

Hindus in South Asia and the Diaspora: A Survey of Human Rights – 2012

EXECUTIVE SUMMARY

The human rights of Hindu citizens are consistently violated in nine countries and one state in India where Hindus constitute a minority: Afghanistan, Bangladesh, Malaysia, Pakistan, Bhutan, the Indian state of Jammu and Kashmir, Sri Lanka, Fiji, Saudi Arabia, and Trinidad and Tobago. This report documents the ongoing violations of human rights in these countries.

HINDUS ACROSS THE DIASPORA

- Hindus, numbering nearly one billion, constitute the third largest religious group in the world.
- Hinduism is one of the oldest surviving religions with its origins tracing back to at least the third millennium BCE.
- Hindus are pluralistic in their beliefs and accept the myriad means of worship and prayer available to human beings seeking spiritual enlightenment.
- Hindus in South Asia, and many of the twenty million Hindus living outside of India, are subject to discrimination, terror, murder, sexual violence, forced conversions, ethnic cleansing, temple destruction, socio-political ostracization, and economic and political marginalization. In some countries, fundamentalists from other religions advance a discriminatory and non-inclusive agenda, and promote hatred of religious and ethnic minorities in league with politicians and other government officials.

EGREGIOUS VIOLATORS:

COUNTRIES DESIGNATED AS *EGREGIOUS VIOLATORS* HAVE EITHER ENGAGED IN OR ALLOWED RAMPANT AND SYSTEMATIC HUMAN RIGHTS VIOLATIONS TO TAKE PLACE AGAINST THEIR MINORITY HINDU POPULATIONS. HAF HAS CATEGORIZED THE FOLLOWING COUNTRIES AS EGREGIOUS VIOLATORS IN 2012: (1) ISLAMIC REPUBLIC OF AFGHANISTAN, (2) PEOPLE'S REPUBLIC OF BANGLADESH, (3) MALAYSIA, AND (4) ISLAMIC REPUBLIC OF PAKISTAN.

ISLAMIC REPUBLIC OF AFGHANISTAN

- The vast majority of Afghanistan's population is Muslim. The Hindu community has become nearly extinct, with barely an estimated 3,000 Hindus and Sikhs remaining in the country. Notwithstanding its recent decline, Afghanistan is considered one of the oldest centers of Hindu civilization and was once home to a thriving Hindu population.
- The Taliban and other terrorist groups continue to pose a substantial security risk and threaten the stability of Afghanistan. Additionally, the Afghan government remains weak and is unable to protect its citizens from violence and intimidation by the Taliban and religious extremists.
- The general disregard for human rights by the government, as well as non-state actors, has seriously impeded the establishment of the rule of law and democracy throughout the country.
- Afghanistan's constitution and legal system are highly problematic and institutionalize discrimination against non-Muslims. Specifically, Islam pervades all aspects of the Afghan constitution and is firmly established as the state religion.
- Religious minorities, including Hindus, Christians, and Sikhs continue to endure violence and social discrimination, and they are often forced to hide their religious beliefs to avoid persecution.
- A large number of Afghan Hindus and Sikhs who fled Afghanistan several years ago continue to endure problems while living as refugees in other countries.

HAF Recommendations:

- 1) The international community should: (1) work with the Afghan government to reform its legal system and constitution to provide greater safeguards for religious freedom

and human rights, and (2) urge the Afghan government to protect religious minorities from violence and discrimination.

- 2) The international community should provide refuge to Hindu and Sikh minorities forced to flee Afghanistan due to persecution. In particular, countries such as Belgium, Germany, India, and the UK should grant asylum to Afghan Hindu and Sikh refugees under the Geneva Convention, considering their inability to return to Afghanistan.

