

## Executive Summary

1. **Introduction:** This is a report on the condition of minorities in South Asia, put together by a group of minority and human rights researchers and activists from the region, deciding to come together to produce periodic people's reports, to systematically document and track the condition of South Asia's minorities and their access to rights as citizens. The objective is to contribute to advocacy for establishing South Asia-wide minority and human rights standards and mechanisms - through building a body of evidence, stimulating public debate, and galvanising regional civil society – in an effort to improve outcomes.
2. **Scope:** The volume provides an examination of both the theory and practices affecting minorities in each South Asian state, using as framework, the United Nations Minorities Declaration 1992 - its four-fold right to life and security; identity and culture; socio-economic rights; and effective participation. Presentation is in form of country overviews – covering all eight SAARC member states (Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka) - supported by profiles of severely marginalized minority groups and surveys of community-led good practices on minority rights protection. Being the first edition, this volume provides a baseline to map the terrain of minority rights regimes and outcomes in each country, for future editions to build upon.
3. **Research and data sources:** The report seeks to document both 'outcomes' for minorities, as well as state 'efforts' at delivering for them. This required the research to collate and summarise findings from a range of data sources, mostly secondary, adapting them to the four-fold minority rights framework, but also undertaking some primary data analysis. Country reports follow a common narrative framework, based on three levels of analyses: Firstly, health checking the 'theory' on minority rights in the particular country, looking at constitutional provisions, also contextualizing it within contemporary political history of the country. Secondly, assessing implementation of the laws, using a range of data sources - media reports, published scholarly work, and where available, official data, case studies and programme reports. Thirdly, outcomes for minorities at macro level, mostly on socio-economic rights – collating data available in disaggregated form, by minority groups, and against national averages. Availability of data disaggregated by groups and available regularly, turned out to be the biggest barrier to reporting conditions.
4. **Findings:** The findings of the report are sobering. South Asia accounting for a fifth of the world's population, is one of its poorest parts. It is also where civil and political rights are severely restricted, with frequent reports of human rights violations from across the region. Religious, ethnic, linguistic and

indigenous minorities, particularly women, are among the poorest and most vulnerable sections in the region. Where these markers intersect – such as for women and dalits from amongst religious minorities - they also suffer the worst exclusions and discrimination. Whilst most minority groups are recognized as such, and possess some protection in law, there is a large population everywhere, of those not recognized as citizens, existing in a state of limbo, and effectively stateless, that do not even have the assurance of the law.

5. **Life and security:** All countries provide a guarantee of life and security to all their citizens, including minorities. Yet there is widespread physical violence and denial of right to life, disproportionately of minorities. In the absence of systematic count, suffice it to say that the numbers are staggering. Violence against minorities is facilitated by a combination of factors: (i) law enforcement's inability to protect minority groups from violence by private parties, and law courts unable to hold perpetrators to account, thus a case of the state failing in its foremost duty to protect; (ii) weak rule of law, specially the selective application of laws by agencies of the state, including collusion with anti-minority groups, denying minority groups' protection under the law and access to justice; and (iii) state itself denying the right to life of members of minority groups, through widespread application of extra-ordinary laws, resulting in largescale human rights violations.
6. **Identity and culture:** Most states provide some sort of freedom of identity, but the general trend is to promote majoritarian identity and culture, towards integrating diversities into a homogenized conception of the nation. Freedom of religion and belief is in short supply, with extremist religious ideologies on the ascendance, everywhere. Language policies and practices overwhelmingly favour the majority, at the expense of minorities. In effect, the identity of minority groups in South Asia, is under serious threat.
7. **Socio-economic rights:** Across the region, laws promise equal access to all in basic services and opportunities. Yet minorities make up disproportionate numbers of the poor and excluded, pointing to the widespread discrimination against minority groups in South Asian societies, and the concentrated forms of exclusions that perpetuate, both at frontline delivery level, as well as at policy. There is also little effort, in the form of targeted programmes, ring fenced budgets, dedicated structures, and indeed monitoring mechanisms, to address minority exclusions. Whilst it is true that there is a wide spectrum here, with some countries not even having a system of decennial headcount census and others quite advanced on data gathering and crunching, to take just one example, overall state efforts to provide for minorities, even in the best case scenarios, is conservative and inadequate.
8. **Effective participation:** Most South Asian constitutions profess equality and non-discrimination. Yet, minorities' exclusion from participation in public life, including through representation in governing institutions, is widespread. This has a wider impact on the realization of all other citizenship rights. The

worst cases are those where minorities may be legally denied participation, for example, in accessing public office, and there are many examples of this from the region. But even where the law is equal, minorities are denied effective participation – a result of various structural barriers, and little robust action to undo those.

9. Conclusion: Underlying poor outcomes for minorities in the region, is weak policy commitment, everywhere, to deliver for them. This failure is itself driven by the region's strong majoritarian atmosphere. Fueling majoritarianism in South Asia, at least partly, is competing nationalisms, across borders, that is also antagonistic, harking back to the region's recent conflictual history. In this context, any talk of minority rights is seen by majoritarian groups and state actors as challenging the state, and hence quickly delegitimized.
10. Recommendations
  - i. Improving minority outcomes will require breaking this vicious circle in the region, of competing majoritarian nationalisms and poor minority outcomes. A regional approach – that emphasizes citizenship right of all, including minorities – we think, might be the way out, as it shifts the debate away from particularistic considerations. Yet, South Asia is the only region, without any regional minority rights instrument or mechanism. SAARC's minority, indeed human rights and democracy promotion mandate, is very thin.
  - ii. Poor rights for minorities have implications for conflicts too. Behind many of the ethnic conflicts in the region, within and between states, are minorities and their perceived sense of grievances. Efforts at minority rights protection and promotion could potentially be steps towards conflict prevention too. This is another reason to prefer a regional approach.
  - iii. But given poor official efforts towards robust minority rights, including regionally, it is important to work with civil society – local, national, and specially regional - to prepare the ground for greater respect for minority and human rights, and to demand action on those by state parties. Foremost, it is crucial that traction on minority outcomes overall, not be made contingent on state-led efforts.
  - iv. With those general points, some specific recommendations follow:
    - Establish systems for collecting and reporting disaggregated data on relevant indicators; that on insights on the processes of denial of minority rights; as well as on documenting performance of states on obligations under international charters. Start off with research and advocacy centres across the region, sharing experiences and insights on data collection and analysis.
    - Encourage establishment of region-wide civil society platforms on minority rights to act as regional champions, enabling

experience-sharing and advocacy at national and regional levels, for improved minority outcomes.

- Focus the attention of this regional activism on systemic problems that result in minority rights' violations across arenas, among them, lack of transparency; poor accountability of state actors; discrimination in application of laws and provision of services; and homogenizing policies and practices.
- Alongside, the regional effort must pay attention to strengthening safeguards for minorities, in law and in practice. At national level, these could potentially be actions for human rights' sensitization; enabling targeted programmes, directed investments and dedicated structures for minorities; and building representative bureaucracy and robust grievance redressal systems.
- Once some traction has been achieved locally, and a regional constituency mobilized, useful to start to push the envelop on regional mechanisms – a South Asia charter of minority and human rights, along with an associated set of institutions to oversee its enforcement.