


Religious Minorities and Freedom of Religion or Belief in South and Southeast Asia



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Tensions and challenges among and within religious majority and minority groups in South and Southeast Asia are a focus for both human rights and peacebuilding. This brief highlights significant fault lines that result in discrimination against and marginalize specific groups over others, linked to their religious identities. The brief explores specific country cases and outlines recommendations that could be helpful for policymakers, human rights advocates, and peacebuilders in setting priorities and initiating meaningful actions at the regional and national levels.

Protecting and promoting minority rights has been on development and humanitarian working agendas for decades. While definitions and makeup of a minority group are debated, certain groups and communities are clearly targeted, discriminated against, and abused primarily because of their non-dominant position, based on religious, ethnic, linguistic, and/or national identities, within a state's boundary. The right to choose and practice, or not to practice religious beliefs is a fundamental human right and freedom of religion and belief is closely related to other human rights, such as freedom of expression, association, and assembly. Similarly, not subscribing to any religion is also a human right. The modern state has an obligation to protect these rights.

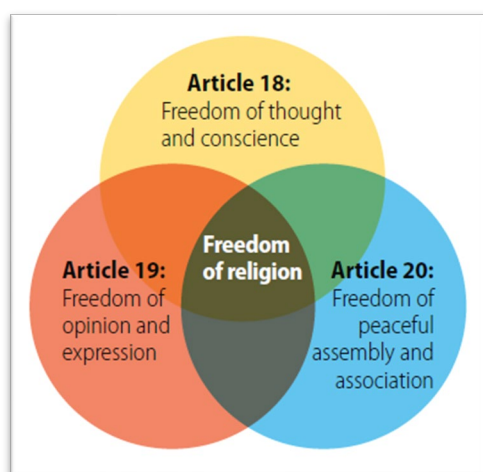


Figure 1 Interrelations among basic human rights that intersect freedom of religion (Venn diagram).¹

There is no internationally agreed upon and unifying definition as to what makes a group minority or majority. Understandings of the dichotomy between “minority” and “majority” are of relatively recent origin and are actively debated in international law and the development literature.² The United Nations Human Rights Office of the High Commissioner observes that disputes on definitions arise from the diverse contexts: “[...] in the variety of situations in which minorities live. Some live together in well-defined areas, separated from

¹ Source: Reproduced from “Protection and Promotion of the Rights and Freedoms of Persons belonging to Religious Minorities” by Norwegian Ministry of Foreign Affairs. Retrieved from https://www.regjeringen.no/contentassets/b7384abb48db487885e216bf53d30a3c/guidelines_minorities.pdf

² United Nations, and United Nations, eds. *Promoting and Protecting Minority Rights: A Guide for Advocates*. Geneva: United Nations, 2012.

the dominant part of the population. Others are scattered throughout the country. Some minorities have a strong sense of collective identity and recorded history; others retain only a fragmented notion of their common heritage.”³ To counter this challenge, both objective (such as the existence of a shared ethnicity, language or religion) and subjective measures (self-identification) need to be taken into account in designating any group as majority or minority.

Challenges of definition can be magnified where religious minorities are concerned. Added layers of difficulty come from the complexity of defining a religion. Available international instruments such as the Universal Declaration of Human Rights 1948, the International Covenant on Civil and Political Rights, and the 1981 General Assembly Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion or Belief do not offer a definition of religion. Further, religious minorities often have intersectional identities (based on ethnicity, language, race, and geographical location); therefore, categorizing them based on religion does not give a full picture. International law scholars suggest some solutions to these challenges by advocating for a broader lens:

For religious minorities, however, the question is not limited to definitions of religion and the scope of their powers as a legal entity under the domestic laws of their home State. Their religious practices and consequent separate identity establish their existence, but of equal importance is their status as a minority group *per se* without it being confined to religious rights.⁴

Upholding the right to freedom of religion or belief is important to the Sustainable Development Goals that aim to improve the lives of every individual and community by 2030. Therefore, the task of identifying and understanding people and groups who are subject to discrimination, marginalization, and inequality on the grounds of religion or belief is linked to the global agenda and the SDGs. The SEA-AIR project contributes to achieving greater consensus and a more conducive environment for the protection of Freedom of Religion and Belief (FoRB) and peaceful coexistence between diverse communities and individuals with different religious affiliations in South and Southeast Asia. This work directly contributes to SDG 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. SDG target 16b[1] has particular significance for the SEA-AIR project: “Promote and enforce non-discriminatory laws and policies for sustainable development.” Since women and other gendered minorities within religious minority communities are often especially vulnerable, identifying key areas of concern, and suggesting concrete actions to ensure gender parity (SDG 5) is a priority.

³ “OHCHR | Minorities under International Law.” Accessed May 17, 2021. <https://www.ohchr.org/EN/Issues/Minorities/Pages/internationallaw.aspx>.

⁴ Gilbert, Geoff. “Religious Minorities and Their Rights: A Problem of Approach.” *International Journal on Minority and Group Rights* 5, no. 2 (1997): 97–134.

Complex Landscape of Religious Minorities in South and Southeast Asia

South and Southeast Asia is one of the world's most diverse (in terms of distribution across national boundaries) regions in terms of religious groups. Interconnections among communities (peaceful and less so) are significant. For decades, Muslim pilgrims from Indonesia and other countries have gathered in Bangladesh for the second largest Islamic congregation in the world (called Ijtema). Hindus from Bangladesh, Sri Lanka, Thailand, and Indonesia seek pilgrimage in India. Female Buddhist monks from Thailand get ordained in Sri Lanka. Architects from Myanmar help design Buddhist statues in Bangladesh. However, as the lure of religio-nationalism grows in the region, the interconnectivity poses increasing threats to less powerful communities who do not conform to the ethnic, religious, and linguistic majoritarianism. Consequently, communal violence between majority Hindus and minority Muslims in India causes riots in Bangladesh between majority Muslims and minority Hindus. Muslim Rohingya repression by the Buddhist Myanmar security forces makes Bangladeshi Buddhists vulnerable to violence. Tamils in Sri Lanka and Hindus in Bangladesh are perceived to have stronger ties with India, making them targets of humiliation, attack, and eviction. Understanding the regional interdependence and strengthening regional approaches to peacebuilding and social cohesion in South and Southeast Asia has particular importance. In the following section, five country cases are presented, with a particular focus on violations of freedom of religion and belief for the nondominant religious groups. Recommendations follow the case studies.

