

**Hindu American Foundation (HAF)
Recommendations on International Religious Freedom**



Samir Kalra, Esq.
Director/Senior Fellow for Human Rights

Jay Kansara
Washington, D.C. Based Associate Director

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I. Islamic Republic of Afghanistan

HAF Recommendation: Afghanistan, which is currently on the Commission's *Watch List*, should be designated a *Country of Particular Concern* due to the extensive state-sponsored restrictions on religious freedom, legal inequalities, and widespread discrimination and violence faced by minorities. As the Berkley Center for Religion, Peace, and World Affairs notes: "A combination of contradictory laws, official ambivalence, popular prejudice and ongoing insurgency makes Afghanistan a place that remains largely hostile to religious freedom."¹

Although Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu community, the Hindu population in Afghanistan has become nearly extinct, with barely 3,000 Hindus and Sikhs remaining in the country.² During the 1970s, there were an estimated 300,000 Hindus residing in Afghanistan, but the majority of Hindus fled the country during the civil war and "most of their houses and lands were taken by force."³ Similarly, many Hindus left during the Taliban's repressive regime.

The establishment of a democratic government and a new constitution under President Karzai has not significantly improved the conditions of those Hindus (and Sikhs) still residing in the country. Hindus and other religious minorities continue to face systematic inequalities and extensive restrictions on their religious freedom. For instance, the Afghan Constitution fails to protect the individual right to religious freedom and gives precedence to Muslims and Islamic injunctions.⁴ Moreover, they are subjected to discrimination, harassment, and violence.

Some of the major issues faced by Hindus in Afghanistan include the following:

Legal Inequalities

Islam pervades all aspects of the Afghan constitution and is firmly established as the state religion. Moreover, Article 3 of the constitution states that no law can contravene Islam, and the constitution in practice establishes a restrictive interpretation of Islamic law, which may govern the rights of non-Muslims in certain situations. As a result, interpretations of Islamic law have been given precedence over human rights protections.⁵

In addition, certain federal offices, such as the Presidency, are restricted to Muslims, while all federal ministers must swear an oath to "protect the Holy religion of Islam."⁶ Similarly, members of the Supreme

¹ "Religious Freedom in Afghanistan," Berkley Center for Religion, Peace, and World Affairs, Georgetown University, <http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-afghanistan>.

² Ayubi, S. R., "Hindu, Sikh children bullied out of school," (January 27, 2011), Pajhwok Afghan News, <http://www.pajhwok.com/en/2011/01/27/hindu-sikh-children-bullied-out-school>; Kochhar, R., "The Vedic People," (2000), Orient Longman.

³ Ayubi, S. R., "Hindu, Sikh children bullied out of school," (January 27, 2011), Pajhwok Afghan News, <http://www.pajhwok.com/en/2011/01/27/hindu-sikh-children-bullied-out-school>; Shamal, Parwiz, "Afghan Hindus, the most deprived in Afghanistan," (August 9, 2010), Tolo News, <http://www.tolonews.com/6:30-report/255-afghan-hindu-the-most-deprived-in-afghanistan>.

⁴ The Constitution of Afghanistan, Ratified January 26, 2004, at Afghan Embassy website, <http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>.

⁵ *Ibid.*

⁶ *Ibid.*

Court must swear to “attain justice and righteousness in accordance with tenets of the Holy religion of Islam...”⁷

The constitution also explicitly fails to protect the individual right to freedom of religion, and provides that fundamental rights are subject to legislation. And finally, marriage is formally restricted to Muslims. Non-Muslims are only allowed to marry if they refrain from publicly expressing their faith.⁸

Interference with Funeral Rites

Hindus and Sikhs face significant obstacles in cremating their dead. In some instances, crematoriums have been forcibly occupied by local Muslims, while in other cases, Muslims have physically interfered with cremations.⁹ Recently, Muslim residents in the Qalacha neighborhood of Kabul, in collaboration with Afghan security personnel, forcibly prevented Hindus and Sikhs from performing cremation ceremonies for their deceased relatives.¹⁰

Cremation is an essential funeral rite for both Hindus and Sikhs and integral to the practice of their respective religious traditions. The government’s failure to uphold their basic rights is in direct violation of both the Afghan Constitution and international human rights law. Similarly, Hindus lack access to crematoriums and land suitable for conducting cremations and other religious ceremonies.¹¹

Illegal Occupation of Hindu Lands

According to the Afghanistan Independent Human Rights Commission (AIHRC), there have been several cases of the illegal seizure and occupation of Hindu owned lands by Muslims in Kabul and Khost province. In these cases, Hindus have been unable to reclaim their lands and have received little assistance from the government or law enforcement.¹²

Social Discrimination

Hindus and Sikhs face social hostility and harassment, and their children are subjected to discrimination and religious prejudice in schools from Muslim classmates and teachers. There are approximately 70 Hindu and Sikh school age children living in Kabul, but many have been forced to drop out as a result of bullying and religious prejudice.¹³

⁷ *Ibid.*

⁸ The Constitution of Afghanistan, Ratified January 26, 2004, at Afghan Embassy website, <http://www.afghanembassy.com.pl/cms/uploads/images/Constitution/The%20Constitution.pdf>; “Religious Freedom in Afghanistan,” Berkley Center for Religion, Peace, and World Affairs, Georgetown University, <http://berkeleycenter.georgetown.edu/essays/religious-freedom-in-afghanistan>.

⁹ Shamal, Parwiz, “Afghan Hindus, the most deprived in Afghanistan,” (August 9, 2010), Tolo News, <http://www.tolonews.com/6:30-report/255-afghan-hindu-the-most-deprived-in-afghanistan>.

¹⁰ “Afghan Sikhs Protest Over Cremation,” November 16, 2012, Pajhwok Afghan News, <http://www.pajhwok.com/en/2012/11/16/afghan-sikhs-protest-over-cremation>.

¹¹ Shamal, Parwiz, “Afghan Hindus, the most deprived in Afghanistan,” (August 9, 2010), Tolo News, <http://www.tolonews.com/6:30-report/255-afghan-hindu-the-most-deprived-in-afghanistan>.

¹² *Ibid.*

¹³ Ayubi, S. R., “Hindu, Sikh children bullied out of school,” (January 27, 2011), Pajhwok Afghan News, <http://www.pajhwok.com/en/2011/01/27/hindu-sikh-children-bullied-out-school>;

Refugees

Thousands of Afghan Hindu refugees live on the margins of society in India and countries throughout Europe, such as Belgium, where they are often denied legal status and endure difficulties with asylum claims. Over the past several months, for example, the Belgian government has denied the asylum applications of many Afghan Hindus and Sikhs, with numerous claims still pending.¹⁴

Although they meet the criteria for refugee status under the Geneva Convention, given the extent of persecution endured by religious minorities in Afghanistan and the Afghan government's inability to protect them, these Afghan Hindus and Sikhs in Belgium remain at risk of deportation.

The European Court of Human Rights recently accused Belgian authorities of failing to adequately investigate the asylum claims of Afghan Hindus and Sikhs.¹⁵

II. People's Republic of Bangladesh

HAF Recommendation: Bangladesh is currently on USCIRF's *Additional Countries Monitored* list, but should be categorized a *Country of Particular Concern* given the continued high incidence of violent attacks on minorities, legal inequalities, and mass appropriation of Hindu owned land with the active involvement of government officials and police authorities.

Despite declaring itself a secular, democratic republic in 1971, Bangladesh has witnessed the rapid expansion of Islam in public life and politics, particularly after the election of the Bangladesh Nationalist Party (BNP) and its Islamist allies in 2001. Although the overall number of attacks on Hindus and other minorities has declined since the Awami League came to power in 2008, minorities continue to face institutional and legal discrimination and endure routine acts of violence.

On a positive note, the Awami League government has taken steps to investigate war crimes committed during the 1971 War of Independence from Pakistan through the creation of the International Crimes Tribunal. While the Tribunal contains legal deficiencies, the government's efforts to obtain justice for the victims (many of whom were Hindu) is commendable and should be supported.

