

*The South Asia Collective (SAC) is pleased to respond to the UN Special Rapporteur for Freedom of Religion or Belief's open [call for inputs](#) to her report to the UN General Assembly on "the promotion of the right to freedom of thought, conscience, religion or belief at the national and local level". The submissions concerns countries in the region of South Asia, covered by the SAC, viz. **Afghanistan, Bangladesh, Bhutan, Nepal, Maldives, Pakistan, and Sri Lanka.***

**Afghanistan:** After the Taliban takeover, Afghanistan's previous Constitution and democratic laws have been abolished. De facto authorities have reportedly segregated women from society. Protesting women have faced [brutal crackdowns](#). While information is scarce, NGOs allege that the Taliban conduct [door-to-door](#) searches on the look out for non-Muslims, leading the country's Ahmadiyyas, Christians, Hindus and Sikhs to either leave the country or hide their faith. Fleeing Sikhs and Hindus were reportedly [prevented](#) from carrying their holy scriptures. While the Taliban claim there are no Christians in the country, several NGOs [alleged](#) that some Christians have been killed by authorities. In addition to facing threats and violence on a regular basis, Shia Muslims – including ethnic Hazaras – are also [prevented](#) from observing their religious festivals. The Sufis were [attacked in their prayer ceremony](#) and based on reports 70 people were killed in one attack.

**Bangladesh:** The Constitution declares Islam as the state religion of Muslim-majority Bangladesh, while also declaring secularism as a basic principle and guaranteeing equal status and equal rights for all religions. In state-accredited schools, religious instruction is imparted to all students in their own religious beliefs. Although there is no blasphemy law, Internet laws are [abused](#) by authorities to criminalize and arbitrarily detain minorities accused of blasphemy. Religious minorities, especially Hindus, but also Buddhists and Christians, regularly face [physical attacks and targeting](#) of their religious institutions from violent non-state extremists. There has been a recent case of [looting and arson](#) at a yearly Ahmadiyya festival. Attacks are particularly common during major minority religious festivals. Atheists too are targeted. Anti-Hindu mob violence precipitated by blasphemy accusations that spread on [social media](#) has also been reported on multiple occasions.

**Bhutan:** The Constitution, which recognises Buddhism as the "spiritual heritage" of the state, guarantees freedom of religion and bans religious discrimination. The King, who must mandatorily be Buddhist, is required to protect all religions. Coerced or induced conversions are prohibited by the Constitution, and is now a jailable criminal offence. While Hinduism too is [known](#) to enjoy some official support, state practice has privileged Buddhism. Christian groups, whose requests to register as officially recognised religious organisations are not entertained, [report](#) difficulty in organising publicly, owning property, raising funds, conducting outreach, importing faith literature, and acquiring burial plots. Christian converts are [known](#) to face persistent societal harassment.

**India:** The *Constitution* declares India to be a secular state, and guarantees the freedom to practice and propagate religion as a fundamental right, albeit subject to 'public order, morality, and health'. It also prohibits religious instruction by the state in wholly state-funded educational institutions. Yet judicial interpretations and legislative changes are

weakening these guarantees for minorities - Buddhists, Christians, Muslims, Jains, Parsis (Zoroastrians) and Sikhs – in favour of majority Hindus. The constitution also desists from offering any promotional avenues for the socio-economic advancement of religious minorities, unlike the progressive ones for what are called ‘backward classes’ - Scheduled Caste, Scheduled Tribe and Other Backward Classes’.

*State practice*, particularly since the Hindu nationalist Bharatiya Janata Party (BJP) assumed power at the national level in 2014, has discriminated particularly against Muslims and Christians, considered ‘foreign’ and ‘internal enemies’ by the Hindu majoritarian ideology. The government has rolled out [a series of discriminatory laws and policies](#), including those directly impacting FoRB, along with other internationally guaranteed human rights. *Anti-conversion laws*, ostensibly aimed at the regulation of forced and induced conversions but in fact used to criminalise conversions out of Hinduism, are now in place in [13 \(of 28\) provinces](#), enabled by a Supreme Court interpretation that constitutional right to propagate religion excludes the right to convert. Typically, these statutes, which reverse the burden of proof and make illegal conversions a jailable offence, are invoked by state police in BJP provinces like Uttar Pradesh and Madhya Pradesh to target particularly Christian faith leaders. A statute introduced in Uttar Pradesh in 2020 and has effectively criminalised inter-faith relationships and enabled the harassment of Muslim men by state police and extremist non-state Hindu actors [jointly](#).

Other, recent state-led and state-backed actions that have directly impacted FoRB include: a ban imposed by the BJP government in [Karnataka](#) province on the wearing of religious attire at state-funded educational institutions, causing thousands of *hijab*-wearing Muslim girls to drop out; the routine imposition of blanket restrictions on assembly in [Kashmir](#) ahead of major Muslim festivals, in addition to regular restrictions on Friday prayers at major mosques; demolitions of mosques – including [several](#) century-old heritage buildings in [Uttar Pradesh](#) – by authorities in several [provinces](#); ongoing crackdowns on Christian and Muslim religious teaching and missionary activity by provincial-level authorities, particularly in BJP-governed states like [Assam and Uttar Pradesh](#), in some cases invoking [anti-terror laws](#); and ongoing ‘[temple reclamation](#)’ efforts by Hindu nationalists at the sites of several historical mosques, including in Varanasi and Mathura, spurred by the Supreme Court’s 2019 verdict handing over to Hindu claimants the disputed site of a historical mosque in Ayodhya that had been illegally razed by Hindu extremists in 1992. Concurrently, BJP-led governments have introduced elements of Hindu faith as a mandatory part of the [official school curriculum](#) in 3 states.

