

Introduction

Exploring the Roots of the Vulnerabilities of Minorities in South Asia

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South Asia, home to 23% of the world's population, is among its poorest parts. Although there are intra-regional variations, much of South Asia is mired in poverty and marginalisation. According to the recently released Global Multidimensional Poverty Index (MPI) 2018, 546 million people are multidimensionally poor in South Asia (global total is 1.3 billion). More than 364 million of these were in India (in 2015/16). Nutrition deprivation alone contributes more than a fourth of the overall MPI.¹ In both Afghanistan and Pakistan, 1 in 4 persons lives in severe poverty (Oxford Poverty and Human Development Initiative, 2018). A look at some other indicators is also instructive (Table 1). Infant and Under-5 mortality in Pakistan and Afghanistan are shockingly high, but not much better in India, Nepal or Bangladesh. Child malnutrition figures are particularly alarming for Afghanistan, India and Pakistan. Mean years of schooling is poor for all except Sri Lanka, and GNI per capita low overall. Unemployment is also high. Taken together, barring Sri Lanka, the HDI ranks of all the countries are in three figures (Human Development Report 2015).

It is well established now that the most excluded groups everywhere are in fact minorities and indigenous peoples, with poverty rates amongst them typically double the national (Minority Rights Group 2013: 3). This applies to South Asia too. South Asia's minorities – religious and linguistic groups, especially women and those from Dalit backgrounds amongst them, and

1. MPI involves counting the different types of deprivation that individuals experience at the same time, such as a lack of education or employment, or poor health or living standards. These deprivation profiles are analysed to identify who is poor, and then used to construct a multidimensional index of poverty (MPI). See: <https://ophi.org.uk/research/multidimensional-poverty/alkire-foster-method/>

Table 1. South Asia development indicators

	HDI rank	Life Exp. at birth	Mortality rate (UNDP 2013)		Child mal-nutrition	Mean years of schooling	Gross National Income per K (PPP, \$ 2011)	Unemployment (ILO 2013)
			IMR	U-5 M				
Afghanistan	171	60.4	70.2	97.3	59.3	3.2	1,895	9.1
Bangladesh	142	71.6	33.2	41.1	41.4	5.1	3,191	4.3
Bhutan	132	69.5	29.7	36.2	33.6	3.0	7,176	2.8
India	130	68.0	41.4	52.7	47.9	5.4	5,497	3.6
Maldives	104	76.8	8.4	9.9	20.3	5.8	12,238	11.6
Nepal	145	69.6	32.2	39.7	40.5	3.3	2,311	2.7
Pakistan	147	66.2	69.0	85.5	45.5	4.7	4,806	5.2
Sri Lanka	73	74.9	8.2	9.6	14.7	10.8	9,779	4.6

Source: UNDP, *Human Development Report – 2015*

the many indigenous/adviasi communities, as well as sexual minorities – make up disproportionate numbers of the poor and excluded in each country, suffering both discrimination in the socio-economic sphere and denial of the most basic human rights. As the UN Special Rapporteur on Freedom of Religion or Belief noted in the foreword to the South Asia Collective’s South Asia State of Minority Report, 2016, ‘across the region, many of the religious, ethnic, linguistic and indigenous minorities, particularly women and the poor, face marginalization and suffer the worst forms of exclusion’. (South Asia Collective, 2016: v)

What are the roots of the particular marginalisation of the region’s minorities? The insights above point to widespread discrimination against minority groups in South Asian societies, and the concentrated forms of exclusions that perpetuate [ibid: x]. A key explanatory factor is minority groups’ inability to challenge systemic patterns of discrimination and disadvantage that keep people in poverty, because being minorities they ‘.... often lack the power, social or legal standing, or access to decision-making required to challenge their disadvantaged status....’ (Mephram 2014). The current (2018) volume seeks to explore the roots of the poor outcomes for minorities in South Asia, shining a light specifically on their socio-economic situation and their access to rights and opportunities. The purpose is both to document and report, and also to contribute to ushering change for the region’s multifarious minorities.

South Asia, as we know, also sees much violence against its minorities. South Asian states are unable to provide security and protection of life and freedoms to their minorities. They rank high on perpetrating or tolerating abuse of religious freedom. According to the US Commission for International Religious Freedom (USCIRF),² Pakistan continues to be characterised as Tier 1 (one of 16 worldwide); Afghanistan and India are both Tier 2 (among the 12 worldwide); and Bangladesh and Sri Lanka are characterised as countries of interest, amongst a small number of similar countries studied (USCIRF 2018). Many countries in the region figure high on global ranking of countries with a high risk of genocide and mass killings of minority groups – notably Afghanistan, Pakistan, and Sri Lanka (People Under Threat 2018). With safeguards against violence weakening in other countries too – India notably – the threats for minorities there are also rising significantly.

Experience shows that exclusion, discrimination and inequality make minorities vulnerable, and that ‘patterns of discrimination against particular minorities in the political, social economic and cultural spheres can translate into abuse and systematic violation of basic human rights and can escalate into atrocity crimes’ (United Nations 2014: 7). South Asia demonstrates amply how failures to prevent exclusion and discrimination against specific minorities opened the way for graver abuse of human rights and violence against those groups. This failure of states and societies in the region to address deep-seated and longstanding discrimination against minority groups – in the sphere of socio-economic rights – in other words society’s willingness to tolerate severe inequality and exclusion, also means that violence and atrocity crimes against those groups have been very difficult to prevent.

Structure of the Report and its Limitations

In the following sections of this introductory chapter of the report, we pro-

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2. USCIRF studies and ranks countries worldwide on their violations of religious freedom and progress. Tier 1 countries (or Countries of Particular Concern, CPC) are those ‘whose government engages in or tolerates particularly severe religious freedom violations, meaning those that are systematic, ongoing, and egregious.’ Tier 2 are ‘nations in which the violations engaged in or tolerated by the government during 2017 are serious and characterized by at least one of the elements of the “systematic, ongoing, and egregious” CPC standard’. Recently a new category was created, a Special Watch List, ‘for governments that engaged in or tolerated severe violations but are deemed to not meet all the criteria of the CPC test’. (USCIRF 2018: 3)

vide a summary of the objective, scope and justification for this exploration, foregrounding the focus of the report – equal access to socio-economic rights – and defining key concepts used, as well as articulating the broader public-action-for-minority-rights purpose of the effort; unpacking the concept of socio-economic rights, exploring its grounding in international human rights law, to be able to grasp its potential for informing initiatives and monitoring and tracking minority outcomes; and engaging with the practical issues of measuring performance on minority rights, and the choice and availability of sources of evidence. In Section 1.3 we summarise the findings of the report, drawing on individual country chapters to catalogue, firstly, the broad minority categories in South Asia, prioritising those that are cross-cutting across the region. This is followed (section 1.4) by individual snapshots of country reports on performance for their minorities in the socio-economic realm, after which we conclude (Section 1.5) with drawing, from the material presented, lessons for why minority rights protection and promotion efforts have seen poor traction in South Asia, concluding (Section 1.6) by presenting preliminary but pointed recommendations for the way forward.

