Key Issues for Religious Minorities’ Rights in Asia

1. Background
A brief overview of the situation of religious minorities in Asia reveals complexity and diversity in the identity of religious minorities. However, these minorities have issues in common too: many are subject to severe physical, political, social, economic and cultural oppression and violation of rights within their community and by their nation-states.

Many Asian countries are beset with violent conflicts involving minorities. Religion is a common feature of such disputes as events, particularly in Gujarat, India, have highlighted. Denial of religious minority rights in Asia is often half-hidden and subtle. It can include limited access to education and employment opportunities, which leads to the perpetuation of poverty. In other instances, it takes the form of intimidation and violence on the part of the state or non-state actors.

Religion is a key component of political oppression in Afghanistan and Indonesia. In Bangladesh, Malaysia, Pakistan and Nepal, it is the assertion of national identity. While in China, political oppression denies people their freedom of expression and of the right to association. In India, the extreme Hinduizing of the national identity, denies the secular state constitution. In these and other cases, there are threatening implications for religious minorities, for civil society and human rights in general, and especially for women and other vulnerable groups within minorities.

As part of its wider Religious Minorities in Asia programme, Minority Rights Group International (MRG) held a region-wide consultation with religious minorities on 7–9 June 2004 in Colombo, Sri Lanka. Participants represented religious minorities, specialists, civil society actors, representatives of majority communities, decision-makers, opinion formers and key commentators from the region. In total, 23 participants (6 female, 17 male) attended the consultation from the following countries: Bangladesh, China, India, Indonesia, Malaysia, Nepal and Pakistan.

In her welcome and opening remarks, Shelina Thawer, Asia and Pacific Programme Coordinator at MRG, explained that the consultation was an opportunity to bring about understanding and co-operation between different religious communities and to work towards the peaceful development of the region. The workshop’s aim was to allow participants to pool their ideas and for them to jointly analyze and develop appropriate strategies for the promotion of religious minority rights. The region-wide consultation was also intended to provide a forum to help establish a region-wide activist network and lobbying body on religious minority rights. This, in turn, could help develop and shape the future direction of MRG’s work with religious minorities in Asia.

2. The case for religious pluralism
Prior to the consultation, six overarching themes were identified as essential, if there was to be some improvement in the peaceful attainment of minorities’ rights. These themes were brought up during in-country consultations held as part of the Religious Minorities in Asia programme in India, Indonesia, Bangladesh and Pakistan, as well as through research and dialogue with partners from other countries in the region. They included:
- integration vs. assimilation policies by states
- education – role, religious and school curricula and materials
- human rights and customary laws, including the status of women
- definitions/notions of citizenship
- internal security laws, the rule of law and independent judiciary
- the establishment of a region-wide minorities commission.

Although many of the issues described under each of the themes are common experiences for religious minorities across the region, there were certain differences in the ways that some religious minorities were excluded or discriminated against by the majority community and/or government.

2.1 Integration vs. assimilation policies by states
The key problems identified by participants included the marginalization of minority religious communities. This could be through the threat of annihilation; through state-sponsored forcible assimilation, ie. forcing people to conform with the majority; or through a lack of state policies that preserve religious diversity. Also, in many cases, there being no real separation between religion and state. In Pakistan and Bangladesh, state policies were considered to be exclusionist with no genuine effort to integrate. In India and Nepal, policies were seen to be assimilationist – the example given was the adoption of the uniform civil code in India. The problem of communalism was particularly mentioned in the case of India, although all communities’ representatives mentioned the threat of physical assaults. In China, assimilationist policies are centred on communism/nationalism and religion is excluded. The situation in Indonesia is more unusual, as here there are already five official religions. However, those who do not belong to one of the five religions, such as some of the indigenous groups, are excluded or ignored in government policies. On the positive side, there has been some movement by the Indonesian government of integrating majority and minority communities by trying to find the least common denominator that can unite people from diverse religious,
and tribal communities in South and South East Asia, the
customary laws can offer a degree of protection), and crimes
against women, such as dowry deaths, sati, abductions, rape
and honour killings often go unpunished.

2.4 Definitions/notions of citizenship
The theme of citizenship brought about interesting responses.
Participants expressed their ideas on citizenship as individuals,
rather than as representatives of countries or religious
minorities. There was agreement that citizenship was not
merely a title, but was bound up with the enjoyment of rights
and the disbursement of responsibilities. However the
consensus was that, in practice, not all citizens of a country
are treated equally and marginalized groups are often denied
full citizenship. This can include people being refused
marriage certificates; people not being able to register land in
their names; people not being able to claim passports or other
documentation; and other similar exclusionary policies.
Participants were also very aware of the plight of refugees and
illegal immigrants, and were concerned that the concept of
citizenship – as defined by nation-states – was injurious to
many groups. These include political and economic refugees
and peoples who do not conform to notions of settled
communities, for example, pastoralists. There was also the
realisation that external forces have had a negative impact on
citizenship and the rights of citizens within Asian countries.
They commented on increased state control post 9/11 and the
war on terror. Priorities in the west regarding security are
being played out in Asia and are allowing states to
discriminate even further against religious minority
communities.

