

UPDATE OF MATERIAL FOR SPECIALIZED MEDIA



*Europe-South Asia Exchange On Supranational (Regional) Policies And Instruments For The
Promotion Of Human Rights And The Management Of Minority Issues (EURASIA-Net) (216072),*

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1. Foreword

The majority of human and minority rights violations worldwide are generally not denounced, remain unresolved, and, most of all, unknown to public opinion. How can be improved the visibility of human rights- and minority-issues, especially in a widely diverse and populous subcontinent such as South Asia? Even if many reports are constantly published by renowned NGOs and human rights organizations such as Amnesty International, Human Rights Watch, or Minority Rights Group International, the wider public often remains alien to the daily –but serious– abuses and harms affecting many vulnerable groups living in South Asia. The involvement of the media in reporting these issues could play a major role, and should therefore be promoted and encouraged, in order to render visible hidden injustices happening every day. Moreover, the reporting should be as accurate as possible, to avoid discrimination or generalization in dealing with such delicate issues.

This Update of material for specialized media, elaborated in the frame of the project “EURASIA-Net – Europe-South Asia Exchange on Supranational (Regional) Policies and Instruments for the Promotion of Human Rights and the Management of Minority Issues” (project funded by the EC under the 7th Framework Programme-FP7), has, therefore, the goal to offer basic knowledge and a glimpse into South Asian minorities to editors, journalists and program-makers eager to contribute to a fair representation of human and minority rights issues culture in the media and to the public opinion.

The previous version of this material (“Set of material for specialized media”, published on the EURASIA-Net website, www.eurac.edu/eurasia-net) dealt mainly with the European context, while the present edition aims to offer a brief overview of the complex scenario of South Asia and the minorities living there

This set does therefore not pretend to offer a complete coverage of the topic. Rather, its aim is to familiarize journalists with these issues in order to enable them to foster the constructive role of the media when dealing with human and minority rights.

Finally, we would like to thank all the contributors to this edition, and especially the young South Asian researchers that accepted with enthusiasm the challenge to write many chapters of this set.

The Editors

2. Minorities in South Asia

2.1 Introduction

Ahmad Saeed Khan, Murtaza Hassan Shaikh, Youdon Tenzin

One hears about South Asia in regard to the economic growth of India, or as the stage for spectacular upheavals and conflicts, e.g., the US led operation in Afghanistan, the conflicts in Swat, Jammu and Kashmir, North East India or Sri Lanka.

Nevertheless, at the same time, South Asia is a historically multicultural, multiethnic, and multilingual society that lives in the countries of Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. These states are home to a rich and diverse spectrum of nationalities, ethnicities, religions, indigenous peoples and an estimated 800 languages.

The partition of India in 1947 led to the creation of the states of Pakistan (Islamic Republic of Pakistan), and the Union of India. Sri Lanka (formerly Ceylon) became independent in 1948, and Bangladesh gained independence from Pakistan in 1971. The Maldives, Nepal and Bhutan, were not directly involved in the partition: the former gained independence from the British Crown in 1965, while the latter two signed separate treaties with the British, and were recognized as independent states in 1923 and 1949 respectively.

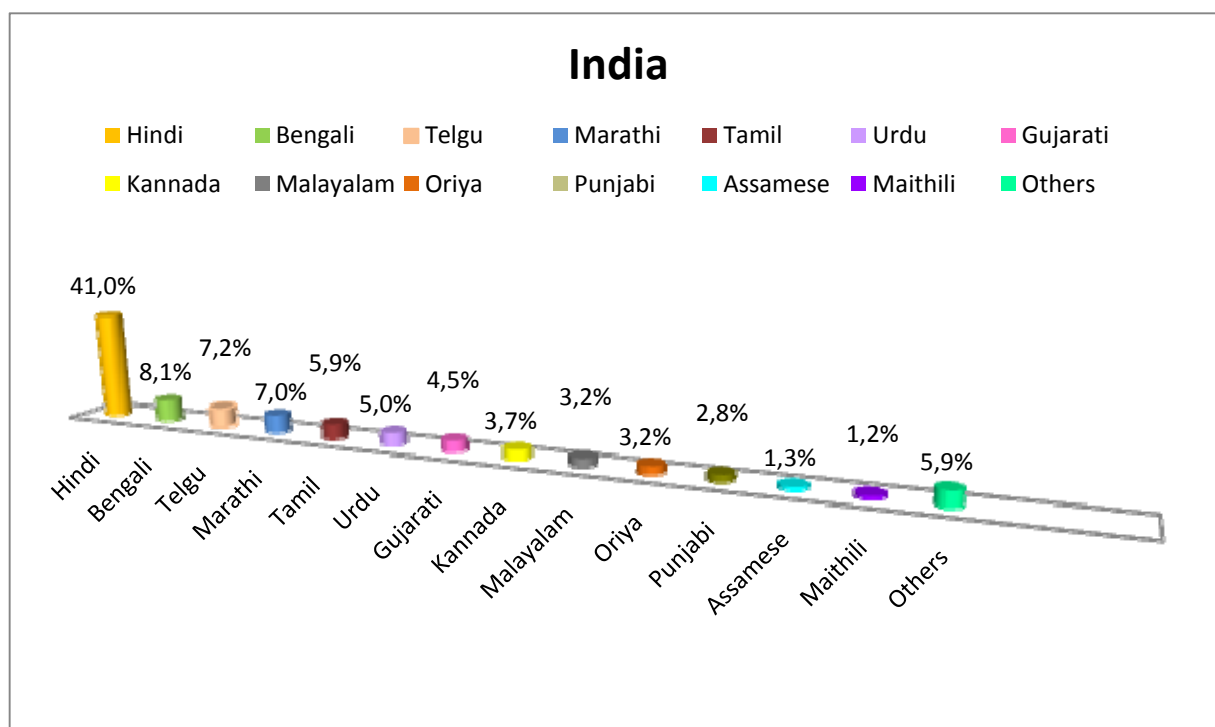
Minority issues in this region, therefore, are extremely topical. They involve administrative, political and cultural issues at all levels. In India alone, it is estimated that about 200 languages are spoken by people belonging to diverse minority groups all over the country, and approximately 84.2 million Scheduled Tribes are living in the country (see also *Table 1: Languages spoken in India*). All regional countries count ethnic minority groups within their territorial boundaries and each minority group does not just possess ethnic characteristics such as culture, language, or traditional values, but also their own customary laws, their own organizations, their own religion and their own societies, structured, in some cases, according to their traditional values. All these characteristics distinguish them not only from the mainstream majority groups but also from other minority communities.

Such cultural diversity, however, is interpreted by the governments as a danger or a threat for the South Asian nation-states in the region. This caused -and causes- policies and practices of strong assimilation and discrimination towards the diverse minority groups, in different ways and at different level in all South Asian countries, as well as violent ethnic conflicts in which more and more civilians suffer.

The following paragraphs, will therefore try to give a glimpse into this complex scenario, and offer a general overview about the great richness of cultural diversity and the recent developments in South Asia.

"Violence, discrimination and segregation are a daily experience for millions of men and women in several regions of the world. But the practice (of discrimination that is rooted in caste or similar systems) is most widespread in South Asia, particularly in India and Nepal," (ILO, 2007).

Table 1: Languages spoken in India (in %)



Source: CIA World Factbook

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2.2 A glimpse into South Asian minorities

Youdon Tenzin

South Asia is a diverse land of different ethnic groups, languages, religions, peoples and cultures.

There are religious minorities such as Muslims in India and Nepal, Hindus in Pakistan, Christians in India and Bangladesh, Ahmadiyyas in Bangladesh and Pakistan. Moreover, there are the

following groups specific to South Asia: Religious minorities, Caste-based minority (Dalits) and Tribal/Indigenous peoples (Adivasis). In particular, tribal groups and indigenous peoples are scattered in all parts of South Asia: in the north east region of India, in Bangladesh in the Chittagong Hill Tracts (CHT), in some regions of Nepal, in the north west of Pakistan, north west of Bhutan, Sri Lanka and Afghanistan.

Dalits live in India, Nepal and Bangladesh, and they were used to represent the lowest cast of Hinduism, even though they are no longer bound to Hindu religion and found also in other religious communities such as in Sikhs and Christians.

INDIA

1. Religious Minority

According to the 2001 census, Religious minorities constitute 18% of the total population including Muslims 12%, Christians 2.3%, Sikhs 1.9%, Buddhists 0.8%, Jains 0.4% and others 0.7%.¹

Muslims in India suffer strong discrimination, and the ongoing conflict between Hindus and Muslims has become a major issue in India. For every bomb blast that happens, Muslims are held as the prime suspects, leading to friction between the two communities. Some people and parties use this conflict for their benefit which leads to even more unpleasant situations.

Nevertheless, in some parts of the country like the state of Jammu & Kashmir where there is a majority Muslim community, Hindus are considered a minority group. Many Kashmiri Hindus have suffered from humiliation and discrimination and have been forced to leave their homes and migrate to other Hindu majority cities for a safer life.

Even though Christians are a minority group, they find themselves in majority in their own respective state of north east. But in some other states like Orissa there have been cases of offences against Christians (Banerjee, 1999), like the water poisoning in a relief camp (Dibin, 2008), or in other parts of the county, they have been threatened with their life and, consequently, scared to return to their villages. Some have been even obliged to convert to Hinduism in order to go back safely to their own villages. (Carvalho, 2009).

¹ For more information, see the data of the National Commission for Minorities in India, http://ncm.nic.in/minority_population.pdf.

Sikhs, finally, were never considered as a religious minority until the Sikh massacre in 1984 after Indira Gandhi's murder on 31 October, which posed the question of their security. It was one of the worst incidents following Indian independence that caused the death of many innocent people from both the Hindu and Sikh communities.

2. Caste Minority

The Dalits are still at the lowest strata of the Indian society. Although the Indian constitution has made untouchability illegal, it is still widely practiced in many parts of the country. Dalits usually work in very humble situations and in hard conditions. It is not uncommon to hear of deaths due to Methane gas exposure found in the sewers. Moreover, many Dalit children drop out from the school due to discrimination by their classmates and also from their teachers.

Illiteracy plays a major role. The few Dalits who have struggled and finished their university education continue to face discrimination at work. There have been many cases where a well qualified Dalit was rejected for the job and a less qualified non-Dalit was appointed. Lack of awareness about their rights also make them vulnerable for exploitation from other groups. Many NGO'S and other organizations are working for the empowerment of Dalits. They are trying to bring justice for the cruelty but only few cases have been successful. Many find themselves waiting for 10 to 20 years for justice, or in other cases witnesses are threatened with their life if they ever speak out in court. In India many say that if you are born as a Dalit you are born with all kinds of humiliations and discriminations.

Nevertheless, in recent Indian elections some Dalit candidates have been voted and appointed, for example the Chief Minister of Uttar Pradesh Mayawati. Moreover the current winning Congress party's first woman speaker of the parliament veteran Meira Kumar comes from a Dalit community.²

These are, indeed, relevant achievements, even though in these same elections there have been restrictions on the voting rights of Dalits, while those who didn't obey were faced with violence. Not only were Dalit's rights of voting restricted, they even faced post-election attacks. According to the National Dalit Election Watch (NDEW) there have been 263 incidents of election violence against Dalits, especially in the state of Bihar. In particular, on April 23 2009, 74 Dalit community houses were burnt and another 70 were looted in the district of Bihar.³

PAKISTAN

Pakistan recognizes religious minorities like Hindu, Sikh, Christian and Ahmadiyya. Many Hindus and Sikhs, nevertheless, feel insecure and many have migrated to India. These religious minorities are scattered all over the country with Christians in Punjab, Hindus in Sindh, Parsis in Karachi, Sikhs in Baluchistan, Behais in urban centers, et al.

