman, thereby invalidating same-sex marriage⁸⁰ even though a 2015 report commissioned by the Supreme Court and presented to the Prime Minister’s Office recommended that the government legalise same-sex marriage.⁸¹ The law also remains unclear on adoption by same-sex couples.⁸²

Political marginalisation of women

76 ‘Nepal’s sexual minorities say progress in rights has stalled,’ *The Himalayan Times*, September 18, 2019, <https://thehimalayantimes.com/nepal/nepals-sexual-minorities-say-progress-in-rights-has-stalled>.

77 The Equality Index is an experimental rating to help visualize the legal rights and public attitudes towards LGBT people in a given region. See <https://www.equaldex.com/region/nepal>.

78 ‘1500 members of sexual and gender minority receive citizenship on the basis of gender identity,’ *Pahichan*, July 23, 2019, <https://pahichan.com/1500-members-of-sexual-and-gender-minority-receive-citizenship-on-the-basis-of-gender-identity>.

79 ‘LGBT community seeks an end to discrimination,’ *The Himalayan Times*, December 11, 2019, <https://thehimalayantimes.com/kathmandu/lgbt-community-seeks-an-end-to-discrimination>.

80 Aasna Sijapati and Ankit Khadgi, ‘Celebration of diversity and sexuality: country’s first pride parade,’ *The Himalayan Times*, June 29, 2019, <https://thehimalayantimes.com/kathmandu/celebration-of-diversity-and-sexuality-countrys-first-pride-parade>.

81 Asmita Manandhar and Alisha Sijapati, ‘Nepal’s indecision on same-sex marriage leaves couples in limbo,’ *Pahichan*, May 29, 2019, <https://pahichan.com/nepals-indecision-on-same-sex-marriage-leaves-couples-in-limbo>.

82 ‘Nepal’s sexual minorities say progress in rights has stalled,’ *The Himalayan Times*, September 18, 2019, <https://thehimalayantimes.com/nepal/nepals-sexual-minorities-say-progress-in-rights-has-stalled>.

Even though Nepal moved up two spots on the 2019 Human Development Index, it has a poor Gender Inequality Index with a value of 0.476, ranking it 115th out of 162 countries⁸³ which is reflected in the political sphere of the country. The Constitution of Nepal, 2015 reserves political seats for women, which has led to an increase in the number of women in decision-making positions,⁸⁴ but even now they report feeling undermined by male subordinates as well as the community.⁸⁵ A recent cabinet reshuffle by the Prime Minister saw a decline in women in the executive body, with widespread outcry over the replacement of a woman as the Minister of Women, Children and Senior Citizens by a man.⁸⁶ The Deputy Speaker of the lower house of the national parliament, a woman from a marginalised community, is likely to be ousted in favour of a male colleague.⁸⁷

Pakistan

In Pakistan, a country with nearly 39 per cent of the population living in multidimensional poverty,⁸⁸ it is the minority communities that suffer the worst. Christians, Hindus, Ahmadiyas, Baloch and Pashtun are the ones particularly under attack, by both

83 Sangam Prasain, 'Nepal moves up in Human Development Index but still lags behind in South Asia', *The Kathmandu Post*, May 26, 2019, <https://kathmandupost.com/national/2019/12/11/nepal-moves-up-in-human-development-index-but-is-still-ranked-second-to-last-in-south-asia>.

84 Tufan Neupane, 'Just Women', *Nepali Times*, July 16-22, 2017, <https://archive.nepalitimes.com/article/from-nepali-press/Just-women,3856>.

85 Bhrikuti Rai, 'Itahari mayor misbehaves with a journalist and deputy mayor issues apology', *The Kathmandu Post*, May 26, 2019, <https://kathmandupost.com/national/2019/05/26/itahari-mayor-misbehaves-with-a-journalist-and-deputy-mayor-issues-apology>.

86 Bhrikuti Rai, 'All the prime minister's men', *The Kathmandu Post*, November 21, 2019, <https://kathmandupost.com/politics/2019/11/21/all-the-prime-minister-s-men>.

87 'Who is next speaker? Race begins in NCP', *myRepublica*, December 13, 2019, <https://myrepublica.nagariknetwork.com/news/who-is-next-speaker-race-begins-in-ncp>.

