

# Asia REF

Religious & Ethnic Freedom



## SITUATIONAL ANALYSIS

ASIA REF, 2022



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“This report is made possible by the support of the American people through the United States Agency for International Development (USAID). The contents are the sole responsibility of the Asia REF Learning specialist and do not necessarily reflect the views of USAID or the United States Government.”

*“Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”*

Article 18, International Covenant on Civil and Political Rights (ICCPR).

## INTRODUCTION

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Asia is the largest and most diverse continent in the world in terms of ethnic, linguistic, and religious diversity. The regions of South, Southeast, and Central Asia alone comprise 24 countries and account for about 35 percent of the world's population. According to the [Pew Research Center](#), these regions also have some of the highest levels of government restrictions on religion and have the most hostile incidents involving religion compared with other countries around the world. The Asia Religious and Ethnic Freedom (Asia REF) program, funded by USAID, was designed to support targeted in-country and cross-border efforts by local partners to expand the freedom of religion and conscience in Asia. It also aimed at improving the ability of local community partners to advance the freedom of religion and conscience within their countries, address their immediate needs, and develop and access resources to address deficits in self-reliance. To achieve these objectives, the program supports iterative projects and a learning agenda to respond to existing and emerging threats to the rights of ethnic and religious minorities.

When the project was started, the Asia REF team identified seven key religious freedom issues, after consulting with international experts and advisory group members. These include: the rise of religious nationalism; anti-conversion, blasphemy and apostasy laws; a reform of educational curricula to support religious and ethnic freedom (REF); gender-based REF violations; hate speech and misinformation; legal, policy and governance reform to support REF; and capacity building for civil society organizations (CSOs) working on religious and ethnic freedom. The advisory group members recommended that these issues take top priority. They added that there is also a need to consider other laws used to target minorities, the narrowing of civic space, the responsibility of social media companies, the position of children and youth, and the role that local context plays in providing greater depth and nuances to the issues identified.

A situational analysis is one of the steps in identifying the needs and opportunities in the expansion of religious and ethnic freedom in the region. It involves the collection and study of REF violations in secondary data, country contextual information, and regional trends to identify and understand the specific issues to be addressed. It examines the status of REF issues, establishing a basis of shared understanding for Asia REF partners and USAID. It also assists Asia REF in identifying actionable intervention areas for projects and identifies the key priorities for the Asia REF learning agenda. The approach of Asia REF incorporates adaptive management and flexible programming of award funding to support local organizations that promote the recognition of religious freedoms across Asia. The research includes projects in Kazakhstan, Kyrgyzstan, Bangladesh, Pakistan, Sri Lanka, Malaysia, and the Philippines, based on project development needs. It also ensures diverse representation of countries in the region for comparative analysis.

To understand the REF context in the selected countries, Johan Galtung's Violence Triangle was used. The triangle helps to identify how physical violence, discriminatory structures in society and ideas about "the other" are interlinked. **Direct violence** is direct physical or psychological violence with clear specific victims and perpetrators. It can be carried out by states, groups in the society, or family. (Examples include security force attacks, torture, mob violence, sexual violence, and hate crimes.) **Structural violence** is harm done to people by injustice and discrimination in society leading to the denial of their basic rights. This injustice and discrimination can be found in the structures of society. It can be found in laws, policies, written and unwritten rules; the institutions and praxis of government authorities and civil society, and in the behavior of individuals. **Cultural violence** refers to the prevailing attitudes or beliefs used to legitimize violence – whether of a direct or structural nature. These include the prejudices or stereotypes existing in society that have been internalized by individuals. The stereotypes find expression in the interactions people have with each other.

Therefore, each country profile consists of a short background; an overview of its legal framework, describing constitutional norms and relevant legal religious freedom acts; an analysis through the

triangle of violence lens; and an analysis of the actors involved. The study was conducted between May and September 2022.

#### Key Questions of the Study:

- What are the most pressing concerns for different groups in the target area, including women, girls, men, boys, and minorities.? How are they linked to REF rights?
- Are there examples of direct violence related to REF in the country's context?
- What are examples of structural violence connected to REF in a country's context? How are men and women, boys and girls affected by these?
- Which attitudes make direct and structural violence seem acceptable to people? How are these attitudes and values being transmitted through a cultural context?
- Which actors/stakeholders are working on REF in the targeted countries and what types of programming are they doing now?
- What are the thematic priority/development challenges that Asia REF needs to address in each target area?

#### Limitations:

- *Secondary data and reliability:* The situational analysis is entirely desk research, with no expected key informant interviews. The study does not claim to be academically original. It is based on a literature review of sources provided by national and international human rights reports, as well media reports.
- *Language:* Most of the desk research consisted of a study of secondary sources available in English. For Kyrgyzstan and Kazakhstan resources in Russian language also were used.
- *Difficulty in identifying cultural narratives:* Reports on human rights and religious freedom provide little insight into the cultural narratives that underlie direct and structural violence. A feasible understanding of social perceptions of religious and ethnic diversity has been gathered, not intending to be comprehensive. A more in-depth study of the issue is needed.
- *Limitations of an actor analysis:* The situational analysis also includes a review of organizations working on religious freedom. However, an actor analysis is limited to those organizations mentioned in the resources covered in the literature review. Thus, the list is not exhaustive and does not identify the needs of these organizations. The identified list of organizations will be shared with REF partners, so it can be supplemented and evaluated in consultation with the Advisory Group and consortium partners.
- *Definition:* Inherent in religious freedom is the right to believe or not believe as one's conscience directs and to live out one's beliefs openly, peacefully, and without fear. Freedom of religion or belief is an expansive right that includes the freedoms of thought, conscience, expression, association, and assembly. While religious freedom is a core human right, international law and treaties recognize it as a vital element of national security that is crucial to ensuring a more peaceful, prosperous, and stable world.