Although the government has imposed laws favoring minorities, religious minorities still suffer from blasphemy charges, conversion of religion, illegal detention, custodial killing and many more in every

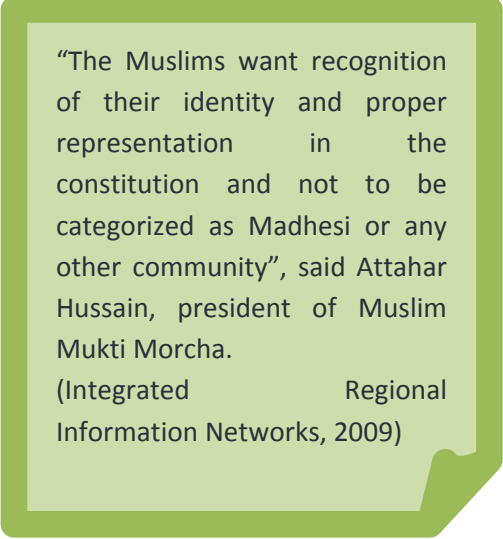
² BBC news, "India elects first woman Speaker", 6 March 2009, http://news.bbc.co.uk/2/hi/south_asia/8080474.stm.

³Minority Rights Group international, "Dalits in India face attacks and intimidation in polls, fear more violence to come", 29 April 2009, <http://www.minorityrights.org/7819/press-releases/dalits-in-india-face-attacks>.

part of the country. In February 2009 a Punjabi Christian was arrested for sending a blasphemous text message from his mobile and the following May a couple was arrested under blasphemy charges for keeping on neighbor's request, their Quran.⁴

The ongoing conflict between the Taliban and the Pakistani government has brought more suffering to the religious minorities. According to the Voice of Martyrs blog, a Christian organization, Muslim refugees from the Swat Valley are provided with shelter, food, medical facilities and transportation. On the other hand Christian refugees are not provided with sufficient facilities. In June 2009, a Christian man was beaten to death in the province of Punjab after drinking a cup of tea which was designated for a Muslim. A sign upon which it was written "All non-Muslims should introduce their faith prior to ordering tea... This tea stall serves Muslims only" was hanged outside the tea stall which went unnoticed to the Christian man (BosNewsLife Asia Service, 2009).

Non-Muslims are forced to pay tax (jizya) to the Taliban for the protection of their communities, so that they can return to their homes and continue their business (Khan Abdul Saboor, 2009).



"The Muslims want recognition of their identity and proper representation in the constitution and not to be categorized as Madhesi or any other community", said Attahar Hussain, president of Muslim Mukti Morcha. (Integrated Regional Information Networks, 2009)

Finally, Hindus in Pakistan have been suffering for ages as Muslims suffered in India. When a conflict arise in India regarding Muslims the Hindus in Pakistan are subject to violence, and vice versa. The prominent case of Babri mosque in the city of Ayodhya (India), apparently built on an Hindu ancient temple during the 16th century, and destroyed by Hindu nationalists in 1992, led to massive destruction of property and death in both the countries (Elst, 2002).⁵

BANGLADESH

Even though Bangladesh is an Islamic state, Ahmadi Muslims face discrimination, mainly because they accept four of the five basic principles of Islam but they do not accept the fifth one (the "Hajj", i.e., the pilgrimage to Mecca). Hence the Muslim majority want them to be declared as non-Muslims.

Despite constitutional rights of equality and protection against exploitation, there have been cases of Islamist groups threatening to attack the Ahmadi's places of worship.

⁴ Compass Direct News, "Pakistan: Christian charged with 'blasphemy' for text message", 5 February 2009, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5801>.

⁵ See also BBC news, "Tearing down the Babri Masjid", 5 December 2002, http://news.bbc.co.uk/2/hi/south_asia/2528025.stm.

Christians, especially those converted from Islam, are even more vulnerable. In February 2009 two Christian workers were beaten by Muslim villagers in the South-East of Bangladesh for showing a Christian film (Harp, 2009).

Hindus are also one of the religious minorities in Bangladesh. After the Bangladesh Nationalist Party and its fundamentalist allies came into power in 2001, there have been massive attacks on Hindus and some were forcibly converted to Islam. Many fled to India for a safer life. In particular, in May 2009, Iskcon temple in Chittagong was attacked and destroyed by people wielding knives and iron bars. Many devotees were injured. The attackers looted money from the donation box and from devotees. Thousands of devotees decide to protest in the streets, due to the negligence of the police and the government, eventually forcing the police to finally file a case against the attackers (ISKCON News Weekly, 2009).

Moreover, Bangladesh has 13 main tribes from which Chakmas, Marmas and Tripuras make 90% of the total tribal/indigenous peoples. Chakmas are the largest group. They are mainly situated in the Chittagong Hill Tracts (CHT) which represent 10% of the total land area of Bangladesh. Regrettably, a government policy of transmigration is provoking a potential conflict since thousands of ethnic Bengali cultivators have moved into the area (MRG, *Chittagong Hill Tract Tribes of Bangladesh*).

On 8th January 2004 the government banned all the Ahmadi publications. The government press release affirmed: "The government has banned the sale, publication, distribution and retention of all books and booklets on Islam published by the Ahmadiyya Muslim Jamaat Bangladesh, which includes the Bengali or any other translation (with explanation) of the 'Quran Majid.' [...] The ban has been imposed in view of objectionable materials in such (Ahmadiyya) publications which hurt or may hurt the sentiments of the majority Muslim population of Bangladesh." (The Daily Star, 2004)

SRI LANKA

Sri Lanka has been torn apart by civil war between the government and the Liberation Tigers of Tamil Eelam (the LTTE, also known as the Tamil Tigers) for over 26 years. The civil war has taken over 80,000 lives on both sides. The Sri Lankan population consist of Sinhalese (73.8%), Sri Lankan Tamils (12.7%), and Indian Tamils (5.5%). The minority Tamils have suffered a long running grievance of mistreatment by the majority Sinhalese government.

After the recent defeat of the LTTE and the killing of its leader Prabhakaran, the conflict seems to have settled down. The question is whether- and what- the government will learn from the two and a half decades of civil war. Will the government pursue favorable policies towards the Tamil minority and thereby avoid formation extremist groups in the future?

In May 2009, the president gave a speech in parliament requesting all Sri Lankans who fled the country due to the war, to return. He also spoke of developing the country as a nation with no more minority communities.

NEPAL

In Nepal the former Hindu monarchy and Hinduism, as the state religion, ruled for centuries. The system of governance was also based on Hindu scriptures. Only Buddhism was accepted as a part of Hindu society and the followers of this religion were not discriminated against in the kingdom.

Nowadays, religious minorities in Nepal are Muslims and Christians, and both communities are mainly settled in the Terai region, in addition to the Christians settling in Kathmandu and Pokhar.

It is not uncommon for the Nepali Christians to be threatened and told to leave the country. According to the Asianews.net in January 2009, the Nepal Defense Army (NDA), a Hindu fundamentalist organization, accused the Christians of “polluting” the nation and wanted them to leave Nepal within a month. Their goal is to achieve a Hindu-only Nepal (Parajuli, 2009).

Muslims of Nepal have been fighting for their basic rights for a long time. They ask for quotas in the parliament and civil service and they are also demanding recognition for Islamic national holidays. The last census of 2001 placed the Muslim population of Nepal at 4.2%, but, Taj Mohammad Miyan, the convener of the protesting committee, has opposed it and estimated it to be around 10% (Khan Z. , 2009).

On 1 September 2004, thousands of demonstrators stormed the main mosque in Kathmandu set furniture and carpets on fire, tore up copies of the Quran and chanted “Down with Islam’. They were protesting against the killing of 12 Hindi Nepalese laborers in Iraq. Police had to open fire to control the crowd. Even though Hindu and Muslims have been living peacefully for centuries, this incident may regrettably be a signal for future relations between the two groups (Upadhyay, 2007).

AFGHANISTAN

Afghanistan also has many ethnic, tribal and religious minorities. Islam is the state religion with majority Sunni Muslim and minority Shi’a, but we can also find Sikhs, Hindus, Jews and Sufis in situ.

There are several ethnic groups: Pashtuns all over the country; the Tajiks in north, north east and in Kabul region; the Hazaras in the central areas and in Kabul; the Uzbeks in the north; the Aimaq in the west; the Turkmens in the north; the Baluchis in the north and north west, and the Nuriatanis in the east.

“Before the war [1979] there were 16,673 Sikh and Hindu families in Kabul, Nangarhar, Ghazni, Khost, Kandahar and Helmand provinces. In the past 30 years we have suffered tremendously and many of our people left the country.”
(RAWA, 2009)

The new constitution which came into power on 4th January 2004, has a chapter on ‘Fundamental Rights and Duties of Citizens’. In Article 2, Islam is recognized as the religion of the state and followers of other religions are free to exercise their religion rites, but within the limits of provision of law. Discrimination against minorities is widespread in the country: inhuman treatment, restraint of freedom, restriction of movement within the country and death penalty for violation of rules.

In particular, in 2001, a separate dress code was fixed for Muslims and non-Muslims, and all Hindus were asked to put yellow flags outside their houses for identity. They were forced to follow Sharia or to face prosecution. They were not allowed to build new worship places and to rebuild the destroyed ones (Hindu Vivek Kendra, 2001). It is hard for a non-Muslim to survive, and consequently many Hindus and Sikhs fled the country to India and other parts of the world. Only a handful of Hindus still live in Afghanistan now, and those that do live in very precarious and dangerous situations. Finally, although there are Sikh and Hindu members in the present parliament, regrettably they do not have the right to be involved in decision making (RAWA, 2009).

BHUTAN

Since the late 1800s, Nepalese workers have migrated to southern Bhutan in search of farmland and a better life. The region, which is warmer and prone to malaria, had long been shunned by the nation's majority Drukpas, who live in the cooler northern areas.

By the mid-1980s, ethnic Nepalese made up roughly 30% of Bhutan's population, retaining their culture, language and Hindu religion. That changed in 1985 under the king's 'one nation, one people' campaign, which mandated all citizens to adopt Drukpa dress and speak the Dzongkha language. Many Nepalese were stripped of their citizenship if they lacked the papers to prove residency prior to 1958. "Deep inside, they knew they never belonged to this country", said Bhutan Prime Minister Jigme Thinley.

As to religious minorities, Christians in Bhutan have been forbidden to worship, since it is against the law to practice any religion other than Buddhism and Hinduism. The penalties for disobeying the rules include the loss of free education for children, termination of jobs, cancellation of trade licenses, withdrawal of state benefits, loss of promotion and training opportunities, restriction of movement and for repeated offence, exile from the country.

According to a 1994 report by the U.S. State Department (U.S. Department of State, 1996) by 1991, tens of thousands of ethnic Nepalese were forcibly evicted from the country or fled voluntarily in the face of officially sanctioned pressure, including "arbitrary arrests, beatings, rape, robberies and other forms of intimidation by the police and army". In Nepal, many of them have remained stateless, even though they share the same ethnic and cultural background. Today, about 100,000 ethnic Nepalese still reside in Bhutan, nearly one-sixth of the nation's population.

MALDIVES

The national language of the Maldives is Dhivehi, and the people of the islands descend from Indo-Aryans, Dravidians and Arabs. The sense of nationalism and of ethnic belonging is very strong. The official religion is Sunni Islam. There is a small community of Shi'a, descendants of Indian traders, and the small communities of Hindus and Buddhists are not recognized. The strict version of Sharia (Islamic law), known also as Sariat, is applied.