88 'Pakistan's new poverty index reveals that 4 out of 10 Pakistanis live in multidimensional poverty', <https://www.pk.undp.org/content/pakistan/en/home/presscenter/pressreleases/2016/06/20/pakistan-s-new-poverty-index-reveals-that-4-out-of-10-pakistanis-live-in-multidimensional-poverty.html>

state and non-state actors. Even though Pakistan has ratified the International Covenant on Economic, Social and Cultural Rights, there is a significant gap in the implementation of its provisions that cover fundamental rights such as the right to work, the right to standard of living, the right to health, and the right to education, and neither have they been or integrated into domestic legislation.

Lack of data prevents a more thorough analysis of the situation, making it difficult to plan for action against discrimination against minorities. The intersections between economic marginalisation, gender discrimination and religious exclusion result in excessive inequality, which is weighted against religious minorities in particular. Further, the country's vaguely formulated blasphemy law, in which a conviction is followed by a mandatory death sentence, targets religious minorities disproportionately and is in many instances used to settle personal scores.⁸⁹

The last year has seen creasing instances of attacks against religious minorities. A Hindu veterinarian's clinic as well as nearby Hindu shops were burned down due to blasphemy accusations,⁹⁰ and a violent attack towards a Hindu school took place because of blasphemy accusations towards its principal.⁹¹ This year the National Assembly rejected a bill allowing non-Muslims to serve as president and prime minister, which prolongs the subordinate status of religious minorities.⁹² Private buildings display signs that say 'Selling or renting any apartment in this building to non-Muslims is prohibited';⁹³ shopkeepers forbid services to Ahmadiyas

89 'Pakistan Overturns Man's Blasphemy Conviction after 17 Years on Death Row,' *Yahoo! News*, September 26, 2019, <https://news.yahoo.com/pakistan-overturns-mans-blasphemy-conviction-17-years-death-142219571.html>.

90 'Pakistan Vet Charged with Blasphemy over Medicine 'Wrapped in Religious Text'', *BBC News*, May 28, 2019, <https://www.bbc.com/news/world-asia-48438333>.

91 'Hindus Fear for Their Lives after Pakistan Blasphemy Riots,' *Deutsche Welle*, Accessed December 22, 2019, <https://www.dw.com/en/hindus-fear-for-their-lives-after-pakistan-blasphemy-riots/a-50448332>.

92 'National Assembly Rejects Bill That Opens Highest State Offices to Minorities,' *AsiaNews.it*, Accessed December 22, 2019, <http://www.asianews.it/news-en/National-Assembly-rejects-bill-that-opens-highest-state-offices-to-minorities-48184.html>.

93 'Seeds of intolerance: Private building in Karachi displays anti-minority notice, draws mass ire,' *The Express Tribune*, Accessed December 22, 2019, <https://tribune.com.pk/story/2065331/1-seeds-intolerance-private-building-karachi-displays-anti-minority-notice-draws-mass-ire/>. .

and Shias.⁹⁴ Fourteen-year-old Pakistani Christian, Samra Bibi, was abducted, forced to convert to Islam and marry in one of many cases in a similar pattern where Christian minors are targeted due to their vulnerable situation.⁹⁵ The phenomenon of religious minority women being fraudulently married to Chinese men and forced into prostitution or slavery has been on the rise, and while the government has anti-trafficking programmes, it brushes off testimonies of sexual exploitation during the trafficking as ‘rumours and fabricated facts’.⁹⁶

The government claims reports of Christians being persecuted to be false and blames ‘Western interests’, going further to state that individual incidents do not indicate a structural issue.⁹⁷ Authorities have reached out to social media platforms such as Facebook and Twitter for help in tracking blasphemy in order to ‘track down those who spread such material’, both within the country and abroad, but many fear this is simply another tool for widespread censorship.⁹⁸ Earlier in the year, a case of two Hindu sisters, Reena and Raveena, who had been abducted and forcibly converted in Daharki, Sindh Province, surfaced in the news media.⁹⁹ Though a first information report (FIR) was registered under the Sindh Child Marriages Restraint Act 2013, the police continued to discount the case as a ‘family dispute’, relying on a video confession that appeared to have been recorded under possible coercion and pressure.¹⁰⁰ A similar video confession was also used in the recent

94 <https://twitter.com/husainhaqqani/status/1177957117682167815>

95 ‘A 14-Year-Old Faisalabad Christian Girl Is Kidnapped, Forced to Convert and Marry,’ *AsiaNews.it*, Accessed December 22, 2019, <http://asianews.it/news-en/A-14-year-old-Faisalabad-Christian-girl-is-kidnapped,-forced-to-convert-and-marry-48099.html>.