Some of the major issues currently facing Hindus in Bangladesh include the following:

Legal Inequalities

Bangladesh's constitution gives preference to Islam and Muslims to the detriment of minorities. For instance, Article 2 proclaims Islam as the official state religion and Article 8(1A) states that the fundamental principles of state policy and all actions are rooted in, among other things, faith in Almighty Allah.¹⁶

¹⁴ Based on information received directly from Afghan Hindu leaders in Europe.

¹⁵ European Court of Human Rights Press Release, Electronic Immigration Network, <http://www.ein.org.uk/news/rejection-asylum-seekers-documents-without-verifying-their-authenticity-breached-their-human-ri>.

¹⁶ Constitution of the People's Republic of Bangladesh, ComonLII, <http://www.commonlii.org/bd/legis/const/2004/part1.html#1>.

Moreover, Section 2 further provides that the principles rooted in Almighty Allah should be “fundamental to the governance of Bangladesh, shall be applied by the State in the making of laws, shall be a guide to the interpretation of the Constitution and of the other laws of Bangladesh, and shall form the basis of the work of the State and of its citizens...”¹⁷ And finally, Article 25(15) states, “The State shall endeavor to consolidate, preserve and strengthen fraternal relations among Muslim countries based on Islamic solidarity.”¹⁸

Discriminatory Property Laws

Since it was initially instituted in 1965, the Enemy Property Act (EPA), and its later incarnation, the Vested Property Act (VPA), which designated Hindus as “enemies of the state,” resulted in the widespread economic disenfranchisement of the Hindu community and deprived 1.2 million Hindu families (44% of Hindu households) of their land and properties in the territory constituting Bangladesh. Moreover, Hindus have been collectively robbed of 2.2 million acres of land.¹⁹ And after the VPA was abolished in 2001, nearly 200,000 Hindu families have been dispossessed of approximately 122,000 bighas of land (or the equivalent of 195,200,000 square yards).²⁰

A new Vested Properties Return Act was passed in November 2011, and the Vested Property Return (Second Amendment) Act was passed in September 2012, but it is unclear whether this legislation will be implemented and effective in returning properties to their rightful Hindu owners.²¹ Furthermore, the government has not taken any steps to curtail the ongoing appropriation of Hindu-owned land, and local officials are often complicit in the practice.

Violent Attacks on Hindus

Hindus and other non-Muslims are the victims of widespread violence in Bangladesh, including physical assaults, attacks on temples, and abductions. Hindu women are particularly vulnerable to rape, kidnapping, and forced conversions. The following are a few representative examples of attacks on Hindus and other minorities in 2012.

- On February 9 and 10, several thousand Muslims attacked, vandalized, and burned down at least 13 Hindu temples and several houses and shops in the Nandirhat-Hathazari areas of Chittagong, Bangladesh. According to a fact-finding report by Global Human Rights Defence, the violence was orchestrated by leaders and supporters of the Bangladesh Nationalist Party (BNP). Police reportedly reacted slowly to the violence, but eventually filed two cases against more than 800

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ “Rights of Religious Minorities,” Ain o Salish Kendra (ASK), A Legal Aid and Human Rights Organization, <http://www.askbd.org/Hr06/Minorities.htm>; Bangladesh Policy Brief, Fall 2006, United State Commission on International Religious Freedom, http://www.uscirf.gov/images/stories/PDFs/PolicyFocus_Bangladesh_Fall2006.pdf; Bertil Lintner, The Plights of Ethnic and Religious Minorities and the Rise of Islamic Extremism in Bangladesh, February 2, 2003, Asia Pacific Media Services, http://www.asiapacificms.com/papers/pdf/ethnic_and_religious_minorities_bangladesh.pdf.

²⁰ “Rights of Religious Minorities,” Ain o Salish Kendra (ASK), A Legal Aid and Human Rights Organization, <http://www.askbd.org/Hr06/Minorities.htm>; Rabindranath Trivedi, “The legacy of enemy turned vested property act,” Bangladesh, May 29, 2007, Asian Tribune, <http://www.asiantribune.com/index.php?q=node/5925>.

²¹ “Bangladesh - The Vested Properties Return Act, 2011,” December 5, 2011, Asian Tribune, <http://www.asiantribune.com/news/2011/12/04/bangladesh-vested-properties-return-act-2011>; “Vested Property Return Bill Placed,” September 11, 2012, BDNews24, <http://www.bdnews24.com/details.php?id=232109&cid=2>.

Muslim suspects allegedly involved in the violence. The High Court criticized the police for their inaction during the violence.²²

- At the end of March and beginning of April 2012, Muslim fundamentalists attacked, vandalized, and burned down dozens of Hindu homes in Sakhira district, Bangladesh. The violence was instigated by Islamist activists from the Jamaat-e-Islami (Jel) party, after rumours spread that a school play allegedly portrayed the Prophet Mohammed in a negative manner. At least four people associated with the BNP and Jel have been arrested in connection with the violence.²³
- Mobs of Muslims reportedly attacked Buddhist villages near the city of Chittagong in Bangladesh, in early October. The attacks occurred following rumours that a Buddhist man allegedly defamed the Koran in a Facebook posting. According to news reports, approximately 30 Buddhist homes and shops were set on fire, while more than 100 buildings were vandalized. In addition, the Asian Centre for Human Rights (ACHR) asserts that 22 Buddhist temples and two Hindu temples were attacked in the violence.²⁴
- Two human rights activists, Rabindra Ghosh and Rabindra Baral, from Bangladesh Minority Watch (BDMW), were physically assaulted late November by the Superintendent of Police in Bangladesh's Perojpur District. The activists were attacked by the Superintendent and other police officers, while looking into several recent attacks on the Hindu minority in the district. BDMW was specifically investigating cases involving the illegal occupation of Hindu owned land and temples as well as the alleged gang rape of a Hindu girl. Government officials and police have failed to take any action in any of the cases.²⁵

III. Kingdom of Bhutan

HAF Recommendation: Although Bhutan is not currently monitored by the Commission, its repressive policies towards religious minorities and promotion of state sponsored Buddhism should warrant *Watch List* status.

During the early 1990s, more than 100,000 Lhotshampa (ethnic Nepali) Hindus were stripped of their citizenship and forced to leave the country under the "One Nation, One People" policy aimed at forced homogenization of a multi-ethnic and multi-religious society. According to Human Rights Watch, the ethnic cleansing campaign involved repressive tactics and violence, including harassment, arrests, and the burning of ethnic Nepali homes. The majority of the refugees languished in refugee camps in Nepal managed by the United Nations High Commission for Refugees for almost two decades, but in recent

²² "HC Summons SP, OC Over Torching Temples in Ctg" February 26, 2012, New Age Bangladesh, http://newagebd.com/newspaper1/archive_details.php?date=2012-02-26&nid=51668; "800 Sued for Hathazari Incidents," The New Nation, <http://thenewnationbd.com/newsdetails.aspx?newsid=30876>; Bangladesh Quarterly Report, January - March 2012, Global Human Rights Defence, <http://www.ghrd.org/>.

²³ Hossain, Emran, "Lack of Political Ideology Helped Jamaat," April 25, 2012, BDNews24, <http://bdnews24.com/details.php?id=223227&cid=2>; 4 More Held for Atrocities on Satkhira Hindus, April 11, 2012, BDNews24, <http://www.bdnews24.com/details.php?id=222218&cid=2>.