The rest of the volume reports the condition of South Asia’s minorities by country. But before we present country reports, we present, in Chapter 2, a summary of the recent developments affecting minorities in each country in the region, to provide a background to the more pointed audit of the performance of south Asian states to protect the interests of their minorities – the country chapters. This summary of the developments (we call it ‘Looking Back: 2017–18 in the Lives of Minorities in South Asia’) seeks to survey for each country threats, attacks and violence against minorities; majoritarian mobilisation against minority groups; and any changes in law and in policy and programmes that affect minorities either adversely or positively. This events chapter is expected to set the tone for the country reports to follow, contextualising each country’s performance on socio-economic rights, with the aim to help us make sense of the curtailment – or advancement – of the rights of minorities in specific countries, within the wider dynamic playing out in the country. Limiting this survey to 2017–18 was a practical step. We, the South Asia Collective – the regional civil society network working to document, track and report minority outcomes at South Asia level – brought out our first report in late 2016, providing a broad-brush picture of the condition of minorities in the region. The 2018 report is our second. Surveying ‘events’ since the last report is meant to help maintain continuity in the reporting process.

The country reports (Chapter 3 onwards) themselves are quite straightforward. Missing from the volume is the Maldives, a South Asian country and member of the South Asian Association for Regional Cooperation (SAARC), but where we were unable to find local resources to partner with for the production of the report – likely a reflection of the hostile climate for human rights-minded civil society in the country. We faced similar problems in Afghanistan, with a local partner agency unable to continue work, reportedly due to heightened surveillance of human rights work, especially that focusing on minorities. We have a short account of the situation of minorities in Afghanistan, as a substitute for a full chapter, annexed to the report. Due to operational constraints we could not put together a full chapter on Nepal, and we have had to make do with a short account annexed to the report. Our 2016 report did not include Bhutan. The current volume does have a chapter on the country. Again, in the interest of continuity, the current Bhutan chapter has a broader frame: a broad-brush picture of minorities there and state efforts for them, similar to the scope of the 2016 report, rather than the limited socio-economic rights focus of the 2018 report. Lastly, we have always wanted to include Burma within the scope of our work. Though Burma is not part of the SAARC grouping, it has historically been seen as part of the South Asian region, and much of the dynamic around minority rights in the country has also affected one or the other of its South Asian neighbours. We hope to include Burma, along with the Maldives and Afghanistan, in our subsequent reports, which we hope now to bring out annually.

Reporting the Socio-economic Condition of South Asia's minorities

Scope and Justification

The South Asia State of Minorities Report 2016 provided a survey of the condition of minorities in the region. It used the UN Declaration on Minorities (UNDM) 1992 framework of the four-fold classification of minority rights (life and security, identify and culture, participation and equal access to socio-economic rights) to report the status of South Asia's minorities. We in the South Asia Collective decided that having established a benchmark, subsequent reports ought to be qualitatively different – they should have a thematic focus, for in-depth analysis and presentation of results for minorities in specific domains.

Accordingly, South Asia State of Minorities Report 2018 is focused on the theme of the socio-economic rights of the region's minorities – the first

of our thematic reports. According to the UNDM (1992), ‘persons belonging to minorities may exercise their rights individually as well as in a community with other members of their group without any discrimination.’ Non-discrimination and equality before the law are the basic principles guiding human rights. For minorities to enjoy non-discrimination, UNDM proposes: ‘there should be formal freedoms and equality (such as equal access to social services and employment in the public and private sectors) and programmes for empowerment of those who in the past have been the subject of discrimination or who suffer persistent discrimination’. (United Nations 1992: 10-11). We seek to report the performance of each county in the region on equal and non-discriminatory access to socio-economic rights, specifically as it relates to their minorities.

As with our benchmark report, we understand minorities as ‘a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members... possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and maintain, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language’ (Capotorti 1991: 98). Given our use of a rights-based perspective, our assessment seeks to compare performance to obligations placed on state parties, both by national laws as well as by international commitments, and their meeting those.

What do we seek to achieve by focusing on socio-economic rights?

- i. Socio-economic rights are not as well studied as for instance life and security, and there is generally only a poor evidence base available;
- ii. Within the catch-all phrase socio-economic rights are a range of rights of great importance to minorities’ ability to live fulfilling lives. There is very little systematic documentation of the condition of minorities on these counts. Unpacking this meta-right, so to speak, then, will help us identify specific sectoral rights, for further exploration down the line;
- iii. This is also the arena for a great deal of discrimination against minorities in the region, that largely goes unnoticed and unreported. Shining a light on these discriminations will be of great help to the advancement of minority rights;
- iv. It has been established that poor access to socio-economic rights makes minorities vulnerable to violations of other critical rights – life and security, freedom of religion, and participation. Hence focusing on this right will help shore up the defences, so to speak, against other violations; and

- v. There is wide variation in availability of evidence on socio-economic rights across countries, especially data disaggregated by minority groups, with some quite advanced with a mix of headcount and sample data, and others barely counting and documenting.

Focusing on the theme of socio-economic rights, then, has the potential to help build a body of evidence on violations as well as protection and promotion, on the range of specific rights that concern South Asia's minorities, covering new ground, and contributing to expanding the minority rights regime in the region.

Socio-economic Rights: What to Measure?

By using the UN Declaration on Minorities (1992) definition of minority rights, our assessment directly benchmarks international norms and standards. This helps us to (i) use universally accepted and up-to-date norms on the rights in question, socio-economic in this case, and (ii) use a framework that works for all countries in the region, regardless of the state of development of the particular country's regime for provisioning of the specific right (and we know that there is great variance here). Tethering the report to international norms also ensures the report is aligned to state parties' reporting requirements on specific rights (Universal Periodic Review and specific UN treaty bodies, such as the International Covenant on Economic, Social and Cultural Rights – CESCR 1966), thus directly aiding in civil society advocacy on the subject.

So, what are the international norms and standards on socio-economic rights?

The Universal Declaration of Human Rights (1948), and particularly CESCR, 1966, along with the following conventions, make up the international normative framework on socio-economic rights:³

- International Convention on Elimination of All Forms of Racial Discrimination (CERD), 1965
- Convention on Elimination of All Forms of Discrimination against Women (CEDW), 1979

2. Other potential candidates include: The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990; ILO 111 Discrimination Convention, 1958; and ILO 169 Convention Concerning Indigenous and Tribal Peoples, 1989.

Table 2. UN Human rights treaties and their rights
 (figures in brackets are article numbers)

CESCR, 1966	CERD, 1965 (Art 5)	CEDW, 1979	CRC, 1989	CRPD, 2006
Non-discrimination (2)	Non-discrimination	Non-discrimination (1)	Non-discrimination (2)	Equality and Non-discrimination (5)
-Right to work (6) -Favourable conditions of work (7)	work	Employment (11)		Work and employment (27)
Right to Social security, and social insurance (9)	social security and social services	Economic and social benefits (13)	Social security (26) Against child labour (32)	social protection (28)
Right to Physical and mental health (12)	Public health, medical care,	Health (12)	Health and health services (24)	Health (25)
Right to adequate standard of living – food and freedom from hunger (11)		Economic and social benefits	Adequate standard of living (27)	Adequate Standard of living (28)
	Housing			Habitation/ rehabilitation (26)
Right to Education (13)	Education and training	Education (10)	Education (28-29)	Education (24)

- Convention on the Rights of the Child (CRC), 1989
- Convention on the Rights of Persons with Disabilities (CRPD), 2006

Table 2 maps the main rights created by the above five (binding) treaties.³

Between the five treaties, the socio-economic rights that are marked most commonly are:

- i. Right to health
- ii. Right to education
- iii. Right to work
- iv. Right to adequate standard of living

3. Bhutan and Myanmar have not ratified CESCR and CERD, and only Bangladesh and Nepal, of all in the region, have signed CRPD. (Minority Rights Group International, 2014: 226-227)

v. Right to social security

These five rights are the focus of our survey of minority outcomes in the sphere of socio-economic rights. Given that the focus of our exploration is performance (on protection and promotion of rights) for minority groups, the question of equality and non-discrimination, assumes primacy – another common feature of all the main international treaty bodies.

