

Baseline Impact Assessment of FORB situation in South Asia

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'Empowering Agents of Change for Freedom of Religion or Belief 2021-2014',
funded by Norwegian Ministry of Foreign Affairs

Introduction

This impact assessment looks at the South Asia region, defined here as covering the following countries: Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. As of 2019, all countries scored either 'high' or 'very high' (Maldives) on Pew Research Center's Government Restrictions Index, which measures government laws, policies and actions that restrict religious beliefs and practices¹. Over the past few years, this trend has worsened in the region, as depicted by Freedom House in their annual report on global freedom: By the end of 2021, Afghanistan was defined 'not free' and the remaining countries 'partly free', with an average of 1,7 (4 being the best) in terms of freedom to practice and express religious faiths or nonbelief in public and private². In terms of social hostilities in the region, 5 countries scored either 'very high' (India, Pakistan, Sri Lanka) or 'high' (Bangladesh, Maldives), with only Bhutan being defined as 'low' in Pew's 2019-report.

Demographically speaking, South Asia is divided between countries where the majority is Muslim (Afghanistan, Bangladesh, Maldives, Pakistan), Hindu (India, Nepal) and Buddhist (Bhutan, Sri Lanka). This assessment will mainly examine the countries where Muslims and Hindus make up the majority, as the populations in these countries by far exceed Bhutan and Sri Lanka's populations. Religious minority groups in the Muslim-dominated countries include Christians, Hindus, Hazaras and members of the Ahmadiyya's, whereas Muslims, Sikhs, Christians, Parsis, Jains and Buddhists are considered minorities in India.

A general trend in the region is that religion is intertwined with class, caste, and ethnicity. Religious nationalism is on the rise in most countries, with religion frequently being misused to stay in or gain political power. Across the region, the state is often the primary force behind hatred against religious minorities, but harassment, hate speech, discrimination, and mob- and sectarian violence is repeatedly being performed by the society at large – often with impunity. In all countries assessed, women are considered particularly vulnerable to sexual violence.

Given the above, FORB restrictions in the region are considered high.

¹ Pew Research Center, 28.02.22: [PF_09.30.21_religious.restrictions_AppendixA.pdf \(pewforum.org\)](#)

² Freedom House, 08.03.2022: [Countries and Territories | Freedom House](#)

Legal restrictions on FORB

The right to have a religion.

In the region, 6 out of 8 countries constitutionally acknowledge the right to freely choose and practice the religion of one's choice. However, in all countries assessed, belonging to a religion or belief (or none) other than that of the majority is socially unacceptable and often associated with persecution and reconversion back to the majority religion.

In the Maldives, citizens are constitutionally required to be Muslim, and the government even pride themselves on the country being 100% Muslim³. Conversion to other religions is often reported to Muslim leaders or to the authorities, Imams must use government-approved sermons, and non-Muslims can only observe their religions in private. In Afghanistan, the situation has deteriorated significantly since the Taliban claimed power in August 2021 and it is now impossible to openly confess to other faiths or religions than Sunni Islam without grave persecution. USCIRF reports that Afghans now face harassment, detention and even death due to their faith or beliefs, with religious communities such as the Hazaras (who mostly practice Shia Islam) being at particularly grave risk⁴.

In the remaining countries in the region – Bhutan, Bangladesh, India, Nepal, Sri Lanka, and Pakistan – freedom of religion or belief is constitutionally protected, although this is rarely the case in practice. Pakistan stands out as one of the countries with extreme levels of persecution against religious minorities, particularly against Christians, Hindus, and Ahmadis – the latter whom to date are prohibited from calling themselves Muslims⁵.

The right to change one's religion.

In the region, 6 countries have civil and/or religious laws against apostasy, with Bhutan and Bangladesh being the only ones that does not legally criminalize conversion. However, in these countries too, conversion away from the majority religion is often associated with discrimination and restrictions.