²⁴ "Bangladesh: Minority Communities Must be Protected and Arsonists Face Justice," October 3, 2012, Amnesty International, <http://www.amnesty.org/en/news/bangladesh-arsonists-must-face-justice-2012-10-03>; "24 Buddhist and Hindu Temples Burnt in Bangladesh - India and UN Urged to Intervene," October 1, 2012, Asian Centre for Human Rights, <http://www.achrweb.org/press/2012/BD-08-2012.html>; Karmarkar, Rahul, "24 Buddhist, Hindu Temples Burnt in Bangladesh: Rights Body," October 1, 2012, Hindustan Times, <http://www.hindustantimes.com/India-news/Guwahati/24-Buddhist-Hindu-temples-burnt-in-Bangladesh-rights-body/Article1-938261.aspx>; "Muslims Attack Buddhist, Hindu Temples," September 30, 2012, UPI, http://www.upi.com/Top_News/World-News/2012/09/30/Muslims-attack-Buddhist-Hindu-temples/UPI-98301349010670/;

²⁵ Based on information received directly from Mr. Rabindra Ghosh, Chairman of Bangladesh Minority Watch.

years, a number of countries have agreed to resettle them. For instance, the U.S. has agreed to resettle 60,000 Bhutanese refugees and approximately 35,000 have already arrived.²⁶

Those ethnic Lhotshampa Hindus still remaining in Bhutan continue to face inequality and restrictions on religious freedom. For example, Buddhism is effectively recognized as the state religion in the constitution, which has led to state favoritism of Buddhism over other religions. In particular, the Bhutanese government officially subsidizes Buddhist temples, monasteries, and institutions and provides financial aid to large numbers of the country's Buddhist monks. In contrast, reports indicate that Hindus are routinely denied permission to build new temples and no longer receive financial assistance for temple renovation or construction.²⁷

On December 4, 2009, Bhutan presented its first human rights report to the Universal Periodic Report Review Committee of the United Nations Human Rights Council (HRC) in Geneva.²⁸ In the course of its review, the Council made 99 recommendations to Bhutan to improve the human rights situation in the country. Amongst its recommendations, the HRC called on the Bhutanese government to enhance efforts to implement a durable solution for the Bhutanese refugees (mostly Hindus) forced out of their homeland and still living in camps on the Bhutan-Nepal border.²⁹

The Council further emphasized the need for Bhutan to demonstrate "that its commitment to resolving the [refugee] issue is not mere rhetoric and that it is not depending on other countries to take full responsibility through third country resettlement."³⁰

Furthermore, a new report, Human Rights and Justice in Bhutan, summarizes the plight of minorities in Bhutan and specifically asserts that the Bhutanese government has delayed repatriation of Bhutanese refugees, restricted voting rights of the nearly 80,000 Nepali-speaking people still living in the country, and failed to set up a human rights mechanism to monitor the condition of minorities and the population at large.³¹

The report also provides that there are no independent human rights organizations in Bhutan and that the state has denied education to thousands of children as parents failed to provide a "no objection certificate" (this certificate states that neither the applicant nor their relatives are involved in the democracy movement and other 'anti-national' activities and is extremely difficult to obtain).³²

²⁶ Frelick, Bill, "For Bhutan's Refugees, There's no Place like Home," March 30, 2011, Human Rights Watch, <http://www.hrw.org/news/2011/03/30/bhutan-s-refugees-there-s-no-place-home>; "Letter to Prime Minister of Bhutan regarding discrimination against ethnic Nepalis," April 17, 2008, Human Rights Watch,

²⁶ <http://www.hrw.org/news/2008/04/15/letter-prime-minister-bhutan-regarding-discrimination-against-ethnic-nepalis>; O'Brien, Matt, "Fears of 'Demographic Inundation' Behind Bhutan's Refugee Crisis," August 29, 2010, Contra Costa Times, http://www.insidebayarea.com/bhutan/ci_15906108.

²⁷ "Bhutan, International Religious Freedom Report 2008," (September 19, 2008), Bureau of Democracy, Human Rights, and Labor, State Department, <http://2001-2009.state.gov/g/drl/rls/irf/2008/108499.htm>.

²⁸ "Bhutanese refugees demonstrate in Geneva," (December 04, 2009), Nepalnews.com, <http://www.nepalnews.com/main/index.php/news-archive/2-political/2736-bhutanese-refugees-demonstrate-in-geneva.html>.

²⁹ Dorji, Gyalsten, "Most suggestions accepted," (March 23, 2010), APFA News, <http://www.apfanews.com/human-rights-monitor/most-suggestions-accepted/>.

³⁰ *Ibid.*

³¹ "Human Rights and Justice in Bhutan," http://www.apfanews.com/media/upload/final_report.pdf.

³² *Ibid.*

Although any durable solution to the plight of the Bhutanese Hindus should involve repatriation, the Bhutanese government has not taken any steps to repatriate any of the refugees. Similarly, in order to improve religious freedom conditions in the country, the government must extend civil liberty protections to non-Buddhist citizens.

IV. Republic of India

HAF Recommendation: India, which is currently on the Commission's *Watch List*, has provided unprecedented religious accommodations to its religious minorities and in some instances afforded more rights to minorities than to the majority Hindu community. Consequently, India should be removed from the *Watch List*. The Commission should, however, highlight and monitor the restrictions on religious freedom faced by Kashmiri Hindus and other minorities in the State of Jammu and Kashmir, and take note of the conditions facing Pakistani Hindu refugees in India.

Pakistani Hindu Refugees

According to several human rights organizations and media reports, thousands of Pakistani Hindus have recently sought refuge in India to escape persecution and religious discrimination in Pakistan. Although there has been a steady flow of Hindus crossing the border since the 1990s, rapidly deteriorating conditions in Pakistan have caused a significant increase in migration over the last few years. The Human Rights Law Network estimates that there are approximately 115,000 Pakistani Hindus living throughout India, but less than ten percent have been legalized by the Indian government.³³ The Pakistan Hindu Council (PHC), a non-governmental body representing Hindus in Pakistan, now asserts that more than 50 Hindu families are migrating to India from Pakistan every month due to an atmosphere of fear and insecurity.³⁴

As a result of the Indian government's failure to recognize them as refugees, most Pakistani Hindus live on the margins of society in India in makeshift camps, and remain at risk for deportation.³⁵

Internally Displaced Kashmiri Hindus

Beginning in 1989, Pakistan's military and Inter-Services Intelligence Agency (ISI) planned and orchestrated an Islamist insurgency in India's state of Jammu and Kashmir. According to former Pakistani Ambassador to the U.S., Husain Haqqani, the objectives of Pakistan's support for the insurgency were two-fold: (1) destabilize India through asymmetric warfare by fomenting violence in Jammu and Kashmir through militant groups and (2) spread global jihad.³⁶

³³ "Report of Refugee Populations in India," (November 2007), Human Rights Law Network, http://www.hrln.org/admin/issue/subpdf/Refugee_populations_in_India.pdf; Divya, A., "Insecure in Pakistan," (March 16, 2009), The Times of India, <http://timesofindia.indiatimes.com/Insecure-in-Pakistan/rssarticleshow/4265740.cms>.

³⁴ Rana, Yudhvir, "More than 50 Hindu Families Migrate to India Every Month: Pakistan Hindu Council," August 21, 2012, The Times of India, http://articles.timesofindia.indiatimes.com/2012-08-21/india/33302557_1_hindu-families-pakistan-hindu-council-sakkhar.

³⁵ Bhatia, V., "Fearing Taliban, Pak Hindus take Thar Express to India," (September 10, 2009), The Times of India, <http://timesofindia.indiatimes.com/Fearing-Taliban-Pak-Hindus-take-Thar-Express-to-India/articleshow/4992774.cms>.

³⁶ Haqqani, Husain, "Pakistan: Between Mosque and Military," (2005), p. 235, Carnegie Endowment for International Peace.

