

Religious Liberty trends South Asia

Yamini Ravindran (Attorney-at-Law, LL.B)

Ex. Director, Asia Evangelical Alliance, Religious Liberty Commission

Religious freedom in South Asia:

In a study conducted by Pew Research¹, it was revealed that Christians were harassed either by governments or social groups, in 102 out of 198 countries (52%), making Christians the most persecuted community worldwide. The study also revealed that Muslims were reportedly harassed in 99 countries (50%).

In the South Asian region in particular, driven by the rise of religious nationalism, there has been an increase in religiously motivated attacks on religious minorities. This is no surprise, as, historically, religion has been used as a tool in politics in South Asia to gain and solidify political power.

According to the World Watch List (WWL) 2017, all South Asian countries were listed within the top 50 countries where religious persecution is most severe in the world.

Below are some brief highlights from the WWL 2017:

- 215 million Christians experience high levels of persecution – i.e. a staggering 1 in 12 Christians worldwide
- North Korea is ranked #1 for the 16th consecutive year (since 2002)
- During the World Watch List 2018 reporting period, 3,066 Christians were killed; 1,252 were abducted; 1,020 were raped or sexually harassed, and 793 churches were attacked
- Islamic Oppression fuels persecution in 8 of the top 10 countries

Regional religious liberty trends:

Listed below are some recent religious liberty trends in the South Asian region. These include:

- Decline in secularism
- Religious nationalism and the spread of religious extremism
- Government repression: legal Restrictions (blasphemy laws, registration regulations & anti-conversion laws)
- Social hostilities
- The weak rule of law & culture of impunity
- The use of Social media as a vehicle for hate speech

¹ Pew Research Centre, *Trends in Global Restrictions on Religion*, 23rd June 2016:
<http://www.pewforum.org/2016/06/23/trends-in-global-restrictions-on-religion/>

1. Decline in secularism

According to Gandhi, “a political association based exclusively on adherence to a particular religion was worse than an undemocratic state.” According to the Oxford English Dictionary, a Secular State is one which is or purports to be officially neutral in matters of religion, supporting neither religion nor irreligion. A Pluralistic State, on the other hand, is a form of society in which the members of minority groups maintain their independent cultural traditions.

In the South Asian context, while certain countries self-identify as secular, in reality, the practices of these states stand in contrast to their claims. In India, for instance, secularism has been defined as the equal treatment of religions.² However, increasingly, the ruling Bharatiya Janata Party government has continued to advocate for an anti-secular state with a dominant Hindutva ideology. Elsewhere in South Asia, Nepal has granted the foremost place to the practice of the Santana culture, despite claiming to be a secular state.

2. The weak rule of law and the culture of impunity

There has been a downward trend with regard to the rule of law in South Asia. While the region boasts of laws that protect religious freedom, there has been a notable lack of will on the part of governments and law enforcement to prosecute and hold accountable perpetrators of religious liberty violations. Compounding issues further, religious minorities in the region have fallen prey to the arbitrary use of government regulations that restrict religious freedom.

- According to reports collated by the United Christian Forum, over 250 incidents of violence were recorded against Christians in 2017 in India. Yet in only 23 cases was a First Information Report (FIR) or criminal complaint filed.³ Additionally, following communal riots against Christians in Orissa, no offense was found in 315 out of 827 cases, as perpetrators could not be identified. Moreover, out of the 362 trials which were completed, only 78 resulted in a conviction.⁴
- In Sri Lanka, based on recent trends, it appears that the Supreme Court tends to use a procedural approach when determining outcomes that protect minority religious rights. This approach fails to substantively contribute to the expansion of jurisprudence on the State’s role to protect, promote and fulfil an individual’s right to the freedom of religion.⁵ Furthermore, no one has been prosecuted in relation to the

²Seo, Hyeon-Jae. (2018), “*Equal But Not Separate: India’s Secular Dilemma*”, Harvard International Review: <http://hir.harvard.edu/article/?a=14574>

³Dayal, J. (2017), *Christians: India’s Other Persecuted Minority*, National Herald.