Source: Nations Online Project

## BANGLADESH

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### COUNTRY BACKGROUND

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Bangladesh is a country in South Asia, that came into being as the People's Republic of Bangladesh when Bengali East Pakistan seceded from the union with (West) Pakistan in 1971. The capital and largest city is Dhaka. The country is a parliamentary representative democratic republic with a multi-party system. The parliament of Bangladesh, called the Jatiya Sangsad (House of the Nation), elects the president, who then appoints the leader of the legislative majority party (or coalition) as prime minister.

Bangladesh is one of the most densely populated countries in the world with an estimated 171 million people (in 2021)<sup>1</sup>. The vast majority of the population of Bangladesh is Bengali – a term describing both an ethnic and a linguistic group. Non-Bengalis – consisting primarily of smaller indigenous groups, like the Chakma, Marma, Tanchangya, Tripuri, Kuki, Khamti, non-Bengali Muslims, etc. – constitute only a tiny fraction of the population. Bengali is the mother tongue of almost the entire population of Bangladesh. However, the indigenous minority groups have their own languages and dialects, such as Tibeto-Burman languages. English, an Indo-European language, which are spoken in urban centers and among educated groups<sup>2</sup>.

By mid-2021 Sunni Muslims constituted the majority of the population at 89 percent, and Hindus – while at the same time shrinking – make up 10 percent. Also significant was an influx of Muslims from northern India and from other countries. Most Muslims are Sunni, but there are a small number of Shi'is, primarily descendants of immigrants from Iran. Hindus form a significant minority, while Roman Catholics and Buddhists constitute just a tiny fraction of the population. Of the tribes in the Chittagong Hill Tracts, the Chakma, Marma, and Mro are mostly Buddhists. Portions of the Kuki, Khamti, and Mro communities practice local religions. While most of the Mizo are Christians, the Tripura are Hindus. Some of the minority groups reside in plain land areas, and have the worst conditions to live, facing discrimination in education, employment, and very little civil and political rights.

As noted by the World Bank, Bangladesh is a rapidly developing country in South Asia. It faces the challenge of creating 2 million jobs every year for the high percentage of younger citizens. If the government is not able to provide the required jobs, there is the opportunity for radical groups to exploit unemployed youth toward radicalization and violent extremism. Recent development updates<sup>3</sup> note new headwinds faced by the country. Higher global commodity prices are widening the current account deficit and increasing the pressure of inflation because of the war in Ukraine. High-frequency indicators point to a resilient recovery in the first half of 2022, although the pace of growth slowed modestly. Estimated poverty declined in 2021 as economic recovery accelerated. However, recent survey data point to persistent job losses and reduced earnings due to the COVID-19 pandemic, with a disproportionate impact on women.

### LEGAL FRAMEWORK

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The Constitution of Bangladesh provides that the republic's official religion is Islam, but the state shall ensure equal status and equal rights in the practice of the Hinduism, Buddhism, Christianity and other religions ([Article 2A](#)).<sup>4</sup> The [fifteenth amendment](#)<sup>5</sup> of the constitution restored secularism and freedom of religion, incorporating nationalism, socialism, democracy and secularism as the fundamental principles of state policy.<sup>6</sup> In other words, it promotes equal rights of other religions, tolerance and non-discrimination, as well as an equitable approach in promoting different religious institutions and practices. Freedom of thought and conscience is guaranteed by the constitution ([Article 39, paragraph 1](#)).<sup>7</sup> Article 41 protects the right of every citizen to profess, practice or propagate any religion and the right of every religious community or denomination to establish, maintain and manage its religious institutions ([Article 41, paragraph 1](#)). Furthermore, no one attending any educational institution may be coerced to receive religious instruction or to take part in or attend any religious ceremony or

worship, if that instruction, ceremony or worship relates to a religion other than his or her own (Article 41, para. 2).