Bangladesh

Bangladesh has seen a steady decline in its religious minority populations from the time of the independence in 1971 up to the present. Islam is clearly the majority religious tradition. Currently religious minority groups comprise an estimated 9.6% of the total population, a sharp decrease from 23.1% fifty years ago.⁵ According to the 2011 national census, Hindus are the largest religious minority (8.6% of the population), followed by Buddhists (0.6%), Christians (0.3%), and other indigenous faiths (below 0.1%). In addition, there are some smaller but significant sectarian minorities within the broader Muslim (Sunni) populations such as Shi'a (<1%) and Ahmadiya (approximately 100,000)⁶. The Baha'i community is active in the civil society in Bangladesh; estimates of their number vary widely (from 10,000-300,000).⁷ Recent reports suggest that minority populations, particularly Hindus in

⁵ Minority Rights Group International, ed. *Under Threat: The Challenges Facing Religious Minorities in Bangladesh*. Report / Minority Rights Group International, 2016,[4]. London: Minority Rights Group International, 2016.

⁶ There are approximately 300,000 Urdu-speaking Bihari populations living in Bangladesh who migrated from Bihar and West Bengal during 1947 partition. Biharis follow Sunni tradition and seen as ethnic and linguistic minority in Bangladesh, not a religious one.

⁷ Minority Rights Group International, ed. *Under Threat: The Challenges Facing Religious Minorities in Bangladesh*. Report / Minority Rights Group International, 2016,[4]. London: Minority Rights Group International, 2016.

Bangladesh are on the rise (while Hindu population in Bangladesh declined from 22% to 9% between 1951–2011⁸, the percent increased to 10.7% in 2017 according to an estimate⁹)

Bangladesh's Constitution guarantees equal status and equal rights in the practice of religions while according to Islam the status of the religion of the republic. Articles 39 and 41 of the Constitution guarantee freedom of thought, conscience, and religion by protecting the right to profess, practice, or propagate all religions—however, these rights are “subject to law, public order, and morality.”¹⁰ Article 41 also provides for every religious community or denomination the right to establish, maintain, and manage its own religious institutions. While there are no official identification tools for religious affiliation, the intersecting qualities of religious minorities make them vulnerable for structural discrimination. For example, government-issued identification cards do not visibly include one's religion in Bangladesh; however, individuals' distinct names and garbs can pronounce their religious affiliation/lineage. Despite the guarantees and provisions in the Constitution, Bangladeshi religious minorities experience regular and ongoing de facto discrimination, violence, and domination by the state and the dominant faith.

Migration (within Bangladesh and across borders) is being accelerated through targeted conflicts, violence, and riots against religious minorities by powerful actors and profit-mongering organizations, and forced eviction.^{11,12} A major form of violence and domination against the religious minorities turns on the right to hold property, with significant abuses of land tenure rights. Land grabbing in Bangladesh is institutionalized at the state level through discriminatory laws such as the Vested Property Act (VPA). VPA is a reinstatement of Pakistan's Enemy Property Act of 1965 that allowed state authorities to confiscate land and buildings of individuals, particularly Hindus, who had either migrated to India from the then East Pakistan (present day Bangladesh) or were perceived to be supporting India.¹³ The historical existence of the VPA in post-independence Bangladesh “marks Bangladeshi Hindus as citizens whose allegiance to the country is always suspect.”¹⁴ Through land grabbing under VPA, estimates suggest that more than 1.5 million households have lost three million

⁸ Haider, M. Moinuddin, Mizanur Rahman, and Nahid Kamal. “Hindu Population Growth in Bangladesh: A Demographic Puzzle.” *Journal of Religion and Demography* 6, no. 1 (May 6, 2019): 123–48. <https://doi.org/10.1163/2589742X-00601003>.

⁹ “Hindu Population in Bangladesh Increasing: Delhi.” Accessed June 17, 2021. <https://en.prothomalo.com/bangladesh/Hindu-population-in-Bangladesh-increasing-Delhi>.

¹⁰ State.gov. “Bangladesh.” Accessed May 12, 2021. <https://2009-2017.state.gov/documents/organization/171752.pdf>.

¹¹ Ahmed, Helal Uddin. “The Political Economy of Land Grabbing in Bangladesh.” *The Financial Express*. Accessed May 12, 2021. <https://thefinancialexpress.com.bd/views/the-political-economy-of-land-grabbing-in-bangladesh-1516809970>.

¹² Adnan, Shapan. “Land Grabs and Primitive Accumulation in Deltaic Bangladesh: Interactions between Neoliberal Globalization, State Interventions, Power Relations and Peasant Resistance.” *The Journal of Peasant Studies* 40, no. 1 (January 1, 2013): 87–128. <https://doi.org/10.1080/03066150.2012.753058>.

¹³ Akins, Harrison. “Challenges to Religious Freedom in Bangladesh,” 2020, 5.

¹⁴ Feldman, Shelley. “The Hindu as Other: State, Law, and Land Relations in Contemporary Bangladesh.” *South Asia Multidisciplinary Academic Journal*, no. 13 (April 22, 2016). <https://doi.org/10.4000/samaj.4111>.

acres of land. 87% of these lands are either Hindu owned properties or temples.¹⁵ Over the last two decades, the Bangladesh government has initiated a repeal process through the Vested Property (Return) Act in 2001 and the Vested Property Return (Amendment) Act in 2011, although the repeal process remains very slow and mired with corruption.¹⁶

Bangladesh's Penal Code punishes blasphemy offenses related to religion, including damaging places of worship, interrupting services, and trespassing on burial grounds. However, a plethora of reports suggest that minority places of worship are desecrated and vandalized on a routine basis by majority groups. The Penal Code offers limited to no protection to these violations. A new law was introduced in 2018 to further criminalize blasphemy as a nonbailable offense and increases the penalties. The Digital Security Act (DSA) of 2018 punishes criminal offense against "intentionally or knowingly with the aim of hurting religious sentiments or values or with the intention to provoke publish or broadcast anything by means of any website or any electronic format which hurts religious sentiment or values" in a digital space such as the social media.¹⁷ However, this law has been almost exclusively exercised against religious and cultural minorities such as Hindus and *Bauls* for "hurting the religious sentiment of the majority".¹⁸

