



## Freedom of Religion or Belief Across the Commonwealth: Hard Cases, Diverse Approaches

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# FREEDOM OF RELIGION OR BELIEF ACROSS THE COMMONWEALTH: HARD CASES, DIVERSE APPROACHES

By M. Christian Green  and Monica Duffy Toft

**T**he sun never sets on the Commonwealth of Nations. It is a broad and diverse place, including in the area of freedom of religion or belief (FoRB). But the relative ease with which certain Commonwealth and allied nations such as the United States, United Kingdom, Canada and several Scandinavian nations have been able to put FoRB on their policy agendas, however debatable the results, should not obscure the very real difficulties that exist in other parts of the Commonwealth in finding ways to openly discuss and debate FoRB, much less to implement policies and initiatives. Commonwealth gatherings have occasionally featured government representatives willing to speak out on FoRB matters, sometimes even in ways that may challenge or deviate from the official positions of their government. Equally common, though, are blanket statements of respect for FoRB, often backed up with citation of national constitutional protection of FoRB rights, whose actual efficacy is not always questioned and is sometimes papered over with paeans to national commitments to “tolerance,” “respect,” “equality,” and “harmony” among religions, sometimes in connection with highly touted “interfaith” or “interreligious” initiatives. In many parts of the world, especially

the South and Southeast Asian regions covered in this paper, such references often have the feel of Orwellian doublespeak, as they appear in laws, policies, and initiatives that end up violating religious freedom, particularly of religious minorities. In such circumstances religious majorities may grant tolerance to religious minorities, but only so long as they are given respect.

It can be difficult to determine how to engage these government representatives. Does one affirm these declarations of religious pluralism and

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**Abstract:** This paper addresses freedom of religion or belief (FoRB) issues that have been emerging in the Asian Commonwealth, including religious minorities, violent extremism, religion and development, rising secularism, and religious equality and around nondiscrimination. Pakistan and India have turned their attention to addressing the situation of minorities. Other nations, Bangladesh, with concerns about rising Islamism and secularism; Sri Lanka, with its legacy of inter-ethnic conflict; and Malaysia, with multiculturalism alongside religious protections, have recently advocated tolerance, respect, unity, harmony, and peace, even as interreligious tensions appear to be rising. This paper will examine the state of FoRB in these Commonwealth nations.

**Keywords:** religious freedom, South Asia, Southeast Asia, religious minorities, religious extremism, secularism, nondiscrimination

harmony without interrogating evidence of FoRB problems on the ground? Or should one embrace these normative affirmations by government representatives, keeping them in the fold of discussion on FoRB as a means of pushing them to live up to their words? Are there times when raising the issues of FoRB, *qua* FoRB, is simply too risky, threatening to shut down dialogue on FoRB matters in ways that may seriously impede their achievement? Or, are there ways, even in these apparently most unsafe spaces, for FoRB discourse of addressing FoRB in other guises and by other names that may lead to real progress? These are the questions that arise when one takes a broad Commonwealth perspective.

Amidst all of this Commonwealth diversity in approaches to FoRB, there appear to be several distinct clusters of issues that are at the fore of FoRB and human rights in the Commonwealth today. Some of them manifest more in some areas of the Commonwealth than others, but all represent important theoretical and practical challenges for FoRB in the Commonwealth today. All are present to some degree in the South and Southeast Asian nations that are the focus of this paper. These issues are as follows.

## Religious Minorities

The treatment of religious minorities is perhaps the biggest issue in the area of FoRB and human rights. As shall be discussed below, even nations such as India and Pakistan, perennial problem areas for religion and human rights, have acknowledged the issue and are pursuing constitutional and legislative initiatives to secure protections for religious minorities. The benefit of a focus on religious minorities—as *minority* groups—is that it can serve as a way of recognizing the practical needs for freedom, security, human rights, and equality of individuals and groups, without the need to delve into the particularities and doctrinal foundations and ideological differences of religious and other beliefs. Thus, it brings the possibility of securing these protections on the basis of social and political imperatives without forcing issues of theological difference or even programs of pluralism. It is a guarantee of equality and nondiscrimination for all religions, as well as for

people of no religion or who follow secular or non-religious systems of morality and ethical belief.

## Countering Violent Extremism

The need to counter violent extremism, especially when it occurs in the name or guise of religion, is both crucial and controversial. What is an extremist? What is a *religious* extremist? Is it appropriate to expect or demand that they be more “moderate” in their faith in order to forestall violence? And what do we make of the so-called “lone wolf” phenomenon, in which perpetrators of violence and terrorism may merely claim affiliation, sometimes with the claimed religious or other group taking credit for their actions after the fact? How do we assess laws against blasphemy, apostasy, and conversion around the world, particularly as these may contribute to social hostilities around religion or violence in religion’s name? And how do FoRB rights relate to rights of freedom of expression? How do we distinguish blasphemy from valid critique of religion, offense to religious feelings from religious hatred, and hate speech from incitement to violence? Should governments seek to counter or crack down on violent extremism when it occurs or is prevention the better approach? And how can lawmakers seek to prevent violence while protecting FoRB, and other civil and political rights as human rights? These questions are some of the key questions of our time, and they do not admit of easy solutions, or even easy discussion in some contexts.

## Rising Secularism

As noted above, in considering the plight of *religious* minorities, sociological studies around the world are also showing the rise of *non-religious* individuals and groups in many nations. These individuals and groups may include atheists and agnostics, ethical and humanist groups, or adherents of other belief systems. The term “secular” is often used in this connection, but it is a term with many meanings. It may operate as a *sociological description* of the aforementioned growing category of people who subscribe to anti-religious or non-religious belief systems. It may be a *political strategy* of separation of church and

state (sometimes coexisting with forms of established state religion or government accommodations or religion), of government commitment to neutrality or equal treatment of religions, or of the French-style strict separation of religion known as *laïcité*. In some parts of the Commonwealth, as has recently happened in Bangladesh, secularism may be problematically confused with atheism in a way that can lead to conflict with religious believers.

### Equality and Nondiscrimination

The relationship between FoRB and human rights principles of equality and nondiscrimination has recently been an issue in some Commonwealth and allied nations such as the United States and Australia, particularly around issues of same-sex marriage and reproductive rights to contraception and abortion and the permissibility of exemptions from laws regarding equal treatment and nondiscrimination for religious believers and others who conscientiously oppose these practices. In the more conservative South and Southeast Asian nations surveyed in this paper, issues of equality and nondiscrimination are more likely to manifest in connection with protections given to particular or traditional religions, such as the laws protecting Malay Muslims in Malaysia and Singapore. There the questions have more to do with equality between and among religions in contexts of perceived religious establishment or religious favoritism. In a globalized world in which we have greater contact with different views in societies around the world and with different views within societies all at once, nations need to find ways to address these issues so that pluralism may lead to tolerance and respect rather than polarization and conflict.