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2.3 Minority Map

Youdon Tenzin



Legend (see correspondent numbers in the table below):

Blue numbers: Indigenous Peoples

Green numbers: Religious minorities

Orange numbers: Caste-based minorities

INDIGENOUS PEOPLES

	INDIA	
1	North	Bakarwal, Brokpa, Changpa (Jammu and Kashmir); Gujjar, Lahaula, Gaddi, Kinnaura (Himachal Pradesh); Sakas, Parthians, Kushans, Huns (Punjab), Bhotia, Garhwali, Kumaoni (Uttarakand)
2	East	Adis, Apatanis, Buguns, Hrusso, Singphos, Khambas, Membas, Monpas, Nyishi, Shekdukpens, Tagins, Khamtis, Wanchos, Noctes, Yobin (Arunachal Pradesh); Bodo, Mishing, Karbi, Phake (Assam); Angami, Aao, Sema, Lotha, Rengma, Chakhesang, Sangtam, Konyak, Phom, Chang, Yimchunger, Khiamungan, Zeliang, Kuki, Pochury (Nagaland); Garo, Khasi (Meghalaya); Chakma, Pawi, Ralte (Mizoram); Aimol, Anal, Baite, Chiru, Chothe, Gangte, Hmar, Kabui, Kacha Naga, Koirao, Kom, Koireng, Maram, Maring, Monsang, Moyon, Paite, Tangkhul, Thadou, Vaiphei, Zou (Manipur); Tripuri, Reang, Noatia, Jamatia, Uchai, Mag, Munda, Lushai, Halam, Chaimal, Lepcha, Santhal, Orang, Tippera (Tripura); Bhuiya, Chero, Ho, Lohara, Mahli, Mru Pahari, Mal Pahari, Oraon, Kora, Toto (West Bengal)
3	South	Eravallam, Pulaya, Ulladan, Urali, Kondareddis, Muthuvan, Malai Vedan, Kurichya, Palleyan, Kadar, Malasar, Kammara, Kurumba, Malayan, Paniyan, Kanikkar, Mannan kapu, Marati, Malayarayan, Koya (Kerela), Todas, Kotas, Kurumbas, Irulas, Badagas (Tamil Nadu); Toda, Bedar, Jenu Kuruba, Konda kapus, Kadu kuruba, Sholaga, Hakkipikki, Khattunaikkan kota (Karnataka); Sugali, Andh, Yerukalas, Malas, Yenadi, Madrabhujingas (Andra Pradesh)
4	West	Garasia, Bhils, Minas, Gadiya, Lohari, Sahariyas, Damors (Rajasthan); Kokha, Padhar, Siddi, Gamit, Paradhi, Tribes of Kutch, Kunbi, Bhaina (Gujarat); Halba, Chodhara (Maharashtra)
5	Center	Buksa, Jaunsari, Tharu, Raji (Uttar Pradesh); Agaria, Boneya, Kawar, Korku, Mina, Kanjar, Bharia, Damaria, Kharwar, Majhi, Pao, Binjhar, Dhanwar, Kolam, Majhwar, Saharia (Madhya Pradesh); Gonds, Abhuj Maria, Bison Horn Maria, Muria, Halbaa, Bhatra, Dhurvaa (Chattisgarh); Bathudi, Khond, Sauria Pahari, Birjia, Binjhia, Kisan, Chik Baraik, Parhaiya, Birhor, Pahari Korwa, Gorait, Savar (Bihar); Baiga, Asur, Banjara, Bedia, Bathaudi, Binjhia, Bhumij, Birjia, Birhor, Chick Baraik, Chero, Gorait, Gond Karmali, Kharwar (Jharkhand), Santhals, Mundas, Gonds, Juang, Bhuyan, Bondo, Saora, Dharua, Khoya, Mohali, Lohara (Orissa)
6	NEPAL	Chepang, Kusundas, Manangi, Dolpo, Rai, Limbu
7	SRI LANKA	Veddas, Rodiya
8	BANGLADESH	Chakma, Marmas, Tripuras, Santals, Oraons, Hos, Mundas, Rajbansis

9	BHUTAN	Layap, Doyas, Monpas
10	PAKISTAN	Kalasha, Pashtu, Salarzai, Afridi, Betani
11	AFGHANISTAN	Hazaras, Durranis, Ghilzais, Nikudar, Daizangi, Poladha, Shebartoo, Yusufzais, Kakars, Kizilhasbes, Hindkis, Biluchis

RELIGIOUS MINORITIES

1	BHUTAN	Hindu, Muslim, Christian
2	BANGLADESH	Hindu, Christian
3	SRI LANKA	Christian, Hindu, Muslim
4	INDIA	Muslim, Christian, Buddhist, Sikh
5	PAKISTAN	Hindu, Sikh, Christian
6	AFGHANISTAN	Christian, Hindu, Sikh
7	NEPAL	Muslim, Christian

CASTE-BASED MINORITIES (Dalits)

1	NEPAL	Dalit
2	INDIA	Dalit
3	BANGLADESH	Dalit
4	PAKISTAN	Dalit

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2.4 On Ground Realities

Ahmad Saeed Khan

All South Asian states have different stories and manifestations about their social, economic, and political development process. But the situation of national minorities unfortunately stays the same in all states and it is getting progressively worse. The nation-state agenda means that efforts are being made to create a homogenous society by any means. In the following paragraphs, key episodes on the minority problem in those South Asian states, which are a major influence on the other neighborhoods, will be illustrated.

“Asian Indigenous Tribal People Network (AITPN) estimates that total of 401,425 tribal have been displaced due to the armed and ethnic conflicts across India. This included 47,940 Adivasis in Chhattisgarh 203,485 tribal (Bodos, Santhals and Garos) in Asom (formerly Assam), about 120,000 Gutti Koya tribals (from Chhattisgarh) in Andhra Pradesh and 30,000 Brus in Tripura”.
(AITPN, 2009, 7)

India is a multilingual, multiracial, and multiethnic country that claims to be a secular state in terms of equal treatment for its all citizens. In theory this means that everybody enjoys equality and freedom of expression in the social and political spheres. But at the same time, armed conflicts are carrying on in 21 states out of 28. These are all movements led by indigenous and

minority groups except in Jammu and Kashmir (AITPN, 2009). Muslims and Christians as religious minorities face brutal physical assault and verbal terrorism by Hindu extremist organizations. This extremism is spreading all over the country, also endangering the situation for Hindu communities in

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Minority exclusion, fake encounter killing, custodial violence, criminal behavior of security forces, and ethnic cleansing are most common issues in the country. Human Rights Watch reports that in India “[...] despite strong legal protections and an independent justice system, the Indian government still commits serious abuses—for example, in Kashmir and in Manipur, in its repression of Naxalite insurgents and their alleged supporters, and in its treatment of Dalits—so it tends to oppose international action on rights, fearing a precedent that might be used against it” (HRW, 2009, 15).

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“About one million refugees, mainly Sikhs, who came to Jammu and Kashmir from Pakistan during partition in 1947 continued to be denied the right to citizenship as they have not been recognized as citizens of Jammu and Kashmir under the Jammu and Kashmir constitution. The government of India has failed to ensure their political participation for the last 60 years.” (ACHR. 2008)

Pakistan and other Muslim majority and Hindu minority states in the region. The type of carnage that Muslims have faced in Ahmadabad, Gujarat, and Ajothya are the most prevalent examples in respect to minority problem in India.

Pakistan is another example of the systematic manner in which minority and human rights violations effect minority situation in other neighboring countries. The state constitution itself does not recognize any minority group except religious minorities. The constitution is a source of discrimination towards minorities. The illiterate clerics and Muslim fundamentalist groups are also responsible for attacks on non-Muslim and even Muslim communities due to ineffective state control. Hindus, Christians, Ahmadis, and other sub-sects are usually attacked by these groups and clerics. These discriminatory acts are not only against the constitution but also against Islamic Laws and values. The blasphemy Law is a major example of such actions against by non-Muslims as well as of Muslim people. The law was passed in 1986 with section 295-C declaring the death penalty for 'defiling the name of the Prophet Muhammad (PBUH - Peace Be Upon Him) and lifetime imprisonment for defiling the Quran. To date, this law has mostly been used for personal purposes in communal conflicts on money and property.

Moreover, minority exclusion is very common and increasing factor in the country. For instance, the All Pakistan Minority Alliance (APMA) claimed that 18% of non-Muslim voters were removed from the voting list during the last general election in 2007 (Malaysia Sun, 2007). This extremism also spread in the aftermaths of 9/11 circumstances and the war against terrorism (MRG, 2009).

The State of World Minority Rights Report 2008 affirmed that "[...] [following the events of 11 September 2001] the Muslim world found itself plunged into conflict with the West in the aftermath of the deadly terrorist attacks in New York, Christians in Pakistan were unexpectedly cast as villains and labeled as allies of leaders in powerful world capitals such as Washington or London" (MRG, 2009, 25). Furthermore, ethnic minorities that constitute more than 50% of total population are not only ignored in the constitution but also discriminated in state administrative procedures. Due to such a prolonged traditional of hatred, a number of armed movements are facing the state especially in marginalized provinces Sindh & Baluchistan. These insurgents are usually involved in killing civilians as retaliation in both provinces.

Sri Lanka ranked as Human Rights Violator No.1 in the Asian Center for Human Rights' *South Asia Human Rights Index 2008*. The situation and ground realities of minorities are highly miserable. Discrimination against minorities is one of the root causes of ongoing civil war in the country; especially in the north and eastern parts. On the other hand, uprising of Tamil movement is also involved in brutal killing of minorities especially Muslims living in northern parts of the country. The Minorities are forced to leave their homes and around 130,000 Muslims continue to live in refugee camps in substandard living conditions (ACHR, 2008). The Minority Rights Group international *State of the World's Minorities 2008* ranked Sri Lanka as one of the countries for which treatment of minorities and the minority situation was deteriorating. In respect to human rights institutions, the state has failed to provide a legitimate human rights institution at national level. The Sri Lanka Human Rights Commission no longer has any legitimacy due political appointments.

Nepal is also one of those countries where minority issues are often in the media. Despite being a party to all major treaties and conventions that protect human rights, discrimination based on race, gender, creed, and religion is a routine practice in public institutions. Nepal has been ranked at number 21st in Most Under Threat Indigenous Countries in the world (Minority Rights Group International, 2008). The Maoists movement in the country means that Nepal has been crippled by strikes and violence by Madhesis ethnic groups due to historical marginalization and discrimination by the state and majority populated groups. Minority problem within minority groups is also contributing towards a worsening situation in the country. Violence between Madhesi and Phade ethnic communities lasted thousands of displacements in different parts that is causing extensive social problems and inequality.

Afghanistan is ranked in 4th position in Peoples Under Threat 2008 index (MRG, State of the World's Minorities 2008). Discrimination based on race, language, ethnicity, and religion is a widespread phenomena in the country. The massacre killing of Uzbaks, Shi'as, Hazaras, Punjshiri, and northern Afghans belonging to minority groups by the Taliban Regime is called a "black chapter" in Afghan History.

"According to a report of the Afghanistan NGO Safety Office (ANSO), about 1,980 civilians were killed in 2007. Of these, half were killed by armed opposition groups and another half by soldiers or criminal groups." (ACHR, 2008)

Regarding the minority situation in other South Asian states, **Bangladesh** and **Bhutan** are lagging behind in ratifying major human rights conventions. On the other hand, they have very weak independent human rights commissions in their states. Hindu communities face physical attacks, kidnaps, rapes and torture in Bangladesh by Muslim fundamental groups. For this reason, the Hindu population has alarmingly declined from 1971 to 2001 to approximately 50% (ACHR, 2008). The Bangladesh Hindu Bouddha Christian Oikya Parishad reported various cases of minority violence especially against minority woman in the country. Bhutan does not even recognize any significant minority protection instrument and international regime to protect human and minority rights.