Since the BJP’s re-election in 2019, religious minorities – particularly Muslims – have also been facing increasing *physical attacks by state actors*, with instances of killings, illegal detentions and custodial torture, among other grave abuses, now [reported](#) with alarming frequency. Muslims and Christians have also faced violent attacks from extremist *Hindu non-state actors* for manifesting their religion. Widespread targeting of mosques by Hindu extremists was reported during targeted violence in national capital [Delhi](#) in February 2020

and in [Tripura](#) in October 2021. Similar targeting of churches was reported during communal violence in [Manipur](#) in May 2023. Smaller-scale attacks on Christian prayer services, both by police and by non-state actors, are [routine](#), particularly in BJP-governed provinces. Hindu nationalists have also [disrupted](#) prayers by Muslims in multiple provinces – in [Uttar Pradesh](#) in August 2022, dozens of Muslims were arrested for praying within private premises. Hindu nationalists have also continued to organize [mass “purification” ceremonies](#) to “reconvert” Muslims and Christians to Hinduism. Numerous instances of violence, coercion, and other forms of inducements being offered to enable these conversions have been [reported](#), but there are no known instances of anti-conversion laws being invoked in such cases.

Fuelling these developments has been rampant anti-minority hate, hostility and, often, *direct incitement*, that have often come to dominate the national airwaves and the political discourse in general. Muslims are particularly targeted, with powerful Hindu religious figures [openly calling](#) for the mass killing of Muslims, the mass rape of Muslim women, and the destruction of the Islamic faith in general. India’s media houses, now almost entirely dominated by pro-BJP actors, regularly propagate content targeting minorities, including their religious practices and traditions. Muslims and Christians are [routinely](#) portrayed as, *inter alia*, forceful converters and demographic expansionists. As a result, [studies](#) now confirm an alarming incidence of anti-minority – and particularly anti-Muslim – sentiment and religious intolerance among the general Hindu public.

*Justice Institutions*, such as the National Human Rights Commission and National Commission of Minorities, and similar bodies at state level, have remained unresponsive to the discriminations and abuses. The Supreme Court of India as well as High Court at state level, have largely failed to protect minorities, whilst they continue to [validate](#) the ruling BJP’s [majoritarian agenda](#). Local CSOs seeking to document and seek accountability for FoRB violations – and the rights of minorities in general – face increasing [restrictions](#). Yet the bulk of the push back against the violations comes from progressive CSOs, HRDs and journalists

**Maldives:** Islam is constitutionally designated as the state religion, and citizenship is restricted exclusively to Muslims. Foreigners too are banned from publicly practicing non-Islamic faiths. Criticism of Islam and the propagation of non-Islamic faiths are both jailable criminal offences. Violent *sharia* punishments are permitted by the penal code. Perceived secularists regularly [report](#) facing death threats and cyber-bullying, and allege that police inaction is the norm in such cases. A major CSO that documented Islamic radicalisation in the country was [deregistered](#) in 2019, resulting in a chilling effect on other media and civil society efforts. Islamic civil society groups recently opposed and eventually [attacked](#) a yoga programme organised jointly by the Maldivian and Indian governments, claiming it promoted Hindu practices.

**Nepal:** The Constitution declares Hindu-majority Nepal to be a secular state, but also calls for the “protection of religion and culture handed down from the time immemorial”, interpreted by legal experts to mean the mandatory protection of Hinduism. The freedom to

profess and practice religion is guaranteed, but there are also constitutional prohibitions on religious behaviour contrary to public health, decency and morality. Proselytisation and cattle slaughter are banned, and these laws are often invoked to arrest [Christians](#) and [Muslims](#). Christian NGOs face increasing restrictions. Christians also [reportedly](#) face trouble finding land for burial. Religion is largely absent in political campaigns, but one of the seven national parties – the Rastriya Prajatantra Party – openly uses anti-Christian sentiment and calls for the reinstatement of Hinduism as the state religion, [allegedly](#) under the influence of India’s ruling Bharatiya Janata Party. Majoritarian Hindu nationalist civil society groups with links to India are reportedly increasing their activities in Nepal as well.

**Pakistan:** The *Constitution* recognises Islam as the state religion and requires all laws to concur with Islamic injunctions – although it recognises the freedom to profess and propagate religion as a fundamental right.<sup>1</sup> There are also some safeguards regarding the establishment/maintenance/management of religious institutions, and religious education. While several self-identifying minority faith groups – such as Christians, Hindus, Sikhs, among others – are officially recognised as minorities, Buddhists are not. *Ahmadiyyas*, who self-identify as Muslims, are specifically declared by a 1974 constitutional amendment as being a non-Muslim minority group, and continue to be singled out for state-led discrimination. In 2020, Ahmadiyyas were [excluded](#) from the National Commission of Minorities. Weak constitutional protection creates the ground for hardened discrimination and targeting of minorities in practice.