*Religious speech and freedom of expression.* The government has passed laws that are restrictive of religious speech. Under the penal code, any person who “destroys, damages or defiles any place of worship, or any sacred object with the intention of insulting the religion” or has “deliberate and malicious intention of outraging the religious feelings” shall be punished with imprisonment for a term which may extend to two years, or with a fine, or with both (Articles [295](#) and [295A](#)).<sup>9</sup> In addition, Article [298](#) states that anyone, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound or gesture near that person or places any object in the sight of that person, shall be punished with imprisonment for a term which may extend to one year, or with a fine, or both. Although the code does not further define this prohibited intent, the courts have interpreted it to include insulting the Prophet Muhammad<sup>10</sup>. The criminal code allows the government to confiscate all copies of any newspaper, magazine, or other publication containing language that “creates enmity and hatred among the citizens or denigrates religious beliefs.” The law applies similar restrictions to online publications. While there is no specific blasphemy law, authorities use the penal code, as well as a section of the Information and Communication Technology Act and the Digital Security Act, to charge individuals for acts perceived to be a slight to Islam.<sup>11</sup>

*Personal status laws based on religion.* Whereas most aspects of the law in Bangladesh are secular, personal status issues – such as marriage, family life, divorce, custody of children, and inheritance – remain governed by religious laws. Depending on the religious backgrounds of the concerned individuals, provisions of Islamic law, Hindu law, Canon law, or other laws apply. Buddhists do not have their own personal status law in Bangladesh but fall under Hindu law. According to the USCIRF report, the religious family law of any two parties governs their marriage rituals and proceedings. Muslim men may have as many as four wives, although he must obtain the written consent of his existing wife or wives before marrying again. A Christian man may marry only one woman while a Hindu man may have multiple wives. Officially, Hindus have no options for divorce, although informal divorces do occur. Divorced Hindus and Buddhists may not legally remarry. Divorced men and women of other religions and widowed individuals of any religion may remarry. Marriage between members of different religious groups occurs only under civil law.

This same perspective for religious communities, however, may disadvantage women. For instance, Hindu women cannot inherit property under family law. Muslim women may not marry a non-Muslim. Wives have fewer divorce rights than husbands, and civil courts must approve divorces. The [UN Special Rapporteur](#)<sup>13</sup> also emphasized in its report on Bangladesh, that from the FoRB view, religion-based personal status laws usually give rise to different concerns. Although the structure is to a certain degree pluralistic, the system does not easily accommodate certain forms of interreligious partnership. Moreover, some people – for instance, converts, agnostics, atheists and others – may face even greater difficulty fitting into the limited options provided by a religion-based structure of personal status laws.

*Registration requirements and Non-Governmental Organizations (NGOs).* Registration requirements and procedures for religious groups are the same as for secular associations. The constitution prohibits freedom of association if an association is formed for the purpose of “destroying religious harmony,” the peaceful coexistence of religious communities, or creating discrimination on religious grounds. Registration requirements with the Ministry of Social Welfare include certifying that the name being registered is not already taken, and providing the bylaws or constitution of the organization and other supporting documents. Individual houses of worship are not required to register with the government. Religious groups seeking to form associations with multiple houses of worship, however, must register as NGOs with either the NGO Affairs Bureau (NGOAB) if they receive foreign assistance for development projects or with the Ministry of Social Welfare if they do not. The law requires the NGOAB to approve and monitor all foreign-funded projects. The NGOAB director general has the authority to impose sanctions on NGOs for violating the law, including fines of up to three times the



amount of the foreign donation, or closure of the NGO. NGOs are also subject to penalties for “derogatory” comments about the constitution or constitutional institutions (i.e., the government). Expatriate staff must receive a security clearance from the National Security Intelligence, the Special Branch of Police, and the Directorate General of Forces Intelligence. The standards for these clearances are not specified.<sup>14</sup>

Bangladesh is party to almost all core [human rights treaties](#),<sup>15</sup> including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination Against Women and the Convention on the Rights of the Child. However, Bangladesh has made reservations to Article 14 (3) (d) of the International Covenant on Civil and Political Rights, Articles 2 and 16 (1) (c) of the Convention on the Elimination of All Forms of Discrimination Against Women, and Articles 14 (1) and 21 of the Convention on the Rights of the Child.

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## TRIANGLE OF VIOLENCE

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Various human rights reports highlight that, despite all efforts, Bangladesh remains a country with high restrictions on religious freedom at the governmental level, and frequent religious freedom violations on a societal level. While religious establishments do not ipso facto constitute or entail the undue restriction of religious freedom, the 1988 amendment gave constitutional authority to state-sponsored Islamization at the state level and social Islamization at the community level, thus legitimizing and accelerating both dynamics<sup>16</sup>.

### ***Direct violence***

The formation of independent Bangladesh started from a violent struggle against Pakistan and militant Islamists (Jamaat-e-Islami or JI) which massacred between 300,000 and 3 million Bengalis and raped between 200,000 and 400,000 women in 1971.<sup>17</sup> After the war, the country was founded as a secular republic. However, after several years, Islam and state policy have tied closely together, and determined the further expansion of Islamism. The Religious Freedom Institute in its analysis stated that in early 1990s democracy has not muffled Islamism but rather has empowered it. The period of the Bangladesh Nationalist Party’s (BNP) governance (2001-2006), aligned with Jamaat-e-Islami, was characterized as one of political violence, and an act of Islamic terror. Also, extra-judicial killings reached all-time highs, with perpetrators often receiving protection from the BNP-JI government.<sup>18</sup> During that time, Islamists have had an enduring impact in that they succeeded in “making Islam an integral part of the political discourse,” and creating an environment in which a menacing military can flourish.<sup>19</sup>