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3. Protection of Minority Rights in South Asia

3.1 National Legislation on Minority Rights

Murtaza Hassan Shaikh

(Thomas Benedikter: Box "Sri Lanka Insight")

South Asian countries are at different stages in their constitutional history. Some of them may be considered constitutionally mature countries (Pakistan, India, Bangladesh, Sri Lanka and Nepal), and will therefore be more deeply analyzed in the following paragraphs. The remaining ones have been only mentioned, since they are still in the process of establishing constitutional frameworks and institutions.

INDIA

India is posited as a system of special autonomies which turned many of the provinces, as they were under the British, into states within an asymmetric federation so as to satisfy local and regional aspirations for self-governance. The constitution was admirable in its aims; to protect the rights of minorities and indigenous peoples as well as to ascribe differences of treatment to correct entrenched historical oppression of tribes and castes. Foundations of the constitution were to be laid in the underogable principles of secularism and democracy. Thus there is no state religion and everyone is to be treated equally.

Articles 14, 15, 16, 19 and 29 of the constitution prohibit discrimination on the grounds of religion, race, caste, sex, place of birth. Articles 25-28 address the freedom of religion. Article 25 allows for the freedom of conscience and the right to freely profess, practice and propagate religion. Article 26 guarantees the freedom for all communities to manage their religious affairs respectively. These rights as in most jurisdictions are subject to public order, morality and health. The discretion

The constitution allows for positive discrimination for "scheduled castes" and "scheduled tribes" as well as recognized minorities. The scheduled castes and tribes have been allocated seats in elected bodies and their customary laws are protected and recognized by the state.

afforded to the state authorities has been abused in the past in order to pass legislation averse to constitutionally guaranteed fundamental rights of minorities. For example the Anti-conversion Bills passed in many states prevent conversions unless they are back to Hinduism. The failure of the federal government to intervene to curb the misuse of state autonomy has been brought to the fore in communal inter-religious riots. The 2002 Gujrat riots (Hindu-Muslim) and the 2008 Orissa violence (Hindu-Christian) have exposed the highly volatile tensions between majority and minority religions in some parts of the country.

However the constitution is weak in its protection of group rights with only one article on minorities. Article 30 provides that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice, the most prominent of which is the Aligarh Muslim University. This characterization clearly indicates that only religious or linguistic minorities are entitled to the right. Additionally there is provision made for regional minorities within states to access these benefits. This means that the dominant national group (Hindus) may lay claim to minority status and its resultant privileges in Jammu and Kashmir, Mizoram, Meghalaya and Lakshadweep. Numerous linguistic minority institutions have also been set up under Article 30 such as Mithibai College (Gujrati), SIES College (Tamil), K.C. College and Jai Hind College (Sindhi). Article 30, however precludes application to scheduled and tribal castes who are only eligible for positive discrimination measures and have no collective rights as such.

PAKISTAN

Pakistan's constitutional history has been repeatedly disrupted by successive military regimes stagnating the flourishing of meaningful democracy. At its very birth it faced the difficult task of keeping true to its founder's vision of a secular and democratic state, when it was, in essence, the expression of Muslim self-determination. Governance was further complicated by its territorial bifurcation into East and West Pakistan. One sided policies emanating from West Pakistan and a failure to share power eventually drove Bangladesh to secession. In the immediate aftermath, the 1973 Constitution laid special emphasis on provincial autonomy in fear of further disintegration of the newly formed idealistic state.

Articles 20-22 of the constitution provide for the freedom of professing, practicing and propagating religion but not of changing. However special safeguards are extended in the fields of taxation and for the establishment of religious institutions as well as those for education. Freedom of expression is granted in Article 19 but limited by the glory of Islam. Religious minorities continue to be excluded from many aspects

The Islamic nature of the state has a number of repercussions for the recognition and management of minorities. The constitution grants protection for minorities "freely to profess and practise their religions and develop their cultures". Any doubt as to the protections extending to groups other than religious minorities is dispelled by reference to the myriad of institutions set up specifically for the protection of religious minorities. These include the Ministry of Minorities Affairs, Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs and the Districts Minority Committees.

of public life in Pakistan by law, such as the office of Prime Minister and President and the Federal Shariat Court only entertains Muslim judges and lawyers.

The Ahmadi sect was declared non-Muslim by the Second Amendment to the Constitution in 1974. In the following years further “offences relating to religion” amendments were made to the penal code specifically targeting Ahmadis. Article 298 made it a criminal offence to pose as a Muslim, thereby preventing the self-identification of Ahmadis as Muslims. Furthermore Blasphemy Laws are still in place today and disproportionately used against religious minorities such as the Hindu, Christian and Ahmadi.

Article 25 guarantees the equality of citizens and is buttressed by Articles 26 and 27, which offer equality in access to public places and safeguard against discrimination in public services. The list of prohibited grounds is limited and exhaustive. It includes race, religion, caste, sex, residence or place of birth but excludes nationality, ethnicity, descent or belonging to a minority group.

In Pakistan by in large the various linguistic minorities also form ethnic minorities. In this sense they are ethno-linguistic minorities. The dominant group is Punjabi at 44%. The non-dominant ethno-linguistic groups are the Pakthun (15%), Sindhis (14%), Siraiki (11%), Mohajir (8%) and Balochis (4%). They are not given the same formal protections as religious minorities. The ethno-linguistic diversity of the country is supposed to be managed by way of provincial autonomies. However this federal system fails to protect the various non-dominant minorities for two main reasons. Firstly not all these groups, like the Siraiki of Southern Punjab, have their own provinces. Secondly, there is no provision for accounting for the relative disadvantage of regional minorities in each province, as in the Indian system.

There are six major and over fifty-nine minor languages. Article 28 of the Constitution prescribes the preservation of language, script and culture and the set of institutions for the teaching and learning of languages. However it is limited by Article 251 which dictates that Urdu must be the national, and English the official, languages of the state. It does, nonetheless, allow for the provincial assemblies to legislate so as to teach, promote and use the provincial language. The provision has failed to live up to minority expectation. Schools do not teach any of the regional languages and their use in courts is not permitted. This has a detrimental effect on access to justice of ethnic minorities.

BANGLADESH

The Constitution of Bangladesh was intended to give prominence to the principles of secularism, nationalism, democracy, and socialism. However later amendments saw the replacement of secularity with absolute trust and faith in Almighty Allah. The resultant emphasis in the formation of the national identity has resulted in the mistreatment of minorities with the propagation of the state as a homogenous Muslim Bengali state. Bangladesh is home to Hindu, non-Bangla speaking and Adivasi (indigenous populations) communities. These groups include the Chakmas, Marmar, Tripuras and plains tribal ethnic communities, none of whom speak Bengali.

Perhaps the most disaffected group in Bangladesh, having been deprived the benefits of development and subjected to constant discrimination, are the Adivasi communities or indigenous peoples. Their plight is epitomized by the armed struggle of the Chakma of the Chittagong Hill Tracts, which was partly prompted by the construction of the Kaptai Dam without their free, prior and informed consent. Twenty five years of armed agitation was brought to an end in 1997 by the signing of the Peace Accord.

Article 2 stated that Islam would be the state religion. The constitutional recognition and reservation of seats to religious minorities in the Pakistani constitution is not emulated here. The non-Muslim minorities include the Hindu, Buddhist, Christian and animist communities. Article 6 of the constitution defines the citizen of Bangladesh as a Bengali, thus denying the plurality of ethnicity and cultures that exist in the country. Article 3 repeats the mistake which Bangladesh itself fell victim to; that of giving undue and coercive prominence to the state language. The imposition of Bengali at the expense of minority languages in the nation building process has sidelined minorities such as the Urdu speaking Biharis.

SRI LANKA

Sri Lanka's twenty six year old war may have come to an end, but the underlying minority grievances which lay at its root, if anything, have been exasperated and systematic violations of human rights continue to be perpetrated against the Tamil civilian minority under the pretence of security.

Sri Lanka has 74% Sinhala, who dominate state institutions and the army. The 13% Tamil minority have been tormented with indiscriminate and disproportionate security measures. The prevention of terrorism has long been relied on to justify the maltreatment and erosion of rights of minorities especially the Tamils. The Prevention of Terrorism Act and Emergency Regulations are good examples of legally entrenched discrimination against minorities. Owing to international pressure, the Emergency Regulations have, at different times, been amended but only superficially. In fact Sri Lanka has intermittently kept different parts of the country in a state of emergency from 1983 to justify its repressive laws. It is hoped that the recent end in hostilities will lead to a lifting of the state of emergency.

The Muslim Tamils have attempted extraneously to separate their identity from the Tamils in general. They consider themselves as forming a distinct ethnic minority even though it is their religion that distinguishes them, so as to escape the blanket discriminatory provisions against Tamils. Sri Lanka is also home to distinct indigenous people known as Veddas. However their voices have been even further subsumed in the clamor of the Tamil/Sinhala conflict. Sri Lanka's establishment of a national park on their ancestral forestland without any prior consultation is one example of the flagrant denial of the rights to their ancestral lands.

“Acknowledging that Sri Lanka is a multi-ethnic and a multi-lingual plural society consisting, inter alia, of Sinhalese, Tamils, Moslems (Moors) and Burghers . . . recognizing that each ethnic group has a distinct cultural and linguistic identity which has to be carefully nurtured”. (Colombo Accord 1987)
(World Directory of Minorities, South Asia)

SRI LANKA INSIGHT
(by Thomas Benedikter)

Sri Lanka's North and East: give regional autonomy a chance

After the defeat of the LTTE, amidst a humanitarian disaster, the dreams cherished by a significant part of Sri Lanka's Tamil community on the island and in diaspora to create a separate state of "Tamil Eelam" in the North and East have definitely vanished. The attempt to achieve self-determination by dividing the island has brought about 26 years of military confrontation, immense suffering and the loss of around 80.000 lives. Various negotiations failed, proposals for a constitutional reform of Sri Lanka aimed to transform this unitary state into a federal state were to no avail. On the other hand also Colombo's tactical move to decentralize the unitary state, establishing elected provincial councils, by the 13th constitutional amendment of 1987, did not transfer substantial powers to autonomous bodies and hence could not match the expectations of the minority groups.

Surprisingly, neither in negotiations nor in Sri Lanka's political debates a special territorial autonomy for the North and East has ever attracted major attention. Autonomy in modern democratic states has mostly been granted to regions with ethnically different populations, in conflict ridden regions, for threatened or colonized indigenous peoples or national minorities. Sri Lanka's North and East, traditionally inhabited by a majority of Tamils and Muslims, is a typical case for such a special device of territorial power sharing. If a federal system for the whole state is either not requested or not feasible, and asymmetric federalism too complex a system, territorial autonomy can exactly be the answer for such a situation producing conflict between just one or two regions or communities and the centre. If such regions are shared by different ethnic communities, appropriate devices of consociate government have to ensure peaceful self-government.

Regional autonomy is no recent invention. Sri Lanka can acknowledge the experiences of 20 states in all continents with at least 61 entities endowed with territorial autonomy, matured in almost 90 years. It can analyse such examples, geographically rather close, as the autonomy of Aceh in Indonesia (established in 2003) and of the Bodoland in India (as well in 2003), both created as a compromise solution after many years of bloody fighting. Certainly, the LTTE now is no longer a negotiation partner and the Tamils are no community speaking with one voice. Nevertheless, if Sri Lanka's Tamil minority needs and legitimate claims are to be accommodated, if their identity as a distinct people on Sri Lanka is recognized, a solid degree of self-government in their traditional areas of settlement has to be provided. If reconciliation with the Sinhala majority is sincerely on the state's agenda and if a stable long-term solution for the co-existence of the diverse ethnic groups is to be ensured, a legal-political framework of autonomy should be entrenched in the Constitution. Regional autonomy has given indisputable results in dozens of conflict-ridden regions of the world. It deserves serious consideration in the "post-war-period" in Sri Lanka.