According to Open Doors 2022-World Watch listing, Afghanistan is ranked #1 – now being the most dangerous and deadly country in the world to be a Christian⁶. Conversion is strictly forbidden, and people that convert are forced to flee the country or they will be killed. Converts who remain in the country must hide their faith and maintain public appearance as Muslims. If conversion from one faith to another is discovered by the family, clan, or tribe, 'honor killing' is widely perceived as a just action by the regime. Women and girls are particularly vulnerable to house arrests, sexual abuse, rape, violence and forced marriage to a Muslim if she converts, with few chances of legal justice⁷.

In India, which in 2020 got added to the list of countries of 'particular concern' by USCIRF, 10 of 28 states have enacted laws restricting religious conversion. These laws are heavily being misused to punish and falsely accusing religious minority groups. Fines and imprisonment are the penalties mostly enforced, with sentences ranging from 2-4 years depending upon state⁸. Ironically though, over the last decade, campaigns by Hindu-nationalist groups to alienate non-Hindus or lower-caste Hindus *back to* Hinduism have gained ground. The victims of these campaigns include Muslims,

³ Open Doors UK & Ireland, 09.03.2022: [Serving Persecuted Christians Worldwide - Maldives - Open Doors UK & Ireland](#)

⁴ USCIRF, 08.03.2022: [The Hill: Biden Must Prioritize the Resettlement of Afghanistan's Religious Minorities | USCIRF](#)

⁵ Freedom House, 08.03.2022: [Pakistan: Freedom in the World 2021 Country Report | Freedom House](#)

⁶ Open Doors UK & Ireland, 10.03.2022: [Serving Persecuted Christians Worldwide - Afghanistan - Open Doors UK & Ireland](#)

⁷ Open Doors UK & Ireland, 09.03.2022: [Serving Persecuted Christians Worldwide - Afghanistan - Open Doors UK & Ireland](#)

⁸ US State Department, 10.03.2022: [India - United States Department of State](#)

Christians, Sikhs, Buddhists, and Dalit Hindus – all facing acts of violence or intimidation, loss of political power and increasing feelings of ‘otherness’.

According to Freedom House, in Nepal, religious tolerance has been practiced to a greater extent since the end of the civil war in 2006 onwards⁹. However, FORB conditions trend negatively also here: effective as of August 2018, Nepal now has a law that criminalizes proselytization, with those convicted under the law facing up to five years in prison and fines of 50,000 rupees¹⁰.

The right to manifest religion.

As of 2019, all countries but Nepal and Bhutan had blasphemy laws¹¹, which effectively hampers individual’s free expression of one’s religious beliefs.

In Pakistan, blasphemy laws continue to be leveraged to accuse non-Muslims – considered second-class citizens – of insulting the Prophet Mohammed or the Quran, often by false accusations leading to mob violence and increased intolerance of religious minorities. According to Open Doors US, in 2021 alone, Christians were victims of approximately a quarter of all blasphemy accusations although they make up less than 2% of the population. Abuses by nonstate actors has also seen a rise since 2020 onwards, but despite this trend, the government systematically fails to protect religious minority groups against grave persecution.

Aside from blasphemy laws, religious communities encounter several types of restrictions on the manifestation of religion, depending on country in question and religious affiliation. In Bhutan, Christians lack formal status and recognition; are being arrested for distributing religious literature and for inviting people to church. Christians also struggle to obtain registration from the government, which is needed to raise funds and buy property. Moreover, people sometimes feel pressured into participating in Buddhist ceremonies and practices. In Afghanistan, no churches, temples, or holy places are visible, and religious literature except for the Quran is forbidden and must be hidden from spies. If discovered by the Taliban regime, the owners of such materials face violence and serious consequences by the local *jirga* courts¹². In the Maldives, NGOs reports a continued community pressure on women to wear hijabs and harassment of those who choose not to do so.