PEOPLE'S REPUBLIC OF BANGLADESH

- In 1947, Hindus constituted nearly 30% of Bangladesh's population. By 1991, an estimated 20 million Hindus were "missing" from Bangladesh. Today, Hindus comprise less than 10% of the population.ⁱ
- Bangladesh passed the Vested Properties Return (Amendment) Bill in 2011 and the Vested Property Return (Second Amendment) Act in 2012, which enable Hindus to reclaim land and property confiscated by the government or looted and occupied by Muslims after the passage of the 1965 Vested Enemy Property Act (by Pakistan) and subsequently, the 1974 Vested Property Act. The measures identified in the new legislation have not yet been fully implemented and properties have not been returned to their rightful Hindu owners.
- Nearly 1.2 million, or 44% of the 2.7 million Hindu households in the country, were affected by the Enemy Property Act 1965 and its post-independence version, the Vested Property Act 1974. Hindu owned land continues to be illegally confiscated with the tacit or active support of government actors.
- Hindus of Bangladesh continue to be victims of ethnic cleansing waged by Islamic fundamentalists that include daily acts of murder, rape, kidnapping, forced conversions, temple destruction, and physical intimidation. There were several large-scale incidents of violence in 2012, including at Nandirhat-Hathazari, Sathkira, and Dinajpur.
- The International Crimes Tribunals established in 2010 to prosecute those accused in the rape, murder, and genocide of ethnic Bengalis (mostly Hindus) during Bangladesh's struggle for independence in 1971 indicted several leaders of Jamaat-e-Islami (Jel) and the main opposition Bangladesh Nationalist Party (BNP) in 2012.
- In the early months of 2013, the Tribunals convicted three Jel leaders, leading to violent riots by Jamaat and their student affiliate, Islami Chhatra Shibir, and the destruction of more than 50 Hindu temples and 1,500 Hindu homes.

- The commission inquiring into the attacks by the BNP-Jamaat alliance against Hindus during the 2001 elections found that 26,352 people, including 25 ministers and lawmakers of the BNP-Jamaat alliance government, were involved in perpetrating the violence. The commission said there had been more than 18,000 incidents of major crimes, including murder, rape, arson, and looting by members of the then ruling BNP-Jamaat alliance in the 15 months following October 2001.

HAF Recommendations:

- 1) The Awami League government, led by Sheikh Hasina, must continue to take substantial and verifiable measures to ensure that attacks on Hindus and their institutions cease, rehabilitate past victims of violence, and bring to swift justice those political and radical religious elements that have led the assault on Hindus and other minorities.
- 2) Based on their long-standing involvement in violence against religious minorities, Jamaat-e-Islami and Islami Chhatra Shibir should be declared illegal organizations and prohibited from participating in politics.
- 3) Bangladesh's government must undertake legal and constitutional reforms by removing any reference to Islam from the Constitution. In addition, the Vested Property Return (Second Amendment) Act promulgated in September 2012 should be fully implemented and properties returned to their rightful Hindu owners.
- 4) The United States and other donor nations must demand accountability from the Bangladesh Government, and all aid to Bangladesh should be contingent on the improvement of the human rights situation. The United States should further support the International Crimes Tribunal and preemptively ban members and elected officials from Jamaat-e-Islami from entering the U.S. based on the party's involvement in orchestrating large-scale anti-minority violence.
- 5) Finally, international institutions and human rights groups should monitor the upcoming elections to ensure that they are fair and democratic, and that minorities are not targeted by extremist groups.

MALAYSIA

- Malaysia is a self-declared Islamic Republic, and Islam is the official religion of the country, despite it being a multi-ethnic and multi-religious country in which Hindus, Christians, and Buddhists are significant minorities. Minorities struggle to maintain and practice their religions.

- The right to religious freedom has been progressively deteriorating in recent years, and there have been several cases forcing Hindus and other minorities to deal with the Islamic Sharia courts where they face severe disadvantages.
- The Hindu population faces discrimination and intimidation, including the destruction of its temples and places of worship. The government continues to treat pre-independence era Hindu temples differently than mosques from the same era and gives preference to mosques in the allocation of public funds and lands.
- Discriminatory constitutional provisions, such as the *Bumiputra* (son of the soil) policies, remained in place, while the government continued to suppress free speech and other civil liberties.
- The ban on HINDRAF was lifted and exiled human rights leader, Waytha Moorthy, was allowed to return to Malaysia. None of the major political parties, however, have shown any inclination to address the issues facing the Indian-Hindu minority.