Religious extremism and intolerance are on the rise in Bangladesh, marginalizing secular and alternative thoughts and beliefs. Hefajat-e-Islam, a coalition of local radical Islamic organizations, has repeatedly demanded that the government declare Ahmadis non-Muslim.¹⁹ The group has been vocal against women empowerment policies and had been successful in its efforts to Islamize the country's education curriculum. Deadly attacks have killed secular bloggers, writers, priests, clergy, foreigners, and LGBT rights activists since 2013. The spread of hate speech and disinformation against religious minorities has increased over the years in social media. Islamic speakers regularly spread hatred against sectarian groups and other religious minorities, "fanning communal tension" during organized talks called *Waz Mehfil* across the country.²⁰ Christian churches, missions, and philanthropic organizations are often suspected of proselytizing. According to the Christian Welfare Trust and other human rights NGO reports, Christian converts face harassment, communal threats of physical violence, and social isolation.

¹⁵ Yasmin, Taslima. "The Enemy Property Laws in Bangladesh: Grabbing Lands under the Guise of Legislation." *Oxford University Commonwealth Law Journal* 15, no. 1 (January 2, 2015): 121–47. <https://doi.org/10.1080/14729342.2015.1101226>.

¹⁶ Akins, Harrison. "Challenges to Religious Freedom in Bangladesh," 2020, 5.

¹⁷ The Daily Star. "Digital Security Act: Arrest Warrant Issued against Baul Rita Dewan," December 2, 2020. <https://www.thedailystar.net/country/news/digital-security-act-arrest-warrant-issued-against-baul-rita-dewan-2004665>.

¹⁸ End Blasphemy Laws. "'Blasphemy' Laws in Bangladesh." Accessed May 12, 2021. <https://end-blasphemy-laws.org/countries/asia-central-southern-and-south-eastern/bangladesh/>.

¹⁹ ucanews.com. "Cleric Demands Bangladesh Ahmadis Be Declared 'Non-Muslim' - UCA News." Accessed May 12, 2021. <https://www.ucanews.com/news/cleric-demands-bangladesh-ahmadis-be-declared-non-muslim/85004>.

²⁰ The Daily Observer. "15 Named for Fanning Communal Tension, Militancy Thru Waz - Front Page - Observerbd.Com." Accessed May 12, 2021. <https://www.observerbd.com/news.php?id=192164>.

Minority women face every day experiences of discrimination that go beyond the headlines of violence, atrocities, and discrimination. Along with discriminatory personal/family laws, minority women face social, economic, and political exclusion. In the context of intercommunal conflict, they are often targeted with sexual violence.²¹

Parliamentary and local election times are particularly vulnerable periods for religious minorities, especially women. For example, pre and post 2001 parliamentary election claimed 355 lives and included 3,270 incidents of rape, looting, and arson.²²

Bangladeshi religious minorities face several barriers to representation in public institutions such as the police, military, and civil bureaucracy, although there is no reliable data on the level of impact.²³ One estimate suggests that religious minorities comprise about 5% to 7% of government employment, and 10% in the police force.²⁴ Minority representation in the parliament has been increasing over the years (from 3 in 2001 to 17 in 2018; out of 300 direct constituencies). Religious minorities are strikingly underrepresented and disproportionately present in different institutions in Bangladesh's higher education. A 2016 data from the University of Dhaka, the largest public university in Bangladesh, shows that only 4.9% of the total student population of 50,713 were non-Muslim.²⁵

The Chittagong Hill Tracts (CHT) region of Eastern Bangladesh houses the greatest number of indigenous populations in the country, who practice mostly Buddhism, Christianity, Hinduism, or Animism. The region is still recovering from the 20 year long civil unrest between Shanti Bahini and the Bangladesh army. Persistent land grabbing, forceful conversion, rape, abduction, killing, and displacement are ongoing problems in the CHT that the indigenous populations face regularly. The influx of nearly one million Rohingya population in the Cox's Bazar region has affected the religious demography in the camp region.

Minority repression did not stop during the COVID-19 pandemic. The Bangladesh Hindu Buddhist Christian Unity Council (BHBCUC) reported 17 deaths in religious and ethnic minority communities between March and September 2020.²⁶

There are examples of interfaith collaboration and solidarity among religious groups, working to counter the tensions and violence. Buddhist monasteries often organize Iftar distribution ceremonies for poor Muslims during the

²¹ Minority Rights Group International, ed. *Under Threat: The Challenges Facing Religious Minorities in Bangladesh*. Report / Minority Rights Group International, 2016,[4]. London: Minority Rights Group International, 2016.

²² *ibid*

²³ *ibid*

²⁴ "Sheikh Hasina Government Sets Precedent in Minority Rights Protection - The Economic Times." Accessed May 12, 2021. <https://economictimes.indiatimes.com/news/international/world-news/sheikh-hasina-government-sets-precedent-in-minority-rights-protection/articleshow/66825486.cms>.

²⁵ Minority Rights Group International, ed. *Under Threat: The Challenges Facing Religious Minorities in Bangladesh*. Report / Minority Rights Group International, 2016,[4]. London: Minority Rights Group International, 2016.

²⁶ United States Department of State. "Bangladesh." Accessed May 12, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/bangladesh/>.

month of Ramadan.²⁷ Under the government’s directive, imams across the country delivered a joint khutbah denouncing terrorism and extremism during Friday prayers in April 2019.