Harassment and violence against religious minorities

Across the region, harassment and violence from both state and society based on religious identity is common and often occur with impunity. In all countries assessed, social media plays a significant role in the spreading of stereotypes and misconceptions of religious minorities, often leading to increased intolerance and mob violence.

Harassment

In Bangladesh, religious minorities include Hindus, Christians, Buddhists, Shiite and Ahmadiyya Muslims. Overall, these groups continue to face harassment and violence, including mob violence against their houses of worship. Partly due to the passing of the 2018 Digital Act, violence against religious minorities appears to be deliberately provoked by social media. Under this Act, the government is allowed to conduct searches or arrest individuals without a warrant and criminalizes

⁹ Freedom House, 08.03.2022: [Nepal: Freedom in the World 2021 Country Report | Freedom House](#)

¹⁰ USCIRF 21.03.2022: [Limitations on Minorities Religious Freedom in South Asia.pdf \(uscirf.gov\)](#)

¹¹ Pew Research Center: https://www.pewresearch.org/fact-tank/2022/01/25/four-in-ten-countries-and-territories-worldwide-had-blasphemy-laws-in-2019-2/ft_22-01-25_blasphemylaws_03/

¹² Open Doors UK & Ireland, 10.03.2022: [Advocacy Report-digital-wwl-2022.pdf \(opendoorsuk.org\)](#)

various forms of speech¹³. It is for instance a criminal offence to publish or broadcast ‘information that hurts religious values or sentiments’, with penalties of up to 10 years in prison¹⁴. An example of this occurred in October 2021, in which Muslims in at least 12 districts across the country attacked Hindu homes and temples, killing at least two Hindus, during the Hindu festival Durga Puja. According to reports, the violence was primarily provoked by a Facebook post that depicted a Quran placed on a Hindu deity. The post was later proven to be falsified¹⁵.

Discrimination and mob violence

Across the region, religious minorities are discriminated against in several ways, and mob -and sectarian violence is both commonplace and widespread.

In Pakistan, Ahmadiyya’s, who self-identifies as Muslims, are forced to sign a declaration swearing they are non-Muslims to obtain basic civil rights, such as the right to vote and to obtain a passport. Professing their faith is a crime punishable by fine, imprisonment or death and they are prohibited from calling their places of worship ‘mosques’¹⁶. More recently, anti-Ahmadiyya laws are being effectively used in combination with new media rules, which further increases intolerance against religious minorities and spur discrimination. In 2020, four Ahmadiyya ‘s was killed in suspected hate crimes. Apart from the Ahmadiyya’s, Christians continue to face everyday discrimination in areas such as employment, where they are typically relegated to the most menial tasks, such as cleaning, garbage collection and street-sweepers. At the institutional level, job quotas for religious minorities in the public sector remain largely unfilled, despite a five per cent minority quota in government jobs¹⁷. Thus, Christians remain the poorest in the country, with few economic opportunities due to their beliefs.

In India, Hindu nationalism and the promotion of anti-Muslim views is on the rise, exemplified by the Citizen Amendment Act (ACC). Enacted in December 2019, the ACC provides a fast track to Indian citizenship only for non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan. Large-scale protests broke out across the country the minute the law passed, with the government instituting a violent and deadly crackdown against the protesters. Combined with the proposed nation-wide National Register of Citizens, the ACC poses a significant threat to FORB¹⁸ and is being widely criticized by human rights defenders, activists, and the international community alike.

Another example from India includes cow slaughter laws and the dreadful consequences of these: as of 2021, 24 out of 28 states apply partial to full restrictions on bovine slaughter, with prison sentences ranging from six months to 14 years. While prohibitions on cow slaughter have a long history in the country, ‘cow protection’ lynch mobs are a new phenomenon, in which vigilant groups take the law into their own hands by publicly beating or murdering individuals suspected of cow slaughter, usually with impunity. Since Modi came to power, more than 120 cases of cow-related violence, including lynching, have been reported¹⁹.