HAF Recommendations:

- 1) All political parties should address the economic, social, and political marginalization of the Indian-Hindu minority.
- 2) Religious minorities should not be forced to deal with the country's Islamic Sharia courts.
- 3) Hindu temples must be protected from desecration and destruction. Hindu places of worship that existed prior to independence should be designated as temple property, and the title to the land should be handed to the respective temple trustees/committees as has been done for pre-independence era mosques.
- 4) The U.S. should work with the United Nations and international human rights organizations to exert pressure on the Malaysian government to (1) provide religious freedom and equal rights to non-Muslims through constitutional and legal reform and (2) end repression of political dissent.
- 5) The U.S. should revisit its trade ties with Malaysia and restrict any future appropriations unless the government protects the human rights of its ethnic and religious minorities, repeals repressive security policies, and ends its affirmative action policies favoring the majority Muslim Malays (*bumiputras*).

ISLAMIC REPUBLIC OF PAKISTAN

- In 1947, Hindus were approximately 25% of the population of Pakistan. Now, Hindus constitute less than 2% of the population.
- Pakistan officially and routinely discriminates against non-Muslims through a variety of laws and constitutional provisions that favor Islam.
- School textbooks and curriculum continue to promote Islam alongside hatred and intolerance towards non-Muslims, particularly Hindus.
- Islamist militants continue to attack civilians with impunity, while the Pakistani state and society are becoming increasingly Islamized. Pakistan remains the epicenter of global terrorism and utilizes terror as an instrument of state policy.
- Recurring reports point to an alarming trend of Hindu girls being kidnapped, raped, held in *madrassas* (Islamic seminaries), and forcibly converted to Islam.
- Hindu temples continued to be attacked and illegally occupied. The Hindu community lacks independent control over their places of worship.
- Poor Hindus continue to be economically exploited and subjected to inhumane conditions through the bonded labor system.
- In recent years, large numbers of Pakistani Hindus have sought refuge in India to escape religious persecution. HAF visited Pakistani Hindu refugee camps in Jodhpur, India in early 2013 on a human rights fact-finding and medical mission.

HAF Recommendations:

- 1) The Government of Pakistan must take immediate steps for the protection of Hindus from violence, rape, kidnapping, and forced conversions.
- 2) Religious minorities must be allowed to independently manage their own religious institutions free from government interference and representatives from the Hindu and Sikh communities should be given full control over the Evacuee Trust Property Board (ETPB).
- 3) Pakistan should reform its education system in order to remove inflammatory and negative depictions about other religions, and it should promote tolerance and pluralism.
- 4) HAF supports the repeal and/or revision of all discriminatory and inequitable laws and constitutional injunctions, and the implementation of hate crime legislation to protect religious minorities.

- 5) The United States should demand that Pakistan stop all support and financing of Islamic militant groups operating in the subcontinent. The United States must place strict conditions on any financial assistance to Pakistan and demand accountability for human rights violations.
- 6) The U.S. Department of State should classify Pakistan as a *Country of Particular Concern* (CPC) due to its blatant disregard for human rights and religious freedom.
- 7) Pakistan should establish a truly independent Human Rights Commission and a new National Minorities Commission to monitor the human rights condition and enable minorities to enjoy the rights provided to the majority population. Alternatively, the existing Minorities Commission should be strengthened and given broader policy making powers.
- 8) A durable and long-term solution must be found to address the needs of Pakistani Hindu refugees, including the accordance of refugee status under international law.

COUNTRIES OF SERIOUS CONCERN:

COUNTRIES LABELLED AS *SERIOUS CONCERN* HAVE COMMITTED SEVERE HUMAN RIGHTS VIOLATIONS AGAINST THEIR HINDU MINORITY, BUT NOT RISING TO THE LEVEL OF *EGREGIOUS VIOLATORS*. THESE COUNTRIES OR REGIONS INCLUDE THE FOLLOWING: (1) KINGDOM OF BHUTAN, (2) INDIAN STATE OF JAMMU AND KASHMIR (THIS DESIGNATION IS BASED ONLY ON THE TREATMENT OF THE HINDU MINORITY IN THE STATE AND NOT HUMAN RIGHTS IN GENERAL IN INDIA), AND (3) DEMOCRATIC REPUBLIC OF SRI LANKA.