Pakistan’s *blasphemy laws*, codified in several provisions of the Pakistan Penal Code, permit Muslims to accuse any person of insulting Islam without producing evidence, and have been a long-standing source of persecution and oppression. At least 585 persons were [booked](#) in 2021, including over 100 Ahmadiyyas. While no executions – the punishment for a blasphemy charge – have not been carried out since 2021, [death sentences](#) continue to be handed out by courts. Blasphemy accusations/charges also frequently result in mob violence including deaths. *Forced conversions* (including of abducted minor girls) of minorities remain another long-standing problem, with dozens of cases [reported](#) every year. Attempts to implement and reform legislation aimed at curtailing the phenomenon have failed – a recent Bill was [rejected](#) by a parliamentary committee. Inconsistencies between provincial and federal laws regulating child marriages are used by perpetrators to evade punishment. Police are often [alleged](#) to be unwilling to register cases of forced conversions – even when they do, relevant laws are often not invoked, and allegations are often not investigated at all.

Religious minorities, particularly Ahmadiyyas, are often *targeted by state actors* for expressions of faith. In July 2022, several Ahmadiyyas were [arrested](#) for performing Islamic rituals in their homes. Ahmadiyya places of worship too have faced violent attacks from [non-state](#) and [state](#) actors. Hindu temples have also faced violent targeting from mobs, but local

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<sup>1</sup> The Pakistani Supreme Court has held that this does not extend to coerced or induced conversions.

law enforcement and courts have been relatively more [proactive](#) in delivering recourse there.

State bodies practice direct *discrimination* in recruitment of [Sanitation Workers](#) with adverts appearing stating “only non-Muslims need apply” or similar sentiments. This has been brought to the attention of the authorities - and a case is pending in the Supreme Court, but despite action being taken by the National Human Rights Commission, the practice still continues. Sanitation workers who are primarily Hindu and Christian work in extremely unsafe and insecure conditions for either state bodies or private companies contracted by provincial or federal level authorities to deliver services with many being daily wagers for years and numerous deaths reported annually. Hate speech is rife in Pakistan with politicians making reference to faith [regularly](#) in a bid to discredit opponents.

Religious minorities also face discrimination in education. The teaching of the Quran in schools is mandatory, and some school textbooks produced under the new Single National Curriculum (SNC), which [privileges](#) Islam, were found to have references to non-Muslims as ‘infidels’. In 2022, Punjab province mandated declaration of faith as a [requirement](#) to appear for matriculation exams, particularly impacting Ahmadiyyas. Recognised minorities are entitled to quotas in education and in government jobs, but almost half the reserved positions in public employment reportedly remain [unfilled](#), with most minorities engaged in the lowest-paid ranks. Elsewhere, Ahmadiyyas have also [complained](#) of their social welfare programmes being shut down. Despite severely restricted civic space, local CSOs like the Human Rights Commission of Pakistan ([HRC](#)) continue to extensively document the FoRB situation in the country.

**Sri Lanka:** While not the official state religion, Buddhism is accorded primacy among all faiths by the Constitution, and exclusively entitled to state protection. Freedom of thought, conscience, and religion is guaranteed but a 2017 Supreme Court ruling declared that the right to propagate one’s religion is not constitutionally protected. A task force set in place by the previous President for heritage management has [enabled](#) the construction of Buddhist structures in heritage Muslim and Hindu sites. Regulations requiring prior approval for the construction of places of worship are reportedly used by state authorities to disproportionately [target](#) churches and mosques. Buddhist extremists along with police and other state officials are routinely accused of [threatening and attacking](#) Christians, including pastors. Muslims have faced increased intimidation and surveillance since the 2019 Easter Sunday bombings.

In addition to the above, the constriction of religious freedom in Sri Lanka has had serious knock-on effects for life inside the island state. First, constrictions in religious freedoms have created economic ripple effects and have led to issues of unemployment, income inequality and wealth inequality. This has contributed to an overall deterioration of the Sri Lankan economy which must be viewed in the context of the unprecedented and serious economic crisis Sri Lanka is currently facing. Second, constrictions in religious freedoms as manifested

above have triggered serious concerns from members of the international community and Sri Lanka's international partner countries with the island state and its government facing criticism for violating international law and international instruments pertaining to freedom of religion which have been ratified by the Sri Lankan state. In particular Sri Lanka's powerful neighbour India has expressed their concerns over religious freedom which is directly connected to the protection of minority rights especially in the context of the Sri Lankan Tamil community. Third, the constriction in religious freedoms have fuelled ethno/religious tensions and have polarized the nation on ethnic and religious lines, contributed to overt and tacit racism, majoritarianism and a movement away from a model of state which favours secularism and pluralism to one which is based on majority rule and right-wing religious fundamentalism and nationalism.