### Religion and Development

The flip side of the negative potential of religion, highlighted by the plight of religious minorities, concerns about violent extremism, the challenge of secularism, and putatively the clash of FoRB with norms of equality and nondiscrimination, is the tremendous potential of religions to be resources in social, political, and

economic development around the world. Religious and civil society organizations that may involve both religious and non-religious people have structures, contacts, and means of communication around the world that make them essential to society. Religious and civil society organizations are often key providers of social services in health, education, and other sectors, particularly in parts of the world in which governments are ineffective or under stress. In a time in which global economic networks are being reshaped and reconfigured—Brexit in the U.K. being a key example—there is a tendency to focus on trade and economic issues to the exclusion of human rights, including FoRB. And yet a growing body of research indicates that FoRB is essential not only to the prevention of conflict and violence, but also to ensuring a strong climate for trade, business, and economic development. The economic “tigers” of today and tomorrow may be the ones most able to harness the power of all sectors of their society—including the religious and civil society sectors. This is an important reason why CIFO RB is dedicated in its work to strengthening parliamentary capacities not only for FoRB, but for building strong cultures of human rights and civil society. Religious and civil society groups are not antithetical to economic development—indeed, they may serve as crucial drivers of development.

This paper, which emerges from the Commonwealth Initiative for Freedom of Religion or Belief (CIFO RB) project,<sup>1</sup> takes up these themes in varying combinations.<sup>2</sup> First, the issue of religious minorities will be presented in the especially fraught South Asian contexts of Pakistan and India, reflecting an emerging consensus on the need to protect the FoRB rights of religious minorities in the interest of democracy and development in the region. Second, issues of religious pluralism, tolerance, harmony, and peace—sometimes given lip service in the Orwellian sense noted above, but also intersecting with genuine concerns about countering violent extremism and harnessing the power of religion in service of political, social, and economic development—are pushing Southeast Asian members of the Commonwealth, particularly

Bangladesh, Sri Lanka, and Malaysia, to seek to enact programs of religious pluralism and tolerance, but in ways that are sometimes antithetical to FoRB rights. The paper concludes with some observations on what the diversity of issues within and approaches to FoRB means for agenda-setting and policy-making on FoRB in a Commonwealth-wide context. Overall, the paper will argue that FoRB has different interpretations across the Commonwealth and that sensitivity to these different meanings is essential for framing policy. In terms of method, the paper draws upon news articles, policy papers, and other materials collected on the project’s Twitter feed from December 2016 through June 2018.<sup>3</sup> Ultimately, the paper seeks to answer the following question: What can be gleaned in terms of mapping substantive issues and themes from a year and a half of tweets chronicling FoRB across the Commonwealth?

### Religious Minorities in South Asia: Hard Cases and Emerging Consensus?

The status of religious minorities has emerged as one of several key themes of research pursued by the CIFoRB project. News reports, policy papers, and legislative interventions to do with FoRB across the vast global reach of the Commonwealth of Nations have increasingly expressed concern with the plight of religious minorities—even in nations, such as Pakistan and India, which have routinely populated the lists of the violators of religious freedom.<sup>4</sup> As Pakistani political writer and former National Assembly member Farahnaz Ispanhani has recently and lucidly chronicled, division according to religion (as well as ethnicity and caste) was written into the very constitutions of Pakistan and India upon their independence from Britain, leaving religious majorities and minorities at odds right up to the present day.<sup>5</sup>

Indeed, there have been increasing calls from government and civil society to address the situation of minorities, especially religious minorities, in ways that could suggest some

avenues toward progress.<sup>6</sup> Pakistan and India have in recent years been two notorious hotspots for the violation of religious minority rights.<sup>7</sup> But more recently, government statements have been made and actual policies enacted to address problems of citizenship, status, and rights of various minorities. Whether these policies and pronouncements will be effective in the long term remains to be seen—for there is certainly the possibility that they are mere rhetoric or window-dressing concealing human rights violations taking place under the surface. A snapshot of the issues that have emerged in these countries, while not a comprehensive or fully historical or sociological portrait, can give some indication of the nature and the scope of the problem.

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### *Pakistan*

Pakistan has received international criticism for its treatment of minorities amid a sense of rising tensions around religion, ethnicity, and identity within its borders.<sup>8</sup> The situation has been tense, especially for

Christian minorities, since the 2011 murders of Salman Taseer, then governor of Punjab, who spoke out against abuses of the country’s blasphemy laws and Shahbaz Bhatti, a Christian then serving as minister of minorities affairs.<sup>9,10</sup> Two dozen member states of the United Nations recently criticized Pakistan’s human rights record at a universal periodic review by the U.N. Human Rights Council, citing in particular Pakistan’s record on the status of women, minority rights, and FoRB.<sup>11</sup> Other international governmental and nongovernmental organizations have issued statements on Pakistan’s FoRB and wider human rights record in recent years, especially concerning Pakistan’s use of its notorious blasphemy laws to persecute religious minority groups.<sup>12</sup> And, of course, there have been many concerns about Pakistan’s protection of religious minorities expressed by Pakistanis themselves.<sup>13</sup> In fact, the Pakistani government has increasingly been hearing, and in some cases responding to, calls from activists at

the national and provincial levels for greater recognition and protection of the rights of religious minorities. At least at the level of rhetoric, this is something markedly different than might be expected of a nation that is routinely cited as one of the world's worst FoRB violators.<sup>14</sup>

Pakistani officials have often indicated support for FoRB minority rights abroad, but they have also recently been pursuing measures to improve protections for religious minorities at home, albeit to varying receptions and degrees of success.<sup>15</sup> On August 5, 2015, the Supreme Court of Pakistan ruled in religious minorities' favor in recommending reforms that would allow non-Muslim candidates for office to be subject to the same electoral procedures as Muslim candidates.<sup>16</sup> Amendments to British-era Christian family laws have aimed at enhancing the rights of Christian women under the Constitution of Pakistan.<sup>17</sup> The recently passed Criminal Laws (Amendment) Act of 2016 includes provisions against sectarians, forced conversions (especially through marriage), and lynchings.<sup>18</sup> Some Christian groups have raised concerns about weak protection of Christians from Muslim accusations of blasphemy, especially following a statement from the Pakistani Minister of the Interior that such abuses were not taking place.<sup>19</sup> The government of Pakistan's Punjab region recently began to provide government funding for the maintenance of the religious places of minority religions.<sup>20</sup> A long-delayed census, the first since 1988, has been described as a source of "fear and hope" for Pakistani religious minorities, and could potentially lead to new support for their status and protection.<sup>21</sup> Pakistani minority groups have also played a significant role in voting and the electoral process, and Christian political leaders have been particularly vocal in demanding protection of voting rights in connection with the forthcoming census.<sup>22</sup>

Even with these measures, religious minorities in Pakistan continue to experience high levels of discrimination and outright persecution, and concerns about rising nationalism and sectarianism have been increasing for several decades.<sup>23</sup> Christian,

Hindu, and Sikh minorities have all complained to the Pakistani National Security Adviser of ongoing FoRB violations, particularly misuse of the blasphemy laws and forced conversion, the latter often accomplished through the kidnapping and forced marriage of teenage girls. On matters of FoRB and freedom of expression, two human rights concerns that often coincide in Pakistan's blasphemy laws, a 2016 report by the Asian Forum for Human Rights and Development reported that social media was increasingly being used to target Pakistani religious minorities.<sup>24</sup> As in other parts of South Asia, such as Bangladesh, bloggers on political and religious matters have come under government scrutiny and have been vocal in challenging blasphemy and other laws intended to infringe upon their freedom of expression.<sup>25</sup>