In Sri Lanka too, Christians and Muslims are greatly discriminated against by the majority Sinhalese-Buddhist population. Over the past few years, Christians have faced small-scale mob violence targeting churches and religious services, and repeated attempts by state actors to shut down their places of worship. Also, state surveillance in churches and sermons under the guise of ‘national

¹³ Freedom House, 08.03.2022: [Bangladesh: Freedom in the World 2022 Country Report | Freedom House](#)

¹⁴ US Dep. of State report 2020: [Bangladesh - United States Department of State](#)

¹⁵ Freedom House, 10.03.2022: [Bangladesh: Freedom in the World 2022 Country Report | Freedom House](#)

¹⁶ USCIRF, 10.03.2022: [Pakistan Chapter AR2021.pdf \(uscirf.gov\)](#)

¹⁷ UNHCR, 10.03.2022: [Refworld | World Directory of Minorities and Indigenous Peoples - Pakistan: Christians](#)

¹⁸ USCIRF, 09.03.2022: [Factsheet on The Citizenship \(Amendment\) Act in India | USCIRF](#)

¹⁹ Freedom House, 10.03.2022: [India: Freedom in the World 2021 Country Report | Freedom House](#)

security and health' is a more recent trend. Similarly, Muslim businesses continue to be attacked by Sinhalese-Buddhists who feel both economically and numerically threatened by Muslims. As both Muslims and Christians proselytize, they are seen as a great threat to the majority-population, namely the Sinhalese-Buddhists²⁰.

Harassment and violence against women

Throughout the region, women and girls are vulnerable to several iniquities, most of which are embedded within or even facilitated by the legal system. The most common types of harassment or violence against women are sexually motivated, such as physical abuse and rape; forced marriage; and forced conversion – violence that do not only destroy the body and life of the assaulted girls but seek to shame and destroy entire families and communities more broadly.

In Pakistan, women and girls are considered particularly vulnerable to what has become known as 'the silent epidemic' of kidnappings, forced marriages, and forced conversion of non-Muslims, targeting mostly Hindus and Christians. In its 2019 report, USCIRF estimated that approximately 1000 young girls are forcibly converted to Islam each year – many of these also kidnapped, forcibly married and raped²¹.

In western Nepal, women and girls are banished to small huts in the mountains during their menstruation, based on a Hindi view in which menstruating women are seen as impure. Although criminalized as a practice in late 2018, the ancient tradition 'chhaupadi' continues to be used in rural parts of Nepal, with deadly consequences: each year, several women and girls are killed from snake bites, physical assaults, freezing temperatures and suffocation due to lack of ventilation²². This serves as a dreadful example of how FORB violations and extreme social control affects women differently than men.

Conclusion

The general trend in the region is that FORB continues to be under pressure. Religious minorities are disproportionately affected, and they endure harassment and discrimination that often goes unnoticed or uninvestigated by authorities in all countries. Given the negative trajectory in Afghanistan under the Taliban regime; Modi' and his Hindu nationalist government in India; the Rajapaksa's' return to power in Sri Lanka – which appeals to Sinhalese-Buddhist fundamentalists and plays on the ethno-religious tensions already existing in the country – and the pro-Muslim Awami League in Bangladesh, the future of FORB is unfortunately looking slim. The region is prone to intolerance towards religious minorities, fueled by hate speech on social media and to a greater extent nonstate actors such as Islamist groups and fundamentalists, often resulting in mob -and sectarian violence. Thus, there is reason to believe that FORB restrictions in the region will worsen during the project period, rather than improve.

²⁰ CSW, 13.03.2022: [2021-08-sri-lanka.pdf](#)

²¹ USCIRF 13.03.2022: [The Atrocity of Forced Marriage in Pakistan \(frc.org\)](#)

²² Freedom of religion or relief for everyone: Women in Focus, page 16.