96 “‘Please Save Me’: Pakistani “Brides” Plead For Help From China Amid Trafficking Claims,’ *Radio Free Europe/Radio Liberty*, July 14, 2019, <https://www.rferl.org/a/please-save-me-pakistani-brides-plead-for-help-from-china-amid-trafficking-claims/30054845.html>.

97 ‘Pakistan Plays down Accusations of Christian Persecution,’ *The Guardian*, June 25, 2019, <https://www.theguardian.com/world/2019/jun/25/pakistan-plays-down-accusations-christian-persecution>.

98 ‘Pakistan Asks Facebook, Twitter to Help Track Blasphemers,’ *Deutsche Welle*, Accessed December 22, 2019, <https://www.dw.com/en/pakistan-asks-facebook-twitter-to-help-track-blasphemers/a-37987689>.

99 Akhlaq Ullah Tarar, ‘Forced Conversions,’ *dawn.com*, March 31, 2019, <https://www.dawn.com/news/1472977>

100 Human Rights Commission of Pakistan, *Forced Conversions in Ghotki?*

case of kidnapping of a 14-year-old Hindu girl in Karachi. These cases remain unresolved despite pleas for justice.¹⁰¹ Six months after the approval of legislation against forced conversions, by both houses of the legislature, the parliamentary committee tasked to work on it was finally notified. The committee still remains bogged down by administrative delays and by lack of a Chairperson to head it.¹⁰²

Minorities still await final verdict against Khadim Rizvi, a hard-line cleric and proponent of the blasphemy law, who was indicted for sedition and terrorism after inciting nationwide protests.¹⁰³ On the other hand, Junaid Hafeez, a young academic who had been wrongfully accused of making blasphemous statements while giving a lecture in 2013, locked in solitary confinement without proper trial, and having had his lawyer gunned down in 2014, was sentenced to death in December 2019.¹⁰⁴

Prime Minister Imran Khan recently attended the Global Refugee Forum and highlighted the role Pakistan had played, stating that Islamabad hosted 1.4 million Afghan refugees for 40 years. He also pointing to the role Pakistan was playing in the Afghan peace process so that refugees could return to their country with dignity.¹⁰⁵ He also warned the world of an impending refugee crisis in South Asia referring to recent developments in India, referring to the controversial amendment to the citizenship law. The consequent critique by India of mistreatment of Pakistan's religious minorities whose share of population has decreased to 3.7

Field Investigation Report, 2019.

101 'Forced Conversion': Mother of 14-Year-Old Waits for Justice,' *Daily Times*, November 30, 2019, <https://dailymtimes.com.pk/510645/forced-conversion-mother-of-14-year-old-waits-for-justice/>

102 Kalbe Ali, 'Parliamentary Panel against Forced Conversion Notified,' *dawn.com*, November 24, 2019, <https://www.dawn.com/news/1518513/parliamentary-panel-against-forced-conversion-notified>

103 'Minorities in Pakistan Wait as Hard-Line Islamic Cleric Indicted,' *Voice of America*, <https://www.voanews.com/extremism-watch/minorities-pakistan-wait-hard-line-islamic-cleric-indicted>

104 'Junaid Hafeez: Academic Sentenced to Death for Blasphemy in Pakistan,' *BBC News*, December 21, 2019, <https://www.bbc.com/news/world-asia-50878432>

105 Sanaullah Khan, 'PM Imran Warns Global Community of Impending Refugee Crisis in South Asia,' *DAWN.COM*, December 17, 2019, <https://www.dawn.com/news/1522772>

per cent from 23 per cent in 1947 was discounted by the Foreign Office.¹⁰⁶ Pakistan also rejected its listing by the United States in December 2019 as one of the Countries of Particular Concern as a violator of religious freedoms.¹⁰⁷

A video surfaced on social media where the Assistant Commissioner of Attock in Punjab Province was harassed and forced to apologise by a horde of students for her calling for equal rights and harmony with the Ahmadiya community, exemplifying the underlying hatred and intolerance, repressing free speech and equality.¹⁰⁸

The discrimination comes, as shown above, from both citizen vigilantism as well as the government (in)actions. The country's poor resolve to address minority concerns does not hold a promising future.