Myanmar

Myanmar is a predominantly Buddhist country with a 56.6 million population comprising approximately 88% Theravada Buddhists, 6% Christians, and 4% Muslims. Other religions include Hinduism, Judaism, and folk traditions.²⁸ A summary assessment is that there is freedom of worship in Myanmar but not freedom of religion. Minority religious communities face state-imposed limitations in matters such as rights to publish, speak publicly, invite international guests, and outreach. Prejudices that are deeply embedded in social attitudes affect Muslim communities in particular, but also Christians, Hindus, and other communities. They contribute to instances of abuse or discrimination against members of religious minorities. A fairly widespread, contributing attitude is termed by some the “Western Gate” (an idea that Burmese society and Buddhism stand in the way of Muslims coming from the mountains of western Burma to overwhelm Buddhists).²⁹ State and societal actors are involved in perpetuating these attitudes. Repressive actions by the state affect especially ethnic and religious communities on the nation’s peripheries. There is a (mis)perception among the majority Buddhist community that the Muslim population is rapidly increasing, although available data does not substantiate the claim. Census data from 1973 and 2014 show that Muslim population increased by 0.4% only—from 3.9 to 4.3%.³⁰ It is important to note that the 2014 census excluded Rohingyas from its count. According to the government and NGO estimates, there were 1.1 million Rohingya Muslims living in Myanmar prior to October 2016.³¹ The February 2021 coup has heightened already existing tensions by resurrecting the “history of severe freedom of religion violations” in Myanmar.³²

Religious and ethnic identities intersect in Myanmar in important ways that marginalize certain communities. Access to citizenship and other government services such as public education and health care depends on such identities. Bamar or Burmans are mostly Buddhist, and the ethnic majority enjoys full citizenship and greater professional and social opportunities. Shan, Mon, and Rakhine Buddhists obtain citizenship benefits but can also face discrimination against the Bamar majority. Government issued identification cards

²⁷ “Buddhist Monks in Bangladesh Offer Iftar to Needy Muslims During Ramadan | Buddhistdoor.” Accessed May 13, 2021. <https://www.buddhistdoor.net/news/buddhist-monks-in-bangladesh-offer-iftar-to-needy-muslims-during-ramadan>.

²⁸ United States Department of State. “Burma.” Accessed May 13, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>.

²⁹ Myanmar Country Profile on Freedom of Religion or Belief (FoRB) World Faiths Development Dialogue February 2020

³⁰ Fink, Christina. “Myanmar: Religious Minorities and Constitutional Questions.” *Asian Affairs* 49, no. 2 (April 3, 2018): 259–77. <https://doi.org/10.1080/03068374.2018.1469860>.

³¹ United States Department of State. “Burma.” Accessed May 13, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>.

³² Persecution. “Coup in Myanmar Follows History of Severe Religious Freedom Violations,” February 22, 2021. <https://www.persecution.org/2021/02/22/coup-myanmar-follows-severe-history-religious-freedom-violations/>.

include one's religious identity, which is required to be shown in interactions with law enforcement personnel, to procure government services, and to be employed. Kachin, Chin, Naga, and Karen ethnic groups widely adhere to Christianity and are identified as part of the "national races."³³ Rohingyas, however, does not appear on the list of 135 national races that has been in use since the late 1980s, a foundation for the current deprivation of citizenship benefits.³⁴

Myanmar's Constitution provides for freedom of conscience and the right to freely profess and practice his or her religious beliefs to its citizens. However, this provision is conditional upon not threatening public order, health, morality, or other provisions of the constitution such as security, law and order, community peace, or public order.³⁵ The law protects against defamation of religion, trespassing on places of worship and burial grounds, insulting or injuring anyone in the name of religion, and causing religious incitement. People from religious orders (priests, monks, nuns, etc.) cannot vote and are prohibited from taking public offices. The Constitution also bars "the abuse of religion for political purposes."³⁶ Myanmar does not have an official state religion but gives Buddhism a "special position" in the constitution as the religion of the majority. Registration of all religious organization is mandatory.

The USDP government passed four race and religion laws in 2015. The laws were drafted and revised by the Organization for the Protection of Race and Religion and the Ministry of Religion respectively in order to regulate religious conversion and marriage between people of different religions, punish polygamy, and allow for "population control measures in areas where government officials see fit."³⁷ Although the laws apply to people from all religions, critics argue that the main purpose of the laws is "to be able to limit conversions to Islam, prevent marriages between Buddhist women and Muslim men, block Muslim men from having more than one wife, and stop Muslims from having large families."³⁸

While ethnic and religious diversity is part of daily lives in Myanmar, Buddhist ultra-nationalism has risen recently, particularly over the last decade, causing tensions between Buddhists and religious minorities. A growing number of Buddhists expect the state to fulfil "its perceived duties to ensure proper protection and propagation of the Sasana (Buddhism), including by responding to elements deemed threatening to it."³⁹ The formation of the Organization for the Protection of Race and Religion (mostly known as Ma Ba Tha in

³³ National races are races that the state believes that they resided in the country prior to the colonial period.

³⁴ Rohingya are considered as Bengali migrants that migrated as colonial administrators. For more contexts, please see Fink, Christina. "Myanmar: Religious Minorities and Constitutional Questions." *Asian Affairs* 49, no. 2 (April 3, 2018): 259–77. <https://doi.org/10.1080/03068374.2018.1469860>.

³⁵ United States Department of State. "Burma." Accessed May 13, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>.

³⁶ *ibid*

³⁷ Fink, Christina. "Myanmar: Religious Minorities and Constitutional Questions." *Asian Affairs* 49, no. 2 (April 3, 2018): 259–77. <https://doi.org/10.1080/03068374.2018.1469860>.

³⁸ *ibid*

³⁹ Hayward, Susan. "The Double-Edged Sword of 'Buddhist Democracy' in Myanmar." *The Review of Faith & International Affairs* 13, no. 4 (October 2, 2015): 25–35. <https://doi.org/10.1080/15570274.2015.1104967>.

Burmese) accelerated Buddhist ultra-nationalism all over the country through its “network of largely autonomous chapters with both monastic and lay leaders.”⁴⁰ Ma Ba Tha used both online and offline media to spread majoritarian messages while fueling Islamophobia and inciting fear that Muslims will take over Myanmar.⁴¹

Intolerance against religious minorities and anti-Muslim ethos are widespread in many provinces of Myanmar. The 969 campaign to boycott Muslim owned businesses started in Mon state in 2012 before it spread all over the country.⁴² In Kachin and Chin States, Buddhist infrastructures have been built in Christian majority areas. Christians in Chin and Karen provinces also suffer from destruction of homes and places of worship, physical assault, and eviction by “pro-military Buddhist nationalists.”⁴³ Christians in Myanmar find it exceedingly difficult to acquire lands to build new churches. Muslim and Hindu Rohingyas in Rakhine state continue to experience very restricted movement. Similar restrictions are applied against Muslims in places beyond Rakhine, usually requiring submission of an immigration form.⁴⁴ There are instances where villages and hospitals set up banners and signboards that read “Muslim-free zones.”⁴⁵

Incitement of violence against minorities takes place in both digital and non-digital spaces in Myanmar. Rumor, mis/disinformation are fatal weapons used against minorities. A 2012 communal violence that claimed 160 lives and displaced 100,000 Rohingya people started with a rumor that a Muslim man raped a Buddhist woman. Reports suggest that the deadly riot of 2012 led to the formation of the Arakan Rohingya Salvation Army (ARSA) in 2013 that launched deadly attacks on Myanmar border security personnel in October 2016 and August 2017.⁴⁶ The ripple effect led to brutal retaliation by the Myanmar security forces and Buddhist militias on Rohingya civilians killing 6,700 Rohingya men, women, and children. Hundreds of villages were set on fire and about a million Rohingya fled to Bangladesh.