*Islamism.* Even though Bangladesh's most zealous Islamist groups are not governmental, they derive no small encouragement from current laws and policies. Between January 2005 and December 2017, 746 people have died in Islamist terrorist attacks, including 339 alleged terrorists. Of those attacks, 91 percent have taken place since 2013, according to South Asia security expert Christine Fair. As was noted by a Hindu American Foundation ([HAF](#)) report,<sup>20</sup> Islamist groups, such as JI and Hefazat-e-Islam, have historically posed the biggest threat to the rights, safety, and security of minorities in Bangladesh, and continue to do so today. JI-ICS (Jamaat-e-Islami-Islami Chhatrashibir) also instigated large bouts of violence starting in 2013 in response to convictions by the International Crimes Tribunal. Hindus, for example, were systematically attacked by mobs of JI supporters, resulting in the destruction of nearly 50 temples and hundreds of homes and shops. (Amnesty International, 2013) Similarly, Islamist militants also attacked non-Hindu minorities, including Buddhists, Christians, and the Ahmadiyya community. In recent years, Islamist militants have regularly attacked bloggers who promote secular ideas or atheism, or who criticize Islamism. Hit lists are currently circulating in Bangladesh with names of potential targets, according to an [IRF report for 2021](#)<sup>21</sup>

*Mob violence and social hostility.* According to the [USCIRF 2020 report](#), Bangladesh is mentioned among three other countries (Pakistan, Nigeria, and Egypt) that accounted for nearly 80 percent of all reported incidents of mob activity, mob violence, and/or threats of violence, with or without state

blasphemy or other law enforcement. Hindus, Christians, Buddhists, Shiite Muslims, and Ahmadiyya Muslims frequently “face harassment and violence, including mob violence against their houses of worship” (Freedom House, 2020) with little or no consequences. In most cases, the mechanisms of mobilization are disinformation, viral social media posts, and hate speech. From [October 13-24, 2021](#), during and after the Hindu festival of Durga Puja, national and local media reported that mobs attacked and destroyed Hindu homes and temples after a local man published a post on Facebook that showed the Quran on the lap of the deity Hanuman inside a Hindu temple in the city of Camilla.<sup>22</sup> [Freedom House](#) assessed recent violent incidents as “part of a pattern in recent years in which violence against religious or other minorities appears to have been deliberately provoked through social media.”<sup>26</sup> Human rights organizations and religious leaders echoed this assessment, saying social media contributed to religious polarization and an increase in attacks on religious minorities.

Missionary activity among the population and proselytizing are also occasions for violence. According to Al-Jazeera, on June 19, 2021, activists from an indigenous minority group killed an indigenous man in Bandarban in CHT because he converted to Islam.<sup>23</sup> A group of Muslims attacked the Emmanuel Church, which is located in a predominantly Muslim village in the Lalmonirhat district (northern Bangladesh), on February, 10, 2021. That Protestant house of prayer had existed since 2003. The local pastor said Muslims in the area were angry with Christians because new members had joined their faith as converts from Islam. Media outlets reported the violence against the church as the result of anti-Christian propaganda at a local Islamic meeting place where Muslim religious leaders engaged in hate speech.<sup>25</sup>

*Rohingya refugees.* There are number of violent cases of attacks on non-Muslim Rohingya in the refugee camps. Human Rights Watch reports that approximately 1,500 Rohingya are Christians and 550 to 600 are Hindu. In November 2021, the New York Times reported Rohingya Christian refugee families relocated to the island of Bhasan Char in the Bay of Bengal due to what they reported as persecution and violence against them in the refugee camps in Cox’s Bazar. Members of the Christian minority in the camps said the Arakan Rohingya Salvation Army (ARSA), a militant Rohingya group present in the camps, had temporarily abducted and tortured some Christian refugees. Media outlets reported that in September, Rohingya Muslims protested the burial of Mohi Uddin, a Christian Rohingya refugee, in the Kutapalong refugee camp, preventing the burial from taking place for 30 hours.<sup>27</sup>

*Gender.* Bangladesh as a whole has a high rate of violence against women.<sup>30</sup> Early marriages, human trafficking (mostly of girls from 14-16 years old), and the inclination toward early sexual relations, are all indications of this.<sup>31</sup> Strangers, husbands, close relatives, and representatives of law enforcement agencies are often the sources of the violence. For example, in the case of two ethnic minority girls who were raped, the perpetrators were from the Bangladeshi military. The [UNPO](#) stated that<sup>32</sup> on January 22, 2018, two sisters aged 19 and 14 from the indigenous Marma community were raped by members of security forces in the Rangamati district within the Chittagong Hill Tracts (CHT) region in southeast Bangladesh. Women have suffered violence at the hands of Islamist groups, who inflict vigilante punishments against women charged with adultery or other alleged violations of Islamic law, which include simply chatting with a man. Women have experienced stoning, burning, flogging, acid attacks, and death.

### ***Structural violence***

While the country’s constitution contains robust provisions for religious freedom and the state provides religious freedom in education and family law, Islam is enshrined in the constitution in ways that are used to discriminate against non-Muslim minorities.