KINGDOM OF BHUTAN

- Bhutan is a Democratic Constitutional Monarchy and comprises a multi-religious, multi-cultural, multi-ethnic, and multi-lingual society.
- Under the “One Nation, One People” policy, Bhutan implemented various ethnically, religiously, and linguistically discriminatory policies aimed at forced homogenization of the country. This culminated in the eviction of over 100,000 Hindu minority Lhotsampas (ethnic Nepalis) and Nyingmapa Buddhists from southern and eastern Bhutan in the early 1990s (nearly one sixth of the kingdom’s total population of 700,000).
- The Bhutanese government has refused to make any concessions towards rehabilitating the Bhutanese refugees or affirming their right to return. Several

countries, however, have agreed to resettle the refugees. Approximately 69,000 Bhutanese refugees have been resettled to date, including more than 37,000 in the United States.

- The resettled Bhutanese Hindu community in the U.S. reported facing a number of challenges in their new home, including a high incidence of mental illness and suicide, trouble obtaining employment, and difficulty retaining their cultural and religious traditions in an attempt to assimilate.
- When the “resettlement movement” first started in 2007, there were approximately 108,000 Bhutanese refugees in United Nations High Commissioner for Refugees (UNHCR) administered camps in Nepal. As of 2012, UNHCR estimated that there were still 44,000 Bhutanese refugees living in Nepal.
- At the start of 2012, a team of HAF doctors led a fact-finding mission to the UNHCR camps in Damak, Nepal, where they conducted a detailed medical assessment on the needs of the refugees. Dental care and mental health emerged as the two areas of greatest concern and required urgent assistance.
- The lack of basic fundamental human rights continues to be an ongoing problem for minorities in Bhutan as well as Bhutanese refugees that have now spent more than 20 years living in squalid refugee camps.

HAF Recommendations:

- 1) HAF urges Bhutan to accept and repatriate all those who are able to prove their nationality through reasonable means, while Nepal should make a similar offer to integrate some refugees. Moreover, those Bhutanese Hindus living in India should be accorded official refugee status and provided with basic government assistance. We support other human rights agencies’ calls that “ultimately, each and every refugee should have the right to choose their own future.”ⁱⁱ
- 2) The government of Bhutan must revise its constitution and legal framework to remove any preferential language for Buddhism, and adopt equitable policies towards all religions. Furthermore, the ruling government’s attempt to forcibly homogenize the cultural identity of the country must end, thereby allowing all ethnic and religious minorities to assert their independent identities.
- 3) Donors, UN agencies, and Bhutan's other partners should insist on measures to eliminate discrimination against the Hindu Lhotshampas and ensure the protection of their fundamental human rights and their rights to participate as full citizens of Bhutan.

INDIAN STATE OF JAMMU AND KASHMIR

- The Maharaja of Kashmir legally ceded his kingdom to India in 1947 when Pakistan invaded Kashmir in order to conquer the kingdom. Pakistan occupies about 35% of the region, India governs approximately half, and China occupies the remainder, including a portion ceded to it by Pakistan.
- India and Pakistan have fought major wars over Kashmir. Pakistan continued to foment cross-border terrorism in Kashmir, maintaining a terrorist infrastructure and training camps on its side of the border.
- Since the mid to late 1980s, Islamist terrorists, supported and trained by Pakistan, have targeted Kashmir and are guilty of large-scale ethnic cleansing of Hindus from India's Kashmir Valley. Moreover, over 170 Hindu temples in Kashmir have been destroyed or damaged since 1989.
- Nearly 400,000 Kashmiri Hindus are Internally Displaced Persons (IDPs), sheltered in temporary camps in Jammu and other parts of India. Many suffer from ongoing mental and emotional trauma and are both economically and politically marginalized.
- Despite a reduction in terrorism in the state in 2012, there was no significant resolution to the plight of Hindu refugees from Kashmir. Attempts to redress the situation by the Central and State Governments seem desultory in nature, and Kashmiri Pandits continue to live in abject conditions in "refugee camps."
- The State Government failed to enact legislation to protect and preserve Hindu temples and shrines in Kashmir, despite the ongoing encroachments and illegal sales of temple properties.