One of the specific strategies of Pakistan's ISI sponsored insurgency was to complete the "communal cleansing" of Kashmir by attacking non-Muslim indigenous Kashmiris in order to change the demographics and create a minority-free Kashmir. This systematic campaign to cleanse Hindus from Kashmir involved documented massacres of innocent civilians, rapes, threats, assassinations, and intimidation. Public announcements were placed in newspapers, sermons made from mosques, and posters hung on houses ordering all Kashmiri Hindus to leave the Valley, threatening violence if they did not.³⁷ As a result, nearly 400,000 Hindus, known as Kashmiri Pandits (over 95% of the Hindu population from the Kashmir Valley), were forced to leave their ancestral homes, fleeing to other parts of India.³⁸

Furthermore, since 1989, it is estimated that nearly 105 educational institutions run by Kashmiri Hindus were burned down or demolished; 14,430 businesses and shops destroyed; and more than 20,000 Kashmiri Hindu homes destroyed, looted, or occupied.³⁹ Over 170 temples have been destroyed or damaged and more than 100 Hindu religious sites have been illegally occupied by local Muslims. In addition, Kashmiri Hindus lack the right to independently administer their own religious sites and institutions in the Kashmir Valley.⁴⁰

The displaced Pandits, many of whom continue to live in temporary refugee camps in Jammu and Delhi, are still unable to safely return to their homeland. The refugee camps lack adequate facilities and basic necessities, while many of the displaced Pandits have no educational and employment opportunities, and experience serious health issues, including high incidence of disease, psychological problems, and high death rates. The displaced Pandits are politically marginalized by the central and state governments and lack voting rights.⁴¹

Less than 4,000 Kashmiri Hindus now remain in the Valley, living with daily threats of violence and terrorism. For instance, on May 4, 2012, Islamic militants attacked a police post guarding one of the few remaining Pandit villages in Shopian district of South Kashmir.⁴²

³⁷ Haqqani, Husain, "Pakistan: Between Mosque and Military," (2005), p. 235, Carnegie Endowment for International Peace; K.P.S Gill, "The Kashmiri Pandits: An Ethnic Cleansing the World Forgot," South Asia Terrorism Portal, <http://www.satp.org/satporgtp/kpsgill/2003/chapter9.htm>; "India: Large Numbers of IDPs are Unassisted and in Need of Protection," Internal Displacement Monitoring Centre, <http://www2.ohchr.org/english/bodies/cescr/docs/info-ngos/IDMC2India40.pdf>; Gupta, Kanchan, "19/01/90: When Kashmiri Pandits Fled Islamic Terror," (January 19, 2005), Rediff India Abroad, <http://in.rediff.com/news/2005/jan/19kanch.htm>.

³⁸ *Ibid.*

³⁹ "Political history of Kashmir: Islamic terrorism and genocide of Kashmiri Pandits," Kashmir News Network, <http://ikashmir.net/history/genocide.html>.

⁴⁰ Naseem, I., "170 Kashmir temples hit by militancy: Report," (March 23, 2009), Kashmirlive.com, <http://www.kashmirlive.com/printer/story-437922.html>; "We are Losing Our Property in Kashmir: Pandits," (May 30, 2007), Rediff India Abroad, <http://www.rediff.com/news/2007/may/30kashmir.htm>; "Temples Destroyed in Kashmir by Islamic Militancy to be Reconstructed," (July 25, 2006), Hindu Press International, http://www.hinduismtoday.com/blogs-news/0_0_5.html; PTI, "JK govt to enact law to protect temples in Kashmir," (April 25, 2012), IBN Live, <http://ibnlive.in.com/generalnewsfeed/news/jk-govt-to-enact-law-to-protect-temples-in-kashmir/990507.html>.

⁴¹ Kher, R., "Invisible exiles: Kashmiri Pandits," (May 06, 2009), Vijayavaani.com, <http://www.vijayvaani.com/FrmPublicDisplayArticle.aspx?id=552>; "Kashmiri Pandits face serious health problems after many years of displacement (2001-2003)," Internal Displacement Monitoring Centre, [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/DBD443789A5769BF802570B5004734C6/\\$file/India+-October+2003.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/DBD443789A5769BF802570B5004734C6/$file/India+-October+2003.pdf); Jammu, A. K., "Kashmiri Pandits: Will their scars ever heal?" (November 12, 2011), Hard News, <http://www.hardnewsmedia.com/2009/03/2679>.

⁴² Trisal, Nishita, "Those Who Remain -- The Survival and Continued Struggle of the Kashmiri Pandit 'Non-Migrants,'" (August 2007), The Journal of Immigrant and Refugee Studies, 5(3) <http://www.informaworld.com/smpp/content~db=all~content=a904296831~frm=abslink>; Ashiq, Peerzada, "Militants disarm

Secularism and Religious Freedom

The following is a brief summary of testimony by HAF that was previously provided to the Commission on March 10, 2011:

India has a unique brand of secularism which provides unprecedented religious accommodations to its religious minority populace, including pilgrimage subsidies, autonomy from governmental intrusion in their respective religious institutions (excluding Hindu institutions), as well as religion-based personal laws. Additionally, some religious minority communities have been classified as “backward communities,” and thus benefit from generous affirmative action programs.

“Freedom of Religion Laws” or “Anti-Fraudulent Conversion Laws,” in India have seldom been enforced, have not affected the freedom or ability of individuals to convert, and have not been effective in protecting vulnerable populations from being forcibly or fraudulently converted.

India as a whole has not had any major religiously motivated violence in the past several years, despite the gruesome terrorist attack on Mumbai in November 2008 that killed at least 164 and injured more than 300. In the past, the Indian judicial system (despite limitations) has delivered justice consistently to victims of religiously-motivated crimes and punished perpetrators of religiously-motivated crimes.

Moreover, despite recent hate speech propagated by a Muslim political leader, Akbaruddin Owaisi, who incited Muslims to attack and kill Hindus, there have been no incidents of retaliatory violence against the Muslim community. Mr. Owaisi previously made death threats against Bangladeshi writer Taslima Nasreen.⁴³

V. Malaysia

HAF Recommendation: Malaysia is currently not monitored by the Commission, but due to the country’s widespread restrictions on religious freedom and blatant discrimination against religious minorities it should be designated as a *Country of Particular Concern*.

Malaysia has successfully portrayed itself as a model Muslim democracy with a thriving economy in the heart of Southeast Asia. This perception, however, fails to acknowledge the deeply divisive government policies that have institutionalized discriminatory restrictions on religious freedom against the country’s ethnic and religious minorities. Moreover, in recent years, political Islam has continued to expand its reach, and two of Malaysia’s largest political parties, the United Malays National Organization (UMNO) and the Pan-Malaysian Islamic Party (PAS), both promote Malay nationalistic agendas and pander to Islamic extremists.⁴⁴ Similarly, the Shariah courts have significantly increased their power and jurisdiction to the detriment of secular civil law courts.

policemen manning Kashmir’s Pandit village,” (May 4, 2012), Hindustan Times, <http://www.hindustantimes.com/India-news/Srinagar/Militants-disarm-policemen-manning-Kashmir-s-Pandit-village/Article1-850753.aspx>

⁴³ “Akbaruddin Owaisi’s Journey to National Notoriety,” January 8, 2013, Rediff News,

⁴³ <http://www.rediff.com/news/slide-show/slide-show-1-akbaruddin-owaisis-journey-to-national-notoriety/20130108.htm#1>.

⁴⁴ Asian Conflicts Reports, March 2010, Council on Asian Transnational Threat Research, <http://www.pict.mq.edu.au/pdf/catr/ACR-March-2010.pdf>.

Some of the major issues faced by Hindus in Malaysia include the following:

Legal Inequalities

The Federal Constitution of Malaysia explicitly gives preference to Muslims and establishes Islam as the official state religion. Article 11 protects the right of Muslims to freely propagate their religion, but prohibits other religious groups from propagating religion amongst Muslims.⁴⁵ Article 153 calls for protection of the “special position” of Muslim Malays and provides them with reservations and quotas in public service and government jobs, educational institutions, and in the procurement of business or trade licenses. Also known as the Bumiputra (Sons of the Soil) policy, this section of the constitution sanctions discrimination against ethnic and religious minorities, and it has had the greatest impact on the Hindu community.⁴⁶

The Federal Constitution of Malaysia establishes a parallel court system, with secular civil and criminal courts and Islamic Shariah courts. Although the Shariah courts theoretically only have authority over Muslims in issues such as religion, marriage, divorce, inheritance, apostasy, and religious conversion,⁴⁷ non-Muslims, particularly Hindus, have been increasingly subjected to the jurisdiction of the Shariah courts in recent years, where they have suffered explicit discrimination.⁴⁸

Attacks on Hindu Temples/Religious Sites

The Malaysian government has failed to grant equal rights to non-Muslim places of worship. For example, approximately 23,000 Hindu temples/shrines in Malaysia have been denied legal status since independence in 1963, many in existence since the pre-independence era, while Muslim mosques built in the same period have been granted land titles. Furthermore, many temples have been forcibly relocated by the government or appropriated for “public use” under special laws.⁴⁹ Similarly, minority places of worship and religious institutions have often been attacked or destroyed by both Islamic extremists and the government. Since independence, 10,000 Hindu temples/shrines have reportedly been demolished or desecrated (includes private shrines located on plantation estates).⁵⁰ For

⁴⁵ Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>.