‘Non-discrimination is at the heart of all work on human rights. It is a cross-cutting human rights norm... (and) prohibits discrimination on the basis of a list of non-exhaustive grounds such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status’ (United Nations 2012: 8).

Action on promoting equality and non-discrimination requires evidence gathering on the identified rights for specific minority/vulnerable groups. This presumes the presence of evidence disaggregated by social group – religion, caste, ethnicity, gender, age, etc – both quantitative and qualitative. Our 2016 report pointed us to the absence of much of this – especially statistical – information across the region. As it turned out, resolving the issue of evidence disaggregated by social groups continued to be our main measurement challenge.

Research Framework and Methodology: How to Measure?

Human Rights Indicators

We began our enterprise trying to identify for each of the five socio-economic rights a set of indicators to use for reporting state parties’ performance. To study performance we relied on the human rights indicators (HRI) framework, developed by the United Nations Office of the High Commissioner for Human Rights (OHCHR) ‘to promote and monitor the implementation of human rights and to make information about the progress that states are making in fulfilling the obligations that flow from human rights available to human rights monitoring bodies and civil society’ (Equality and Human Rights Commission 2015: 4). According to the UN, ‘[H]uman rights indicators are specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that address and reflect the human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights’ (United Nations 2012: 2).

The HRI framework required us to identify, for each of the 5 rights domains above, three types of indicators, measuring ‘commitment’ and ‘effort’ by state parties, and the ‘results’ of those for individuals and groups. The three types of indicators are:

- i. Structural indicators: These are formal commitments to human rights in principle, eg domestic human rights law/ratification of international treaties, and precedents in legal judgements;⁴
- ii. Process indicators: focusing on efforts made, or not, by duty bearers to meet the above obligations.

These are primary laws, policies, targets, guidelines, inspection and regulatory frameworks or resource allocation (budgets and borrowings), as well as information about key regulators, inspectorates, ombudsman and related mechanisms; and

- iii. Outcome indicators: Results achieved in terms of the position/experiences of individuals and groups, specifically minority groups.

Reporting these three types of indicators, and evidence on those, also meant we were able to mitigate for over-reliance on ‘outcome indicators’ to report performance, where availability of disaggregated data is mostly wanting. This also links to the broader objective of the use of human rights indicators to monitor human/minority rights: there is no claim, indeed attempt, to provide a complete evidence base on results of rights realisation; rather the objective is to shine a light on rights realisation – broken down by commitment, effort and results – in each country context, aiding in the progressive realisation of the rights (Equality and Human Rights Commission 2015: 9). This is particularly relevant to economic, social and cultural rights, which are ‘positive’ in nature (compared to civil and political rights, which are mostly ‘negative’) (United Nations 2012: 23). The use of the Human Rights Indicators framework aids, alongside, in the creation of evidence and disaggregation, feeding into the progressive realisation.

Evidence Base

Drawing on OHCHR’s work and that of the UK’s Equality and Human Rights Commission (EHRC), the evidence base we hoped at start to

4. This combination of domestic law and international treaties also ensures the measurement is explicitly grounded in the legal framework (case law approach), whilst formulating some indicators and measures in terms of human rights values. This ensures a good mix of indicators of ‘minimal compliance’ (case law) and those that are proactive and encourage development of a ‘culture’ of human rights (EHRC 2015).

develop was aimed to bring together different types of information for minority rights analysis and assessments (Equality and Human Rights Commission 2015: 9-10). These included:

- information about domestic human/minority rights laws and international treaty ratifications;
- information about human/minority rights case law outcomes (i.e. violations/ breaches);
- information about the public policy framework for protecting human/minority rights;
- concerns highlighted by domestic and international human/minority rights monitoring bodies (eg. UN treaty monitoring committees);
- findings of investigations, inquiries and reviews;
- issues raised by regulators, commissions, and ombudsmen;
- allegations and concerns raised by NGOs and other civil society mechanisms such

as media reports;

- statistical information drawing on a wide range of administrative and social survey sources; and
- administrative data, such as plans, budgets, spending, and programme reports.

The choice of indicators and evidence would themselves be a combination of:

- Qualitative and quantitative data/evidence. Case law, findings of human rights bodies; the findings of inquiries, investigations and reviews; the findings of regulators, commission and ombudsmen; and so forth;
- Official and non-official data (press and media, advocacy and NGO data); and
- A combination of objective and subjective measures, eg perceptions and self-reporting of discrimination.

Very soon into our research, we came up against major barriers of data and information, especially those disaggregated by minority groups. Our focus on socio-economic rights revealed how data on these rights was even more scarce. This remains the most significant shortcoming of the report.

Box 1: Measuring discrimination

OHCHR proposes the following tools for measuring the prevalence specifically of discriminatory practices:

- i. Socioeconomic statistics disaggregated by prohibited grounds of discrimination (eg life expectancy, age-specific sex ratios and unemployment rates broken down by ethnic origin);
- ii. Econometric models based on multiple regression analysis, which help in estimating the portion of differences in outcomes attributable to discrimination, as opposed to observable variables (eg percentage of the wage differential between women and men that cannot be explained by 'observable' criteria, such as the number of working hours or socio-professional characteristics, etc.);
- iii. Population surveys measuring experiences, perceptions and attitudes regarding discrimination (eg percentage of members of ethnic minorities reporting racially motivated victimisation and discrimination by public/private personnel); and
- iv. Discrimination or situation-testing surveys to directly measure discrimination in specific instances, such as those related to access to work, housing, health care, private educational institutions or other public services.

Source: United Nations (2012: 82)

Who are South Asia's Minorities?

Minorities in South Asia – suffering the worst forms of discrimination – are typically religious and sexual minorities, Dalits, refugees and IDPs and stateless people, with women being particularly vulnerable across categories. As a report on Dalits notes, 'the exclusion of Dalits and similarly affected communities by other groups in society lead to high levels of poverty among affected populations and exclusion, or reduced benefits, from development processes, and generally precludes their involvement in decision making and meaningful participation in public and civil life.' (IDSN 2009: 1)

Religious Minorities

Underlying poor outcomes for minorities in the region is South Asia's strong majoritarian atmosphere, fuelled in part by competing nationalism across

Table 3. Religious Plurality in South Asia
 (figures represent percentage of total population)

Bangladesh		India		Nepal		Pakistan		Sri Lanka	
Muslim	89.5	Hindu	80.67	Hindu	81.3	Muslim	96.3	Buddhist	76.7
Hindu	9.6	Muslim	14.23	Buddhist	9.0	Hindu	1.6	Muslim	8.5
		Christian	2.30	Muslim	4.4	Christian	1.6	Hindu	7.8
		Sikh	1.72	Kirat	3.1	SC	0.3	Catholic	6.1
		Buddhist	0.70	Christian	1.4	Ahmadi	0.2	Other Christian	0.9
		Jain	0.37	Pakriti	0.5				

Source: Adeney 2015

borders, which is also antagonistic, harking back to the region’s recent conflictual history. This is rooted in the politicising of ethnic and religious identities in South Asia by its colonial encounters (including anti-colonial struggles). The creation of post-colonial states through partition of much of the subcontinent, splitting up religious and ethnic groups across new and arbitrary borders, and the fears of the political elites of further disintegration of successor states reinforced the majoritarian trend. This has had an adverse impact on outcomes for minorities, particularly religious (South Asia Collective 2016: 40).