NEPAL

Nepal is 86.5% Hindu and has significant Muslim, Buddhist, Christian religious minorities. According to the interim constitution the country is a secular state, and the law provides for freedom to practice one's own religion. However the law also prohibits conversion and proselytisation. It further accepts the notion of indigenous peoples which gives hope to the potential application of the relevant international standards.

There are more than 75 ethnic groups speaking over 50 languages. The 1991 census provides a list of 30 castes and 26 ethnic groups who are given the status of nationalities or Janajati.

Linguistic minorities have the right to preserve and promote their language, script, and culture in addition to the right to operate schools at the primary level in their native language. Nepal has also set up institutions to safeguard the rights of Dalit and indigenous peoples such as the National Dalit Commission and the National Foundation for the Development of Indigenous People and Nationalities. Despite the outlawing of mistreatment of the Dalits and the institution of various programs targeted at their uplift, caste-based discrimination remains prevalent throughout Nepalese society especially in the Terai region.

AFGHANISTAN

Afghanistan is predominantly Muslim with Sikh, Hindu and Jewish minorities constituting less than 1% of the population. According to the 2004 Constitution, the Republic declares Islam as the religion of the state while also affirming the freedom of religion: "followers of other religions are free to exercise their faith and perform their religious rites." Article 22 lays out the first and foremost fundamental right for minorities, that of non-discrimination: "Any kind of discrimination and distinction between citizens of Afghanistan shall be forbidden". No grounds of discrimination are specified and for this reason, the protection offered to minorities is exceptionally weak. For example Article 62 requires that only a Muslim may stand for the Presidency.

Article 4 lays the foundations for citizenship inclusive of all ethno-linguistic "tribes". The following prominent groups are explicitly mentioned: Pashtun (42%), Tajik (27%), Hazara (9%), Uzbek (9%), Aymaq (4%), Turkman (3%), Baluch (2%), Pachaie, Nuristani, Arab, Qirghiz, Qizilbash, Gujur and Brahwui. Article 16 is complementary and exceptionally progressive in its treatment of linguistic diversity as it not only recognizes Dari and Pashto as the official languages but declares that any other minority language may constitute a third official language in areas where they are a majority. In this way linguistic autonomy is granted to minorities based on regional majorities, as in India. In both these provisions, the extensive and non-exhaustive lists of "tribes" and languages as constituent of the Afghan nationality is symptomatic of the substantial participation by a cross-section of Afghan society in its drafting process. As a result even the nomadic people, known as Kuchi, and

Article 35 may also prove to be problematic as it prohibits the "formation and operation of a party on the basis of tribalism, parochialism, language." The discretion given to states here is far too extensive as it could lead to a crackdown on political parties advocating the interest of minorities.

the Shi'a Muslim minority are catered for. Articles 14 and 44 prescribe positive obligation for the Kuchi. The Shi'a, who are predominantly from the ethnic Hazara group, constitute a significant minority and Article 136 allows for the application of Shi'a jurisprudence in their personal law matters.

BHUTAN

The tiny Himalayan Kingdom of Bhutan has a population of 700,000 with Dzongkha as the national language. On 25 March 2008, it made the peaceful transition from an absolute to a constitutional monarchy in a process initiated by the 28 year old sovereign himself, King Jigme Khesar Namgyel Wangchuck. Its first constitution was endorsed by parliament on 18 July 2008. Article 3 declares Buddhism as forming the spiritual heritage of Bhutan entrusting the King with the protection of all religions, while also specifying that politics and religion must remain separate.

In the late 1990s over 100,000 ethnic Nepali were stripped of their citizenship. Consequently some were expelled. Others fled to escape arbitrary arrest. The resultant refugee population has languished in refugee camps in Nepal ever since. Those ethnic Nepali that remained in Bhutan now constitute around 13% of the population and continue to be classified as "non-nationals". They face discrimination across all sectors including employment and were unable to vote in the recent

Islam and Christianity are effectively banned while Hinduism is accorded a level of recognition. Christians are prevented from building churches and permission for non-Buddhist buildings is rarely granted.

elections. The Constitution guarantees fundamental rights under Article 7. However many of these rights are vested specifically in a "Bhutanese citizen". In this way the constitution implicitly denies the "non-national" ethnic Nepali minority their rights of expression, association, movement, residence, work, religion, vote, and to own property. Although they face no imminent threat of expulsion, their treatment as second class citizens has compelled many to leave the country.

Article 7.15 guarantees non-discrimination on grounds of race, language, religion, politics or other status". Article 7.4 guarantees the freedom of religion and prohibits forced conversions in that "no person shall be compelled to belong to another faith by means of coercion or inducement", but in practice it is only applicable for non-Buddhists.

MALDIVES

The Maldives has a population of approximately 390,000. It is to a large extent ethnically and religiously homogeneous adhering to Sunni Islam with Dhivehi as its national language. There is however a very small minority of around 3000 Hindus and Buddhists. The new constitution came into force on 7 August 2008 and was followed by the first multiparty presidential election. Article 2 defines the state as a unitary, democratic republic based on the principles of Islam and derives all its power from its citizens. However Article 9 limits citizenship only to Muslims.

Article 17 lays out the guarantee of non-discrimination on grounds such as race, national origin, colour, sex, age, mental or physical disability, political or other opinion, property, birth or other

status or native island. The omission of religion as a possible ground is most notable. The provision also acknowledges that non-discrimination must be accompanied by positive measures for “disadvantaged individuals or groups”. There is no fundamental right to freedom of religion in the Constitution. Non-Muslim foreigners are allowed to practice their religious beliefs but only in private. Visitors must also refrain from encouraging local citizens to practice any religion other than Islam and the constitution stipulates that the President must be a Sunni Muslim. However, members of Parliament and the judiciary are not required to be Sunni. Article 36 lays out the rights to education to be guaranteed without discrimination of any kind but that it “shall strive to inculcate obedience to Islam, instill love for Islam, foster respect for human rights, and promote understanding, tolerance and friendship among all people.”

To summarise...

As can be observed, despite their internal problems, Pakistan and India’s federal systems of autonomy provide the best model for managing minorities. In the parts of their territory where there is unrest, it is instead based on a lack national legislation protecting and promoting the rights of minorities. Conversely, Sri Lanka vividly demonstrates the consequences of a failure effectively to legislate to meet the needs of aggrieved minorities. Furthermore, India has acknowledged that minorities may exist within its numerous states as well as at the national level. Afghanistan has alluded to similar rights for its linguistic minorities. This is indeed a positive step which should be emulated by Pakistan. On the other hand Bhutan, Afghanistan and the Maldives excessively restrict the freedom of religion, but this should be put in their respective contexts of homogeneity.

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3.2 Regional (Supranational) soft law mechanism to protect Minority Rights

Ahmad Saeed Khan

(Faqr Hussain: Box “SAARC INSIGHT”)*

“All minorities, whether based on religion or language shall have the right to establish and administer educational institutions of their choice.” Article 30(1), Indian Constitution.

The South Asian region is way behind in the establishment of international organizations and institutions. Some efforts, however, have been made in last twenty years to establish regional organizations to strengthen state relationships for equality, social justice, social harmony, democratization, and empowerment. The South Asian Association for Regional Cooperation (SAARC) is one of the most active and significant organizations that perpetuates such common objectives by establishing other instruments. One of the significant

legal provisions at regional level is SAARC Social Charter that draws attention towards human and minority rights and equal treatment. It has been signed in Islamabad at Twelfth SAARC Summit in 2004 by the heads of the member states (India, Pakistan, Bangladesh, Sri Lanka, Nepal, Maldives, Bhutan, and, from 2007, also Afghanistan) (see below Box “SAARC INSIGHT”).⁶

Another active network that works for regional cooperation is the Organization of Islamic Conference, and the Universal Islamic Declaration of Human Rights (UIDHR), which contemplates many rights contained also in the UN Declaration of Human Rights.⁷ There are four Muslim states in the South Asian region which proclaim implementation of Islamic laws.

Bilateral agreement between India and Pakistan

“The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honor, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country’s civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively.”

Liaquat-Nehru Pact, New Delhi, 1951

(Rehman, 2000)

* This text was first published in “Material for specialized media”, available at <http://www.eurac.edu/Org/Minorities/eurasia-net/PROJECT+DELIVERABLES.htm>.

⁶ See SAARC webpage, www.saarc-sec.org.

⁷ See the Universal Islamic Declaration of Human Rights (UIDHR), <http://www.ntpi.org/html/uidhr.html>.

Except Bhutan, all regional states are part of major international conventions and treaties (see *Table 2: Regional & International Instruments to Protect Human & Minority Rights*) including International Covenant on Civil and Political Rights (CCPR) and International Convention on the Elimination of All Forms of Racial Discrimination (CERD). In particular, Pakistan, India, and Bangladesh are parties to the International Labour Organization's Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries adopted in 1989.

Nevertheless, these treaties and conventions have not been implemented thoroughly.

SAARC INSIGHT
(by Faqir Hussain)

Minority protection under SAARC

A significant step towards moving in the direction of human rights protection was the signing of SAARC Social Charter in 2004, which seeks to promote the welfare of the people and to accelerate economic growth, social progress and cultural development. In 2002 two other instruments have been also approved: SAARC Convention on Regional Arrangements for the Promotion of Child Welfare in South Asia; and SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. Regrettably though, the progress so far has been marginal.

A major stumbling block is the inability of SAARC to fully involve the civil society in having people-to-people contact to achieve the stipulated objectives. SAARC activities are centered on official circles with scant prospects for broader participation by the private sector or civil society. The mutual bickering/distrust amongst the members operate as an impediment for involving the professional bodies and civil society groups/organizations to freely interact and device strategies for mutually beneficial cooperation. The few subsidiary bodies like SAARC-Law, South Asian Free Media Association and SAARC Chamber of Commerce & Industry, though somewhat active, have had only limited success.

SAARC efforts and activities have generally been restricted to the economic domain and political cooperation. It has helped members to isolate, for the time being, territorial disputes or political conflicts. They continue to talk and address issues of mutual interest. There has been some progress towards trade liberalization and exchange of delegations as well as people-to-people interaction, however there is lack of progress in the area of human/minorities rights protection. The SAARC leaders may therefore borrow a page from the European experiment of restoring and maintaining communal peace and stability through human rights protection, however it has to develop an indigenous framework for cooperation in the socio-economic and political development and also in the area of protection of human/minorities rights.