HAF Recommendations:

- 1) Kashmiri Hindus must be allowed to return to their homes, have their property restored to them, and receive protection from the Indian government and the Kashmir State Government.
- 2) The Jammu and Kashmir State Legislature should pass the Hindu Shrines (Management and Regulation) Bill without further delay and thereby, provide Kashmiri Hindus independent control over their places of worship.
- 3) India must abrogate Article 370 of the Constitution, which has allowed the State's residents to live under a separate set of laws, benefiting its Muslim population, who enjoy political power to the detriment of Kashmir's religious minorities. The State

must end the economic and political marginalization of Hindus and Buddhists in the state.

- 4) U.S. policy makers and the international community must exert economic and diplomatic pressure on Pakistan to end its use of terrorism as an instrument of state policy, leveraging the large amount of financial assistance annually provided to the country.

DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

- Sri Lanka is a multi-ethnic, multi-religious nation that was plagued by years of ethnic conflict. The violent conflict between the Sinhala-majority Sri Lankan government and the Tamil groups was the result of a combination of religious, ethnic, and linguistic factors. Tensions between the Sinhalese majority and Tamil separatists in northern Sri Lanka erupted into war in 1983. The civil war came to an end in May 2009 and both sides were guilty of severe human rights violations and war crimes.
- Not all Tamils are Hindus, and the LTTE, the primary Tamil-terrorist outfit, was not a Hindu organization.
- The prolonged conflict was detrimental to all Sri Lankans, especially the large Hindu minority population, which experienced an undue share of violence and displacement.
- Following the war, the Sri Lankan government has not made serious efforts to investigate war crimes, or pursue accountability and justice for the victims of military excesses. Additionally, the government has shown little interest in pursuing genuine reconciliation and a political settlement with the minority Tamil population.
- Sinhala-Buddhist nationalism has emerged as a destructive force after the war and led to the repression of minority rights.

HAF Recommendations:

- 1) The Sri Lankan government must implement substantive measures to protect the rights of minorities and end religious persecution and ethnic discrimination, including the destruction of minority places of worship.
- 2) The government must confront an increasingly aggressive Sinhala-Buddhist nationalism that continues to threaten the rights and safety of minorities. Similarly, the government and military must not allow the Sinhalization of ethnic Tamil areas.

- 3) More than 90,000 civilians are still displaced from the war, despite government contentions to the contrary, and must be resettled and rehabilitated in a timely manner.
- 4) It is critical that the government establishes a truly independent war crimes tribunal to inquire into the abuses committed by the Sri Lankan armed forces. The government also has to act on the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) and the UN Human Rights Council and engage in meaningful dialogue with Tamil political parties.
- 5) The Tamil Diaspora must play a constructive role in the rehabilitation of Tamils in Sri Lanka, the welfare of the Tamil minority in particular, and the Sri Lankan state in general.

MONITORED COUNTRIES:

MONITORED COUNTRIES HAVE A HISTORY OF VIOLATIONS AGAINST THE HINDU COMMUNITY, BUT CONDITIONS HAVE IMPROVED IN RECENT YEARS. THE ONE EXCEPTION IS SAUDI ARABIA, WHICH HAS A SMALL POPULATION OF HINDU MIGRANT WORKERS AND A LACK OF AVAILABLE DATA ON VIOLATIONS AGAINST HINDUS. CONSEQUENTLY, *MONITORED* COUNTRIES INCLUDE THE FOLLOWING: (1) REPUBLIC OF THE FIJI ISLANDS, (2) SAUDI ARABIA, AND (3) TRINIDAD AND TOBAGO.