*Government response to Islamist’s violence.* In response to the violence and destruction that occurred in October 2021, the Ministry of Religious Affairs donated building supplies and food packages to Hindu families. A Facebook post had spurred the attacks against Hindus. The Bangladesh Red Crescent Society, in conjunction with the government, provided tents to displaced victims. By October 26, 2021,

police arrested 583 suspects for their roles in the violence and brought 102 criminal charges against 20,619 individuals, including the local man who first published the supposed desecration on Facebook. Authorities charged a Hindu youth under the Digital Security Act for alleged anti-Islamic speech that he posted online on October 17, 2021. They said this angered Muslims and led to anti-Hindu reprisals in the northwestern city of Rangpur. On October 20, 2021, the government announced the formation of a National Human Rights Commission panel to investigate the October 17 attacks on Hindu establishments. Some human rights organizations, however, said the government's actions to arrest and charge thousands of individuals were overbroad and, in some cases, deliberately targeted political rivals.<sup>34</sup>

*Land-grabbing.* Minority groups continued to report land ownership disputes that disproportionately displaced minorities, especially in areas near new roads or industrial development zones where land prices had increased. They also claimed local police, civil authorities, and political leaders were sometimes involved in evictions or shielded politically influential land [grabbers](#) from prosecution.<sup>35</sup> While the government amended a [law in 2016](#) to allow for land restitution for indigenous persons living in the CHT, the disputes remained unresolved.<sup>36</sup> There are also continued reports of land grabs within religious minority communities, including the seizure of their houses of worship. Such actions are often preceded by physical assaults on families to drive them off their land and reportedly occur with the complicit or direct involvement of local government officials. In September 2019, in recognition of this ongoing problem at the local level, Land Minister Saifuzzaman Chowdhury said his ministry sent letters to district commissioners that any grabbed land should be returned to the rightful owners and the act should be treated as a criminal offense.

According to a U.S. State Department report on HR (2021), the government did not implement a 2001 act to accelerate the process of the [return](#) of land to primarily Hindu individuals.<sup>37</sup> The act allows the government to confiscate the property of anyone whom it declares to be an enemy of the state. It was often used to seize property abandoned by minority religious groups when they fled the country, particularly after the 1971 independence war. This is an issue that consumes the nation's court system. According to the Association of Land Reform and Development, about 75 percent of the estimated three million pending court cases [in 2018](#) are related to land disputes. At the same time, only 13 percent of cases filed under the Vested Property (Return) Act<sup>38</sup> had been successfully adjudicated.

*Freedom of speech and blasphemy.* Civil rights organizations point out that many of the Digital Security Act's (DSA) provisions limit civil rights, including freedom of expression and freedom of religion or belief.<sup>38</sup> While the government claims it has no intention of curbing freedom of speech, human rights activists, such as Human Rights Watch Director Brad Adams, would argue that the vagueness of the law is "a license for wide-ranging suppression of critical voices."<sup>39</sup> The 2018 Digital Security Act – for which Bangladesh received a quarter of the possible points according to the assessment of [Freedom House](#) – allows police to arrest an individual if the materials on social media are offensive and create a basis for religious conflict.<sup>40</sup> In October 2020, the Bangladesh Cyber Tribunal formally [charged](#)<sup>41</sup> Baul folk singer Rita Dewan for making derogatory comments against Allah during a musical competition. Sufi Singer Shariat Sarker was [arrested](#) after a religious scholar filed a complaint about the lyrics which hurt the religious sentiments of Muslims and was used as a political tool.<sup>42</sup> The United States Commission on International Religious Freedom (USCIRF) [December 2020](#) report on the enforcement of blasphemy laws worldwide found that Bangladesh had the second-highest number of incidents of mob violence surrounding allegations of blasphemy.

*Autonomy of religious institutions.* Thousands of mosques, including the Baitul Mukarram National Mosque in Dhaka, operated under the direct authority of the Islamic Foundation. Imams and employees of those mosques were [funded by the government](#).<sup>43</sup> Mosques not overseen by the Islamic Foundation still operated with oversight from a governing committee that was dominated by local ruling party politicians and administration. Islamic leaders said the government continued to influence the appointment and removal of imams and to provide guidance on the content of sermons to imams

throughout the country. This included issuing written instructions highlighting certain Quranic verses and quotations of the Prophet Muhammad.<sup>44</sup> The RFI also states: the autonomy of religious institutions from government control and interference is a central feature of religious freedom in the country. The state's routine controls over some religious institutions therefore represent a worrying, deep-seated feature of mosque-state relations in Bangladesh. The government also monitors the content of religious education in madrassas and has recently introduced a third madrassa school system. While these measures are unmistakable government infringements on religious freedom, it is also true that they are not as harsh or pervasive as the state control of religion in some other Muslim-majority countries.<sup>45</sup>

*Discrimination against religious minorities.* Freedom House's 2021 report assessed religious minorities remain underrepresented in politics and state agencies, and members of ethnic and religious minority groups faced some discrimination under the law. They also face harassment and violations of their rights to practice. A U.S. State Department report on HR (2021), highlights how the indigenous community of the Chittagong Hill Tracts (CHT) experienced widespread discrimination and abuse despite nationwide government quotas for the participation of indigenous CHT residents in civil service and higher education. These conditions also persisted despite provisions for local governance in the [1997 CHT Peace Accord](#), which has not been fully implemented, specifically the portions of the accord empowering a CHT-specific special administrative system consisting of the three Hill District Councils and the Regional Council.<sup>46</sup> UN [Special Rapporteur](#) also mentions Dalits within the Hindu community, that constitute a subgroup characterized by additional vulnerability and stigmatization.<sup>47</sup> For instance, Dalits are effectively prevented from performing certain rituals. However, the Dalit issue seems to be much less visible and politicized than in some countries that neighbor Bangladesh.