Table 2: Regional & International Instruments to Protect Human & Minority Rights

Country	International & Regional Human Rights Treaties	Status
Afghanistan	CCPR, CEDAW, CERD, CESC	State Party
	CCPR-OP1, CCPR-OP2, CMW	Non-State Party
Bhutan	CCPR, CEDAW,	State Party
	CCPR-OP1, OP2, CESC, CERD, CMW	Non-State Party
Bangladesh	CCPR, CEDAW, CERD, CESC	State Party
	CCPR-OP2, CMW	Non-State Party
India	CCPR, OP1, CESC, CEDAW, CERD, CESC	State Party
	CCPR-OP1, OP2, CMW	Non-State Party
Maldives	CCPR, CCPR-OP1, CESC, CEDAW, CERD	State Party
	CCPR-OP2, CMW	Non-State Party
Nepal	CCPR, CCPR-OP1, CESC, CEDAW, CERD	State Party
	CCPR-OP2, CMW,	Non-State Party
Pakistan	CESC, CEDAW, CERD	State Party
	CCPR, CCPR-OP1, CCPR-OP2, CMW	Non-State Party
Sri Lanka	CCPR, CCPR-OP1, CESC, CEDAW, CERD, CMW	State Party
	CCPR-OP2	Non-State Party

Source: United Nations Human Rights Website-Treaty Bodies Database,
<http://www.unhcr.ch/tbs/doc.nsf/887ff7374eb89574c1256a2a0027ba1f?OpenView&Start=1&Count=250&Collapse=4.2#4.2>

Legend:

International Covenant on Civil and Political Rights (CCPR) (Optional protocol 1 (OP1), Optional Protocol 2 (OP2))

International Covenant on Economic, Social and Cultural Rights (CESCR)

International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW)

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South Asia Human Rights Documentation Centre (SAHRDC), www.hrdc.net/sahrdc

United Nations Human Rights Website-Treaty Bodies Database, www.unhchr.ch, www.unhchr.ch/tbs/doc.nsf/887ff7374eb89574c1256a2a0027ba1f?OpenView&Start=1&Count=250&Collapse=4.2#4.2

Universal Islamic Declaration of Human Rights (UIDHR), www.ntpi.org/html/uidhr.html

3.3 List of Regional & National Institutions dealing with Human & Minority Rights in South Asia

Human Rights Commission South Asia

International Secretariat
Sweden

Phone: +46 704377311,

Fax: +46 704377311

E-Mail: hrcsa@hrcsa.org

Website: www.hrcsa.org

Asian Human Rights Commission

19/F, Go-Up Commercial Building,
998 Canton Road, Kowloon, Hong Kong, China

Phone: +852 2698 6339,

Fax: +852 2698 6367

Website: www.ahrchk.net

International Centre for Ethic Studies

2, Kynsey Terrace, Colombo 8, Sri Lanka

Phone: +94 11 2685085/ 2679745/ 2674884

Fax: +94 11 2698048

E-mail: admin@icescolombo.org

Website: www.icescolombo.org

India

National Human Rights Commission
Address: Faridkot House Copernicus Marg,
110001 New Delhi, India

Phone: +91 11 233 84856

Fax: +91 11 233 86521

Email: covdnhrc@nic.in

Website: www.nhrc.nic.in

Pakistan

Human Rights Commission of Pakistan
107, Tipu Block, Garden Town, Lahore,

Website: www.hrcp.cjb.net

Bangladesh

Human Rights Congress for Bangladesh
Minorities

HRCBM-Dhaka

Azimpur, Lalbagh P.S. Dhaka, Bangladesh

Email: hrcbm-bangladesh@hrcbm.org

Website: www.hrcbm.org

Nepal

National Human Rights Commission of Nepal

Harihar Bhawan, Pulchowk, Lalitpur,

Post Box No. 9182, Kathmandu, Nepal

Phone: +977-1-5539776

Fax: +977-1-5547973

Email: nhrc@nhrcnepal.org

Website: www.nhrcnepal.org

Afghanistan

Afghan Independent Human Rights
Commission

Address: Pul-e-Surkh Karte-e-3 Kabul,
Afghanistan

Phone: +93 (20) 25 00676

Fax: +1 212 963 2669

Email: aihrc@aihrc.org.af

Website: www.aihrc.org.af

Maldives

Human Rights Commission of the Maldives
8th Floor, ADK Tower, Ameeru Ahmed Magu,
Male', Maldives

Phone: +960 333 6539

Fax: +960 333 8658

Email: info@hrcm.org.mv

Website: www.hrcm.org.mv

4. Media, Human Rights and Minorities in South Asia

4.1 *Emerging Media and Civil Society, and their role in Human and Minority Rights Violations in South Asia*

Ahmad Saeed Khan

The *South Asia Human Rights Index 2008* (see *Table 3: Enjoyment of Human Rights in South Asia*) “[...] demonstrates that all South Asian countries have serious human rights problems. A regional analysis also shows a high level of commonality in human rights patterns. Discrimination is endemic, institutionalized and in many cases legalized” (Asian Center for Human Rights, 2008, 7).

South Asia is home to one fifth of the world’s population, having the most diverse and marginal communities throughout the region. Each country in the region comprises on multiple ethnic groups and identity markers that has different social, cultural, political, and economic issues. In this complex scenario, Civil Society Organizations (CSOs) have been working to provide advocacy, creating awareness, and to fill the gap of public facilities.

The state machinery, especially in South Asia, has tried to transplant nationalism and national security issues through the public media. The presence of media in the region has made a remarkable progress. This widespread information and knowledge networking provided by mass-media in liaising with different social actors can protect the rights of oppressed and marginalized communities and indigenous groups. These media associations’ and TV channels’ initiatives are very useful to report violence and discrimination cases, especially those against indigenous and minority communities.

The term ‘Civil society’ embraces a wide spectrum of meanings, especially in South Asia, and has become a fashionable determinant denomination in national and regional development. Lately, Indigenous development, protection and promotion of minority groups, democratic, people-centered development have become the new dominant paradigms of the CSOs. These CSOs are getting more and more effectively engaged with local communities, especially with regards to the media.

Table 3: Enjoyment of Human Rights in South Asia

Rank	Country	Political freedom	Right to life	Judiciary & administration of Justice	NHRIs	Press freedom	Violence against women	Violations of the Rights of the Child	Human Rights Defenders	Minorities/ Indigenous Peoples	Total score	Total score (minus minorities)
1	Sri Lanka	4	7	4	4	6	6	7	7	7	52	45
2	Bangladesh	7	6	6	6	5	4	2	5	5	45	40
3	Bhutan	6	2	7	7	7	1	1	6	6	43	37
4	Pakistan	5	5	1	5	4	7	6	4	4	41	37
5	Maldives	3	1	5	2	3	3	3	2	-	23	23
6	Nepal	2	3	3	3	2	2	5	1	3	24	21
7	India	1	4	2	1	1	5	4	3	2	23	21

Source: Asian Centre for Human Rights, South Asia Human Rights Index 2008, 9

Legend of Table 3: “Nine thematic issues crucial for enjoyment of human rights [have been taken into account]: political freedom, right to life, judiciary and administration of justice, status or effectiveness of National Human Rights Institutions, press freedom, violence against women, violations of the rights of the child, violations of the rights of the minorities and indigenous/tribal peoples and repression on human rights defenders. Though other issues like prison conditions, refugees, internally displaced persons etc have been extensively covered; these issues have not been taken into consideration for indexing purpose. [...] The scoring is ranked from worst to best i.e. the country having the worst record on a specific thematic issue is given the highest ranking of seven (7) and the country having the best record on the same thematic issue is awarded one (1).” (Asian Centre for Human Rights, South Asia Human Rights Index 2008, 9)

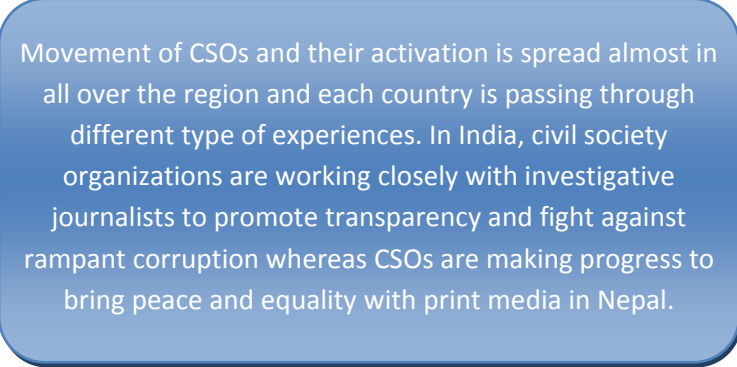
The mass media, including print, electronic, radio, television, and Information technologies, may increasingly and effectively play a role in terms of human rights and all types of violations. Due to cable network and cheap dish antenna system, the TV channels have large outreaches in South Asian region. Media programs may be not only a source of entertainment, but also a powerful tool to maintain social harmony and equality among different communities. Although there are not many regional media organizations, there are some active credible media organizations. South Asia Free Media Association (SAFMA) is one of them. It has successfully created further regional organizations including Media Commissions. These commissions are set up in most of regional countries and are very successful in stopping violence against oppressed and indigenous people. Media coverage highlighting minority groups, ethnic communities, and indigenous people has become the most noteworthy factor that somehow is also conceived as real challenge by state machineries. Considering the importance of media towards presenting insightful information about ethnic groups and oppressed communities, not only spreads information but also creates social interaction and dialogue between multicultural societies.

Nevertheless, in the media controlled or financed by the states, they are reluctant to highlight the real status and living conditions of the population or human rights' violations, preferring to transmit entertainment programs. This phenomena has created a widely mistrust among general masses towards national media in all countries of the region. Moreover, the state media has no legitimate authority and regular audiences in compare to private media channels and newspapers. Only in India approximately 700 private television channels are broadcasting by 2009 (The Wall Street Journal, 2007).

In Pakistan, instead, there are more than one hundred TV channels and around 200 Radio Station, according to recent estimates and figures released by the Pakistan Electronic Media Regulatory Authority (PEMRA). It goes without saying, that private TVs and Radios are not interested in engaging on such delicate issues as human and minority rights' violations.



Together with CSOs, the media has become a pressure group that provokes prompt and decisive response for government to stop violence by different means.



Movement of CSOs and their activation is spread almost in all over the region and each country is passing through different type of experiences. In India, civil society organizations are working closely with investigative journalists to promote transparency and fight against rampant corruption whereas CSOs are making progress to bring peace and equality with print media in Nepal.

Media and CSOs, however, are not only involved in promoting knowledge and information but also contribute towards educating communities on different social issues. The most recent -and shining- example of the role of media and active civil society, is the restoration of judiciary in Pakistan. Undoubtedly it is a splendid achievement of country's emerging

media and lawyers' movement for democracy, rule of law, and social justice that will become foundation stone for Pakistan's journey towards democracy and development, but much still need to be done.

A case apart is Afghanistan, of course. In this country, the instable political condition is accelerating worsen human and minority rights situation. This represents not only a problem for local people and development or international organizations, but also a real obstacle for those willing to promote democracy, peace, and equality. Social integration, inclusion, citizen participation, grass-root decision making, empowerment, and community participation can only bring through active civil society by establishing civil society organizations. Participatory democracy could be reoriented through encompassing public opinion that always strengthens state institutions by filling gaps between state, civil society and media.

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Rights & Democracy (International Centre for Human Rights and Democratic Development), Media Centre, www.dd-rd.ca/site/media

4.2 List of Media Commissions in South Asia

Media Commission, India

Mr. N. Ram
Editor-in-Chief, The Hindu Mount Road
Chennai 600 001
Email: nram@vsnl.com/nram@thehindu.co.in

Media Commission, Pakistan

Mr. I. A. Rehman, Chairman
House No: 230-A, A-1,
PGEHS Township, Lahore
Email: hrcp@hrcp-web.orgMedia

Media Commission, Bangladesh

Chairman,
Barrister Moinul Hossain
Chairman, Editorial Chairman Board, Ittefaq
1, R K Mission Road, Dhaka-1203.
Email: ittefaq@bangla.net

Media Commission, Sri Lanka

Mr. Arjuna Ranawna
Director-
Sri Lanka College of Journalism
65/5 Ward Place,
Colombo 7
Phone: +94 775908293

Media Commission, Nepal

Mr. Rajendra Dahal
SAPC President
President
Nepal Press Council
Press Council Nepal, Sanchargram
GPO Box 3077, Kathmandu, Nepal
Email: dahal_rajendra@yahoo.com

Media Commission, Afghanistan

Mr. Abdul Hamed Mobarez
President of SAMC – Afghanistan,
Website:
http://www.jemb.org/media_commission/constitution.html

4.3 Representation of South Asian minorities and groups (media and internet)

Youdon Tenzin

Some organizations and media associations support minority groups in their struggle through various methods. These NGO's and media groups try to bring the oppressed voice of marginalized people of the society around the world through mass media: TV, radio, internet, mobile phones, newspapers, journals, magazines and even through entertainment like short films or documentaries and music.