But nation-states in the region are not homogenous – there are majorities and minorities, and the majority in one country could be a minority in another. This undergirds the issue of ‘reciprocity’, where the treatment of a minority in one country is contingent on how minorities are treated in another, or subject to bilateral relations between two countries. The regional dynamics of minorities in India, Pakistan and Bangladesh (given their common experience of the Partition in 1947 and the creation of Bangladesh in 1972) and how it affects respective minorities – Muslims in India, Hindus and Sikhs in Pakistan and Hindus and ‘Urdu speakers’ in Bangladesh – is well-known. There are other examples too.⁵ All these have implications for the condition of South Asia’s minorities and the rights available to them. Given the multiplicity of religious identities, their politicisation, and their

5. A similar dynamic, although not on religious lines, exists between India and Sri Lanka too, impacting largely the Tamil minority in Sri Lanka; between India and Nepal, affecting Madhesis in Nepal and Nepalis in India; between Nepal and Bhutan, affecting Bhutan’s largest minority, Lhotsampas; and finally, between Pakistan and Afghanistan, the Pashtun minority in Pakistan being the main one affected. Clearly, minority rights in South Asia is also a trans-border issue.

repeated use to mobilise opinion, religion is a major axis of contestation in the region, on one hand fuelling majoritarianism and on the other severely impacting minority outcomes – life and security as well as access to socio-economic rights and equal participation. Discrimination based on religion has been the most enduring.

Caste-based Minorities

Caste discrimination adversely affects more than 260 million people globally, the overwhelming majority of victims being Dalits (or ‘outcastes’) living in South Asia. Caste, in the way we understand it, is practised widely in all south Asian countries, barring Afghanistan and Bhutan – although both these countries have their own and deep-seated forms of racial discrimination. Caste discrimination is not only a serious violation of human rights but also a major obstacle to achieving development goals. Victims of caste discrimination are routinely denied access to water, schools, health services, land, markets and employment. Among the most serious impediments to addressing caste discrimination is either a lack of law or a de facto denial of equality before the law, resulting in a lack of protection of caste-affected people against violent attacks and other crimes, and impunity for the perpetrators of such crimes. Below is a snapshot of the caste situation in each country, summarising a report by the International Dalit Solidarity Network (IDSN 2009).

Refugees and the Stateless

Artificial boundaries, longstanding intra- and inter-state conflicts, disasters, and persecution of minority groups, among others, have created in South Asia a constant stream of refugees, including many that are stateless. A very large section of the stateless in South Asia are drawn from the ranks of minorities, who are often victims of conflicts, targeted violence, forced population movements and migrations. It is estimated that there are some 50 million such people in South Asia. Refugees and the stateless represent the plight of the minorities in its most vulnerable form – denied the right to fully enjoy human rights and fundamental freedoms and to have access to remedy for human rights violations.

Women and Girls as Minorities

Women and girls suffer doubly, both on account of their being religious, caste, ethnic or linguistic minorities, and as women. Gender-based violence and discrimination exists perhaps in its most concentrated form in South Asia. This is despite constitutional guarantees in several countries

Box 2. Caste Discrimination – National Snapshots

Bangladesh: The estimates of the number of Dalits in Bangladesh vary from 3.5 to 5.5 million. Although most are Hindus, there are a sizeable number of Muslims too. The Dalits of Bangladesh have been much overlooked in the development and rights discourse and have only recently been able to raise their voices and mobilise for their rights, including the right to development.

India: According to the official census, India's Scheduled Castes (SC) number 167 million, making up the bulk of South Asia's Dalit population. This figure does not include Dalits who have converted or are born and raised within a non-Hindu religious community, especially Muslim and Christian Dalits (estimated to be over 30 million). These the constitution bars from inclusion within the SC label, and they are thus excluded from the elaborate programme for affirmative action available to Dalits identifying as Hindu, Sikh and Buddhist. At the same time, constitutional guarantees for Dalits have not been able to prevent violations of the fundamental human rights of the community that go on on a massive scale. Impunity is widespread.

Nepal: Although the official Dalit population is set at 13 % of the total (2001 census), activists claim it is closer to between 20 and 25%. The Dalit movement has over the past decades challenged the exclusion of Dalits in decision making and development processes in Nepal. The interim constitution indicates a degree of success for the Dalit movement in securing some constitutional provisions for non-discrimination, equality and protection – guaranteed representation (of only 8% though), as well as a national Dalit commission and other institutional mechanisms for securing rights.

Pakistan: Dalits in Pakistan are mostly part of the Hindu minority and fall victim to double discrimination on the basis of their religion and caste. The official figure for SC is approximately 330,000. Researchers claim, however, that the numbers could be as high as 2 million. The data does not include 'lower castes' within the Muslim community, who live under similarly depressed conditions. Dalits are exploited grossly as a work force in rural and urban areas – as bonded and forced labour in Sindh and Punjab.

Sri Lanka: Although in Sri Lanka there is no common identity as Dalits among the 'lower castes', an estimated 4–5 million persons (20–30% of the population) experience some form of caste discrimination. Caste discrimination continues to be entrenched in society among Sinhalese and particularly Sri Lankan and Indian Tamil populations, a result also of the caste-blind policies of both state and non-state actors. 'Lower castes' constitute a large number of IDPs in Sri Lanka, who are also the most vulnerable group, subjected to dual discrimination on the basis of ethnicity and caste in camps.

Source: Summarised from International Dalit Solidarity Network (2016: 1–2).

Box 3. Refugees, Migrants and the Stateless

The heightened global attention paid to migrants has largely bypassed South Asia, yet the problem in the region is as longstanding and severe as anywhere else. Research estimates that there are 50 million migrants, refugees, and stateless people in the region, among them populations transferred during wartime among Bangladesh, India, and Pakistan; caste and religious groups fleeing persecution; and Afghans, Chinese, Nepali-speakers, Rohingyas, Sri Lankan Tamils, Tibetans, and others who have fled violence or repression during the past seven decades. These population movements have added to the already daunting complexity of societies in the region, intensifying political volatility and sharpening security issues. With the exception of Afghanistan, no South Asian states are party to the UN Refugee Convention. Still, compared with other regions, South Asia has treated its refugees relatively well, partly through assistance programmes and partly through benign neglect. Most migrants have got jobs, and many have even become citizens of their countries of refuge. But South Asia also provides examples of some of the most enduring kinds of vulnerabilities faced by refugees: Biharis or Urdu Speakers in Bangladesh; Lhotsampas, in Bhutan; up-country Tamils in Sri Lanka; Bengali speakers and Chakmas in India's Assam and other northeastern states; and Hazaras and Pashtos in Pakistan.