There has been a recent legislative effort on behalf of Pakistani Hindus in the Sindh province through the November 2016 passage of the Sindh Criminal Law (Protection of Minorities) Bill of 2015. The new law prohibits conversion to Islam before the age of 18 and makes prescribed classes on other religions mandatory for anyone converting to Islam. The Sindh law was intended to combat the growing incidence of the kidnapping and forced conversion of Hindu girls.<sup>26</sup> An appeal by the Muslim majority, who criticized it as overly broad for banning religious conversion outright before age 18, to repeal the law just a month after its passage drew international criticism.<sup>27</sup> In February 2016, Sindh province passed a law recognizing Hindu marriages at the same time that the national government was considering passage of a similar law.<sup>28</sup> Even with this Sindh province success, however, there have been allegations of backtracking in the protection of Hindu marriage rights.<sup>29</sup>

There have been other notable efforts by the Pakistani government to address the situation of religious minorities. However, some observers have described the Pakistani approach to religious freedom as involving "one step forward, two steps back," especially on sensitive issues such as the treatment of the Ahmadi Muslim community, which ranks with blasphemy and forced marriage/conversion as a principle FoRB

violation problem in Pakistan.<sup>30</sup> The Anti-Qadiani laws against Ahmadi Muslims continue to be a point of contention, and there continue to be acts of religious oppression and violence against Ahmadis by the Muslim majority, which does not consider Ahmadis to be Muslim at all.<sup>31</sup> In April 2017, an Ahmadi professor of microbiology and molecular genetics was found murdered in her home, the third such attack against an Ahmadi in a three-week period.<sup>32</sup> In October 2017, three Ahmadi men, arrested three years prior on blasphemy charges, were given death sentences, drawing global attention yet again to the situation of Ahmadi Muslims in Pakistan.<sup>33</sup> Ahmadis in Pakistan also have recently complained of new forms of political discrimination, as Islamist parties seek to consolidate recent electoral successes in certain provinces.<sup>34</sup>

Given its large size and influential diaspora communities in Europe, North America, and elsewhere, Pakistan remains an important country to watch on FoRB matters. In light of its status as a key training ground and source of Taliban, Islamist, and global terrorist organizations, Pakistan will remain a key spot to watch for religious radicalization, religious extremism, and related problems for the foreseeable future. Its recent attempts at protecting religious minorities do seem to indicate at least a growing understanding of the problem that could have positive domestic and international implications if addressed robustly and effectively. But it also remains a testament to the age-old human rights problem of the need to keep malefactor nations within the circle of discussion in order to exert leverage and to persuade them to act upon their pro-human rights rhetoric.

## India

In India, new attention has been paid to the situation of religious minorities, four of which (Muslim, Sikh, Parsee, and Christian) are recognized in the Constitution of India, along with the Jain religion, which was granted recognized status in 2014.<sup>35</sup> The Indian system seeks to balance equal treatment of religions with the granting of special privileges in order to bring

groups that have experienced discrimination to a level of equality with other religious groups. In some cases, Indian political parties have conducted specific outreach campaigns to bring religious minorities into their parties and the political process.<sup>36</sup> The Indian government, at both federal and state levels, has set quotas for the numbers of religious minority groups in government.<sup>37</sup> It also recently appointed five people to the National Commission on Minorities after the Commission had dwindled to no members. The new slate of commissioners includes the first Jain to sit on the panel since Jains were designated a religious minority.<sup>38</sup> Indian states are required to set up minority commissions to address the needs of minorities, but not all have done so.

In some cases, India has had to balance its constitutionally-mandated secularism with attempts to address injustice and inequality within religious groups. For example, a leading issue in India recently has been the “triple *talaq*” divorce according to which Muslim men may divorce their wives by uttering the words “I divorce you” three times.<sup>39</sup> In August 2017, the Indian Supreme Court ruled the so-called instant divorce to be un-Islamic in a verdict that was seen by Muslim feminists in India as a victory for women’s empowerment.<sup>40</sup> It also, however, required an officially secular court to render a judgment on the validity and permissibility of religious practices. Secularism in India thus rests in tension with the need to promote values of equality and gender justice in manner that ends up involving the state in the management of religion.<sup>41</sup>

Even with these various protections, religious minorities continue to experience persecution in India, and FoRB violations are said to have increased significantly with the ascension to power of the Bharatiya Janata Party (BJP) and its “Hindutva” Hindu nationalist philosophy under Prime Minister Narendra Modi. In January 2017, the international NGO Human Rights Watch reported attacks on religious minorities led by vigilante groups, blocks on foreign funding for NGOs, and pressure on media and civil society organizations that were critical of government policies.<sup>42</sup> Muslims have experienced

a range of human rights and FoRB violations, up to and including religiously motivated lynchings.<sup>43</sup> Christian groups in parts of the country where the BJP has enjoyed electoral success have been strategizing about ways to strengthen the political standing of religious minorities and to prevent them from moving out of these regions.<sup>44</sup> A prominent group of lawyers, jurists, and intellectuals has urged the swift passage of the Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, to address these FoRB abuses.<sup>45</sup> There has also been a move by the BJP to have Hindus declared minorities in eight states in which they are a numerical minority.<sup>46</sup>

Prime Minister Narendra Modi's visions for a "New India," said to involve measures to "purify the country" along religious and ethnic lines, have increasingly elicited concern not only within India, but around the world.<sup>47</sup> His appointment of Yogi Adityanath, described as a "firebrand Hindu cleric" in international media, to be the chief minister of Uttar Pradesh has drawn global scrutiny.<sup>48</sup> The European Union and Indian-American diaspora groups in the U.S. have also criticized India's human rights record.<sup>49</sup> India is thus, like Pakistan, an enormously populous country with a substantial global diaspora population that makes it a key nation in the region. The present path toward Hindu nationalism, coupled with ongoing communal violence and even resort to blasphemy charges, though on a lesser scale than Pakistan means that it, too, will be a nation to watch in coming years.

What these various issues and initiatives in Pakistan and India, along with a constitutional history of religious differentiation and division in both countries, indicate is that there may be an emerging consensus around the need to protect religious minorities as minority groups within these nations where religious differences are still rife. Groups on both sides can understand and appreciate the plight of religious minorities without necessarily delving into doctrinal difficulties or decades of religious strife. Such initiatives may not please purists who want religion to be protected on its own terms, but it is possible that they may serve as intermediary measure of alleviating strife and preventing

conflict on the road to further understanding in the future.

## Pluralism in South and Southeast Asia: The Elusive Pursuit of "Harmony"

Other South/Southeast Asian nations, such as Bangladesh, Sri Lanka, and Malaysia, have presented different sets of problems than Pakistan and India. While Bangladesh stands out slightly for its overwhelmingly Muslim society, all of the aforementioned nations have had histories of and commitments to religious pluralism and tolerance, but nevertheless are places where interreligious tensions appear to be rising (see Riaz 2010, Riaz and Fair 2010, Little 1993, Shah 2017, Harding and Shah 2017). The key non-Commonwealth player in the region, Indonesia, has a similar profile of past pluralism and recent FoRB discord, and its recent troubles with rising Islamism, blasphemy, religious intolerance, and terrorism are ones that the other countries in the region, attentive to Indonesian developments, seem keen to avoid. In sociological term, there seems to be a concern for contagion and perhaps contamination in the region against these less harmonious forces. While the division in Pakistan and India is longstanding and well-known, the concerns facing these South/Southeast Asian nations are more recent and, in some ways, more complex. These nations represent great hope for FoRB in the region if they can retrieve, reconstruct, and renew some of their early practices of pluralism. And yet they are places where people are among the most reticent to advocate for FoRB for fear of upsetting what harmony and peace does exist. These countries are examined here in turn.