⁴Arora, T. (2018), *Religious Identity, Nationalism and Violence*, Lausanne Global Analysis, Vol 07/Issue 03: <https://www.lausanne.org/content/lga/2018-05/religious-identity-nationalism-and-violence>

⁵Esufally, S. (2017). *Judicial Responses to Religious Freedom: A Case Analysis* (p. 18). NCEASL

attacks instigated by extremist groups such as the *Bodu Bala Sena* (BBS) against the Muslim community in Aluthgama in June 2014, which killed four and injured 80.⁶

3. Religious nationalism and the spread of religious extremism

The rise of majoritarianism and religious nationalism has been a worrying trend in South Asia. In efforts to preserve power – governments across the region have continued to use nationalist sentiment to fuel religious tensions.⁷

Another growing trend within this region has also been the spread of radical Islam. This is particularly prominent in Bangladesh and Pakistan. Furthermore, in countries like Sri Lanka, there has also been an increasing trend in the Arabisation of Muslims in certain parts of the country.

In the recent past, Hindu and Buddhist extremism have grown steadily within the South Asian region. With regard to Hindu extremism, the Hindutva ideology espoused by the likes of groups such as the Rashtriya Swayamsevak Sangh (RSS) movement have continued to play an influential role in India. Buddhist extremism has also grown rapidly in Sri Lanka, with the emergence of extremist groups such as the BBS and the Sinhala Ravaya. For instance, since 2014, the National Christian Evangelical Alliance of Sri Lanka has documented over 400 incidents of religious liberty violations in Sri Lanka, a majority of which have included the involvement of extremist Buddhist monks.

Islamic extremism is one of the most widely recognized sources of persecution for Christians in the world today—and it continues to spread—aiming to bring many parts of the world under Sharia law. This movement, which often results in Islamic militancy and the persecution of Christians, is expanding in Asia.

For instance, in Bangladesh, the constitution establishes Islam as the state religion while recognising the right of religious minorities to exercise their faith. Despite this, extremist Islamic groups have continued to lead violent attacks against religious minorities in the country. In the recent past, there have also been demands for the country's Islamisation by groups such as the Hefazat-e-Islam Bangladesh.

In Pakistan (an Islamic republic with a Sunni majority) religious minorities are forced to practice their faith cautiously and under varying degrees of threat from Islamists, even though the law provides for religious freedom. Christians in Pakistan face severe opposition from militant Islamic groups, including violent attacks and even death. Many Pakistani Christians

⁶ United Nations General Assembly, *Comprehensive report of the Office of the United Nations High Commissioner for Human Rights on Sri Lanka*, A/HRC/30/61 (28 September 2015): http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session30/Documents/A_HRC_30_61_ENG.docx

⁷ As seen in Nepal and India (Hindu nationalism), Sri Lanka (Buddhist nationalism), and Bangladesh and Pakistan (Islamic extremism).

have also been falsely accused and imprisoned under the country's notorious blasphemy laws.

4. Social hostilities

Along with the growth of nationalist agendas, there has also been a rise in social hostilities against religious minorities across the South Asian region in recent years. Social hostilities include acts of religious hostility by private individuals, organizations or groups in society. It is also noteworthy to mention that the majority religious communities in most of these nations act as custodians of the land, which in turn has fuelled anti-minority sentiment and has paved the way for violent suppression of minority groups who are viewed as 'guests', or even 'intruders'.

- The Modi Government admitted in Parliament on the 7th of February this year that over 278 persons have been killed and over 6,500 people were injured due to communal violence in over 2,000 incidents over the last three years.⁸
- Among the world's 25 most populous countries, Pakistan is one of the 5 countries which stand out as having the most restrictions on religion (as of the end of 2014).
- In 2017 alone, the NCEASL documented over 96 incidents of religious liberty violence against the evangelical Christian community. The highest category of incidents were violent attacks. In 2018, more than 30 incidents have been documented to date.

5. Government Repression: Legal Restrictions

Government repression within the South Asia region include efforts to control religious groups and individuals in a variety of ways, ranging from registration requirements to discriminatory policies and outright bans on certain faiths. Most often, State actors pass legislation and regulations, claiming to protect vulnerable communities, whereas in fact these laws are then used to curtail the religious freedoms of minority communities. According to the Pew Research Global Trends Report, restrictions on religion were high or very high in 39% of countries with around 5.5 billion people (77% of the world's population) living in countries with a high or very high overall level of restrictions on religion in 2013.