Sri Lanka

Several factors impacting minority communities in Sri Lanka in the year 2019 can be linked to two key events; first, the terrorist bombings that took place on Easter Sunday in April, and second, the election of Gotabaya Rajapaksa as president in November.

Many of the political, policy, and legal developments as well as hate speech, incidents of violence and incarceration that took place can be drawn from these two events. However, it is important to note that attacks on minorities existed before and outside of these events as well.

106 'Foreign Office Denies India Allegations on Pakistan Minorities,' *Newsweek Pakistan*, December 20, 2019, <https://www.newsweekpakistan.com/foreign-office-denies-india-allegations-on-pakistan-minorities/>

107 Asad Hashim, "Arbitrary": Pakistan rejects US religious freedom designation,' *Aljazeera.com*, December 25, 2019, <https://www.aljazeera.com/news/2019/12/pakistan-rejects-religious-freedom-designation-191225072023139.html>.

108 'Attock AC Lands in Trouble for Calling for Equal Rights for Minorities,' *Pakistan Today*, December 12, 2019, <https://www.pakistantoday.com.pk/2019/12/12/attock-ac-lands-in-trouble-for-calling-for-equal-rights-for-minorities/>.

Attack on Methodist Prayer Centre in Anuradhapura

On Palm Sunday (14 April), mobs hurled stones and firecrackers at the Methodist prayer centre in Kundichchaankulam. The local police took time to respond to Bishop Asiri Perera's urgent call, therefore the mob locked the worshippers within the premises.

Bishop Perera had to meet with then-Prime Minister Ranil Wickremesinghe and then-IGP Pujith Jayasundera to secure police protection for the church, because of the police's reluctance to act against the perpetrators.

The Easter Sunday (21 April 2019) Terrorist Attack

Islamist terrorists were identified as the perpetrators behind the six bombings that took place on Easter Sunday. The then-President Maithripala Sirisena declared a state of emergency in the country in order to bring the situation under control. There was increased scrutiny of Muslims by security and law enforcement personnel. A disproportionate number of Muslims were arrested for the possession of the Quran and Islamic writings in their homes, or for the contents of their social media accounts.

Among the emergency regulations that were put in place, one was a ban on wearing the burqa or niqab. Due to a lack of knowledge on the part of citizens and law enforcement and other officials, Muslim women who were wearing the hijab were also subject to discrimination or denied entry into private and public institutions.

Under the state of emergency, there was an increase in military presence and checkpoints, with a particular increase in the Northern Province. These are regions where Tamil citizens have lived with constant military presence since the end of the war; and after the bombings in April, the scrutiny increased once again.

In the immediate aftermath, a rise in hate speech and false news towards and about Muslims was observed, originating from civilians as well as from political leaders. These were recorded on mainstream as well as social media. Buddhist monks were also recorded expressing violent speech towards the Muslim community. There were calls orchestrated by the media to boycott Muslim businesses resulting in hardship.

In the month of May, there was a series of attacks against

Muslim-owned businesses and mosques in the North-Western Province, across areas such as Kurunegala and Minuwangoda. Mobs damaged the windows of mosques with stones and set fire to some shops and a large factory. One Muslim man was killed during these attacks.

Arrest of Dr Mohamed Shafi Shihabdeen

Based on allegations printed in the Divaina newspaper that he was forcefully sterilising patients, police placed Dr Shafi Shihabdeen in remand custody. There was a public outcry—from civilians and Buddhist monks—regarding the allegations that Dr Shafi, who is Muslim, was trying to sterilise Sinhala mothers.