Education is an important sector where religious discrimination is significant. Myanmar does not require the teaching of religion as separate subjects in public schools. However, customary Buddhist practices make up several school rituals. Students at many government schools are required to recite Buddhist prayers. Buddhist altars and iconography are present at many school campuses.

⁴⁰ Fink, Christina. “Myanmar: Religious Minorities and Constitutional Questions.” *Asian Affairs* 49, no. 2 (April 3, 2018): 259–77. <https://doi.org/10.1080/03068374.2018.1469860>.

⁴¹ *ibid*

⁴² The Observers - France 24. “‘969’: The Three Digits That Are Terrifying Muslims in Burma,” May 3, 2013. <https://observers.france24.com/en/20130503-%E2%80%99969-digits-terrifying-muslims-burma>.

⁴³ United States Department of State. “Burma.” Accessed May 13, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>.

⁴⁴ *ibid*

⁴⁵ Fink, Christina. “Myanmar: Religious Minorities and Constitutional Questions.” *Asian Affairs* 49, no. 2 (April 3, 2018): 259–77. <https://doi.org/10.1080/03068374.2018.1469860>.

⁴⁶ “Myanmar: Who Are the Arakan Rohingya Salvation Army?” *BBC News*, September 5, 2017, sec. Asia. <https://www.bbc.com/news/world-asia-41160679>.

Some reports suggest that there are “state-sponsored religious and cultural assimilation program” with the example of Na Ta La schools in Chin State cited. These schools require Christian children to convert to Buddhism in order for them to attend.⁴⁷ National curriculum textbooks contain various pejorative descriptions of religious and ethnic minorities. Often schools require proof of citizenship to enroll children, which marginalizes unrecognized minorities. Restriction on mobility bars Rohingyas to access higher education institutions. Since 2018-19 school year, Rakhine state government and some philanthropic organizations are offering scholarship programs for Rohingya children to attend universities through distant learning methods.

Discriminatory practices affect engagement in government service and politics. Starting from the 1960s, Muslims have increasingly found it almost impossible to join the Myanmar armed forces; declining numbers of Christians from ethnic minority groups are recruited. There is, however, no written evidence of discrimination issued by the armed forces, but religious minorities, especially Muslims and Christians, believe it is the case. Currently, Buddhists hold nearly all military and civil service jobs. Job applications require information about each candidate’s religion, which then go through a vetting process which excludes minority candidates. Buddhists overwhelmingly outnumber other religious groups in the parliament. Rohingyas can neither vote nor run for office.

Communal disparities and discrimination against religious minorities have been exacerbated during the COVID-19 pandemic due to the government’s inconsistent regulations and their biased implementations. Minority populations received harsher repercussions for breaching COVID-19 restrictions. Rohingya populations who returned from Bangladesh were ostracized, portrayed as vectors of the disease.⁴⁸

Sri Lanka

Sri Lanka, a Buddhist majority country, has significant numbers of minority communities practicing different religions, and that religious landscape has formed part of Sri Lanka’s historic and contemporary tensions and violence. The population includes an estimated 70.2% Buddhists, 12.6% Hindus, 9.7% Muslims, and 7.4% Christians. Ethnicity and religion are intricately related; most Sinhalese are Buddhist, most Tamils are Hindu, and most Muslims identify themselves as a separate ethnic group.⁴⁹

The status of religious communities and the primacy of Buddhism are specified by law as well as practice. Buddhism is not the state religion, but the government is explicitly expected to protect and uphold it. Sri Lanka’s Constitution protects the religious freedom of each citizen, while according Buddhism the “foremost place.” Two significant elements in a 2003

⁴⁷ *ibid*

⁴⁸ United States Department of State. “Burma.” Accessed May 13, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/burma/>.

⁴⁹ For a comprehensive discussion on religious demography and their geographical distribution, please see: United States Department of State. “Sri Lanka.” Accessed May 14, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/sri-lanka/>.

Supreme Court ruling are that no other religion than Buddhism is protected by the state, and that proselytizing is not protected by the Constitution.⁵⁰ In 2017 the Supreme Court ruled that the right to propagate one's religion is not protected by the Constitution. Sri Lanka does not require registration of central religious bodies of the four state recognized religions—Buddhism, Hinduism, Islam, and Christianity. New religious groups, however, must register with the government before they construct new places of worship, operate religious schools, sponsor religious workers, and apply for government subsidies to conduct their activities. The Prime Minister heads the Ministry of Buddha Sasana that has non-cabinet departments for each major recognized religion. The state curriculum requires teaching of major religions as compulsory subjects at the primary and secondary levels in both public and private schools. Students generally choose to study the religion of their household.

The scars of Sri Lanka's decades long civil war are still visible in the day to day lives of the religious-ethnic minorities. In the country's north and east, many members of Tamil and Muslim communities are still displaced, living in the Internally Displaced Population (IDP) camps in harsh conditions.