### *Bangladesh*

Bangladesh is a nation that that has struggled with democracy, tolerance, and FoRB in recent years, despite being relatively free of religious conflict in the past.<sup>50</sup> It is majority Muslim with Hindu, Buddhist, and Christian minorities and seemed headed in the direction of greater tolerance in recent years with the election of a new government under the Awami League party in 2008, but it is now feared to be a country

moving toward political crisis and possible authoritarian one-party rule (for background, see Riaz 2016, Riaz and Fair 2015, Riaz 2010, Riaz 2004). Recent tensions have led to the adoption of hardline politics intended to quash political and social dissent, which in turn has caused a significant diminution of civil society avenues for dialogue and expression and an overall reduction in political participation. The current leader of this majority Muslim nation, Prime Minister Sheik Hasina, has sought to draw support along religious and ethnic lines, particularly from Islamic groups. In December 2016, the midst of this recent shift toward a hardline Islamist view, the Christian Jatiya party was contemplating the proposal of religious minority quotas in Parliament, employment, and higher education as a means of gaining more of a voice for Christians in the Bangladeshi government.<sup>51</sup> There are concerns about “creeping Islamification” of Bangladesh’s religious, political and social spheres, as manifested in the recent attack on the Holey Artisan Bakery.<sup>52</sup> There are also concerns that the country’s pursuit of a “Malaysian model” of development could risk privileging economic development rights over civil and political rights, including FoRB.<sup>53</sup>

The plight of religious minorities in Bangladesh has recently led to concerns about media—particularly social media—being used to propagate hate speech and incite religious extremism and violence, particularly in the aftermath of the vicious Holey Artisan Bakery attack.<sup>54</sup> Less clear, however, is whether this protection of religious minorities extends to atheist, agnostic, secular, humanist, and other non-religious Bangladeshis, some of who have been brutally murdered at the hands of machete-wielding opponents in recent years. But the problem is not limited to non-religious bloggers and includes members of religious minorities. A Hindu man was recently arrested for a Facebook post that was said to have led to a deadly riot.<sup>55</sup>

Bangladesh has sought strategies of secularism as a solution to its issues of religion, but this has ironically created pressures for the government to accommodate religious groups.<sup>56</sup> Moreover, the frequent association of secularism with atheism has prompted some to lash out violently toward

atheists and others who do not profess religious belief. The recent attacks on secular bloggers and writers is example of this trend.<sup>57</sup> A key lesson from the recent Bangladesh experience has been the need to find ancillary ways to address questions of FoRB and human rights through other avenues and issues that are less controversial, such as the importance of shared culture and socioeconomic development. There are risks in trading too much in an idealized Bengali Muslim identity in pursuit of this model, but there is also something powerful in perception of the need to build a shared human rights culture that embraces religious pluralism and FoRB rights.<sup>58</sup>

### *Sri Lanka*

The island of Sri Lanka is a nation whose serene beauty belies its long, recent history of conflict.<sup>59</sup> For nearly the last decade, Sri Lanka has been emerging from a 26-year civil war that only ended in 2009. The conflict was largely conducted between the country’s Sinhalese Buddhist majority and Hindu Tamil minority. These tensions were recently manifested in a Tamil-led *hartal*, or general economic strike, the roots of which were said to lie in dissatisfaction with the government that was elected in 2015 with substantial support from minority groups.<sup>60</sup> As one commentator described it,

Due to the slow implementation of its commitments to the international community, and inaction in resolving the problems of the ethnic and religious minorities who voted for it, the government is going to face increased pressure from both international and domestic actors . . . . The joint Tamil-Muslim *hartal* in the North and East is an incipient sign that the grievances of the ethnic and religious minorities are getting merged together. Economic and ethnic problems need to be resolved together, in tandem, and not one after the other, so that all communities feel that they are being treated fairly as equal citizens of one country.<sup>61</sup>

The nation has long experienced division and strife between Sinhalese Buddhists and the mostly Hindu Tamils, and Muslims, Christians, and other groups have also reported FoRB violations. Sri Lanka's constitution gives a privileged place to Buddhism and the state's "duty to protect and foster the Buddha Sasana" while also protecting the freedom of other religions.<sup>62</sup> Buddhism was declared the state religion in 1978, but the preferential treatment of the Buddhist majority (70%) has been controversial and linked to the development of an ethnic separatist group known as Tamil Tigers. Though they draw from the mostly Hindu Tamil ethnic group, the Tamil Tiger movement was avowedly secular, rather than religious, in nature. The clash between these groups is what sparked the thirty-year civil war. As in Myanmar/Burma, the state's commitment to the protection of the Buddha *sasana* (tradition) has given rise to Buddhist nationalist sentiments (see DeVotta 2007, Grant 2009, Deegalle 2012, Frydelund 2012, Raghavan 2016).<sup>63</sup> In 2014, the state established a special police unit to investigate complaints and incidents involving religion, but the unit's location in the Buddhist Division of the Ministry of Buddhist Sasana and Religious Affairs, rather than the Ministry of Law and Order, has proven controversial.<sup>64</sup> NGOs also allege government assistance to groups persecuting religious minorities. There have been military attacks on Hindu and Christian worship sites suspected of harboring Tamil Tiger separatists, and Tamil Tiger groups have attacked Buddhist sites. Despite these recent events, Sri Lanka, like Bangladesh and Malaysia, has had periods of historic religious tolerance, including Buddhist Sinhalese kings who extended protection to Hindus and Muslims.

At the same time that these religious tensions have been rising, Sri Lanka has embarked on a range of efforts aimed at creating harmony among religious and ethnic groups. The Sri Lankan government's official religious discourse often references the need for "peace," "unity," "tolerance," and "harmony."<sup>65</sup> Local newspapers editorials cite the need for religion to "build bridges, not walls,"<sup>66</sup> and broadcast messages from religious leaders on Independence Day.<sup>67</sup> Prime Minister Ranil Wickremesinghe recently

declared the government's full support for reconciliation among religious groups in service of a unitary country.<sup>68</sup> A government-sponsored National Unity and Reconciliation movement has sought to bring religious leaders together for dialogue about the country's new constitution, which was proposed in September 2017.<sup>69</sup> However, some aspects of the emerging religious scene in Sri Lanka remain unclear. The reconciliation movement encountered difficulties bringing the nation's religious groups together.<sup>70</sup> The reconciliation talks have included mostly Buddhist and Christian leaders, without input from Hindu and Muslim leaders whose views are surely essential to the process. The current constitution and religiosity of the nation seem intent on protecting religions, but it is not clear that protections will extend to people of non-religious beliefs. Still, Sri Lanka's quest for peace, harmony, unity and reconciliation, at least at the normative and rhetorical level, along with the active discussion of religion in the context of constitutional reform, is a promising development.