In the months that followed, investigations proved that such allegations were false, with the Director of the Kurunegala Hospital, where Dr Shafi worked, having fabricated these claims against the doctor. He has since been released on bail. However, in the last week of December, a directive was made that a new group of CID officials would re-open the investigation against him.

Lack of Progress on MMDA

In the aftermath of the attacks, several politicians and Buddhist religious leaders questioned the need for Muslims to have ‘different laws’ in Sri Lanka, in reference to the Muslim Marriage and Divorce Act (MMDA). The amendment of this law has been the goal of several Muslim women’s rights groups for the last few decades, but calls to reform it at this stage were accompanied by a prejudicial attitude towards the community.

The cabinet hastily passed a draft bill and its contents were not made public until much later. Activists noted that it was inadequate in protecting Muslim women in marriage and also it did not make allowances for women to serve as judges in the quasi-courts that administered this law.

Gotabaya Rajapaksa’s Victory in the Presidential Election, 16 November 2019

Minorities expressed concerns when Rajapaksa announced his candidacy in the aftermath of the Easter attacks. For Tamils, there were concerns about the lack of accountability for violence of the

final stages of the war, which he presided in his capacity of Defence Secretary. One key campaign promise was the release of all forces personnel in remand, continuing the impunity afforded to those who perpetrated violence against Tamils citizens. For Muslims, Rajapaksa's continued patronage of the Bodu Bala Sena (BBS), an extremist group that has spread violent speech and coordinated violence against their community was a cause for concern.

Stoking fears against the Muslim community constituted a large part of the Rajapaksa campaign, either through social media posts or politicians and MPs who supported him. There was an emphasis on the status of Buddhism in Sri Lanka, and several monks also spoke on behalf of Rajapaksa.

On Election Day, observers recorded two key violent incidents against minorities, both perpetrated by supporters of the Sri Lanka Podujana Peramuna (SLPP), Rajapaksa's party. A bus of Muslim voters was attacked and shot at as they travelled to their polling stations. Rajapaksa supporters attacked a Tamil man and claimed they were attacking him because he didn't vote for Rajapaksa.

When the results were announced, electoral maps indicated that support for Rajapaksa was lowest in the Northern and Eastern provinces, where Sajith Premadasa, Rajapaksa's main opponent—, won overwhelmingly. Sinhala citizens and commentators on social media used this voting pattern and map to claim that Tamil and Muslim people in these areas still wished for 'Eelam'. This was part of a large volume of hate speech against Tamil and Muslims on social media that consisted of threats of violence and targeted violent speech. The posts and articles claimed that Sinhala people should now go and settle in the North and East to reclaim these areas from minority communities. They also compared Premadasa to Velupillai Prabhakaran, the leader of the erstwhile Liberation Tigers of Tamil Eelam (LTTE), for his perceived popularity among the Tamil community.

The assertion that Rajapaksa won 'without the support of the minorities' has been used to reinforce the status of Sinhala-Buddhists in Sri Lanka. Monks agitated that those who insult Buddhism and the Sangha should not be included in the political space.

Status of Gender and Sexual Minorities

For the first time in Sri Lankan history, a presidential candidate spoke on behalf of the LGBTIQ+ community and promised them equal rights before the law. Anura Kumara Dissanayake, candidate for the National People's Power Movement (NPP), stated that the sections of law that discriminate against the community would be repealed, and discrimination faced by them would be addressed.

There has been no progress in improving the status of gender and sexual minorities in Sri Lanka, even under the previous government of President Sirisena and Prime Minister Ranil Wickremesinghe. Dissanayake's defeat, and that the silence of Rajapaksa and the SLPP on this community's needs, indicates it is unlikely there will be an improvement in their status over the next five years.

Implications for Pluralism and Religious Freedom

While his inauguration ceremony was loaded with Sinhala-Buddhist symbolisms, in his inauguration speech, Rajapaksa invited Tamil and Muslim communities to 'join him' in the country's journey forward. Whether this will transform into genuine engagement remains to be seen, but many ground-level activists from these communities are already concerned for their safety due to the surveillance they faced during the previous Rajapaksa regime.

Continued impunity for violence against minority communities—be in the context of the conflict or violent riots—does little to promote pluralism or indicate equality among the different communities in Sri Lanka.