Reports suggest that Tamil and Muslim communities face “economic marginalization, and militarization [...] they have not been provided with adequate housing, have limited livelihood opportunities in violation of international standards, and have limited livelihood opportunities.”⁵¹ Even 12 years after the formal end of the civil war in 2009, the Sri Lankan military continues to occupy predominantly Tamil areas designated as “high-security zones.”⁵² The Prevention of Terrorism Act of 1979 gives police broad powers to search, arrest, and detain individuals. This is disproportionately used against the Tamils and Muslims.⁵³ Studies suggest that a government sponsored “Sinhalization” process is overtaking the Tamil culture through deliberate efforts such as increasing Sinhalese road signs, street and village names, monuments, and Buddhist worship places.⁵⁴ International and national human rights organizations report repeated incidents of rape and sexual assaults against Tamil women in the region.⁵⁵

Of particular concern today are the impact on different groups of toxic brands of nationalism, including by Buddhist monks, that promote discrimination, hate, and violence. Buddhist nationalism has long been a source of political mobilization in Sri Lanka, centered on the idea that, despite the nation's striking multicultural diversity, Sri Lanka is a country for Sinhalese Buddhists. Tamils, Muslims, and Christians have suffered in different ways and at different

⁵⁰ ibid

⁵¹ Minority Rights Group. “Sri Lanka | World Directory of Minorities & Indigenous Peoples.” Accessed May 15, 2021. <https://minorityrights.org/country/sri-lanka/>.

⁵² Harvard International Review. “The Sri Lankan Civil War and Its History, Revisited in 2020,” August 31, 2020. <https://hir.harvard.edu/sri-lankan-civil-war/>.

⁵³ United States Department of State. “Sri Lanka.” Accessed May 15, 2021. <https://www.state.gov/reports/country-reports-on-terrorism-2019/sri-lanka/>.

⁵⁴ Harvard International Review. “The Sri Lankan Civil War and Its History, Revisited in 2020,” August 31, 2020. <https://hir.harvard.edu/sri-lankan-civil-war/>.

⁵⁵ Minority Rights Group. “Sri Lanka | World Directory of Minorities & Indigenous Peoples.” Accessed May 15, 2021. <https://minorityrights.org/country/sri-lanka/>.

times. Discrimination against the Muslim communities in Sri Lanka came to the forefront after the Easter bombings (perpetrated by Muslim groups) in 2019 that killed 268 people. Buddhist extremist organizations such as Bodu Bala Sena (BBS) have continuously targeted Muslim communities and criticized their cultural practices, such as “their dress codes, prayer rituals and halal slaughter methods.”⁵⁶ Communal violence of 2018 in Kandy saw hundreds of Sinhalese Buddhists attacking Muslim villages. The toxicity of rumors and related hate speech is reflected in reported comments by Buddhist hard-liners; one example: “Don’t go to Muslim businesses, because Muslim-owned clothing stores are sterilizing women’s panties to keep the Sinhalese population down.”⁵⁷ Sri Lankan Christian organizations such as the National Christian Evangelical Alliance of Sri Lanka (NCEASL) report that Christian worship services are often disturbed by ultranationalist Buddhist groups with support from the local government agencies.⁵⁸

State support of such nationalism accentuates its discriminatory impact. Reports suggest that after the 2019 bombings, the government has adopted the Islamophobic language of the BBS.⁵⁹ Along with sweeping arrests of Islamic leaders, government representatives have spoken publicly about banning the burqa and have closed more than 1,000 Islamic schools in the country.⁶⁰ The government announced in early March of 2021 that it will also require all imported Islamic books to go through a defense ministry approval process.⁶¹ The Prevention of Terrorism Act of 1979 has been put to use recently to detain suspects of extremism for up to two years in “deradicalization centers.”⁶² During the COVID-19 pandemic, the government imposed a mandatory cremation policy for the COVID-19 dead and refused Muslims and Christians the right to bury their dead according to their religious ritual.⁶³ In response to criticism from both local and international organizations regarding the mandatory cremation policy, the government recently chose a remote island for the burial of COVID-19 dead from the Muslim and Christian communities. Local minority leaders called this move “an absolute racist agenda” and a ploy to incite more communal tension by “pitting Muslims against the Tamils living in those areas.”⁶⁴

⁵⁶ *ibid*

⁵⁷ “A Scholar of Extremism on How Religious Conflict Shapes Sri Lanka | The New Yorker.” Accessed June 16, 2021. <https://www.newyorker.com/news/q-and-a/a-scholar-of-extremism-on-how-religious-conflict-and-terrorism-shapes-sri-lanka>.

⁵⁸ United States Department of State. “Sri Lanka.” Accessed May 15, 2021. <https://www.state.gov/reports/country-reports-on-terrorism-2019/sri-lanka/>.

⁵⁹ Haniffa, Farzana. “What Is behind the Anti-Muslim Measures in Sri Lanka?” Accessed May 16, 2021. <https://www.aljazeera.com/opinions/2021/4/12/what-is-behind-the-anti-muslim-measures-in-sri-lanka>

⁶⁰ *ibid*

⁶¹ *ibid*

⁶² “Sri Lanka to Pursue ‘deradicalisation’ Detention, Outlaw Burqa.” Accessed May 16, 2021. <https://www.thenews.com.pk/latest/803747-sri-lanka-bans-burqa-in-de-radicalistion-bid>.

⁶³ “Covid-19: Sri Lanka Reverses ‘anti-Muslim’ Cremation Order.” *BBC News*, February 26, 2021, sec. Asia. <https://www.bbc.com/news/world-asia-56205737>.

⁶⁴ “Covid-19: Sri Lanka Chooses Remote Island for Burials.” *BBC News*, March 2, 2021, sec. Asia. <https://www.bbc.com/news/world-asia-56249805>.

Thailand

Thailand also faces issues linked to relationships between the Buddhist majority's role in national identity and its significant religious minorities, accentuated by migration patterns and conflicts on its borders as well as by broader restrictions that limit civil society space. Thailand's 2010 census and recent reports indicate that 93-95% of the population are Theravada Buddhist and around 5% are Sunni Muslim. Other religious minorities include animists, Christians, Hindus, Jews, and Sikhs. Islam is the dominant religion in the so called "Deep South" provinces (Narathiwat, Yala, and Pattani).