### Malaysia

Malaysia has a strong history of seeking to embody the interfaith ideals and religious pluralism of its various religious groups, but FoRB and other human rights have sometimes taken a backseat to the "Malaysian Model" of economic development.<sup>71</sup> At the time of this writing in May 2018, a key architect of that development model, Prime Minister of Malaysia Mahathir Mohamad, had just resumed his position. During Mahathir's earlier tenure from 1981 to 2003, his government was known for both rising development and authoritarianism, including harsh crackdowns on political dissent and in some cases religious figures.

The presence of various academic and civil society groups working on interfaith issues in Malaysia is suggestive of a country seeking to embody FoRB and human rights ideals, but which is also experiencing challenges from various internal and regional forces. Even as countries like Bangladesh look to Malaysia as an example, Malaysians cast a wary eye on rising religious extremism and other developments in Indonesia,

with Indonesian developments often included in Malaysian news coverage. As in Sri Lanka, discussions of religion and FoRB in Malaysia are often couched in terms of “tolerance,” “peace,” “unity,” and “harmony,” which, indeed, may be reflective of a real quest to achieve these goals.<sup>72</sup> In relative terms, Malaysia ranks very high in government restrictions on and social hostilities around religion.<sup>73</sup> The recent abductions of two Christians pastors, possibly in connection with allegations that the pastors were proselytizing and converting Muslims away from the faith,<sup>74</sup> has drawn attention to the situation of Malaysia’s Christian minority. In fact, there have been reports of two worrying trends in FoRB: rising religious intolerance and the use of kidnapping and murder as a political weapon.<sup>75</sup>

Malaysia is religiously diverse, with a majority Muslim (61%) population, a significant Buddhist (19%) minority, a Christian minority of near 10%, and smaller groups Hindu and Chinese religion adherents. For the Muslim majority, Islam is a key marker of “Malay Muslim” identity, a favored status under Malaysia’s Bumiputera laws.<sup>76</sup> The Constitution designates Islam the state religion, but also guarantees FoRB rights to other religions who practice in “peace and harmony.”<sup>77</sup> The country maintains a system of Syariah Courts alongside the secular court system, and some religious controversies in the country have tracked the standard sharia and personal law concerning marriage, divorce, and child custody (especially in interreligious marriages) and inheritance, along with questions of apostasy, blasphemy, and conversion. Proselytism of Muslims is forbidden, and Shia and Ahmadi Muslims experience persecution from the Sunni majority. Overall, the country seems challenged by twin imperatives of shoring up Malay Muslim identity and according appropriate tolerance to non-Muslim groups in the name of peace and harmony. It is a delicate balance and remains controversial, but there is a sense that the desirability of recognizing FoRB and human rights can create a space for conversation about FoRB rights, particularly in connection with social stability and development.

## Conclusion

The above five countries from the Commonwealth’s religiously diverse and dynamic Asian regions illustrate a range of responses toward religious minorities in some of the most challenging areas for FoRB realization. In Pakistan, we have an example of a perennial violator of FoRB rights now seeking, with varying degrees of success, to address the situation of its religious minorities. In India, by contrast, we have a nation with a history of blending secularism with religious diversity, now in the grips of a movement toward Hindu nationalism. In Bangladesh, we have a nation challenged by both rising Islamism and highly negative perceptions of secular and non-religious movements, a problem that seems to be leading toward a rapidly diminishing role for civil society. In Sri Lanka, we have a post-conflict nation that seems, with direct and indirect influence from regional Buddhist and Hindu nationalist movements, to be repeating old patterns of division, even as it seeks peace, harmony, unity, and reconciliation. In Malaysia, we see a nation struggling to preserve its status as one of the Asian Tiger economic powerhouses, while being buffeted by religious tensions that may not be successfully contained by its many laws regulating religious groups. In each of these countries, we see political, governmental, and legal efforts aimed at managing religious minorities. However, the real forces at work may be not just at the institutional and practical political levels, but on the plane of new normative and conceptual quests that seem increasingly to define religious minority rights and group rights more generally around the world.

From its perch in the United Kingdom, it could be easy for a project like CIFoRB to cast a global eye on the religious freedom travails in these other countries while overlooking those on its own soil, so a bit of perspective may be in order. The CIFoRB project began in 2015, just months before the citizens of the U.K. would vote to leave the European Union in the surprising “Brexit” decision. With that fateful move, the CIFoRB project shifted from being a

largely comparative project to one that would be importantly constitutive, as well. How were the FoRB rights under UHDR Article 18 conceived and achieved in various parts of the Commonwealth? What were the issues that would emerge as important within and across Commonwealth nations? These initial questions were changed into new and different ones by Brexit. What is the Commonwealth and how is it significant today? What role will religion and FoRB play in the Commonwealth going forward?

With respect to the five themes put forth in this paper, it can be said that recent terrorist attacks in the U.K. have raised the issues of treatment of religious minorities and countering violent extremism in the U.K. They also show that while the U.K. may have left Europe, it is still affected by large transnational forces, not to mention the presence of a huge diaspora community of immigrants from around the Commonwealth and elsewhere. Britain has been affected by rising secularism and new challenges in balancing religious rights with principles of equality and nondiscrimination both among religious groups and between religious groups and other societal groups. It could even be argued that the U.K. government's elevation of trade issues over human rights in its post-Brexit foreign policy reflects the way in which the U.K. has felt it imperative to build new network and reconstitute old ones, such as the Commonwealth, to ensure its own continued development. How these new

imperatives will play out in the British context remains to be seen, especially when it comes to religion and FoRB.

The Commonwealth is a truly broad swath of the world, including many nations that further exemplify the range of FoRB issues relevant today (Berridge 2018). What consideration of the South and Southeast Asian cases here, along with research other Commonwealth nations, suggests is that there may be no one approach to securing FoRB rights. FoRB was recently a prominent agenda item at the 25th annual Commonwealth Heads of Government Meeting (CHOGM) in London in April 2018.<sup>78</sup> The CHOGM meeting followed closely on the heels of another high-level FoRB meeting convened by the British Foreign and Commonwealth Office held as part of Human Rights Day observance in December 2017.<sup>79</sup> In the build-up and follow-up to the 2018 CHOGM, British parliamentarians argued that addressing FoRB and religious intolerance may be solutions to the Commonwealth's problems.<sup>80</sup> These various initiatives show that it is possible for government leaders and parliamentarians to initiate discussion and point toward progress when it comes to FoRB rights—even across a diverse and global Commonwealth of Nations. There are hard cases in the Commonwealth, but there is also room for dialogue and divergent approaches leading to respect for FoRB rights in the broader framework of human rights principles. ❖