REPUBLIC OF THE FIJI ISLANDS

- In Fiji, Hindus constitute approximately 34% of the Christian majority state.
- Fijian Hindus faced hate speech, and Hindu temples were targets of attack until 2008. Such attacks appeared to have ceased in 2009. In 2012, Hindus continued to enjoy respite from religious/criminal attacks.
- Under new restrictive regulations implemented in 2012, Hindus were required to acquire permits to hold events that had more than ten people. Similarly, many Hindu temples were unable to obtain permits for religious gatherings or festivals.
- The powerful and influential Methodist Church of Fiji has repeatedly called for the creation of a Christian State.
- Prime Minister Bainamirama, who came to power in 2006 in a military coup, has committed his government to the protection of minorities, especially the large Hindu

minority. On the other hand, his regime has been accused of committing rampant human rights violations.

- Despite having previously made commitments to improve its human rights record before the United Nations Human Rights Council (UNHRC) in 2010 and accepting 97 (out of 103) of the Council's recommendations, the government continued to repress fundamental rights and freedoms in 2012.

HAF Recommendations:

- 1) The Fijian government must respect the rights of all citizens, and must eradicate the inherent political bias against Hindus and ethnic Indians. It should further rescind recently implemented restrictions on Hindu temples and religious gatherings.
- 2) Fiji must continue to be vigilant in protecting Hindus from violence and hate speech, and it must institute permanent safeguards to protect Hindu temples from attacks.
- 3) The Fijian government must distance itself from Christian fundamentalists promoting hatred against Hindus and Hinduism and avoid Christianization of its institutions.
- 4) The government must uphold and protect human rights, take specific steps to enhance human rights protections, and return to democratic rule.

KINGDOM OF SAUDI ARABIA

- 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. In addition, public practice of other religions is prohibited and non-Muslim places of worship, such as temples, synagogues, or churches are expressly forbidden.
- Saudi Arabia's Hindu population is primarily comprised of migrant workers from South Asia. Non-Muslim migrant workers in particular, including Hindus, are deprived of all basic human rights and religious freedom. In fact, many migrants are frequently forced to sign labor contracts, where they relinquish their rights and agree to adhere to Saudi religious customs and morals.
- 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.

HAF Recommendations:

- 1) Given the Saudi government's unwillingness to address fundamental human rights concerns, the international community, and particularly the U.S., must exert economic and diplomatic pressure on the country's leaders to implement meaningful reforms. Specifically, Saudi Arabia must revamp its legal system to provide religious freedom for minorities, equality for women, and basic civil rights for all its citizens.
- 2) The Saudi regime must end its financial, ideological, and logistical support for radical Islam in various parts of the world.

REPUBLIC OF TRINIDAD AND TOBAGO

- The country is a multi-ethnic, multi-religious island nation with Hindu Indo-Trinidadians and Afro-Trinidadians accounting for the majority of the population. Roman Catholics and Hindus make up the largest religious groups.
- The racial and religious animosity between Afro-Caribbean and Indo-Caribbeans has been exacerbated over the years. Hindus were frequently subjected to discrimination, hate speech, and acts of violence under previous governments. Afro-Caribbean supremacists continue to promote hatred and intolerance of Indian-Hindus.
- Indo-Trinidadians have been systematically denied government benefits and employment in public sector jobs. Hindu institutions and festivals were previously subject to acts of violence and denied equal access to public funds.
- Under the new government of Kamla Persad Bissessar, an Indian-Hindu, conditions have significantly improved for the Indo-Caribbean community.

HAF Recommendations:

- 1) The Trinidadian government should practice parity and equality in government response to and support of various ethnic and religious groups. It is incumbent upon the government to guarantee fundamental rights and freedoms for all citizens and enforce civil and criminal laws in a uniform manner.
- 2) Trinidadian leaders should discourage racial and religious stereotypes and hate speech; recognize Hindus and Indians as equal partners in the rule and governance

of the nation; and distance themselves from Christian fundamentalist organizations promoting Christianization of the government and hatred against Hindus and Hinduism.

- 3) Hindus should be protected from violence, hate speech as well as racial and religious stereotyping. Furthermore, the government must safeguard Hindu temples from attacks.
- 4) The United States should encourage the current Trinidad government to abide by the country's Constitution and guarantee safety and security to Hindus and Indo-Trinidadians.