The Thai Constitution "allows all persons to profess, observe, or practice any religion of their choice as long as the exercise of these freedoms is not "harmful to the security of the State."⁶⁵ The 2017 Constitution provides for special promotion of Theravada Buddhism "to prevent the desecration of Buddhism in any form" through social and political apparatuses such as education. Article 31 of the Constitution, however, takes the freedom of religion provision a step farther by suggesting that adherence to any religion is allowed "provided that it shall not be prejudicial to the duties of Thai people, be harmful to the security of the State, or be contrary to the public order or good morals of people."⁶⁶ Since these conditions are subject to interpretations, religious practices of the minority communities can be easily targeted. Islam, Thailand's second largest religion, receives special attention from the state and society. Under 1946 legislation, Thailand officially recognizes the use of sharia for Muslim residents in the Southern Muslim majority states. Implementation of sharia law is limited to settling family and inheritance disputes in court.⁶⁷

The long-running insurgency in southern Thailand involves intertwined aspects of religion and ethnicity and has created serious tensions between Muslims and Buddhists in that area. There are risks and some evidence that these tensions are becoming more widespread across the country. Particularly in the Muslim majority provinces, the conflicts are "long-standing, complex, and so-far intractable."⁶⁸ Negotiations over governing power and linguistic and identity rights between the Thai state and Malay Muslims have continued over many years without clear outcomes, and the conflict cost 7,233 lives between 2004-2021.⁶⁹ While some analysts connect Thailand's tensions with Muslims to broader international terrorism issues, much evidence suggests that "the violence is driven by local issues,"⁷⁰ with poverty and unequal representation of the local people in the Southern region the two major issues. Most government jobs and teaching positions in public schools are occupied by non-

⁶⁵ Minority Rights Group. "Thailand | World Directory of Minorities & Indigenous Peoples." Accessed May 16, 2021. <https://minorityrights.org/country/thailand/>.

⁶⁶ *ibid*

⁶⁷ Imaizumi, Shinya. "The Application of Islamic Law in Thailand," 2017., 31. <https://core.ac.uk/download/pdf/288467807.pdf>

⁶⁸ Joll, Christopher Mark. "Contextualizing Discrimination of Religious and Linguistic Minorities in South Thailand." *Muslim World Journal of Human Rights*, April 1, 2021. <https://doi.org/10.1515/mwjhr-2020-0025>.

⁶⁹ "Summary of Incidents in Southern Thailand, MARCH 2021 | DeepSouthWatch.Org." Accessed May 16, 2021. <https://deepsouthwatch.org/en/node/11981>.

⁷⁰ Crisis Group. "Southern Thailand: Insurgency, Not Jihad," May 18, 2005. <https://www.crisisgroup.org/asia/south-east-asia/thailand/southern-thailand-insurgency-not-jihad>.

Malay Muslims, despite their vast majority in the region. State schools use only Thai as the medium of instruction, despite popular demand for Malay instruction—seen as another forced assimilation ploy by the state.

Thailand has taken steps to integrate international human rights principles and instruments into the state’s legislation and policy, but there are areas of ambiguity involving freedom of religion or belief. The 2017 Constitution clearly specifies that “men and women shall enjoy equal rights”⁷¹ but with an exemption for “compliance with religious principles.”⁷² There are significant inequalities around male female roles in religious institutions.

State law prohibits legal recognition of female monks, so female monks must travel to Sri Lanka to be ordained. Available data indicates that approximately .1% of the country’s 239,023 Buddhist clergy are women.⁷³ While female monks are allowed to practice and establish monasteries and temples, those institutions lack state recognition and do not receive subsidies and other government benefits such as tax credits. Representation of women in leadership positions among other religious communities is also minimal to nil.

Indonesia

Religious identities and institutions present significant challenges in contemporary Indonesia with their links to understandings of social cohesion, security, and national identity. Tolerance of religious difference is a fundamental part of Indonesia’s political and social backdrop, whose defining ethos, Pancasila, represents the blueprint of the Indonesian nation. Five principles are listed in the Republic of Indonesia’s constitution, promulgated in 1945, as: the belief in one God, just and civilized humanity, Indonesian unity, democracy under the wise guidance of representative consultations, and social justice for all the peoples of Indonesia. With the world’s largest Muslim community, Indonesia has significant religious communities and a long history of deliberate policies to promote religious pluralism that are expressed in the doctrine of Pancasila.

Some 87% of its 267 million people are adherents of Sunni Islam, with 7% Protestants, 3% Catholics, 1.5% Hindus, 0.7% Buddhists, and 0.8% indigenous and other religious beliefs.⁷⁴ Indonesia’s Constitution guarantees conditional freedom of religion to its citizens. It upholds freedom of religion as a human right and guarantees the right to practice the religion of one’s choice.⁷⁵ Freedom of worship is protected, but this right must not violate “considerations of morality, religious values, security, and public order in a democratic society.”⁷⁶

⁷¹ UN Women | Asia and the Pacific. “Thailand Country Page - UN Women Asia Pacific.” Accessed May 16, 2021. <https://asiapacific.unwomen.org/en/countries/thailand>.

⁷² United States Department of State. “Thailand.” Accessed May 16, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/thailand/>.

⁷³ *ibid*

⁷⁴ United States Department of State. “Indonesia.” Accessed May 17, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/indonesia/>.

⁷⁵ *ibid*

⁷⁶ *ibid*

A distinctive feature of Indonesia's constitutional and legal approach to religion is that only six religions are officially recognized: Islam, Catholicism, Protestantism, Buddhism, Hinduism, and Confucianism. Each recognized faith is to have "a prophet, holy book, and deity, as well as international recognition." This regime in effect therefore discriminates against folk traditions and indigenous religions.⁷⁷

Indonesia's focus on religious extremism links its approach to religious freedom and to peacebuilding. The criminal code (Article 156/a) and a Presidential Decree (1965) criminalize the expression of "hostility, hatred or contempt against" a state-recognized religious group and "deviant interpretations" of religious teachings.⁷⁸ The Indonesian parliament is considering expanding these laws to include the following criteria in the punishable offense category: defaming a religion, persuading someone to be a non-believer, disturbing a religious ritual or making noise near a house of worship, and insulting a cleric while leading a ritual.⁷⁹ There are concerns among religious minorities that these laws can be used against them. In addition, the Indonesian Electronic Information and Transactions Law of 2008 prohibits the creation and spread of blasphemous contents online. Since 1965, more than 150 people have been convicted under these blasphemy laws, most from minority religions and those "who are deemed to have criticized Islam."⁸⁰