For example:

⁸ Dayal, J. (2017), *Christians: India's Other Persecuted Minority*, National Herald.

- Anti-conversion laws are present in 7 states of India⁹, where Christians are often falsely accused of forcible conversions and imprisoned or subjected to a penalty
- Nepal's new constitution includes anti-conversion clauses. Forceful conversion is also treated as a criminal offence
- In Pakistan, Blasphemy laws are used by the majority community to suppress and restrict the Christian community
- In Bhutan and Sri Lanka registration laws/regulations are used to curtail the activities of religious places of worship. For instance in Bhutan, only one non-Buddhist religious place of worship, which is a Hindu temple, has obtained recognition with the state.

6. Social media, hate speech and the use of ICT laws

As noted below, the usage of the internet has grown rapidly in the recent years across the South Asian region. Globally, 3.196 billion people out of around 7 billion are active on social media (53% of the entire population). Within the South Asian region, 20% of the population are active social media users with Internet penetration being recorded at 36%.

Below are some notable digital facts from South Asia:¹⁰

- In India, 34 % of the population are internet users and 19% (240 million people) are active social media users
- In Bangladesh, 49% of the population are internet users, 19% (30.0 million people) are active social media users
- In Bhutan, 46% of the population are internet users and an equal percentage are active social media users (370,000 people)
- In Nepal, 55% of the population are internet users and 32% (9.30 million) are active social media users
- In Pakistan, 40% of the population are internet users and 18% (35.0 million) are active social media users
- In Sri Lanka, 32% of the population are internet users and 29% (6 million) are active social media users

The expansion of online media and its usage has had its positive and negative impact within South Asia. Positively, larger groups of human rights activists have been able to use online media for advocacy efforts. On the other hand, however, the growth of the internet has also empowered extremist elements to use online platforms, as vehicles for hate campaigns, inciting hatred and bias against religious minorities. The most common platforms used for such campaigns have been Facebook and Twitter.

Interestingly, where there has been an increase in the usage of online media by human rights activists and citizen journalists, government stakeholders have increasingly used censorship

⁹ Thomas, S. (2018), *Seventh Indian State enacts anti-conversion law*, UCANews:

<https://www.ucanews.com/news/seventh-indian-state-enacts-anti-conversion-law/82213>

¹⁰ Digital in 2018 in Southern Asia essential insights into internet, social media, mobile and ecommerce use across the region (28th January 2018): <https://www.slideshare.net/wearesocial/digital-in-2018-in-southern-asia-86866282>

and harsh criminal laws/ hate speech laws to curtail the freedom of expression of these persons¹¹ Moreover, State actors have also frequently utilised information and communication technology (ICT) laws in this region to curb the activities of religious minorities. For instance, in Bangladesh, the digital security draft law introduced in January 2018 is vague and leaves room for state actors to exploit it in a broad sense. The previous ICT law was used to imprison journalists and curb the freedom of expression of activists. Unfortunately, state actors do not use the ICT laws against actual perpetrators of hate speech, but rather religious minorities and activists exercising their rights to free expression.

In terms of a negative impact, online media has been increasingly used to promote hate speech. Alarming, Youth in these nations have also been influenced and used as tools to promote such hate campaigns. For instance, mobs have also used social media upload footage of attacks online, claiming to be fighting on behalf of the rights of the “oppressed majority” in the nation. Recently, in Sri Lanka, in March 2018, social media was widely used by extremist elements to mobilise mobs against the Muslim community. The ensuing riots led to violent attacks against Muslim-owned businesses, homes, and mosques in the Kandy District. The attacks resulted in the damage and destruction of 49 shops, 132 houses, and 04 mosques. Two people were killed and 51 individuals were also injured in the violence.¹²

END

¹¹ Liu, J & Kim, S (2012), *Internet and Social Media in Asia*, Asian Forum for Human Rights and Development (FORUM-ASIA)

¹² Information received from a single, independent source in the area