2.5 Internal security laws, the rule of law and the
judiciary
Internal security laws and anti-terror laws are being used
against communities that do not fall in line with state policies,
revealed many of the participants. Such laws are used to quash
dissent and are often misused against political opponents,
minorities and other vulnerable groups. In India, the
Prevention of Terrorism Act (POTA) has been used to detain
Muslims unlawfully. The police have become very
communalised and are biased against religious minority
communities. This communalism has also manifested itself in
the lower and high courts, and has encouraged corruption and
prejudice within the judiciary.

In Nepal, the Maoist insurgency has resulted in the military
controlling certain areas and Maoists controlling others.
Terrorist laws have been enacted, but the clampdown has
affected indigenous peoples and Dalits most severely, because
these poorer sections of society are automatically viewed as
Maoist supporters.

Malaysia has had internal security laws since the 1970s.
Illegal detentions are common and there is no judicial scrutiny
of the process. In Bangladesh and Pakistan, military
operations against certain communities, for example the hill
tribes in Chittagong, and harassment of religious minorities –
especially along border areas – is taking place under the guise
of the war against terror. Torture is widespread in nearly all
countries across the region. There was a strong feeling among
participants that the west’s war on terror is legitimising Asian
governments’ misuse of internal security laws and this is
leading to further human rights’ violations and repression.
2.6 Establishment of a region-wide minorities commission

There was considerable debate around the suggestion, initially made to MRG at in-country consultations (and subsequently brought to the regional consultation by MRG), of the prospect of establishing a region-wide minorities commission.

Two main issues were raised. First, certain participants questioned whether a commission was needed at all. There were existing mechanisms in place, although such mechanisms had done little to prevent massacres/genocide such as the one in Gujrat. Many South Asian participants expressed concern and a certain cynicism regarding the set up of yet another commission. There was a fear that it would be powerless and would inevitably lose legitimacy in the eyes of governments and peoples. Second, there was some fear that using the word ‘minorities’ could be harmful and might aggravate relations between minorities and the majority communities across the region. Also, there would be some difficulty in terms of representing indigenous and tribal peoples, as certain groups did not want to classify themselves as a ‘minority’.

There was a certain reluctance to promote an Asia-wide commission, as this was felt to be too ambitious an undertaking. A more practicable solution was to have representatives or commissions at a national level within each country. In the future, these could try to coordinate their activities regionally. It was also argued that the decision on whether a regional commission was needed should be taken only by regional/national organizations.

However certain participants argued strongly for a regional commission that would help them deal with their national governments. Representatives from Malaysia and Indonesia were keen that such a commission be formed to monitor, report and undertake advocacy and to put greater pressure on governments to recognize the mistreatment of religious minorities in their countries. There were also some participants from South Asia who believed that such a commission would be helpful to their organizations. In the end, the consensus that was reached was that organizations within each country should work together to monitor violations/actions against minorities, and that if this continued for a couple of years, they could then come together to form a regional monitoring body.

Although no compelling agreement was reached, the discussion had an impact on the South East Asian representatives who recognized that there was a greater need in their countries for the set-up of a regional or sub-regional commission and agreed that a further discussion would have to take place between those present and other groups in their countries towards this end.

3. Strategies for change

The last day of the workshop was dedicated to understanding how MRG and its partners could work together to achieve change on some of the issues discussed. The following were some of the suggestions that need to be taking place if we are to have a positive impact on the region.

3.1 Separation of state actors from negative religious/communal influences

The discussion under assimilation/integration had strong links to that on citizenship and both were combined under the broad problem of negative influences on state actors. Strategies for change focused on the training of target audiences such as teachers, police, judges, lawyers, students, members of political parties and journalists. There was also a call for dialogue with key political representatives and bureaucrats at national levels to raise awareness and challenge the negative influences on such groups. At the international level, it was suggested that MRG pressurize states to recognize and protect the rights of religious minorities, and to commission case studies on how religious influences affect policies/actions against minorities in these countries.