⁴⁶ Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>; “Malaysia: US Should Press Najib to Scrap Policy of Racial Discrimination,” Amnesty International Public Statement, April 12, 2010, Amnesty International, <http://www.amnesty.org/en/library/asset/ASA28/008/2010/en/755039d1-0b24-45f7-adee-d29fef1440fc/asa280082010en.pdf>.

⁴⁷ Federal Constitution of Malaysia, Official Website of Judicial Appointments Commission, <http://www.jac.gov.my/jac/images/stories/akta/federalconstitution.pdf>;

⁴⁸ Pak, Jennifer, “Malaysia’s Parallel Judicial Systems Come up Against Legal Challenges,” September 5, 2011, BBC News, <http://www.bbc.co.uk/news/world-radio-and-tv-14630851>; Gooch, Liz, “Clearer Limits Sought in Malaysia for Shariah Courts’ Role.” March 12, 2010, The New York Times, <http://www.nytimes.com/2010/03/13/world/asia/13malay.html>.

⁴⁹ “Malaysian Indian Minority & Human Rights Violations Annual Report 2010,” Human Rights Party Malaysia. <http://www.humanrightspartymalaysia.com/books/annualrightsviolations2010.pdf>; “Malaysia: Lawyers and judges face intimidation in ‘Allah’ case,” Amnesty International Public Statement, January 15, 2010, <http://www.amnesty.org/en/library/asset/ASA28/001/2010/en/11666cd9-2e83-44f4-8d03-f8177a47af0b/asa280012010en.pdf>; “Malaysia: State orchestrated destruction of Hindu temples,” Asian Human Rights Commission Urgent Appeals, June 15, 2006, <http://www.ahrchk.net/ua/mainfile.php/2006/1781>.

⁵⁰ *Ibid.*

example, in November 2012, the Sepang Municipal Council (MPSP) demolished a Hindu altar located in a private residence.⁵¹

Government Suppression of Individual Rights

The right to freedom of speech and freedom of assembly have been severely restricted in Malaysia, with the government clamping down on public protests and criticism of the government. Similarly, police have frequently used excessive force to break up unlicensed events.⁵²

Hindus and ethnic Indians remained politically silent until 2007, when they began to challenge the Malaysian government's discriminatory policies. On November 25, 2007, a peaceful rally of more than 10,000 Hindus (some estimate the numbers closer to 50,000) was brutally suppressed by the government through the use of tear gas and chemically-laced water.

Following the event, Malaysian security forces began to crack down on Hindu and Indian activists for asserting their basic democratic rights, and several leaders of the Hindu Rights Action Force (HINDRAF), a human rights organization, were arrested for their involvement in organizing the protests. Five of the arrested leaders were held at a detention center for 514 days.⁵³ The government further banned HINDRAF and confiscated the passport of one of its leaders, Waytha Moorthy, who was living in exile in the United Kingdom until recently. Mr. Moorthy has since been allowed to return to Malaysia, but HINDRAF remains officially banned by the government.

Moreover, the Internal Security Act (ISA) of 1960, which allows for indefinite detention without trial of those considered to be a threat to national security, has been used to silence political dissent and has frequently targeted journalists, academics, and political activists. Thousands of Hindu political activists have been arbitrarily detained without trial under the Internal Security Act.⁵⁴

VI. Islamic Republic of Pakistan

HAF Recommendation: The Commission should continue to categorize Pakistan a *Country of Particular Concern* given the increasing religious violence and persecution of minorities and the Commission's own findings on the intolerance and hatred being perpetuated through Pakistani textbooks against religious minorities and other nations.

The situation for Hindus in Pakistan continues to deteriorate as Hindus face legal inequalities and are increasingly subjected to discrimination, violence, and Islamic extremism. The abject failure of government authorities and law enforcement to protect them has led a large numbers of Hindus to seek

⁵¹ "Indians Outraged Over Demolition of Hindu Alter in Malaysia," November 30, 2012, Zee News, http://zeenews.india.com/news/world/indians-outraged-over-demolition-of-hindu-altar-in-malaysia_813757.html.

⁵² World Report 2011: Malaysia, Human Rights Watch, <http://www.hrw.org/en/world-report-2011/malaysia>.

⁵³ "Malaysian Indian Minority & Human Rights Violations Annual Report 2010," Human Rights Party Malaysia. <http://www.humanrightspartymalaysia.com/books/annualrightsviolations2010.pdf>; Bendiech, Mark, "Indian protest rocks Malaysia ahead of polls" November 25, 2007, Reuters, <http://www.reuters.com/article/2007/11/25/us-malaysia-protest-idUSKLR16504820071125>.

⁵⁴ "Malaysian Indian Minority & Human Rights Violations Annual Report 2010," Human Rights Party Malaysia. <http://www.humanrightspartymalaysia.com/books/annualrightsviolations2010.pdf>; World Report 2011: Malaysia, Human Rights Watch, <http://www.hrw.org/en/world-report-2011/malaysia>

refuge in India. Furthermore, as the Commission's recent report on Pakistan's education system demonstrates, public schools and madrasas continue to teach intolerance and hatred towards non-Muslims, particularly Hindus, while glorifying violence and jihad. In addition, the ongoing trend of kidnappings and forced conversions of young Hindu girls continues to plague Pakistani society.

Some of the major issues faced by Hindus in Pakistan include the following:

Legal Inequalities

Islamic injunctions and sharia law remain a significant part of the constitution and legal system, thereby ensuring the superior position of Islam and creating a basis for discrimination against minorities. There are a number of Islamic laws and Constitutional provisions that discriminate against minorities. For instance, Article 2 declares Islam as the state religion, while Article 31 protects and promotes the Islamic way of life and moral standards.⁵⁵ Articles 41 and 91 provide that a person must be Muslim to be qualified for the position of President and Prime Minister, respectively. Similarly, all elected officials must swear an oath in the name of Allah and "strive to preserve the Islamic ideology" of Pakistan.⁵⁶

Furthermore, Article 203A - 203J establishes the power and jurisdiction of the Federal Shariat Courts, while Articles 227 - 231 provide that all laws must be in conformity with Islamic injunctions and create an Islamic Council to advise Parliament and Provincial Assemblies on whether laws contradict Islamic injunctions.⁵⁷

In addition to these inequitable provisions, there is still no legal mechanism to officially recognize Hindu marriages, resulting in widespread discrimination against Hindu women.⁵⁸ And finally, Pakistan's current legal regime fails to address the needs of the country's minorities. According to Pakistani American comparative law expert, Waris Husain, Pakistan currently lacks effective legislation that clearly defines discrimination, and it fails to provide adequate legal redress to victims of discriminatory acts or violent hate crimes.⁵⁹

Along with the creation of an administrative agency to adjudicate claims of discrimination by state actors, Husain suggests the introduction of hate crime legislation to protect religious minorities. He further contends that there should be a law that provides a basis for minorities to file civil suits for monetary damages against private citizens for acts of discrimination.⁶⁰

⁵⁵ The Constitution of the Islamic Republic of Pakistan, <http://www.pakistani.org/pakistan/constitution/>.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Shaikh, Hina, "Status of Minorities in Pakistan in 2009, Annual Report," SAHR, <http://www.southasianrights.org/wp-content/uploads/2009/10/Minorities-Report-2009-Pakistan.pdf>; Khan, Raniya, "Marriage Registration for Minorities," Secular Space, Jinnah Institute, <http://jinnah-institute.org/issues/secular-space>. "Pakistan to Finally Introduce Hindu Marriage Law," July 2, 2012, Rediff News, <http://www.rediff.com/news/report/pakistan-to-finally-introduce-hindu-marriage-law/20120702.htm>.

