



**Economic and Social  
Council**

Distr.  
GENERAL

E/CN.4/2005/NGO/48  
11 February 2005

ENGLISH ONLY

---

COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Item 11 (e) of the provisional agenda

**CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: RELIGIOUS  
INTOLERANCE**

**Written statement\* submitted by the Asian Legal Resource Centre (ALRC),  
a non-governmental organisation in general consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 January 2005]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

### **Religious intolerance in Asia**

1. Despite national and international obligations, numerous countries throughout Asia continue to uphold discriminatory legislation and practices which deny religious freedom. Not only does this deny people the right to pursue the religion of their choice, but it also encourages violence and discrimination against religious minorities. The freedom of religious belief and expression is a fundamental human right that is linked to many other rights; the denial of this right therefore affects other rights as well. Religious minorities in many Asian countries, as well as other marginalized groups, suffer from a lack of education and employment opportunities, discriminatory social attitudes and unequal treatment under the law. Furthermore, such rights violations occur through systemic means, highlighting the lack of commitment to human rights norms by governments throughout Asia as well as the concurrent problem of ineffective rule of law.

2. While the Constitution of India declares the country to be secular and provides for religious freedom and non-discrimination, state and social practices prove the contrary. The Gujarat pogrom of 2002 was one of the most blatant instances of state sponsored violence against the Muslim community, which the ALRC wrote about in great detail previously [E/CN.4/2004/NGO/40]. That three years later there has yet to be a single conviction in the numerous trials against the perpetrators of crimes against humanity is indicative of the state attitude towards such crimes as well as the collapse of the justice system in India.

3. By not punishing the perpetrators, the Government of India further grants impunity to all those who wish to pursue anti-minority agendas. In January 2004 for instance, the tragic rape and murder of a 9-year-old girl was used to spark communal violence in Jhabua district, Madhya Pradesh, through methods that local rights activists compared to events in Gujarat 2002. After the girl's body was found in the Catholic Mission Compound on 11 January 2004, the Vishwa Hindu Parishad and Sangh Parivar declared January 13 a day of protest, accusing the Christians of the crime. The groups shouted slogans and distributed inflammatory material against Christianity. On January 15, the police identified the culprit, who was a non-Christian and who confessed to the crime. Regardless, the attacks continued: on January 16 female Hindu disciples from Gujarat went to the village of Amkhut, 60kms from Jhabua and held a discourse against conversions. They then proceeded to the Church of North India mission accompanied by a police officer. The women shouted slogans, went into classrooms and tore down posters of Jesus. The violence spread as far as Alirajpur, a town 29 kms away, where Christian homes and vehicles were set on fire. Although the police there attempted to take control of the situation, they were outnumbered by the crowd. Those police officials who acted swiftly were in fact later transferred. Not only do minority groups hence get the message that they have little security, but law enforcement officers are discouraged from doing their duty in a just and effective manner.

4. Apart from being targets of such violence, minority groups and religions are also disadvantaged by legislation. Those Dalits who convert to Christianity suffer from a higher incidence of abuses and economic and social disabilities than those who convert to Buddhism or other religions; for instance, they cannot claim land. Furthermore, recent legislation introduced in the states of Gujarat, Tamil Nadu, Madhya Pradesh, Orissa and Arunachal Pradesh prevents religious conversion.

5. The Supreme Court of Sri Lanka recently concluded that the Parliament's bill entitled Prohibition of Forcible Conversion of Religion was inconsistent with the country's constitution. However, the bill can be reintroduced with the removal of certain clauses if it receives support by a two-thirds majority in a national referendum. There is a great likelihood of further attempts to get such legislation passed, which would label even the protection of victims of torture and rape – irrespective of their religious affiliation – as 'allurement' for conversion.

6. Discriminatory legislation is an obstacle to the radical realisation of human rights in Pakistan as well. The country's blasphemy laws are the most notorious example, which continue to be used against minority religions in a random and vengeful manner. At present, when the police receive complaints of blasphemy, the law requires them to conduct an immediate arrest prior to investigation. The accused is thus subjected to brutal forms of violence and torture to force him to confess. While proposals for procedural reform of the blasphemy laws were introduced to the National Assembly in November 2004, these proposals are considered meaningless and dangerous by minorities as they create the impression of reform without actual change.

7. One of the detainees awaiting trial under the blasphemy law, 24-year-old Samuel Masih was attacked by a police guard and subsequently died in hospital on 28 May 2004. Samuel had been accused of littering the wall of a mosque on 23 August 2003 and was sent to jail while awaiting trial. He contracted tuberculosis while in prison and on 22 May 2004 was taken to hospital for treatment with several police guards. One of the guards, Faryad Ali, hit Samuel on the head with a brick cutter in the presence of the other guards; he allegedly said he wanted to earn a place in heaven by killing Samuel.

8. Such attitudes amongst law enforcement officials speak to the larger societal acceptance and endorsement of religious intolerance and discrimination. When components of the justice system itself are geared towards perpetuating intolerance it is obvious that reform is crucial to effective rule of law within the country. The few lawyers and human rights groups that come forward to defend victims accused of blasphemy or other rights abuses are themselves targeted for taking an interest in such cases. On one occasion the vehicle in which one such lawyer was travelling was attacked. The perpetrators of these crimes are never prosecuted, which condones crimes against minorities in the name of religion and makes a mockery of the reforms the government has spoken about.

9. The Muslim population in southern Thailand have been in conflict with the government for a long time. Recently however, the Thai government's use of indiscriminate force and brutality against civilians there has increased greatly. The two incidents where this was most obvious and that took a significant number of innocent lives were the Krue Se mosque incident in April 2004 and the Tak Bai incident in October 2004, both of which have been explained in greater detail in other submissions made by the ALRC to the Commission this year. The incidents serve to underline that arbitrary detention, forced disappearances and extrajudicial killings are the government's only response to the so-called threats of terrorism and separatism, for which there have been little evidence.

10. In too many countries, governments are not only unwilling – or unable – to punish the perpetrators of attacks against religious minorities and take action to prevent future such attacks, but are themselves involved in denying the rights of these groups.

11. The ALRC thus urges the Commission to take the necessary steps to ensure that
  - a. All governments repeal domestic legislation that inhibits the fundamental right to religious freedom and expression.
  - b. Governments review their legislation regarding the rights of minorities to ensure that all international standards and obligations are met, and further ensure that such legislation is enforced.
  - c. Governments take appropriate action to prosecute those involved in attacks on religious minorities and their property. In particular, that the Government of India takes immediate action to prosecute and punish the perpetrators of the Gujarat genocide of 2002 and gives compensation and protection to the victims and witnesses.

-----