*Religious education.* Religious studies are compulsory and are part of the curriculum for Grades 3-10 in all public government-accredited schools. Private schools do not have this requirement. Muslim, Hindu, Buddhist, and Christian students are supposed to receive instruction in their own religious beliefs, although the teachers are not always adherents of the students' faith. Religious minorities continued to state that religious minority students sometimes were unable to enroll in religion classes because of an insufficient number of non-Islamic religion teachers for students of other faiths. In these cases, school officials generally allowed local religious institutions, parents, or others to hold religious studies classes for such students outside school hours and sometimes exempted students from the religious education requirement.<sup>49</sup> In recent years, the Ministry of Education has implemented changes to Bengali language textbooks in an Islamist direction. For instance, positive cultural references that are non-Muslim have been removed.<sup>50</sup>

### **Cultural Narratives**

Unfortunately, human rights and religious freedom reports provide little insight into the cultural narratives that underpin direct and structural violence. However, some understanding of social perception of diversity is provided in a report by the UN Special Rapporteur on Religious Freedom, who visited the country in 2016 and met with both state and civil society representatives. In particular, the report provides insights into narratives of religious identity, interpreting religious norms and the secularity concept, as well as attitudes toward converts.

[The Special Rapporteur](#) sensed a peculiar tendency to associate people from other religious backgrounds with the countries that neighbor Bangladesh.<sup>53</sup> In the case of the Hindus, the association with India seems almost natural and is indeed not only externally ascribed, but also shared by the community itself. Many Hindus maintain strong ties with family members living in India and migrating from Bangladesh to India has always been an option – possibly also the last resort in emergency situations when Hindu people lost their property, jobs or trust in politics. Certain currents within the Muslim majority are sometimes associated with Pakistan, such as by being ascribed a “Pakistani mindset.” The Special Rapporteur also heard Buddhists in the Chittagong Hill Tracts being associated with Myanmar, where Buddhists constitute the majority religion. Reportedly, there have been isolated

incidents in which militant Muslims called upon Buddhists to leave the country and settle in Myanmar. Fortunately, such ideas do not find an echo in the larger society. It also happens that Christians are perceived as having close links with the West. This tendency of associating the various religious communities with foreign countries does not currently pose a major threat to the integrity of the nation and apparently does not undermine the generally peaceful climate of interreligious coexistence. However, depending on the development within the region, risky situations may occur. Tensions arising in foreign relations could have negative spill over effects on the way religious communities interact in Bangladesh.

In the context of such debates, the Special Rapporteur also heard much about the increasing influence of Middle-Eastern countries. The rise of Islamic fundamentalism in a country traditionally characterized by interreligious tolerance is often attributed to the growing influence of ultraconservative interpretations of Islam stemming from the Gulf region. One sensitive issue relates to the Rohingyas. The general perception seems to be that the Rohingyas mostly hold a conservative understanding of Islam, which raises suspicion against them in parts of the population. Furthermore, the government allegedly announced a ban on marriage between Bengali nationals and non-citizens, such as the Rohingyas, to avoid the latter using marriage to gain citizenship. A circular was issued to that effect, providing a strict directive to district registrars to refrain from registering marriages between members of the local population and refugees from Myanmar living in Bangladesh. This constituted discrimination against this group.

The government attaches great importance to the structure of Bangladesh as a secular state, as enshrined in Article 12 of the 1972 constitution. In all discussions with representatives of CSOs, state administration officials and Parliament officials, secularism always emerged as a dominant theme. However, the term “secularism” carries different meanings, which often leads to confusing discussions. Secularism is sometimes perceived as reflecting an anti-religious attitude, which affects its acceptance by religious communities and individuals. This – a widespread understanding of secularism – is effectively exploited by Islamists in their favor.

Conversions from one religion to another is a sensitive issue in Bangladesh. Those who convert to another religion are sometimes ostracized socially for having allegedly converted not for genuine reasons, but for the expectation of material benefits or owing to other non-religious incentives. Sometimes, even the offspring of converts can be ostracized, generations after the conversion. Some converts have gone into hiding or concealed their newly adopted faith for fear of social stigmatization. However, feelings of insecurity exist not only among converts, but also in communities from which people have converted. Smaller minority communities expressed concerns that they would in the long-term lose their members to the predominant Islam or to Christian missionaries, which fosters suspicion of other communities. Furthermore, rumors and unrealistic projections can damage the generally harmonious relations between the followers of different religious groups.