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1. The CIfORB project is based at the Edward Cadbury Centre for Public Understanding of Religion at the University of Birmingham. <https://www.birmingham.ac.uk/schools/ptr/departments/theologyandreligion/research/ciforb/index.aspx>.
  2. These themes and several of the case studies were also the focus of a CIfORB submission to the Australian Parliament. See CIfORB, "Contribution to the Australian Parliament's Inquiry into Freedom of Religion or Belief Around the World," April 28, 2017, Submission No. 310. [https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/Freedomofreligion/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/Freedomofreligion/Submissions).
  3. The CIfORB Twitter account is located at the handle @ciforb\_uob. The tweet content is taken from Google Alerts set up to capture news items on all individual nations of the Commonwealth, as well as particular themes, which increased in number and specificity during the monitoring period, as thematic areas began to emerge and cluster from the research. Most tweets are prefaced by the name of the Commonwealth country discussed. The hashtag #FoRB is the most common one used in CIfORB tweets, but others include #religiousminorities, #religionconflict, #religiousextremism, #secularism, #development, and many more. So, one can, for example use the Twitter search feature to search "ciforb\_uob Bangladesh #secularism" to turn up tweets on issues within particular national contexts. Some limitations of this "Twitter method" of research stem from the fact that it is often limited to secondary source stories that have been reported by news outlets, but we believe that it has been a useful method of capturing both broad and specific trends across the commonwealth.
  4. See "U.S. Places Pakistan on 'Special Watch List' for Severe Violations of Religious Freedom," *VOA News*, January 8, 2018; United States Commission on Freedom of Religion or Belief, "Constitutional and Legal Chapters Faced by Religious Minorities in India"

- (Washington, DC: USCIRF, February 8, 2017). For an excellent account of the overall situation of religious minorities in Pakistan, see (Ispahani 2016). For an apt discussion of the situation of religious minorities in India, especially amid the growing Hindu nationalist influence, see Basu (2015).
5. See Ispahani (2016).
  6. Aftab Alam, "Taking Minority Rights Seriously," *CrossCurrents.org*, December 27, 2016.
  7. In the latest annual report of the United States Commission on Freedom of Religion, Pakistan was designated a "Country of Particular Concern," meriting the highest level of attention in U.S. foreign policy on FoRB and India was placed in the next highest Tier 2 category. See (USCIRF 2018, Pakistan).
  8. Anam Zakaria, "Perceiving the 'Other' in Pakistan, Within and Across Borders," *The Wire*, December 19, 2016. For an excellent account of the overall situation of religious minorities in Pakistan, see Ispahani, *Purifying the Land of the Pure*.
  9. Haroon Khalid, "Tracing the Journey of Pakistan's Hindus Through Shirvratrī at the Katas Raj Shrine," *Scroll.in*, March 3, 2017.
  10. "EP Conference Raises Questions about Ethnic & Religious Rights in Pakistan and the Role of the EU," *UNPO.org*, May 11, 2017.
  11. Ehsan Rehan, "U.N. Member States Criticize Pakistan's Human Rights Record," *Rabwah Times*, November 14, 2017.
  12. See United States Commission on International Religious Freedom, "Pakistan Leads the World in Blasphemy Prisoners," USCIRF Press Release, March 27, 2014.
  13. Salman Ali, "Religious Minorities' Rights," *Daily Times*, November 12, 2017.
  14. Shamim Shahid, "HR Activists Demand Equal Constitutional Rights for Minorities," *Pakistan Today*, February 25, 2017.
  15. "Minorities Enjoy Legal Rights in Pakistan, Says Minister," *The News International*, January 17, 2017; "Minorities Fully Enjoying Religious Freedom," *The Nation*, January 3, 2017; "Rights Bodies Present Amendments to Fix Laws on Minorities" *The News International*, January 28, 2017.
  16. Madeeha. 2016. "Restoration of Minorities' Rights Is Inevitable Says Julius Salik," [christiansinpakistan.com](http://christiansinpakistan.com), December 22, 2016.
  17. Intikhab Hanif, "Punjab's Package on Women's Day: Christian Family Laws Being Amended," *Dawn*, March 8, 2017.
  18. Lorraine Caballero, "Christian Activists Welcome Pakistan's Criminal Law Amendments to Protect Religious Minorities," *Christian Daily*, February 12, 2017.
  19. "New Amendments in Act 2016 Fall Short to Satisfy Christians," *Pakistan Christian Post*, February 10, 2017; Madeeha. 2016. "Blasphemy Law Not Being Used Against Minorities: Interior Minister," [christiansinpakistan.com](http://christiansinpakistan.com), January 30, 2017.
  20. Rajesh Kumar, "Hindus' Minority Status: Majorities as Minorities," [IndiaLegalLive.com](http://IndiaLegalLive.com), November 7, 2017.
  21. "Pakistan to Conduct First Census Since 1988, Source of Fear and Hope for Minorities," *First Post*, May 22, 2017, Asim Malik, "Religious Minorities Expect Greater Political Representation After the Census," *Aaj News*, May 21, 2017; "A Question of Faith in the Census of Pakistan," *Pakistan Christian Post*, February 24, 2017.
  22. Nadeem F. Paracha, "Smoker's Corner: The Power of the Minority Vote," *Dawn*, January 15, 2017; Madeeha2016, "Lahore: Minorities Demand for Direct Elections for Their Representatives, Place for Worship and for Burial," [christiansinpakistan.com](http://christiansinpakistan.com), January 12, 2017.
  23. Zacaria, "Perceiving the 'Other'."
  24. Rana Tanveer, "Social Media Being Used as a Tool Against Minorities," *The Express Tribune*, December 26, 2016. See also Asia Forum for Human Rights and Development, "Desecrating Expression—An Account of Freedom of Expression and Religion in Asia" (Bangkok: Forum-Asia, 2016). The entire report is accessible at: <https://www.forum-asia.org/?p=21941>
  25. "Bloggers Unite to Bring Minorities' Issues into the Limelight," *The Express Tribune*, January 28, 2017.
  26. "Hindus in Pakistan Declining Due to 'Forced' Conversions: Pak Media," *The Deccan Chronicle*, June 21, 2017.
  27. Abbasi, "US Commission Seeks Repeal; 'Pakistan May Face Isolation If Minorities Bill Repealed,'" *Jantaka Reporter*, December 26, 2016; Mobarik A. Virk, "Minorities Want Sindh Not to Repeal a Bill in Their Favour," *The News International*, December 26, 2016.
  28. Abbasi, "US Commission Seeks Repeal."
  29. Virk, "Minorities Want Sindh Not to Repeal"; Zia Ur Rehman, "Sindh Govt Slammed for Backtracking on Promise to Protect Minorities," *The News International*, June 21, 2017. For a comprehensive analysis of the Sindh marriage issue, see Ruben Ackerman, *Forced Conversions & Forced Marriage in Sindh, Pakistan* (Birmingham: CIfORB/University of Birmingham, 2018). <https://www.birmingham.ac.uk/Documents/college-artslaw/ptr/ciforb/Forced-Conversions-and-Forced-Marriages-in-Sindh.pdf>.
  30. Olivia Enos, "Religious Freedom in Pakistan Take 1 Step Forward, 2 Steps Back," *The Daily Signal*, December 29, 2016; Umair Jamal, "The Politics of Religious Exclusion in Pakistan," *The Diplomat*, October 18, 2017.
  31. Waqar Gillani, "In the Shadow of Society," *The News*, December 25, 2016. See Ispahani (2016) for extensive discussion of the problem of determining who is Muslim in Pakistan and how this has impeded the Pakistani objective of establishing an Islamic State.
  32. "Ahmadi Professor Found Murdered in Pakistan; Second Such Attack This Month," *The Hindustan Times*, April 19, 2017.
  33. Tom Strobe, "Pakistani Death Sentences Show Blasphemy Laws' Threat," *Baptist Press*, November 8, 2017.
  34. Saad Sayeed, "Pakistan's Long-persecuted Ahmadi Minority Fear Becoming Election Scapegoat," *Reuters*, November 15, 2017.
  35. "State Minority Commission," *Daily Excelsior*, December 13, 2016.