Source: Summarised from Nathan (2017).

and gender-friendly social movements – the patriarchal mindset oppresses all that are not male (South Asia Alliance for Poverty Eradication 2016: 60). Violence is manifested in various forms: rape and sexual harassment; dowry-related violence; sexual harassment at the workplace; forced or early marriages; acid attacks; psychological violence in a custodial setting; domestic violence by family members; and economic exploitation and cross-border trafficking. Honour killings are also common in Afghanistan, Pakistan and parts of India; and violence, including sexual, targeting minority women everywhere. Violence against women and girls takes place at the family, community, workplace, and public levels (ibid).

A telling example of discrimination against girls is the violence against them at birth. Male to female sex ratio at birth and throughout life reveals that in nearly all countries except Sri Lanka and Nepal, the number of girls remain lower than normal (Table 4). 'Not addressing this fundamental question of disappearance before birth that has led millions of girls "missing at birth", it is impossible to establish a gender-just society' (ibid). In any case, there is low investment in education and health, thwarting the life chances available to girls. The results are some of lowest standing of south Asian nations in gender indexes (Table 4).

Table 4. Gender Deprivation in South Asia
 (figures represent percentage of total population)

Country	Sex ratio (male: female) at birth (2010–2015)	GII ranking (lower is better)
	World Bank, 2015	UNDP, 2015
Afghanistan	1.06	171
Bangladesh	1.05	111
Bhutan	1.04	97
India	1.11	130
Maldives	1.10	49
Nepal	1.06	108
Pakistan	1.09	121
Sri Lanka	1.04	72

Source: South Asia Alliance for Poverty Eradication (2016: 39)

Another harsh manifestation of the violence against women in the region is human trafficking, estimated to affect over 150,000 persons a year in South Asia, most of whom are women and children, who are exploited for labour and sexual slavery, often sold to human traffickers. Trafficked women are divided from their families and exposed to rape, sexual assault, mental trauma and physical abuse. Neither anti-trafficking laws or procedures, at least in some countries in the region, nor the existence of SAARC Convention on Trafficking in Women and Children for Prostitution (2002) seems to have resulted in any effective progress against human trafficking in the region.⁶

How do South Asian Nations Check Out on Minority Rights?

Afghanistan

Minorities in Afghanistan are predominantly Hindus and Sikhs, and Shias among Muslims.

6. A similar dynamic, although not on religious lines, exists between India and Sri Lanka too, impacting largely the Tamil minority in Sri Lanka; between India and Nepal, affecting Madhesis in Nepal and Nepalis in India; between Nepal and Bhutan, affecting Bhutan's largest minority, Lhotsampas; and finally, between Pakistan and Afghanistan, the Pashtun minority in Pakistan being the main one affected. Clearly, minority rights in South Asia is also a trans-border issue.

Table 5. Status of Ratification on International Treaties on Socio-economic Rights

Treaty	Afghanistan	Bangladesh	Bhutan	India	Maldives	Nepal	Pakistan	Sri Lanka
ILO No. 111 Discrimination (Employment and Occupation Convention) 1958	✓	✓		✓	✓	✓	✓	✓
International Convention on Elimination of all forms of Racial Discrimination – CERD, 1965	✓(a)	✓		✓	✓(a)	✓(a)	✓	✓(a)
International Covenant on Economic, Social and Cultural Rights – CESCR, 1966	✓(a)	✓		✓(a)	✓(a)	✓(a)	✓	✓(a)
Convention on Elimination of all forms of Discrimination against Women - CEDAW, 1979	✓	✓	✓	✓	✓(a)	✓	✓(a)	✓
Convention on the rights of the Child – CRC, 1989	✓	✓	✓	✓(a)	✓	✓	✓	
ILO 169 Convention Concerning Indigenous and Tribal Peoples and Independent Countries, 1989	–	–	–	–	–	✓	–	–
International Convention on the Protection of the Rights of all Migrant workers and members of their families – CMW, 1990	–	✓	–	–	–	–	–	✓(a)
Convention on the Rights of Persons with Disabilities – CRPD, 2006	✓(a)	✓	–	✓	✓	✓	✓	✓
CRPD, 2006	–	–	–	–	–	–	–	–

Source: South Asia Alliance for Poverty Eradication (2016: 39)

Hazaras, as the intersectional case – suffering both religious and ethnic exclusions – are particularly deprived. Afghanistan’s commitment to protecting and promoting minority rights is newfound and still forming. Minority rights have been better since the Bonn Agreement, 2001, which installed a national unity government, replacing Taliban. In the 2004 Constitution that followed, Hazaras – the traditionally persecuted and marginalised – were given some of the same rights as others. But religious minorities continue to be discriminated against, both in law and in effect. This is despite Afghanistan having ratified all key international covenants.

Efforts to convert the weak commitment are also poor. The first barrier that one comes across is the absence of appropriate data disaggregated by religious groups, in the absence of which it is difficult to say in any precise manner whether minorities are provided socio-economic rights or not. Overall, minorities have poor access. Nomadic and tribal communities, eg Kuchis, have poor access to education. Poverty is highest in northern areas, areas inhabited by minorities such as Aimaq, Turkmanis, Uzbeks, Nuristanis; and central parts, amongst Hazaras. Areas occupied by Shias – Hazaras and Ismailis – are among the most deprived in Afghanistan.

Bangladesh

Religious minorities make up close to 14% of Bangladesh’s population, Hindus and Buddhist making up the bulk. Minorities experiencing intersectionality of exclusion suffer the most. These are the indigenous peoples, Dalits and tea garden workers that are religious minorities as well as class and caste minorities. Poorer sections among stranded Pakistanis or ‘Biharis’, who are both linguistic and class minorities, also figure here. Of all the minority groups, Chittagong Hill Tracts (CHT) indigenous groups are the most deprived.⁷ Stripped of their land and forest resources, thus deprived of livelihoods, these indigenous tribes suffer extreme poverty, hunger and malnutrition. They also suffer poor service provisioning – water and sanitation, health services and nutrition. There is high incidence of morbidity, especially among women, and high dropout levels from schools. Dalits in Bangladesh too suffer acute marginalisation. Poverty levels are high, living conditions dismal, and education and health access marginal. Similarly, Biharis suffer severe deprivation. Only some 5% are in formal employment,

7. According to a 2011 census, there are about 1.5 million indigenous persons in Bangladesh. Indigenous persons themselves claim their population is closer to 5 million. The CHT groups make up some 20% of this total population. See: <https://www.iwgia.org/en/bangladesh>.

with the rest entirely in the informal sector. Living conditions in refugee camps are harsh, and there are high dropout levels from schools.

Despite the severity of marginalisation of these groups, there seems to be little resolve to address the problem. Bangladesh is a signatory to many international conventions relevant to minorities. But it has refrained from endorsing United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), that could potentially have provided safeguards for individual and collective rights of indigenous peoples. And although it has ratified ILO Convention 107 concerning the protection of indigenous and tribal/semi-tribal populations, domestic laws have not been harmonised, and land grabbing and loss of livelihoods of indigenous persons are rampant. Even national laws to protect rights, such as The East Bengal State Acquisition and Tenancy Act, 1950, are not enforced fully. The deprivations were also the driving force behind the long-drawn armed conflict between *Shanti Bahni*, representing CHT tribes and the Government of Bangladesh. The Chittagong Hills Tribes Peace Accord (1997) was signed between the two parties to end the violence, guaranteeing safeguards against land alienation; devolution of power to local bodies; rehabilitation of refugees, IDPs and returnees; and investment in services and opportunities for the people. Rights groups claim the accord is only poorly implemented, resulting in deprivation persisting.