Below you can find a list of the most visible media groups and organizations supporting minorities.

Breakthrough – This is an international human right organization using the power of media for awareness of less privileged people in South Asia.

www.breakthrough.tv

Center for Protection of Minorities and Against Racism and Discrimination in Bhutan (CEMARD): it works with the media both national and international through TV, radio, internet and print media to convey the message of Bhutanese underprivileged people.

www.geocities.com/cemardbhutan

Dalit Welfare Organization – This all Dalit NGO, based in Nepal, is working hard for the upliftment of Dalit communities. They have 2 main principle approaches, first through its development programs and secondly, through media advocacy. It has its own TV & radio production and broadcast facilities.

www.dwo.org.np

Integrated Regional Information Network (IRIN) is a mean to provide news and analysis about Asia and other continents for humanitarian community. It also provides radio service, produces short films & TV services, photo service, funding documents, evaluation reports and survey.

www.irinnews.org

International Work Group for Indigenous Affairs (IWGIA) is an independent organization which supports indigenous people struggle for human rights. It also collaborates with other indigenous organizations and contributes through producing documentation, publications, research and projects.

www.iwgia.org

Minority Group International – It is an international NGO, working with the minorities through trainings, releasing publications and media to make their voice heard.

www.minorityrights.org

National Campaign on Dalit Human Rights is a forum, led by Dalit women and men, committed to the elimination of discrimination based on caste.

www.ncdhr.org.in

One World South Asia – It is a non-profit South Asian center which concerns about the marginalized people through Information and Communication Technologies (ICTs), that is internet, TV, mobile, radio, telephones.

<http://southasia.oneworld.net>

Sangham Radio – Rural community radio station owned, managed and operated by Dalit women in Andhra Pradesh state of India.

<http://edaa.in/content-bank/cr-station-spotlight/sangham-radio>

South Asia Media Net (SAFMA) – This website provides news of all the South Asian countries. It is a daily free news service which provides the latest events and new developments going around in South Asia.

www.southasianmedia.net

The Amana Media Initiative (AMANA) – It has a website and Amana news online covering key news events, positive initiative and progressive Muslim thoughts. It is an independent news and media service within Asian Muslim community. It also publishes newsletters and a quarterly magazine in English.

www.arf-asia.org/amana

4.4 Media policy and minority group in South Asia

Ahmad Saeed Khan

Due to increasing new media technologies and emerging growth of ICT throughout the world has brought many changes in socio-political life of the entire South Asian region, despite the fact that region has one of the largest consumer markets that attracts private sector to invest in media technology. Reports show unprecedented growth of print and electronic media in last decade in the region. In India, in 2000 only one private television channel was working, jumping onto 273 private channels in December 2007 that have approximately 110 million viewers.⁸ Today the Indian media and entertainment industry encompasses around 300 TV channels with 112 million audiences and 50,000 newspapers with 250 million readerships. This media boom put forth a great demand of policy actions before governments. In comparison to other regional states, mass media production is relatively free and independent. However, there are separate bodies to monitor mass media such as the Press Council of India that monitors print media; telecommunications are regulated by TRAI (Telecommunications Regulatory Authority of India); CBFC (Central Board for Film Certification) is responsible for cinema; advertising by the ASCI (Advertising Standards Council of India); and broadcasting media is controlled under the AIR (All India Radio) Code and the 1995 Cable Television Networks (Regulation) Act, that was amended in 2000.

In particular, rise of private media has been challenged for public control media especially state owned newspapers and TV channels. Therefore, states have been tried to introduce regulations and laws to control private independent media as much as possible. This practice is not limited at state level in South Asia.

Although there is no regular intervention in media by state institutions in South Asia, interference by Hindu fundamentalists groups is very usual. The most contested and late **Indian** feature of the film “Parzania” (screened by art students from Baroda University, and the broadcasting by a Pakistan Television), telling the plight of a Parsi family during the communal violence of 2002 in Gujarat, are major examples of such illegal action against media.⁹

Nevertheless, in comparison to other countries, **India** has largest circulation of such local newspapers in local and national languages.

In **Pakistan**, PEMRA (Pakistan Electronic Media Regulatory Authority) is a national authority that monitors mass media production. PEMRA has been under criticism since 2007 due to ban and off air of all mainstream television channels. Newly emerged media in the country has played a tremendous role against state of emergency and fight for restoration of judiciary with the lawyers’

Article 19 of the United Nations Universal Declaration of Human Rights asserts: ‘*Everyone* has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.’

⁸ See Business Knowledge Resource Online, “Media”, http://business.gov.in/Industry_services/media.php

⁹ See Hindustan Times, “Finally, Gujarat gets to see Parzania”, 25 April 2007, <http://www.hindustantimes.com/StoryPage/StoryPage.aspx?id=4c9598ca-e63f-4c56-9d2c-9a2e8fe431f9&>.

movement. There are a number of TV channels which have been off air for more than one month due to participation in political turmoil against the last government. According to recent reports, PEMRA has been made an agreement with a private company to strictly monitor private media for so called national security and professional ethics.¹⁰ Regarding television channels belong to minorities in Pakistan, from a total of 100 television channels and 200 radio stations, more than half of them are established by different ethnic communities; however, their broadcasting is not only confined within them such as KTN, IRA, Sindh, Kashish, Dharti, and Mehran which broadcast in Sindhi language and Rohi and Kook in Saraiki language, Khaybee & K2 in Pashtu, and SabzBaat TV represents Baloch community (See *Table 4: Language wise distribution of media*).

According to the government of **Sri Lanka**'s policy statement, around 35 Sinhala, English, and Tamil daily and weekly newspapers are published. 8 TV Sinhala TV channels, 2 Tamil, and 4 English television channels are operating in the country with 10 news websites and 20 radio channels.¹¹

These attempts are not new in other regional countries. For instance, there is no private television channel in **Bhutan** except a state owned channel that strictly follows state advice and instruction. At the same time, **Nepali** mass media sets a shining example by educating people towards peace and democracy as a real positive agent for change. To date there are 4049 newspapers registered and 2806 newspapers in the Nepalese language. The remaining are mostly in local languages and some are published in English. For example Uthayan (a local newspaper) has the largest circulation in the North East with nearly 20,000 copies daily while all other news papers in different languages including English newspapers circulate less than 500 copies in a day.¹²

The same situation exist in **Afghanistan**, where there are approximately 8 active television channels active and half of them only broadcast in minority languages such as Ayna TV, that belongs to northern Afghanistan, and Norin TV that broadcasts in the Persian language. Publically owned media networks are highly influenced by state orders thus they always try to follow state instructions that are against such secular ideas. Nevertheless, private media groups and networks also fail to give importance to minority issues due to high competition in the market underpinned by state control and censorship. Furthermore, print media is more independent and vibrant in respect to highlight minority problems and issues in their daily circulation.

¹⁰ South Asia Media Net, "Pemra to strictly monitor pvt channels", 20 June 2009,

http://www.southasianmedia.net/index_story.cfm?id=588578&category=Frontend&Country=PAKISTAN

¹¹ Uditha Kumarasinghe and Irangika Range, "Govt. safeguarding media freedom - Media Minister", The Daily News Sri Lanka, <http://www.dailynews.lk/2007/06/07/news14.asp>.

¹² See the Nepal News and Media Directory Listing, <http://www.nepalvista.com/cat/news.html>.

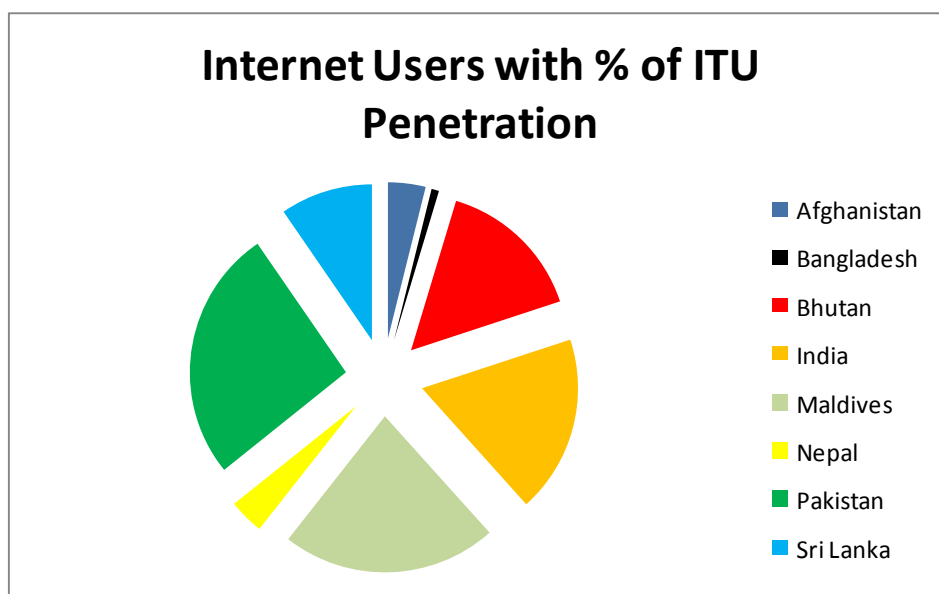
Table 4: Language wise distribution of media

Language	Daily				Weekly				Fortnightly				Monthly			
	U	E	S	O	U	E	S	O	U	E	S	O	U	E	S	O
Sindh	20	11	13	2	3	2	2		1	4	1		35	16	1	
Punjab	58	11		1	6	2			1				13	2		
N.W.F.P	15	4		1												
Balochistan	13	3														
Grand Total Pakistan	106	29	13	4	9	4	2	-	2	4	1	-	48	18	1	0
	U: URDU 166				E: ENGLISH 55				S: SINDHI 17				O: OTHERS 1			

Source: Centre for Civic Education Pakistan, Window on Pakistani Media, 5.

Finally, the other sources that contribute to circulate information are social networks like Orkut.com, skype, facebook, myspace, and youtube. Communication between minority populations through these social networks is rapidly increasing in the region. South of India can be quoted as the best example of usage of such networks and online communities. New media technologies are helpful in initiating dialogue at a regional level among various ethnic and religious communities. SAARC has already established a similar network with help of television channels from all regional countries namely as South Asia Television Initiative. The network comprises three TV channels from India namely as New Delhi Television, India TV, Tara News, and Channel 1 from Bangladesh, Whereas Image TV from Nepal, Aj and Geo TV from Pakistan, and finally Maharaja TV from Sri Lanka.

Table 5 : Internet Users in South Asia



Source: Internet World Stats, Usage and population statistics

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For **Additional information and references**, see chapter "5.1 Challenges for media practitioners".

5 The role of media to enhance human and minority rights in South Asia

5.1 Challenges for media practitioners

Ahmad Saeed Khan

Media has a very crucial and critical position in shaping public opinion and drawing attention on social, economic, and political issues. Due to continuous civil wars, ethnic and religious armed conflicts, independent movements, religious terrorism, and political violence, the life of media professionals are regularly compromised. All over South Asia, the killing and murder of journalists are much higher than total number of journalists killed in rest of the world (Thomassen, 2008). Journalists perform their duties under continuous threat of violence from the security forces and militants. Even in war areas, media offices are persistently targeted by arsonists and burned due to the portrayal and the highlighting of the real situation for their viewers. Illegal detention,

The practitioners working in public owned media organizations have to face pressure and compulsions to follow their instructions instead of addressing reality in their editorials, reports, and articles.

harassment, physical torture, kidnapping, and death threats from government, extremists, and insurgents have become routine problems for journalists. The prowess of the media is indeed unassailable, although that is now part of the solution than the part of the problem. According to recent report of Committee to Protect Journalists (CPJ), 11 Sri Lankan reporters and editors have been driven into exile in last one year.¹³ It is the highest figure even in the history of civil war in the country. Sri Lanka has been ranked as third most dangerous place for media practitioners after Somalia and Iraq.