3.2 Removing bias and engendering multiculturalism in education

To combat problems of anti-minority content and a lack of religious pluralism/diversity in school curricula, participants urged MRG to coordinate a plan of action across the region that would provide alternative educational materials, which are already being developed. These materials, which challenge negative stereotypes and support diversity could be provided to MRG by partners for compilation into a regional guide on best practices. The guide would be useful for groups in all countries to create better alternative curriculum materials. The guide could also be used to lobby local education boards/national ministries to get them to adopt new materials into the national curricula.

However new materials about pluralist religions and history are required too. These would need to be developed with the help of education practitioners from across the region. They could be brought together by MRG to help develop a minority rights component that could be part of a regional human rights education programme. At the regional/international level (eg South Asian Association for Regional Cooperation (SAARC) and Association of Southeast Asian Nations (ASEAN)), MRG and partners need to work closely to advocate for changes to national curricula and for the removal of anti-minority content from textbooks for all countries of the region.

3.3 Human rights and the reform of discriminatory customary laws

Participants said that MRG needs to complement actions that are taking place at local and national levels on human rights education, legal training, and country-specific advocacy. There are currently changes taking place, especially in India, regarding minority women’s efforts to reform customary/personal laws that are harmful to them. MRG could add value by facilitating dialogue between women of same faith communities across the country/region and by conducting and disseminating assessments of local initiatives. These could be used as examples of good practice to mobilize people into action. MRG’s expertise was also considered necessary in legal and human rights trainings for minority women, as well as in advocacy trainings related to the media and other target audiences. There was a sense that these issues could not be publicized/advocated for at international or regional forums, but rather through local/national efforts.
working to secure the rights of minorities and indigenous peoples

3.4 Reform of internal security laws and practices through international advocacy

Participants expressed their belief that only strong advocacy at international forums would pressurize their governments into amending internal security laws and doing away with practices like illegal detention and torture while in detention. They suggested that MRG join up with other organizations to develop a campaign for all countries around the world to sign up to the Convention Against Torture (CAT) and the Committee on the Elimination of Racial Discrimination (CERD). MRG could also provide support to organizations that are involved in minority issues by compiling positive rulings/decisions of courts (national and international) on minority issues (especially religion-based) that have affected Asia. Both actions would greatly facilitate the work of organizations within the region, in terms of advocating governments to implement the terms of these conventions and in punishing violations against minorities.

4. Conclusion

The situation of religious minorities in Asia continues to be extremely challenging, as many groups endure the reality of physical harassment and economic, social and political exclusion. The consultation undertaken provided MRG with a deeper understanding of the issues at stake, and will be instrumental in influencing our current and future work in the region.

List of participants

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Roseline Costa, Hotline(HRa) Bangladesh
Michael Dillon, University of Durham, author of MRG’s Religious Minorities and China report
Asghar Ali Engineer, Centre for Study of Society and Securialism, India
Shehad Fiaz, South Asian Forum for Human Rights, Nepal
Sheba George, WARU, India
Veena Gowda MAJLIS, India
Rumman Hameed, South Asians for Human Rights (SAHR), India
Charles Hector, Society for Christian Reflection, Malaysia
Emilianus Ola Kleden, AMAN, Indonesia
Bashir Ladha, academic
Muktta S. Lama Tamang, affiliated to Nepal Federation of Indigenous Nationalities (NEFIN)
Professor Ittikh H. Malik, Bath Spa University College, author of MRG’s Religious Minorities in Pakistan report
Chand Peer, Indian Social Institute, India
Riza Primahendra, Bina Swadaya, Indonesia
Mujeebur Rahman, Ahmadiyya Jamaat Pakistan, Pakistan
Engkus Ruswana, Jaringan Persuadaraan Sejati, Indonesia
Naeem Shakir, Committee for Justice and Peace, Pakistan
K. Shanmuga, Malaysian Consultative Council of Buddhism, Christianity, Hinduism and Sikhism, Malaysia
Achyut Yagnik SETU, India
Zohra Yusuf, Human Rights Commission, Pakistan

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Nisha Haji, Consultant (pre-workshop)
Marcia Hansen Fundraising Coordinator
Samia Liaquat Ali Khan, Head of Programmes

Notes

1 The consultation was initially intended to be co-hosted by South Asian Forum for Human Rights (SAFHR) and MRG in Kathmandu, Nepal. However, very severe IT problems at MRG and the deteriorating political situation in Kathmandu made communication very difficult with our partner in Nepal. A joint decision was made to relocate to Colombo, Sri Lanka where logistical support and assistance could be provided by SAFHR’s partner and local host. The IT difficulties also impacted on the logistical preparations and we were ultimately unable to assist the participants from Afghanistan with visas to attend the consultation in Colombo, though they did provide some input by email.