Similarly, despite the poor condition of dalits, there is very little commitment and effort for them. Only recently, nominal measures have been introduced for reservation of jobs as sweepers, and for enrolment and retention of children in schools. A nominal special allocation for pension and scholarship for Dalits was initiated only in FY 2011–12. Recently, the seventh national 5-year plan (2016–2020) recognised Dalits as the missing poor, and as the most marginalised. The result of this is yet to be felt. Bihari linguistic minorities continue to be excluded from welfare programmes (the national social security strategy), and services, due both to the poor provisioning for them – their stateless status was only overturned in 2008 when they were recognised as citizens – and the stigma attached to the refugee camps where most are housed.

Bhutan

Bhutan's is a case of a minority elite (the Ngalongs making up 15% of the population) being the dominant power in what is essentially a three-way ethnic make-up (Buddhist Ngalongs in the north-west; Buddhist Sharchopkas in the north-east; and Nepali-speaking, mainly Hindu, Lhot-

sampas in the south). Sharchopkas (who speak a minority language) are demographically the dominant group making up 50% of the population. They are the principal minority. But it is the Lhotsampas (the southerners, professing Hinduism and speaking Nepali), making up 22–25 % of the population at last count, who are minorities in the true sense. Christians are also excluded.

Language and Buddhism form the bedrocks of the Ngalong state, which seeks a homogenised society around the Dzongkha language, dress code and Buddhist religion. The homogenising trend was strong enough that in the late 1980s a sixth of the population of the Nepali-speaking Lhotsampas were stripped of their citizenship, paving the way for their expulsion in 1991–92. The backdrop to this was discrimination against Lhotsampas increasing from the late 1980s in the context of the Bhutanese elite's fears of Lhotsampa domination and of political/armed movements in the region, resulting in the government's rolling out of a 'One Nation, One People' policy. This resulted in land and jobs being taken away and the Lhotsampas being disenfranchised. More than 100,000 Lhotsampas became stateless as a result of the disenfranchisement and were forced to take refuge in UN refugee camps in Nepal. This was one of largest forced migrations in history. Not one refugee has been allowed to return since. Some 113,160 have relocated to western countries, including the US and Canada.⁸ Other minorities also suffer disadvantages, particularly religious minorities.

The 2008 constitution, which introduced nominal democracy – in the form of 'democratic constitutional monarchy' – in Bhutan, restored the rights of the Lhotsampas, but is still a far cry from providing a level playing field for minorities. Lhotsampa-concentrated districts (southern, with some 80% concentration) have higher poverty incidence and unemployment, and poorer health and education attainment figures. Commitment to international best practices is less than adequate; indeed, Bhutan has not ratified either the CERD (International Convention on Elimination of all forms of Racial Discrimination, 1965) nor the (CESCR) International Covenant on Economic, Social and Cultural Rights (1966). And although the 2008 constitution guarantees equality to all, and aims to reduce inequalities, these aspirations are not fully translated into laws, nor operationalised in policies and programmes. A key drawback here is the absence of data disaggregated by minority group, preventing the tracking and reporting of outcomes, even media and civil society based reports and analysis on the condition of minority groups.

8. Source: My Republica

India

Minorities, understood here as religious, make up some 19% of India's population. The poorest Muslims, also characterised as Arzal or Dalit Muslims and Dalit Christians, and women among them, suffer the worst forms of exclusion. Education and health outcomes and income and employment among these sections are some of the poorest among all social groups, as is access to services and benefits. Indeed, a recent report claims that inter-generational mobility (a proxy for equality of opportunity) has been steadily declining among Muslims, even though it has been rising for India's traditionally excluded – the Dalits (Asher et al 2018).

Underlying the vulnerability of religious minorities in India is poor commitment and effort towards improving minority outcomes. Commitment to international standards is poor. India has ratified most international covenants, including CESCR (1966) and CERD (1965), but these have not been fully written into the law. An example is anti-discrimination and equality provisions; the core of most international covenants on socio-economic rights, but on which there is no specific legislation in India. Indeed, discriminatory provisions exist in the law itself, disadvantaging minorities, a glaring example being the exclusion of Muslim and Christians from the Scheduled Caste category, keeping the poorest sections among these religious groups away from benefits that affirmative action programmes provide SC populations. Overall, only recently have Muslims – who, recent research is confirming, are the poorest of the poor – been recognised as a subject of development.

Efforts to operationalise the weak commitments there are even poorer. This takes various forms. Minorities are ill-defined and not included in official categories, and are thus deprived of benefits. Data on minorities is available only partially; as a result there is poor preparation for targeting efforts, monitoring progress and measuring impact.

There is also poor targeting of minorities in terms of public policies, programmes and schemes. The poorest Muslims (and Christians) are excluded from affirmative action programmes that have, over time, helped SCs (or Dalits) enhance their inter-generational mobility. These sections – defined mostly as Other Backward Classes (OBC) – are forced to compete with groups that are quite advanced educationally and economically. The minority programmes that do exist are modest; not targeted, but generic; and use an area approach rather than focusing on deprivations faced

by specific groups. The budget size is also poor; data disaggregated by religious groups is absent; and attempts to monitor performance, evaluate results and communicate outcomes are weak. There is poor awareness about the minority programme, even amongst those tasked to implement them. The authors demonstrate that these lacunae are further pronounced at the state level – with even poorer funding, utilisation, and reporting even more pronounced.

Since the ruling Bharatiya Janata Party took power in 2014 in a landslide victory riding a majoritarian Hindu nationalist vote, religious minorities have suffered increasing violence and marginalisation. This has facilitated the gradual dismantling of the minority programme there was, thus further imperilling efforts. Plans for improving results on equality and non-discrimination, such as those for establishing an Equal Opportunity Commission (EOC) and Diversity Index (DI), have been shelved, as have plans for better data gathering and management, aiding planning and delivery, such as the Assessment and Monitoring Authority (AMA) and National Data Bank (NDB). There have also been calls for key institutions for minority development – the central Ministry of Minority Affairs, and National Commission of Minorities – to be disbanded. These years have also seen a gradual diminution in budgetary provisioning for minority programmes, and in some states, a complete reversal of minority schemes (eg Uttar Pradesh's erstwhile 20% budgetary allocation for minorities). India is a good example of how majoritarian nationalism can set the clock back significantly on minority rights protection and promotion.

Nepal

Nepal has been described as a land of minorities, considering the many identity groups in the country, defined along religious, caste and ethnic lines. Madhesis and Janjatis (indigenous groups), defined along ethnic lines; Dalit caste groups; and Muslim and Christian religious groups are the main minorities in the country. Of these, Dalits and religious minorities, especially women among them, suffer the worst disadvantages. Research is showing a wide disparity in socio-economic attainment among Nepal's social groups, the gap being especially large between Hindu caste communities and other dominant groups on the one side and minorities on the other. Tarai Dalits and Muslims, as well as Tarai Janjatis, demonstrate poor outcomes – child survival and other health access indicators; poverty, economic access and standard of living; and educational attainments.