In all South Asian states, ownership of media is rapidly increasing with large number of shareholders. The chances of objectivity and loyalty within the profession are much higher in case of private ownership rather than publically owned ones. The fair distribution of advertisement and commercials is also another factor used to manipulate and exploit newspapers and media organizations. Free information flow, movements of practitioners, and publications suffer due to such manipulation and state hegemony for sake of homogenous nation state building.

The *Human Development Report* already underlined the importance to free press, which constitutes freedom of expression, personal mobility, political and social liberty, free economic activity, and other socio-political rights protected by UDHR (Universal Declaration of Human Rights) (UNDP, 2007, 82).

Freedom of expression and free media is not just a concept and literary term; indeed it is a phenomenon that is considered a significant development indicator to evaluate overall progress of such region or state.

¹³ Litvinsky Marina, "Rights: Sri Lankan Journalists Face Severe Persecution, 17 June 2009, IPS news, <http://www.ipsnews.net/news.asp?idnews=47268>.

The ban on newspapers and TV channels is very frequent in South Asian countries.

These burning issues have been getting attention in South Asia due to the poor record of provision for such basic rights; highlighted by the situation in **Pakistan** in respect to violence against media professionals (See *Table 6: Violence against Media Practitioners in Pakistan*). In Pakistan, media professionals have suffered torture, physical assault, and violence when standing against the state of emergency and opposing the signature of new media regulations enforced by the Pakistan Electronic Media Regulatory Authority (PEMRA).

12 May 2007 is known as black day in the country due to violence against lawyers and media organizations in Pakistan.¹⁴

In April 2007, the Government of **Bangladesh** imposed a state of emergency in the country. The Information Secretary made an announcement with reference to Global Television Network Operation Act 2006 and banned 10 television channels as followed AXN, Channel V, Ren TV, Zoom, Fashion TV, Music India, Gcop, Cine Max, Trendz and The Music.¹⁵ The government did not stop there, however. A number of journalists were arrested and physically tortured in following days due to protests against state of emergency and had to face illegal detention and other criminal charges.

Without free media there is no concept of freedom of expression and democratic values.

In **Bhutan**, the situation is even worse than in any other regional country in respect to free media and the living conditions of journalists. There is no concept of free press and electronic media in the country that having only single state owned television channel. However, in 2006, the government allowed two private newspapers, namely “Bhutan Times” and “Bhutan Observer” to register, but practically the environment is not favorable and friendly for freedom of expression. Media staff and reporters of said newspapers are facing threat and physical violence by police.

Nevertheless, the media could be an agent for positive change and the catalyst to create peace and harmony by bringing closer to all stakeholders that have different ideologies and school of thoughts. Visual, digital, audio, and print media could also be the guarantee of peace and democratization if let it allow to work properly in all spheres of life.

¹⁴ Dawn.com, “Armed men attack Aaj TV office”, The Dawn, 13 May 2007, <http://www.dawn.com/2007/05/13/top6.htm>.

¹⁵ Asia Media, “10 television channels banned”, 26 April 2007, <http://www.asiamedia.ucla.edu/article.asp?parentid=68591>.

Table 6: Violence against Media Practitioners in Pakistan

Year	Murdered	Assault/ Injured	Arrested/ Kidnapped	Intimidated	Banned/Barred /Censored	Damage to Property	
2000	5	14	10	24	6	6	
2001	2	2	5	3	4	2	
2002	1	37	10	13	8	2	
2003	2	7	4	17	2	1	
2004	2	2	8	17	3	2	
2005	3	7	13	18	28	3	
2006	5	31	12	22	15	9	
2007	11	215	325	79	43	16	
2008		Incident	Victims	Incident	Victims		
	13	41	74	13	40	118	20
Total	44	430	440	311	129	45	

Source: Intermedia, List of Journalists Under Attack

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5.2 *Journalists on the ground*

Interviews by Ahmad Saeed Khan

Two South Asian journalists tell their experience in the next paragraphs, replying to key questions on their work.

1) What are the major obstacles that journalists face in reporting human rights and minority issues in your country? And what about South Asia?

2) How would you evaluate the impact of mass media when it comes to human rights and minority issues in your country? And what about South Asia?

3) How can media increase the public awareness and trigger public policies on human rights and minority issues in your country? And what about South Asia?

4) Is there any need of a regional South Asian Media network on minority/human rights issues?

- 1) In our country, it is not a common trend to cover human rights and there is no such beat in current electronic and print media. Human rights issues are only reported if some novel incident takes place. The common example was of Earthquake in 2005, when our journalists were not prepared to report. In South Asia, the media is not as mature as the western media. When we take South Asia in particular, we have India as a benchmark of success in human right reporting but still there is a lot of room available for improvement in the region.
- 2) The impact of mass media is huge in terms of human rights issues. It has been observed that when any human right issues get reported in the media, it usually gets a lot of attraction from authorities and civil society. We have very common and renowned example of Mukhtara Mai. When her issue got reported in mass media, authorities took appropriate action furthermore; Supreme Court took action against that cruelty. In South Asia, journalists are not yet trained to cover humanitarian issues as compare to western world. India, Pakistan are currently exercising the freedom of speech where as it is not as common in other South Asian countries.
- 3) Media can increase the public awareness by the practicing of objective reporting. Masses don't really believe on what they have said till it comes from credible sources. We have couple of really well known objective reporters whose stories are being read by masses and trusted as well. Another way of disseminating awareness would be to do development journalism rather than highlighting crime and other evils of the society. People are not interested to read a lot about crime. In South Asia, there are many mediums which can be used to spread public awareness. As the literacy rate of this region is not very high that is why people don't opt for internet and other mass mediums. In South Asia still the most popular medium is print and newspaper in particular. So journalists can avail from this prevailing media.
- 4) Well we do have such bodies working in this particular direction with the name of SAFMA. But SAFMA fails to prove an important platform for South Asian media consumers. They are more into writing rather than practically performing. They keep the track record of incidents but they fail to make them happen again. So in this particular scenario, we do need a monitoring body but more influential and doer kind of organization.


- 1) Human Rights journalists all around the world face a lot of troubles in reporting human right issues due to the complexity of the situation. The reason is that whenever there is any human rights issue arising, there is always someone or something going against the rights and being the cause of that issue. So reporting against that person or party will automatically create obstacles and problems for the reporter. South Asia comprises of vital under-developed countries of the world, has a number of human rights issues. So greater the issues, greater will be the hurdles in covering the unbiased and true reports of the events.
- 2) The Human Rights reporting through mass media has an amplified effect on the society. A greater number of people get to know about that particular issue and the government or ruling bodies tend to take actions against that particular human rights violation activity. It is the same case in South Asian countries, and Pakistan. The impact of mass media is the same but the volume of mass media being used varies to that in West.
- 3) Media can play a vital role in creating public awareness for Human Rights issues. Through different campaigns using almost every medium, the government and private journalistic bodies can make people aware of their rights and trigger a number of public policies on human rights issues. In South Asia, as the media has gained a lot of freedom in different countries and more and more people can have access to some, if not all, the mediums, the private journalistic bodies can act as an important stimulus for generating public policies for human rights issues.
- 4) Human Rights have a vital importance in the South Asian region. Every year a number of people in these countries are affected by the human rights issues. So creating a South Asian Media Network is the need of the hour.

5.3 Media to promote human and minority rights

Youdon Tenzin

The media are able to reach all the strata of the society, making them an ideal tool to spread the awareness and to open the right path for the marginalized people of the society. Media plays the role of a mediator between the victim and the perpetrator. They also help in spreading knowledge about current situations. They have a huge responsibility of educating the public with facts not influenced by politics or publicity. Media not only reflect the public opinion, they also mould the public thinking.

Xenophobia and demonizing groups of marginalized people are crippling democratic systems all over the world. Many cases of biased journalism relating to minorities



Reporting for a country is not only fascinating but dangerous too. In some South Asian countries there are restrictions for media in broadcasting any news. Freedom in press, and safety for journalists, are high priority as there have been many cases of censorship and journalists being abducted or murdered as a result.

depend on either poor knowledge of the culture, religion and traditions of the group, and/or prejudices among those who report on these issues (Kianzad, 2008). A fair, balanced and diligent reporting with emphasis on the identity of the minorities will help in bridging the gap between the different ethnic enclaves; at the same time biased, inconsequent and short-sighted reporting will lead to prejudices flourishing and xenophobia gaining in power (Shohat, 1994). Many times the root of these evil is based on ill-founded knowledge or spread of rumors.

Media can bring positive changes in the society by conveying the right message about the situation and through involvement of the general public. Media can show minorities as recognized, full grown members of the society and to voice their concerns and ambitions.

Later on in policymaking or everyday attitudes towards the disadvantaged group, these media reports are in a cognitive process transformed to truths that help justify the injustices laid upon members of ethnic minority. The conclusion is hence to advocate awareness of legal rights of ethnic minorities and the racist discourse in the media. This way we can help establish a new media discourse that is inclusive and acknowledges the rights guaranteed by the constitution.

Reporting Diversity – checklist for journalists

Root Cause

- ❖ A report should be thoroughly investigated: A journalist should find the main cause:
 1. What is the root cause for the issue?
 2. Why it is importance?
 3. Is it really a matter that should be focused on or is it being misused for unjust causes?

Truth

- ❖ Truth is not only vital, but it is also a basic requirement. A good journalist should be able to differentiate between facts and rumors. Who said it, in what context and with what motivation? These questions would impact on the reliability of the source and information.
- ❖ Cross-checking must be done before printing or broadcasting the news. To re-check all the information thoroughly to avoid further disputes.
- ❖ During some very high profile cases, it is not possible for the media to get information alone, relying only on official sources. This information can sometimes be filtered, therefore it should be cross-checked with other official sources to reduce the possibility of manipulation.

Avoiding labeling

- ❖ Labeling a group is a conception, opinion, or image based on the belief that certain people have attitudes, appearances, or behaviors shared by all members of a group. It is showing preference to a group of people and unwillingness to rethink one's attitudes and behavior. E.g.: many people assume that all Muslim are terrorist, this type of judgment leads to the discrimination in reporting.
- ❖ Not to judge a person according to his/her community, treating them as an individual person.
- ❖ If a group is involved, it is safer to use the name with which they refer to themselves.

Appropriate terminology

- ❖ Using the proper language or term in describing the matters. Avoid the use of aggressive or discriminative words by delivering the message in an appropriate manner.

Educating public

- ❖ Workshops can be organized to educate the marginalized people and to guide them on how to contribute for their own cause. Such projects may bring awareness and might even create journalists among themselves.
- ❖ They can further create small groups who record stories of discrimination and spread it to the general public. It can be further used as evidence in front of the law when necessary. This involvement of common people will bring faith among the society.

Healthy competition

- ❖ Healthy competition among the media is normally high. It is unfair for the victimized people if they become part of media rivalry. While competing with the other media, it is of utmost importance to respect human rights and sentiments of people, thereby benefiting them.

Equilibrium

- ❖ While reporting, especially a conflicting situation, the views from both sides should be considered, in order not to discriminate one party. For instance, in the case of a conflict between two countries, the media from the two sides should work together in expressing their views. It would clear misconceptions about each other.

Public involvement

- ❖ Dig deeper than the official statements and statistics, capture the human face of the issue.
- ❖ Listen to the voices of common people who are suffering, working with public would give a better vision.

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