36. "AICC Minority Department Reaches Out to Christian in NE," *Nagaland Post*, December 13, 2016.
37. Koride Maheshi, "TRS Government Threatens to Move Apex Court for Muslim Quota," *Times of India*, November 20, 2017.
38. "Govt Appoints 5 to the Member-less Nat Commission for Minorities," *PTI News*, May 24, 2017.
39. J Venkatesan, "Triple Talaq Hearing Begins, 5 Judges of 5 Religions on SC's Bench," *The Deccan Chronicle*, May 11, 2017; Ambika Panditl, "Triple Talaq a Social Ill, Not a Religious Issue: Mukhtahr Abbas Naqvi," *Times of India*, May 11, 2017.
40. "Triple Talaq: India's Court Bans Islamic Instant Divorce," *BBC News*, August 22, 2017.
41. In the U.S. the theoretical and practical difficulties associated with such state management of religion, especially minority religions, have been amply explored by law and religion scholar Winnifred Fallers Sullivan and colleagues on the Politics of Religion Project. See Sullivan (2005). See Sullivan et al. (2015) and Mahmood (2015).
42. "Human Rights Watch Voices Concern Over Attacks on Minorities in India," *Financial Express*, January 14, 2017.
43. "Religious Lynching," *The Nation*, May 22, 2017.
44. Naresh Mitral, "Christian Votes in Mind, Cong Eyes Overhaul," *The Times of India*, May 11, 2017.
45. Abdul Bari Masoud, "Lawyers Demand Enactment of Anti-Communal Law," *The India Nawaz*, December 19, 2016.
46. Arihant Pawariya, "Why Go to SC or NCM? If Modi Govt Wants, It Can Easily Give Minority Status to Hindus in 8 States?" *Swarajya*, November 10, 2017; Kumar, "Hindus' Minority Status."
47. "Mr. Modi's Embrace of Hindu Extremists," (editorial) *New York Times*, March 23, 2017. Others have expressed greater faith in Modi's FoRB commitment to religious minorities. See, e.g., "Minority Rights More Secure More Safe After Modi," *The Asian Age*, November 12, 2017.
48. "Mr. Modi's Embrace of Hindu Extremists,"; "PM Modi making Yogi Adityanath UP CM is 'shocking rebuke' to religious minorities: New York Times," *DNA*, March 23, 2017.
49. "Human Rights Abuses Against Minorities on Rise Again in India: Indian-American Group," *Hindustan Times*, May 24, 2017.
50. Notably, while not falling into the USCIRF Tier 1 or Tier 2 countries of concern, Bangladesh is a nation that has been regularly monitored by USCIRF, see, e.g. "Bangladesh," in USCIRF, 2018 Annual Report (Washington, DC: USCIRF, 2018). Bangladesh was on the USCIRF Watch List (now the Tier 2 designation) from 2005 to 2008. See USCIRF, 2005 Annual Report (Washington, DC: USCIRF, 2005: 124–126. It was removed from the list from 2008, but it began to be reported in the USCIRF annual report again in 2013, as the religious freedom situation worsened.
51. "Quotas for Minorities if JP Comes to Power," *bdnews24.com*, December 26, 2016.
52. For perspectives on this trend, see Taiabur Rahman and Alvy al Sirjohn, "Demystifying Bangladesh's Creeping Radicalisation: A Multiple Perspective Analysis," *Daily Sun*, October 23, 2016; Subir Bhaumik, "Militant Islam and the Missing Boys of Bangladesh," *SCMP.com*, August 20, 2016; Milo Comerford, "Deciphering Bangladeshi Terror: Fallout and Response to the Holey Bakery Attack," Tony Blair Institute for Global Change, February 14, 2017.
53. Md. Shah Prahan, "Malaysia—A Development Model for Bangladesh?" *Daily Sun*, September 18, 2016.
54. "Bangladesh Fighting Malicious Social Media Post, Online Hate, Sajeeb Wazed Joy Writes," *bdnews24.com*, December 13, 2016.
55. "Bangladesh Arrests Hindu After Post Sparks Deadly Riot," *The Sun Daily*, November 14, 2017.
56. See, e.g., Gabriel Samuels, "Bangladesh Considering Dropping Islam as State Religion, According to Senior Minister," *The Independent*, November 15, 2016; Samia Huq, "Faith, Dissent, and Extremism: How Bangladesh Is Struggling to Stay Secular," *The Conversation*, December 9, 2016; Sarwar Jahan Chowdhury, "The Secular Conundrum in Bangladesh," *wionews.com*, March 30, 2017.
57. See, e.g., Joshua Hammer, "The Imperiled Bloggers of Bangladesh," *New York Times*, December 29, 2015; Ishaan Tharoor, "These Bangladeshi Bloggers Were Murdered by Islamic Extremists," *Washington Post*, May 2, 2016; Emma Graham-Harrison and Saad Hamadi, "Inside Bangladesh's Killing Fields: Bloggers and Outsiders Targeted by Fanatics," *The Guardian*, June 11, 2016.
58. The authors express our appreciation for field work and analysis on Bangladesh conducted by ClFoRB researcher Harriet Hoffer, whose work informs this section.
59. The United States Commission for International Religious Freedom (USCIRF) included chapters on Sri Lanka in its 2014 and 2015 reports. For an excellent background account of the nature and implications of the religious dimensions of the Sri Lankan conflict, see Little (1993).
60. Jehan Perera, "Added Dimension to Tamil Hartal in North and East," *The Island*, May 1, 2017.
61. Perera, "Added Dimension to Tamil Hartal in North and East."
62. Constitution of the Democratic Socialist Republic of Sri Lanka, 1978, amended 2015, Ch. II, art 9. Protection of "Religion or Belief" is later referenced at Ch.III, art 10 and 14(e).
63. While religion was one dimension of Tamil identity it was one of many factors underlying the Tamil Tiger separatist movement. See Welhengama and Pillay (2014).
64. "Disband Special Police Unit – Make Police Independent: Lawyers' Collective Demand," *Colombo Telegraph*, April 30, 2014.
65. "Racial and religious harmony" as a rationale for restricting rights is also referenced several times in Ch. III, art 15 of the Constitution. Religion and other factors bearing on national "unity" are referenced in Ch. VI, art 27(e)(5-6). Art 27(11) of this