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## ACTOR ANALYSIS

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There are various organizations working on the freedom of religion and belief in Bangladesh, including local and international ones. The organizations vary from the faith-based to local and international NGOs, which work on legal issues, and the support of minorities and refugees from Myanmar.

The media outlet RFI states, Bangladesh is home to a strong civil society, which includes organizations that consistently speak out against human rights violations. Many bloggers, secularists, and activists continue to maintain a presence in society both online and offline, despite receiving death threats. Several organizations are making efforts to foster peace among religions. One is the Commission for Dialogue and Ecumenism, which has facilitated interreligious dialogue among Muslims, Christians, and Hindus. Alhaj Nazrul Islam Molla, a Bengali Islamic leader, even promised to protect persecuted

Christians and Hindus. Another organization that carries out important work for peace is the Bangladesh Hindu Buddhist Christian Unity Council.<sup>54</sup>

One of the most outstanding faith-based organizations is the Bangladesh Hindu, Buddhist, and Christian Unity Council ([BHBCUC](#)), which was established in New York City in 1990 by Bengali religious minorities residing in that area. It is a non-profit organization where they mainly make statements to support minorities, demanding representation in the election committee and more diversity, going against Islam being the state religion.

Another organization supporting ethnic and religious minorities is the [Minority Rights Group International](#). They condemn attacks against Hindu minorities, support indigenous workers facing unemployment, and claim that Rohingya repatriation must be voluntary and only after the government of Myanmar solves its internal issues. One of their ongoing programs is based on supporting religious pluralism and respecting FoRB across South Asia.

Following bomb attacks perpetrated by Islamist militants in 2005, the government created the Council for Interfaith Harmony-Bangladesh, an organization with delegates from all faiths in Bangladesh. The group meets regularly at both national and divisional levels, and carries out common projects, such as one to reduce HIV/AIDS. Another government-owned organization, the Christian Religious Welfare Trust, which typically has little to do with interfaith discussion, invited Christians and Muslims to talk about how to reduce religious extremism. The government also began training programs for Imams and pastors.

Among the national programs, the [Ministry of CHT Affairs](#) is responsible for the Chittagong Hill Tracts' indigenous population, providing legal and social support to women and children, similar to the national legal and human rights organization, Ain o Salish Kendra ([ASK](#)). The ASK also aims to create a society based on equality, gender justice and the rule of law, claiming the government and environment are accountable and transparent.

[Odhikar](#), along with various human rights legal organizations, was established in 1994 by human rights defenders to create a wider awareness about the issues in Bangladesh. It stands against repression of minorities and has special statements on government interference in the media. Having consultative status with the United Nations, Odhikar urges the government to stop enforced disappearances and to ensure justice.

Among the regional or continental actors, the Asian Human Rights Commission ([AHRC](#)) and the Asian Federation Against Involuntary Disappearances ([AFAD](#)) stand out in their activities in Bangladesh. The AHRC was founded after the Christian Conference of Asia and registered in 1984. It aims to secure legal rights and wants to introduce an Asian Charter for Human Rights, working on the obstacles to the implementation of the convention in the local context. The AFAD directly works on the issue of involuntary disappearances in Asia. It was established in the Philippines in 1998 with the goal of locating missing persons.

The Asian Legal Resource Centre ([ALRC](#)) works on reforming legal institutions in Asia and ensuring redress for victims of human rights violations. It coordinates legal service programs and initiatives in Asian countries on various levels and facilitates the exchange of people working in this field to share information and experience. Moreover, the organization develops training schemes to assist in the operation of learning resources and promotes such programs on a sub-regional and local basis.

During 2021, the U.S. State Department's Bureau of Democracy, Human Rights, and Labor (DRL) issued several requests for proposals to advance religious freedom and/or provide protection to religious minority groups – including support for projects in Bangladesh, Indonesia, Kazakhstan, and Sudan – along with thematic and regionally focused programs on issues such as combating antisemitism online. The United States provided \$302 million in the 2021 fiscal year for humanitarian assistance funding for programs in Bangladesh to assist Rohingya refugees and their host communities, emphasizing U.S. support for protecting vulnerable religious minority groups. That September, at a meeting of the UN

General Assembly, the U.S. government announced nearly \$180 million in additional funding. With this new funding, the U.S. response to the Rohingya crisis has reached more than \$16 billion since August 2017.

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## CROSSCUTTING CHALLENGES

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Most of the challenges to enjoying religious and ethnic freedom in the region are shared from country to country to various extents and with different specific issues. For example, the objects and subjects of religious nationalism differ depending on which religion is dominant: Islam, Christianity, or Buddhism. However, the mechanisms are identical, such as the use of hate speech, attacks on believers and places of worship, damage to the property of religious minorities, discriminatory rules in law, and favoritism of the majority religion. In addition, violations are of an intersectional nature and must be considered in conjunction with others. For example, blasphemy allegations and the enforcement of these violations are often coupled with extrajudicial violence, imminent threats to violence or even intimidation tactics, including the presence of mobs.

A partial list of regional challenges includes growing religious nationalism, conversion, the operation of religious related violent groups, and hate speech.