The poor outcomes can be traced to inadequate commitment, especially for specific minority groups, and the poor implementation of laws and policies, representing a weak and flawed effort. Nepal has taken various steps to ensure equality and non-discrimination. Along with constitutional provisions, Nepal is also a party to several international conventions to ensure non-discrimination. How these otherwise robust measures might not be adequate when it comes to minorities is demonstrated by the example of the 2015 Constitution, which in effect discriminates against religious minorities. Building on the 2007 Interim Constitution, the 2015 constitution guarantees equality of all citizens and prohibits discrimination in any manner; sets aside specific quotas for women, Dalits and religious minorities; and affirms proportional representation, along with a plural voting system, to enable a share in power for smaller groups. All these provisions go to equalise access to power and resources for minority groups. Yet, the constitution's flawed definition of secularism privileges Hinduism over other faiths and undermines its otherwise equalising ethos, creating openings for discrimination against religious minorities.

Nepal has also travelled great lengths to translate the overall good commitments into efforts. Constitutional aspirations and international promises have been written into domestic laws and policies, examples being the 5th Human Rights National Action Plan 2015–2020, National Employment Policy (2015), and the School Sector Development Plan 2016–2023. Institutional changes are also being effected. National commissions for women, Dalits and other minorities (with the exception of Christians) have been set up, as have Gender Equality and Social Inclusion units in key ministries. Yet bias is deep-seated, and minorities are only poorly represented in government, making the rooting out of discrimination much more difficult. This, along with poor provisioning and a lack of clarity in roles and responsibilities for key inclusionary institutions, means minorities still face an uphill task in accessing rights and opportunities. However, Nepal's is also a case that shows the way forward for inclusion of minority groups, not least the significant progress made in creating and reporting data on a range of counts, disaggregated by social groups.

Pakistan

Pakistan has ratified ICESCR (1966), but there is poor implementation in terms of incorporating the laws into domestic legislation and operationalising those laws. There is a significant gap between ratification, legislation and implementation. This applies to the right to work, the right to standard of living, the right to health, and the right to education. An example

is the bonded labour and minimum wage acts, which are not implemented for many reasons, including simply poor effort. A dearth of relevant data disaggregated by social groups is a barrier to analysis and planning.

As a result, there is significant poverty, and large regional variations, with minorities suffering most. The situation for religious minorities is worsening. Minorities particularly targeted are Ahmadis (considered by extremist elements, but now also codified in law, to be un-Muslim), Christians (who are seen to be linked to the west) and Hindus (who are linked with India and partition). Baloch and Pashtun are also targeted, hence the nature of minority marginalisation has an ethnic and regional dimension too.

There are various threads in the Pakistan story that deserve attention:

The worst forms of exclusion happen when exclusions intersect – Hindu brick kiln workers in Sindh, and Christian sanitation workers (women among them) in Punjab, Karachi and elsewhere. Minority women in Pakistan are some of the worst sufferers. The conjuncture of economic marginalisation, gender discrimination and religious exclusion results in extreme abuse. But the Ahmadi community is a unique case, where persecution is purely on religious grounds – through both violence and marginalisation.

Everywhere we see state and non-state actors conspiring together – mostly with the state being captive of majoritarian elements – to target minorities. Exclusionary majoritarian nationalism provides the context to this take-over of the state, enabling the marginalisation of minority groups. This also might provide us a clue to the puzzle we noticed in Pakistan of poor resolve to address minority concerns.

Sri Lanka

Sri Lanka's minorities make up a combination of ethnic groups (Tamils, making up 15% of the population and Moors 9%) and religious groups (Hindus at 12% of the population, Muslims at 10% and Christians at 6.7%). Intersectionality is crucial, as is caste, as an important factor enabling discrimination. Whilst development outcomes, such as those for education and health, are positive on the whole for Sri Lanka, they are poor for districts with high minority concentrations, especially tea estate districts. Food security and malnutrition are particularly problematic, as is land alienation. Eastern districts are the worst affected. The recent spike in violence against Muslims is seen to have economic drivers, with Sinhalese nationalists using violence instrumentally to cripple Muslims economically.

Here too commitment and effort to realise minority outcomes and check discrimination are poor, even though Sri Lanka leads the region in sound social policies – a good example being making education free and compulsory for all in 1954, just after independence. Although Sri Lanka again has ratified most international treaties against discrimination and for economic and social rights, the translation into domestic law is poor. Furthermore, as in other countries in the region, data on socio-economic rights disaggregated by minority group is not available. There is none available by region either, at the district level, hence it is difficult to make deductions on efforts and outcomes for minority groups concentrated regionally.

The lack of effort is also reflected in the provision of services. For example, the allocation of health personnel (medical officers and nursing staff, and the preventive system of midwives) to minority concentrated districts is particularly poor. Another example of how effort is wanting is education. The district quota system was introduced in 1971 to equalise university places across the country. Only 30% of the places are now left to be determined by merit. This disadvantaged Tamils (from Jaffna), where the demand was large and quota places provided small. A challenge to the policy in the Supreme Court was thrown out, on grounds of discrimination. This ruling had the effect of entrenching the systemic discrimination initiated by the ‘Sinhala Only’ policy. Recent policy initiatives, such as the National Human Rights Action Plan, 2017, and National Plan for Action, 2016, for up country Tamils, to provide housing, basic services and health, are a fresh start. It remains to be seen to what extent they facilitate equal access to all.

Conclusion

The results across the region on the socio-economic rights of minorities are evidently poor, on account of poor commitment and poorer effort by state parties. At the national level, minorities suffer in silence. At the regional level there is no movement on minority rights. Only very occasionally are there any efforts at the international level. Further demand by minority groups themselves is too weak, too fragmented, and too occasional.

Minorities are unable to challenge the systematic patterns of discrimination and disadvantage due to their lack of power. Effective public policy can make that difference. Effective and universal public services, such as health care, education and social care, can counter inequality in health and education. Redistributive policies and schemes, such as social safety net and universal programmes can moderate inequality in wealth, and policies

enabling mobility can get entrenched minorities out of poverty. But as a report by a regional initiative for inclusive development explains, the contribution public policies might make to positive changes in South Asia, especially for minorities, is seen under a negative light. (SAAPE 2016). Opinion polls support this claim. The Gallup World Poll asks respondents about their satisfaction with basic services, their assessment of future well-being, and their views on government efforts to help the poor. Findings from India show that Muslims, who are more likely to suffer, have less confidence than other groups in public institutions to make change in their lives.⁹

At the core of this poor perception of public policy and institutions, especially among the region's poor and minorities, is poor commitment and effort to bridge gaps between the rich and poor, between minorities and the rest. The Commitment to Reducing Inequality Index (CRI) measures how countries fare in terms of their policies targeting inequalities, including social spending, taxation and labour rights. Reduction of inequalities has a disproportionate effect on poverty reduction. A recent report by CRI researchers shows that South Asian countries figure somewhere at the bottom of the pile on their CRI score. Six of the eight South Asian countries are in the bottom 20 of the 152 countries studied. India ranks 132, Afghanistan, 146. Nepal, South Asia's best performer on the count, is at 81 (Oxfam 2017).

Behind this lacklustre commitment by most South Asian states is the adoption of economic models that are neo-liberal, privileging private capital and outsourcing of services to private providers at the expense of public. This 'perpetuates pauperisation of larger masses by allowing greater chunks of GDP to accumulate in the wallets of the top few' (SAAPE 2016: 11). This harsh form of neo-liberal agenda privileges, among other things, '....privatisation, the dismantling of welfare state and social security programmes as well as fortification of market driven agricultural policies and increasing military expenditure' (ibid).¹⁰ As a result, all across South Asia, the nature of growth is under question, with increasing GDP on one hand and increasing unemployment on the other (ibid: 4). This impacts minorities – and the poorest among them – the most.