- same chapter on directive principles of the state promises further: “The State shall create the necessary economic and social environment to enable people of all religious faiths to make a reality of their religious principles.”
66. “Religions Meant to Build Bridges, Not Walls,” (editorial) *Daily Mirror.lk*, January 18, 2017.
  67. “Independence Day Messages from Religious Leaders,” *News.lk*, February 4, 2017.
  68. “Sri Lankan Prime Minister Declares Government’s Full Support for Religious Reconciliation,” *ColomboPage*, March 29, 2017.
  69. “Sri Lankan Monks, Bishops Propose Religious Councils,” *Vatican Radio*, March 14, 2017.
  70. S. Ratnajeevan H. Hoole, “Naval Myths Aborting Reconciliation,” *The Sunday Leader*, December 18, 2016.
  71. For insight into the situation of religious minorities under the law in Malaysia, see Shah (2017).
  72. See, e.g. Laili Ismail, “Religious Tolerance Is the Cornerstone of a United Malaysia, Says Zahid,” *New Straits Times*, December 28, 2016; Haikal Jalil, “Malaysia Will Become a Failed State If Religious Respect Disregarded: Najib,” *The Sun Daily*, February 4, 2017; Loshana K. Shagar, “Unite in Harmony,” *The Star*, February 5, 2017; “Use Religion to Promote Unity-Sim,” *The Borneo Post*, February 20, 2017. See also the article by Grüll and Wilson in this symposium issue on the preference for language of “tolerance,” “difference,” and “diversity” over “religious freedom,” “rights,” and “pluralism” in parts of South and Southeast Asia.
  73. “Study: In Malaysia, Religious Controls Tighter than in Saudi Arabia, Brunei,” *The Malay Mail Online*, April 14, 2017 (citing Pew Research Center 2017).
  74. See Luke Hunt, “Malaysia Grapples with Chilling Case of Kidnapped Pastor,” *The Diplomat*, April 22, 2017; Lindsay Murdoch, “Pastor Raymond Koh’s Abduction Highlights Anti-Christian Fears in Malaysia,” *The Sydney Morning Herald*, April 17, 2017; “Christians Raise Concerns Over Pastor’s Disappearance,” *malaysiakini.com*, February 25, 2017; Suzette Gutierrez-Cachila, “Disappearing Christian Leaders in Malaysia: Targeted Attacks Against Religious Minorities?” *The Gospel Herald*, July 9, 2017.
  75. “Malaysia Takes a Turn for the Religious Sinister Side,” *Asia Sentinel*, March 6, 2017.
  76. For discussion of the clash of these laws with Malaysia’s anti-discrimination goals, see “Malaysia: A Never Ending Policy,” *The Economist*, April 27, 2013. See also Sumisha Naidu, “Najib Places Bumiputera at Centre of Malaysia Growth Plans as Elections Loom,” *Channel News Asia*, April 19, 2017; Ida Lim, In “New Economic Roadmap, PM Seeks to Boost Bumi Welfare, Income,” *The Malay Mail Online*, April 19, 2017.
  77. Federal Constitution of Malaysia, art. 3.
  78. “Ongoing Religious Freedom Challenges in the Commonwealth,” *World Watch Monitor*, April 20, 2018; Preet Gill, “This Summit Should Confront the Demons of Religious Intolerance,” *The Times*, April 17, 2018; David Adams, “Open Doors Calls on Commonwealth Heads to Put Religious Freedom at ‘Heart’ of Discussions,” *Sight*, April 16, 2018.
  79. Ewelina U. Ochab, “The British Foreign and Commonwealth Office on the Importance of Religious Freedom,” *Forbes*, December 18, 2017.
  80. See Baroness Elizabeth Berridge, “How Can the Commonwealth Be a Beacon for Freedom of Religion or Belief?” *The Parliamentarian*, Issue 1 (2018); Preet Kaur Gill, “Why Religion Is the Solution to the Commonwealth’s Problems,” *Huffington Post*, April 18, 2018.

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## References

- Basu, Amrita. 2015. *Violent Conjectures in Contemporary India*. New York: Cambridge University Press.
- Berridge, Baroness Elizabeth. 2018. “How Can the Commonwealth Be a Beacon for Freedom of Religion or Belief?” *The Parliamentarian*, Issue 1.

- Deegalle, Mahinde. 2012. "Sinhala-Ethno-Nationalisms and Militarization in Sri Lanka." In *Buddhism and Violence: Militarism and Buddhism in Asia*, edited by Vladimir Tikhonov and Torkel Brekke, 15–37. London: Routledge.
- DeVotta, Neal. 2007. *Sinhalese Buddhist Nationalist Ideology: Implications for Politics and Conflict Resolution in Sri Lanka*. Washington, DC: East West Center.
- Frydelund, Iselin. 2012. "Canonical Ambiguity and Different Practices: Buddhism and Militarism in Contemporary Sri Lanka." In *Buddhism and Violence: Militarism and Buddhism in Asia*, edited by Vladimir Tikhonov and Torkel Brekke, 95–119. London: Routledge.
- Grant, Patrick. 2009. *Buddhism and Ethnic Nationalism in Sri Lanka*. Albany, NY: SUNY Press.
- Harding, Andrew, and Dian A.H. Shah. 2017. *Law and Society in Malaysia: Pluralism, Religion and Ethnicity*. Abingdon: Routledge.
- Isphani, Farahnaz. 2016. *Purifying the Land of the Pure: Pakistan's Religious Minorities*. New York: Cambridge University Press.
- Little, David. 1993. *Sri Lanka: The Invention of Enmity*. Washington, DC: United States Institute of Peace.
- Mahmood, Saba. 2015. *Religious Difference in a Secular Age: A Minority Report*. Princeton, NJ: Princeton University Press.
- Pew Research Center. 2017. *Global Religious Restrictions Rise Modestly in 2015, Reversing Downward Trend*. Washington, DC: Pew Research Center. April 11.
- Raghavan, Suren. 2016. *Buddhist Monks and the Politics of Lanka's Civil War: Ethnoreligious Nationalism of the Sinhala Sangha and Peacemaking in Sri Lanka, 1995-2010*. Sheffield: Equinox.
- Riaz, Ali. 2004. *God Willing: The Politics of Islamism in Bangladesh*. Lanham, MD: Rowman & Littlefield.
- Riaz, Ali. 2010. *Islamist Militancy in Bangladesh: A Complex Web*. Abingdon: Routledge.
- Riaz, Ali. 2016. *Bangladesh: A Recent History Since Independence*. London: I.B. Tauris.
- Riaz, Ali, and C. Christine Fair, eds. 2015. *Political Islam and Governance in Bangladesh*. Abingdon: Routledge.
- Shah, Dian A.H. 2017. *Constitutions, Religion and Politics in Asia: Indonesia, Sri Lanka, and Asia*. Cambridge: Cambridge University Press.
- Sullivan, Winnifred Fallers. 2005. *The Impossibility of Religious Freedom*. Princeton, NJ: Princeton University Press.
- Sullivan, Winnifred Fallers, Elizabeth Shakman Hurd, Saba Mahmood, and Peter G. Danchin, eds. 2015. *Politics of Religious Freedom*. Chicago, IL: University of Chicago Press.
- United States Commission for International Religious Freedom (USCIRF). "Annual Report, Washington, DC: USCIRF. ('Bangladesh' 2005-2008, 2013-2018; 'Pakistan' 2018, 'Sri Lanka,' 2014, 2015)." <http://www.uscirf.gov/reports-briefs/annual-report>.
- Welhengama, Gnanapala, and Nirmala Pillay. 2014. *The Rise of Tamil Separatism in Sri Lanka: From Communalism to Secession*. London: Routledge.