Persecution on the basis of non-dominant religion practice has a long history in Indonesia, with specific instances in recent years. The Ahmadi community has been particularly targeted since 2008 when a joint ministerial decree declared the Islamic group heretical and banned proselytizing. A similar ban was applied towards the Fajar Nusantara Movement, known as Gafatar.⁸¹ The *Majelis Ulama Indonesia* (MUI) has issued a fatwa that bans proselytizing by Islamic groups such as Inkar al-Sunnah, Ahmadiyya, Islam Jama'ah, the Lia Eden Community, and al-Qiyadah al-Islamiyah.⁸² The Shia community was the subject of a similar fatwa from the MUI that restricts the spread of Shia teaching. Public sentiment around these restrictions is mixed. There are civil society calls for equal justice for all, but local governments and some Sunni leaders continue to pressure the Ahmadi community either to convert or face displacement.⁸³ Indonesia's current religious affairs minister has recently pledged to protect the rights of religious minorities.⁸⁴

⁷⁷ *ibid*

⁷⁸ Nardi, Dominic J, and Patrick Greenwalt. "Policy Update: Blasphemy Allegations in a Polarized Indonesia," 2019,

⁷⁹ Human Rights Watch. "Indonesia to Expand Abusive Blasphemy Law," October 31, 2019.

<https://www.hrw.org/news/2019/10/31/indonesia-expand-abusive-blasphemy-law>.

⁸⁰ *ibid*

⁸¹ United States Department of State. "Indonesia." Accessed May 17, 2021. <https://www.state.gov/reports/2020-report-on-international-religious-freedom/indonesia/>.

⁸² *ibid*

⁸³ Minority Rights Group. "Indonesia | World Directory of Minorities & Indigenous Peoples." Accessed May 17, 2021. <https://minorityrights.org/country/indonesia/>.

⁸⁴ Strangio, Sebastian. "Indonesian Minister Pledges to Safeguard Religious Minorities." Accessed May 17, 2021. <https://thediplomat.com/2021/01/indonesian-minister-pledges-to-safeguard-religious-minorities/>.

The Aceh province in northern Sumatra, one of the most religiously conservative areas in Indonesia, applies Sharia law. Sharia courts have historically handled cases of marriage, divorce and inheritance but recently expanded to include more offenses such as homosexuality, sex before or outside marriage, gambling, and the sale and consumption of alcohol.⁸⁵ Moral policing, public shaming, flogging, and restrictions on movement for women are among significant violations of human rights under Aceh's Sharia law.

Areas for particular attention and advocacy

The challenges of promoting freedom of religion and belief and thus peace need to build from proactive and well-structured dialogue and systematic efforts to build knowledge and understanding through research and monitoring of practice. An overall objective at national and regional levels is to document and advance understandings of the benefits of pluralism and inclusive societies. With the region's rich history of interreligious interactions narratives about both history and strategic visions for future development can build on both traditions and modern narratives that support intergroup interaction and harmony.

Specific action proposals emerging from research and from SEA AIR project experience include the following:

Upholding and Implementing International legal frameworks to End Discrimination:

Targeted, consistent, and concerted efforts among state and nonstate actors are needed towards law reform. Regional and national level alliance building could be one of the first steps, building on both international legal protections of rights to religious freedom or belief and national constitutional and legal guarantees. Regional platforms (e.g., ASEAN Parliamentarians for Human Rights (APHR) and SAARC) could convene state regulatory bodies to examine discriminatory aspects of national laws, litigation procedures, policies, and practices. Specific topics might include their impacts on gendered minorities.

Guaranteeing the security of religious minorities: Specific guidelines by executive and judicial branches in each country to local governments and law-enforcement authorities could advance protection and security for the lives and properties of different religious minorities, their places of worship, and other places of importance. People everywhere should be allowed to observe and practice their faith in peace, notwithstanding COVID-19 safety measures. Active promotion of social cohesion and mutual respect, including through interfaith and intrafaith dialogue, can help prevent communal violence and promote peace. Legal protections for religious minorities should specifically all address the security of sacred sites.⁸⁶

⁸⁵ Llewellyn, Aisyah. "'Shame and Humiliation': Aceh's Islamic Law Violates Human Rights." Accessed May 17, 2021. <https://www.aljazeera.com/news/2019/6/28/shame-and-humiliation-acehs-islamic-law-violates-human-rights>.

⁸⁶ UN Alliance of Civilization's Plan of Action to Safeguard Religious Sites offers several guidelines on how to engage different actors to protect both people and sacred places that the state and civil society could follow. The

Assuring justice to victims of targeted rights abuse: The widespread culture of impunity among members of majority religious traditions is a central concern. Governments and partners should work to assure that victims receive both judiciary and social support where rights are abused. .

Assuring equitable representation for minorities: Religious minorities are often disproportionately represented in public jobs, parliaments, and security forces. Affirmative actions to redress imbalances are needed. Government should also overhaul existing discriminatory practices in education including hiring processes.

Ensuring equitable access to quality education for all: Public education has too often amounted to a state apparatus for direct and indirect assimilation schemes. The principle that education should enhance social cohesion should be affirmed at national and regional levels, by states and by religious leaders and communities. Curriculums need to be revised to excise disrespectful and erroneous representation of religious minority groups, and religion should be taught comparatively without disparaging any faith or its beliefs. If religion is taught in schools as part of the national curriculum, teacher training must be ensured for religion teachers so that they feel comfortable teaching religions effectively. Where applicable, multilingual instruction should be introduced.

Ensuring protection of minority women and children: Women and children too often bear heavy burdens of communal violence such as rape. Governments should design and implement proactive measures to address gender-based violence against minority women and children.

Building regional collaboration: Given the interconnectedness of religious majority and minority groups in South and Southeast Asia, regional cooperation and collaboration mechanisms need to be reinforced. The Association of Southeast Asian Nations (ASEAN) declared the ASEAN Human Rights Declaration (AHRD) in 2012 that acknowledges freedom from discrimination on religious grounds. The ASEAN Intergovernmental Commission on Human Rights (AICHR) currently, however, has no mandate to monitor or prosecute human rights violations. AICHR should gather momentum and power to create pressure on governments that fail to protect its minorities from religious discriminations.

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For more information on the project, contact the SEA-AIR Project Manager at philip.gassert@kua.fi



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