⁵⁹ Husain, Waris, "A Decree to Counter Discrimination," June 2, 2012, Dawn, <http://dawn.com/2012/06/02/a-decree-to-counter-discrimination/>.

⁶⁰ *Ibid.*

Sexual Violence Against Hindu Women

Gender based violence is used as a weapon of subjugation and a means to intimidate and harass minority communities in Pakistan. Islamic seminaries often incite their students to kidnap and convert young Hindu girls. According to several sources, 20 – 25 Hindu girls are kidnapped and forcibly converted to Islam every month in Pakistan, although many incidents go unreported. Often the young girls are raped and then sold off or forced into prostitution after being abducted.⁶¹

A recent L.A. Times article describes the process as follows: “The victim, abducted by a young man related to or working for a feudal boss, is taken to a mosque where clerics, along with the prospective groom’s family, threaten to harm her and her relatives if she resists. Almost always, the girl complies, and not long afterward, she is brought to a local court, where a judge, usually a Muslim, rubber-stamps the conversion and marriage, according to Hindu community members who have attended such hearings. Often the young Muslim man is accompanied by backers armed with rifles. Few members of the girl’s family are allowed to appear, and the victim, seeing no way out, signs papers affirming her conversion and marriage.”⁶²

In addition, Hindu women are frequently sexually assaulted and harassed by Muslim men. The following examples demonstrate the type and nature of attacks against Hindu women:

- According to the Asian Human Rights Commission (AHRC), towards the end of 2012, a six year old Hindu girl, Vijanti Meghwar, was “raped and tortured” by Muhammad Mangrio and “found unconscious lying in a street” in Umerkot District of Sindh province. The alleged perpetrator, who was a political worker from the Pakistan Muslim League-Functional, reportedly threatened journalists for reporting on the case, but has not yet been arrested by the police.⁶³
- 16 year-old girl, Rachna Kumari, was kidnapped by a police officer guarding a Hindu temple administered by Kumari’s father. The officer, Barkat Talani, allegedly kidnapped Rachna, forced her to convert to Islam, and marry him. Although Talani was initially arrested and suspended from his job, he was later reinstated after a court affirmed the conversion and marriage. Rachna’s family alleges that she was coerced to sign papers accepting the marriage and conversion.⁶⁴
- Three Hindu girls, Rinkel Kumari, Asha Devi, and Lata Kumari, were abducted, forcibly converted to Islam, and married against their will in early 2012. The case attracted international attention after a conservative Muslim politician and Member of Pakistan’s National Assembly from Sindh province, Mian Mitthoo, was suspected of orchestrating the kidnappings. Mitthoo has been accused by the Human Rights Commission of Pakistan (HRCP) of being in the “business of not only converting and encouraging forceful marriages, but also selling Hindu girls.” From the beginning, Mitthoo and his armed associates created an atmosphere of fear and intimidation by

⁶¹ Life at Risk: Report of HRCP Working Group on Communities Vulnerable because of their Beliefs, Human Rights Commission of Pakistan, <http://www.hrcp-web.org/pdf/Life%20at%20risk.pdf>; Shaikh, Hina, “Status of Minorities in Pakistan in 2009, Annual Report,” SAHR, <http://www.southasianrights.org/wp-content/uploads/2009/10/Minorities-Report-2009-Pakistan.pdf>.

⁶² Rodriguez, Alex, “Hindus in Pakistan Accuse Muslims of Kidnappings Teens as Wives,” April 22, 2012, Los Angeles Times, <http://www.latimes.com/news/nationworld/world/la-fg-pakistan-hindu-conversions-20120423,0,4186272.story>.

⁶³ “Pakistan: Journalists are Threatened for Reporting the Rape Case of a Six Years Old Hindu Girl,” December 7, 2012, Asian Human Rights Commission, <http://www.humanrights.asia/news/ahrc-news/AHRC-STM-254-2012>

⁶⁴ Rodriguez, Alex, “Hindus in Pakistan Accuse Muslims of Kidnappings Teens as Wives,” April 22, 2012, Los Angeles Times, <http://www.latimes.com/news/nationworld/world/la-fg-pakistan-hindu-conversions-20120423,0,4186272.story>.

repeatedly threatening and coercing the girls and their families. Despite several court hearings, including highly prejudicial and questionable Supreme Court proceedings, the court system failed to deliver justice to the girls. Specifically, the courts accepted the girls' conversions as voluntary without question, all but ignored the underlying kidnapping charges, and largely disregarded the girls' own testimony. The court's decision resulted in the girls being sent to live with their abductors or alleged "husbands."⁶⁵

- A 14-year old Hindu girl, Rekha, was kidnapped near the southern port city of Karachi. Rekha and her family had recently migrated to Karachi after being displaced from their homes in rural Sindh by severe floods. In November 2011, Rekha was abducted from a manufacturing factory, then taken to a Muslim seminary, forcibly converted to Islam, and married to a Muslim man against her will. The police, however, initially refused to register a criminal complaint, and then waited five days before finally filing a report. Subsequently, a local judicial magistrate legally sanctioned the forced conversion and marriage, despite knowing that she was a minor and well below the legal age for marriage. Following the court's decision, Rekha's abductors took her to the tribal areas on the border with Afghanistan, and Rekha's parents have not seen or heard from her since then.⁶⁶

Violent Attacks on Hindus

Hindus are also subjected to violent attacks and frequently abducted for ransom, with little protection or assistance from the government or police. The Hindu community is often forced to pay "protection money" to Muslim gangs to avoid being attacked or kidnapped. The abduction of Hindu businessmen for ransom is a common occurrence in Sindh and Balochistan provinces, in particular, where failure to pay the demanded ransom frequently results in the death of the kidnapped victims. A recent article in *The Express Tribune* newspaper reported that there were at least 55 cases of abductions for ransom of Hindus in Balochistan in 2011, while there were 25 cases in the early months of 2012 alone.⁶⁷

The following examples are emblematic of such attacks and abductions:

- A Hindu religious leader and chairman of the temple committee that manages the famous Hinglaj Mata temple in Pakistan's Balochistan province was kidnapped prior to the start of the shrine's annual pilgrimage in April 2012. The Hindu leader, Maharaj Ganga Ram Motiyani, was reportedly abducted by two men in police uniform from Lasbela in Balochistan. Motiyani's whereabouts are still unknown, and his kidnappers have not yet demanded a ransom. Hindu community leaders believe the abduction was intended to further intimidate the small Hindu minority.⁶⁸

⁶⁵ Sirmed, Marvi, "Rinkle Kumari: The Timeline of Injustice," (May 25, 2012), <http://marvisirmed.com/2012/05/25/rinkle-kumari-the-timeline-of-injustice/>; Rajghatta, Chidnanad, "Forced Conversion of Hindus in Pakistan Jolts US out of Slumber," (March 14, 2012), *The Times of India*, http://articles.timesofindia.indiatimes.com/2012-03-14/us/31164574_1_hindus-religious-conversion-islamization; "Pakistan the Failure of the Judicial System--Another Hindu Girl was Forcibly Converted to Islam and her Whereabouts are Unknown," (March 6, 2012), Asian Human Rights Commission, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-042-2012>; Joshua, Anita, "Forcibly Convert'e'd Hindu Women Choose to Stay with Husbands," (April 18, 2012), *The Hindu*, <http://www.thehindu.com/news/international/article3328893.ece>.

⁶⁶ "Pakistan: A Hindu Girl was Forced to Convert to Islam and is Now Missing," June 30, 2012, Asian Human Rights Commission, <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-115-2012>.