9. <https://news.gallup.com/poll/157079/muslims-india-confident-democracy-despite-economic-educational-challenges.aspx>

10. The region houses 22% of the world's population, but accounts for only 1.3% of the world's income. Yet military expenditure is one of the highest (India: 2.3 % of GDP, Sri Lanka, 2.3 %, Pakistan 3.4 % – SIPRI 2015). India is the largest importer of military equipment. Pakistan is not too far behind. Militarisation is a major roadblock to eradicating poverty (SAAPE, 2016: 50).

Recommendations

Below, we attempt to provide some helpful recommendations for the advancement of minority rights protection and promotion regimes in South Asia, especially on socio-economic rights. These are provided in general terms for countries to follow, as well as at regional and international levels. Recommendations are also provided for civil society and community groups to implement. Specific recommendations for individual countries are provided in their respective country chapters.

For state parties

Commitment

- South Asian states demonstrate weak commitment to minority rights protection and promotion. This must be changed. There is a need to ratify all international treaties that are relevant to minorities, specifically the ones that bind state parties to ensuring equality and non-discrimination provisions, viz CERD (1965), CESC (1966), CEDAW (1979), CRC (1989), CMW (1990) and CPRD (2006). South Asian states must also raise the bar and sign optional protocols relating to these treaties, to allow individual complaints mechanisms to be moved, thus stepping up of their own accord to improve minority outcomes and put accountability mechanisms in place;
- These international commitments must be written into domestic law, and measures for the operationalisation of these commitments must be put in place. This will include resolving contradictions and lacunae in national laws, to meet the higher standards that international treaties demand; and
- This will require amending national laws that discriminate against specific minorities. Equally, this will require working on a key lacuna in domestic law across the region – namely the absence of equality and anti-discrimination legislations that could be effectively enforced. Whilst most national constitutions guarantee equality of all citizens and non-discrimination, that aspiration has not been translated into specific laws and programmes of action. Nepal's is perhaps the strongest regime of equality and inclusion for minority groups as a whole, but its challenge has been poor implementation. India's experience with a similar instrument, though limited to the country's Dalits, has been similar. Exclusion and violence against Dalits continue. There is nothing like such an instrument for religious minorities.

Effort

- Policies and programmes to operationalise the commitments are poor. There is only limited provisioning for the socio-economic uplift of minorities and for ensuring their equal access to services and entitlements. This is about a lack of resources invested and limited institutional mechanisms to address minority deprivations. India's case is instructive. It has an expansive programme of affirmative action for SCs, STs and OBCs, with quotas in educational institutions and public sector employment. It also has a vast social service regime with safety net programmes for the poorest population. Only some of these are universal. Religious minorities are excluded from much of these impressive equalising programmes, all of which are caste or means tested, and there is little to provide religious minorities the chance to overcome barriers to accessing universal services. Most of the other countries in the region have even less to offer their minorities to provide equal access to rights and opportunities. What is required is newer programmes that meet the specific needs of minority groups, and greater investment in those efforts, including special institutional mechanisms. Nepal has led the effort, with the creation of constitutional bodies to advance the interests of women, Dalits and minorities. Other countries should follow suit, and better the example through providing these statutory bodies with effective authority, resources and personnel capacity;
- This last would also include greater minority representation in public services, so that minorities have a stake in government functioning, and their concerns also come through in how state institutions function and deliver services. Equally important here is changing the attitudes and behaviour of key duty bearers, as it is bias that is the biggest barrier to equal provision for minorities and socially disadvantaged groups. Despite the best of laws and programmes, outcomes continue to let minorities down, because discriminatory behaviour is so deep-seated. Training, exposure and appropriate incentives are required to change behaviour; and
- Effective effort for improved outcomes also requires investment of resources and energy in observation and measurement, creating data disaggregated by individual groups and monitoring and measuring efforts using those data to provide an accurate picture of performance and outcomes. The region as a whole is weak on data and analytics, but without statistical data specifically disaggregated by groups as well as qualitative data on experiences and impact, measuring and tracking performance is an impossible task. All states need to progress in that direction.

For regional actors

Behind poor national commitment and effort for minority outcomes in the region is majoritarian nationalism, much of it competitive across borders (examples being Hindu nationalism in India, in opposition to Islamic in Pakistan; and Sinhala-Buddhist in Sri Lanka against Tamil), which disincentivises action perceived as favouring minorities by deepening democracy and strengthening minority safeguards. In this kind of stalemate, hope for a breakthrough lies only in engendering cross-border dialogue and understanding. There are various forms this could take:

- Debates and discussions based on new data, findings, analysis and insights, to educate citizens and the policy community on the condition of minorities, to show how provision for them works or not, and how drivers of minorities' deprivations and their struggles for dignity everywhere, regardless of their affiliations, are similar;
- South Asia-wide cross learnings: sharing of experiences, good practices, and challenges in providing for minorities across borders, to showcase how challenges could be overcome and progress advanced;
- Regional networks and alliances for advancing minority rights, working across national borders and engaging with each other to share experiences, develop common ground on minority demands, voice demands, and bring to bear collective pressure on duty bearers and civil society actors to act for minorities; and
- Regional platforms drawing the attention of international entities to the condition of minorities in the region, leveraging their strengths and engaging with UN and other multilateral mechanisms to push the envelope for minority rights in the South Asia region.

Given the poor legitimacy, interest and capacity of formal regional entities – SAARC in particular – regional civil society must take the lead in this Track II type work, paving the way for greater regional movement on dialogue and exchange on minority and human rights.

For international community

The international community needs to pay greater attention to the condition of minorities in South Asia.

- The problem is vast, both in terms of the scale (the largest number of those deprived and discriminated against) and nature of the problem

(deep-seated caste and gender discriminations, and religious extremism, making progress that much more difficult).

- Progress with outcomes for minorities in South Asia will have a significant impact on meeting SDG targets, hence the additional attention is practical too.
- South Asia has seen many long-standing armed conflicts and identity-based movement, and some conventional intra-regional wars too. All have as their drivers grievances of minorities that remained unmet.
- Majoritarian nationalism has been on the rise in the region, including in countries as yet robustly democratic. Their capturing state power has been making life for minorities even more difficult, and progress on minority rights that much more contingent.

Yet South Asia is the only region without a regional mechanism or process for minority rights, and without traction amongst state parties on it. What is needed is a UN-led effort to get member states in the region to agree on a charter of minority rights, and a mechanism and process for enforcing those. This will require the UN's close handholding throughout the process, providing technical and legitimacy support, and for other multilateral bodies as well as the rest of the international development community to support the process.

For minority communities and civil society

Finally, no effort at advancing minority rights will bear fruit without the effective involvement of targeted communities themselves. Minorities are deprived and discriminated against ultimately because they are excluded from decision-making processes. Greater participation of minority communities will require:

- Their improving their capacity to organise themselves, mobilise support, network with other interest groups, document and track violations of rights and progress made, and make demands on duty bearers and laws and structures. This will require significant and organised investment of resources and energy in minority activists, community-based organisations and platforms; and
- Rights-minded civil society supporting this community-led effort, through handholding, signposting, investment and networking, at the local and national level, making demands on state institutions and influencing the policy community.

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