⁶⁷ Baloch, Shehzad, "Abduction Cases, Forced Conversions Frighten Hindus," March 19, 2012, *The Express Tribune*, <http://tribune.com.pk/story/351900/kidnapping-for-ransom-abduction-cases-forced-conversions-fright-hindus/>

⁶⁸ "Temple Committee Chairman Kidnapped in Pakistan," April 9, 2012, Rediff News, <http://www.rediff.com/news/report/temple-committee-chairman-kidnapped-in-pakistan/20120409.htm>.

- In November 2012, a Hindu family from Sindh province was attacked and robbed while traveling on a highway in Punjab province. The family was on its way to Nankana Sahib to celebrate the birth anniversary of Guru Nanak, the first Sikh Guru.⁶⁹
- In July 2012, three prominent Hindu businessmen were kidnapped by armed men in southern Pakistan, while traveling from Karachi to Jacobabad in Sindh province. The abducted Hindus included Ramesh Lal, president of a Hindu local council; Ashok Kumar, president of the Rice Mills Association; and Hari Ram, a trader. Their whereabouts are still unknown, and no ransom was demanded.⁷⁰

Attacks on Hindu Temples/Religious Sites

Thousands of temples have been destroyed or converted into mosques since 1947, and only an estimated 360 - 428 temples/shrines remain (approximately 26 are functioning) in Pakistan.⁷¹ Moreover, Hindus are unable to independently control many of their own temples and religious institutions, which are administered by the Evacuee Trust Property Board (ETPB), a government institution responsible for managing a large number of Hindu temples and land left behind by refugees during the partition of the subcontinent. The ETPB lacks adequate Hindu representation and frequently sells or leases temple properties without consulting Hindu leaders or organizations. The ETPB controls 135,000 acres of land belonging to Hindus and has frequently sold or leased temple properties without consulting Hindu organizations.⁷²

The following incidents represent the type of attacks on Hindu temples in Pakistan:

- During nationwide protests in Pakistan against a film mocking the Prophet Mohammed, a Hindu temple outside Karachi was attacked by violent mobs. Assaultants broke several sacred religious statues of Hindu deities, destroyed a copy of the Bhagavad Gita, a Hindu scripture, and physically assaulted the temple's priest. The attack occurred on September 21, declared the "Day of Love for the Prophet" and a national holiday by the Pakistan government.⁷³
- The 160 year-old Gorakhnath temple northwestern Pakistani city of Peshawar, which reopened in 2011 after being closed for more than 60 years, was attacked by a group of eight unidentified men. The attackers reportedly vandalized the temple and burnt several images of Hindu deities and sacred books. According to the shrine's caretaker, this was the third attack on the temple in

⁶⁹ "Pakistani Hindu family looted," November 29, 2012, Business Standard, <http://www.business-standard.com/generalnews/news/pakistani-hindu-family-looted/85810/>.

⁷⁰ "Three Hindu Traders Abducted in Pakistan, July 14, 2012, The Times of India, http://articles.timesofindia.indiatimes.com/2012-07-14/other-news/32674207_1_three-hindu-karachi-jacobabad.

⁷¹ Ali, Tahir, "Pak's Hindu temples turned into picnic spots, hotels," February 24, 2011, Rediff India Abroad, <http://www.rediff.com/news/slide---show/slide---show---1---paks---hindu---temples---turned---into---picnic---spots---hotels/20110224.htm>; Qaswar, Abbas, "Soft Target in Pakistan," May 30, 2011, India Today, <http://indiatoday.intoday.in/site/story/hindus-in-pakistan-victims-of-abduction-forced-conversions-and-oppression/1/138751.html>; Thomas, Antony, "Hindu and Sikh Temples Targeted in Pakistan," April 9, 2010, The Chakra, <http://www.chakranews.com/hindu-and-sikh-temples-targeted-in-pakistan/710>

⁷² "Life at Risk: Report of HRCP Working Group on Communities Vulnerable because of their Beliefs," Human Rights Commission of Pakistan, <http://www.hrcp-web.org/pdf/Life%20at%20risk.pdf>; Ali, Tahir, "Pak's Hindu temples turned into picnic spots, hotels," February 24, 2011, Rediff India Abroad, <http://www.rediff.com/news/slide---show/slide---show---1---paks---hindu---temples---turned---into---picnic---spots---hotels/20110224.htm>

⁷³ "Attack on Hindus Prompts Blasphemy Case in Pakistan," September 30, 2012, Dawn, <http://dawn.com/2012/09/30/attack-on-hindus-prompts-blasphemy-case-in-pakistan/>.

the past two months.⁷⁴ Although the current temple was built 160 years ago, the site has been a place of Hindu pilgrimage for centuries and was associated with a Hindu yogi, Gorakhnath, who was believed to have lived in the 11th or 12th century.

- According to multiple news reports, the Shri Rama Pir Mandir, a century-old Hindu temple, along with several nearby homes in the predominantly Hindu Doli Khata neighborhood of Karachi, was demolished by a private developer with the support of the police and Pakistani Army Rangers. The developer's actions rendered nearly 40 Hindu men, women, and children homeless, and reportedly resulted in the physical assault of a partially paralyzed Hindu man protecting the temple. Following the incident, the Pakistan Hindu Council, a representative body for the country's Hindu minority, organized large-scale protests throughout Karachi.⁷⁵
- Hindus in the northwestern Pakistani city of Dera Ismail Khan, who have been denied the ability to cremate their dead since Pakistan's creation in 1947, recently called on the government to provide them with appropriate cremation grounds. Unable to hold cremation ceremonies in line with their religious tradition, Hindus in Dera Ismail Khan have been forced to bury deceased relatives. Community leaders allege that land previously used by Hindus as cremations grounds in Dera Ismail Khan has been illegally sold by the ETPB.⁷⁶

Bonded Labor System

Approximately 1.7 million people, mostly poor rural Hindus, are enslaved by the bonded labor system, often with the collaboration of local politicians and wealthy feudal landlords. Human trafficking is also an integral aspect of the bonded labor system, where girls are often bought, sold, rented, or kidnapped to work in organized, illegal begging rings, brick kilns, domestic servitude, prostitution, and as agricultural laborers. In one recent incident, a Hindu laborer, Roop Chand Bheel, was burnt alive by his Muslim landlord for allegedly stealing cotton.⁷⁷ Similarly, in another case, a Hindu peasant family was incarcerated in their landlord's private jail for over 13 years.⁷⁸

Desperate to pay off their debts and unable to access legal remedies, many vulnerable Hindu bonded laborers have been induced into converting to Islam by mosques and Islamic organizations who pay off their debt in return for their conversion.⁷⁹

⁷⁴ Ahmad, Riaz, "Religious Intolerance: Hindu Temple Vandalized in Peshawar," May 21, 2012, The Express Tribune, <http://tribune.com.pk/story/381884/religious-intolerance-hindu-temple-vandalised-in-peshawar/>.

⁷⁵ Ali, Rabia, "Soldier Bazaar Temple Razed in Hurried Operation," December 2, 2012, The Express Tribune, <http://tribune.com.pk/story/473838/soldier-bazaar-temple-razed-in-hurried-operation/>; "They can Shoot me but I will not let Them in with Shoes," December 3, 2012, The International News, <http://www.thenews.com.pk/Todays-News-4-146201-They-can-shoot-me-but-I-will-not-let-them-in-with-shoes>.

⁷⁶ "Cremation Banned? Hindus in Pakistan's DIK Forced to Bury Their Dead Ever Since Country's Birth," November 29, 2012, The Indian Express, <http://www.indianexpress.com/news/cremation-banned--hindus-in-pakistans-dik-forced-to-bury-their-dead-ever-since-countrys-birth/1038031>; "Many Sacred Buildings Lost to Mafias: Hindus Sikhs in KP Without Cremation Sites," December 2, 2012, Dawn, <http://dawn.com/2012/12/02/many-sacred-buildings-lost-to-mafias-hindus-sikhs-in-kp-without-cremation-sites/>.

⁷⁷ Bakshi, Roopa "Bonded Labour," The--South--Asian.com, November 2002; "Bonded Labour in Pakistan," Report Prepared for UN Economic and Social Council, June 23--July 9, 1999, Anti--Slavery International, <http://www.antislavery.org/archive/submission/submission1999--08Pakistan.htm>; Naveed, Shayan, "Minorities: 'Us and them' - what divides Pakistani identity, June 9, 2011, The Express Tribune, <http://tribune.com.pk/story/184740/minorities-identify-with-pakistan-despite-persecution-report/>;

⁷⁸ Bhatti, N.S., "Hindu peasant family in private jail of landlord for 13 years, Pakistan," (February 22, 2011), Pakistan Hindu Post, <http://pakistanhindupost.blogspot.com/2011/02/hindu-peasant-family-in-private-jail-of.html>.

⁷⁹ Mandhro, Sameer, "Mass Conversions: For Matli's Poor Hindus, 'Lakshmi' Lies in Another Religion, January 21, 2012, The Express Tribune, <http://tribune.com.pk/story/324799/mass-conversions-for-matlis-poor-hindus-lakshmi-lies-in-another-religion/>.

VII. Kingdom of Saudi Arabia

HAF Recommendation: The Commission should continue to designate Saudi Arabia as a *Country of Particular Concern* as there have been no significant improvements in religious freedom for minorities.

Saudi Arabia continues to be one of the most authoritarian and repressive nations in the world. The country's legal framework is based on Sharia (Islamic law), and Saudi law mandates all citizens to be Muslims and does not provide any constitutional protections or rights for religious minorities. In addition, public practice of other religions is prohibited and proselytizing by non-Muslims is illegal.⁸⁰ Religious vigilantes and police frequently harass, assault, and batter non-Muslims. Moreover, intolerance of other religions is embedded in the kingdom's educational institutions and schools teach Islamic law.

Furthermore, visitors and non-residents to the Gulf kingdom often complain that the police and customs authorities routinely confiscate private religious material, including books and symbols, upon entry in the country.

There are between 165,000 to 300,000 Hindus living in Saudi Arabia, many working as poor laborers. And according to a new report, these poor workers are treated inhumanely and managed like "cattle." While all non-Muslims face restrictions on religious freedom in Saudi Arabia, Islamic law characterizes Hindus as polytheists and consequently, places them in the same category as those who practice "black magic" or "sorcery."⁸¹

A recent case emblematic of the human rights violations faced by non-Muslims in Saudi Arabia was the imprisonment of a Hindu female doctor, Shalini Chawla, on false allegations of murder. Chawla, 36, was accused of murdering her husband, Ashish Chawla, and jailed by Saudi authorities for ten months before being released.⁸² Shalini was put in prison after being accused by her husband's Muslim colleagues of poisoning him after he allegedly converted to Islam. Shalini, however, said that her husband never discussed his intention to embrace Islam.

Despite medical reports and autopsies confirming that Ashish died in his sleep, Shalini remained in prison, where she was forced to care for her newborn baby. She was finally released and sent back to India after intervention from the Indian Consulate and signing an agreement to bury her husband according to Islamic rites.⁸³ The incident symbolized the institutional animus towards non-Muslims prevalent in Saudi Arabia and the arbitrary nature of the kingdom's justice system.

Saudi Arabia also exports extreme forms of Wahabbi Islam to other countries through the construction of mosques, provision of educational materials, and support for Islamists.

⁸⁰ The Basic Law of Governance, Saudi Arabia, http://www.saudiembassy.net/about/country-information/laws/The_Basic_Law_Of_Governance.aspx.

⁸¹ Singh, R., "Indian workers sold like cattle in Saudi Arabia: Stowaway," (January 4, 2010), Times of India, <http://timesofindia.indiatimes.com/india/Indian-workers-sold-like-cattle-in-Saudi-Arabia-Stowaway/articleshow/5408084.cms>; "Hindu Diaspora," http://en.wikipedia.org/wiki/Hindu_diaspora.

⁸² Jha, Durgesh Nandan, "Falsely accused of killing spouse, doc jailed in Saudi," (December 24, 2010), Times of India, <http://timesofindia.indiatimes.com/india/Falsely-accused-of-killing-spouse-doc-jailed-in-Saudi/articleshow/7154236.cms>.

⁸³ "Indian lady doctor cleared of murder of husband, returns home," (December 22, 2010), The Indian Express, <http://www.indianexpress.com/news/indian-lady-doctor-cleared-of-murder-of-husb/728071/>; Sharma, Vinod, "Women's 11-month ordeal ends," (December 23, 2010), Hindustan Times, <http://www.hindustantimes.com/India-news/NewDelhi/Woman-s-11-month-ordeal-ends/Article1-642077.aspx>.

VIII. Democratic Socialist Republic of Sri Lanka

HAF Recommendation: Sri Lanka is currently on the Commission's *Additional Countries Monitored* list, but its failure to adequately address the rights of its religious minorities and face accountability for atrocities committed during the civil war, and continued suppression of minority rights should warrant its designation as a *Watch List* country.

The longstanding civil war between the Sinhalese dominated government and the ethnic Tamil Liberation Tigers of Tamil Eelam (LTTE) officially ended in 2009. Although ethnic Sinhalese are mainly Buddhist and the majority of Tamils are Hindu (there are also large numbers of Christians and Muslims), the civil war was not a religious conflict per se, but rather a complex problem involving a combination of historical, geographical, ethnic, linguistic, and religious factors.

According to human rights groups and the United Nations, both the government and LTTE were guilty of mass atrocities and war crimes, as thousands of Tamil civilians were killed, seriously injured, or displaced. Moreover, reports indicate that more than 500 Hindu temples and religious institutions were destroyed during the course of the war.⁸⁴

A recent report released by the United Nations (UN) Secretary-General's Internal Review Panel found that the UN itself failed to protect Tamil civilians and prevent atrocities during the civil war through its inaction and by suppressing information regarding mass human rights violations by the government.⁸⁵

According to Amnesty International, "UN officials repeatedly failed civilians they were entrusted to protect, while ignoring or downplaying mounting evidence of war crimes compiled by their own staff as they struggled to appease Sri Lankan authorities intent on restricting humanitarian space."⁸⁶

On November 27, 2012, the Sri Lankan government reportedly prohibited rituals in Hindu temples and violently interfered with private celebrations on the Hindu festival of Karthiaai Vilakkeedu. The festival coincides with Maaveerar Naal, or a day to remember Tamils killed during the civil war.⁸⁷ There were also several reports of university students being attacked, arrested, and illegally detained for participating in peaceful assemblies.⁸⁸

⁸⁴ "Sri Lanka: UN rights chief urges further probes into reports of war crimes," April 26, 2011, UN News Centre, <http://www.un.org/apps/news/story.asp?NewsID=38194#.UOuUjG-oPQg>; World Report 2011: Sri Lanka, Human Rights Watch, <http://www.hrw.org/world-report-2011/sri-lanka>; "Sri Lankan Civil War Caused the Damage of 500 Hindu Temples," August 15, 2010, Chakra News, <http://www.chakranews.com/war-with-ltte-caused-500-hindu-temples-to-be-damaged/851>.

⁸⁵ "Sri Lanka: How UN Failed During Sri Lanka's Armed Conflict," November 14, 2012, Amnesty International, <http://www.amnesty.org/en/for-media/press-releases/sri-lanka-how-un-failed-during-sri-lanka-s-armed-conflict-2012-11-14>.

⁸⁶ *Ibid.*

⁸⁷ Based on information received from T. Kumar, Director International Advocacy for Amnesty International.

⁸⁸ "Sri Lanka: Students at Risk of Torture Following March," December 4, 2012, Amnesty International, <http://www.amnesty.org/en/library/asset/ASA37/014/2012/en/e77aed87-6fad-4b9f-9c48-3fc42f3bfd4e/asa370142012en.html>