*Religious nationalism.* In all the countries analyzed, religion has shaped history through colonialism and imperialism, whether in the 1970s or 1990s, so that nationalism has become a unifying expression to break with the country's colonial past and shape identity. Countries, formed as secular earlier in the 20th century, have changed in the end. They seek secularism as an external product and look for origins, unity, and pride in religion and their historical past. Such narratives are often underpinned by conspiracy theories and the “destructive” influence of external traditions on one's own local traditions. The neutral notion of religious nationalism, in its extreme manifestations and in countries where religion is virtually indistinguishable from deeply rooted cultural traditions, leads to the manipulation of religious and ethnic identities.

To varying degrees, the politicization of religion (as well as the “religionization” of politics) can be observed in all countries covered by this analysis. This is more evident in forms of Buddhism in Sri Lanka, and Islam in Bangladesh, Malaysia, and Pakistan; and less in Kazakhstan, Kyrgyzstan, and the Philippines. Obviously, the secular nature of the state, as enshrined in the constitutions of the countries, restrains the growth of nationalist sentiments to a certain extent. Religious nationalism is a major backdrop when considering the challenges and causes of violations of rights to religious freedom. It is accompanied by deepening social divisions along religious lines, intolerance not only of minorities – whether religious, ethnic, or gender – but also within the mainstream itself. This gives rise to disputes about the purity of faith or the correctness of its expression. It provides moral justification for structural violations, discriminatory laws, and access to education, jobs and decision-making institutions.

*Conversion.* Over the last decade, governments across the region have taken legal measures to prohibit religious conversions. Often the motivation behind these laws, though not officially stated as such, is to protect the dominant religious tradition from a perceived threat from minority religious groups. The methods for preventing conversions vary: national laws may prohibit proselytizing directly, blasphemy laws may be used to criminalize attempts to convert members of the majority, and governments tighten controls on foreign missionary groups. Moreover, narratives of betrayal of faith and financial motivation for adopting another religion are widespread in society. Converts face intense societal pressure and hostility. Some have gone into hiding or concealed their newly adopted faith for fear of social stigmatization. However, feelings of insecurity exist not only among converts, but also in communities from which people have converted. Women who converted are even more often subject to discrimination, constant verbal or physical harassment, and are sometimes even forced to convert back to the religion of their birth.

*Blasphemy and related laws.* Blasphemy laws are found in criminal codes in all analyzed countries. Often blasphemy laws are vaguely worded, do not specify intent, and carry unduly harsh penalties for violators. Blasphemous acts might be criminalized through the enforcement of other criminal laws, such as apostasy laws, anti-conversion laws, incitement to hatred laws, or anti-extremism laws.

Blasphemy laws not only target ordinary citizens and believers, but can also affect lawyers, human rights activists, political opponents, journalists, and scholars. Blasphemy accusations are often accompanied by mob action, violence, or threats thereof, as well as growing religious intolerance. In addition, by virtue of the nature of social media, its accessibility, and its approval (likes) and dissemination (shares) functions, the possibility of being caught in blasphemous or hateful acts is increased. Social media blurs the distinction between the public and private spheres, allowing the state to act against behavior that may never have been intended for public consumption or wide distribution. These laws violate fundamental human rights, including rights to freedom of expression; freedom of religion or belief; freedom from torture or cruel, inhuman, or degrading treatment or punishment; and fair trial rights.

*Terrorism and violent extremism.* This analysis showed that terrorism and violent extremism are seen as a serious threat in all the countries analyzed. The activities of homegrown, regional, and global terrorist networks, as well as attacks and hate narratives have implications on the exercise of the right to freedom of religion or belief in the region. On one hand, the subjects of such attacks are religious minorities, representing both dominant and non-dominant religions, as well as representatives of various beliefs – be they communists in the Philippines, or secular bloggers in Bangladesh, Malaysia, or Pakistan. Violent groups impede any peacebuilding, interfaith or human rights activities by threatening or attacking the initiators and participants. In countries such as Kyrgyzstan and Kazakhstan, such incidents are less common, but the consequences of the response show a general trend. On the other hand, the states’ response prioritizes a military and hard measures approach, including the use of anti-extremism and anti-terrorism laws to severely restrict the activities of religious communities, suppress peaceful dissent, and imprison people through “national security” measures. Peaceful religious practitioners or organizations might be imprisoned or fined after being accused of crimes of extremism or terrorism. In some cases, there is an abuse of extended powers by law enforcement agencies. In some countries, this is accompanied by extrajudicial executions, restriction of access to justice or the persecution of political opponents and journalists.

*Gender issues.* Most research and data on religious freedom violations covered by the analysis were gender blind. Gender based violence related to FoRB is often blended in with other areas, such as domestic violence, and is not recognized as violations against religious minorities or groups. According to the Stefanus alliance, women tend to be disproportionately more affected by Freedom of Religion or Belief (FoRB) violations than men, both in terms of frequency and in level of severity. Women are more likely to be subject to discrimination and persecution based on their religion or belief because of their gender. In addition, they do not have equal access to resources. Women and religious minorities are more likely to access informal justice systems, which are still highly patriarchal (referring to local religious leaders). Muslim women have fewer protections in Muslim communities. All these factors shape the gender dimension of FoRB violations. Women in most of the countries covered by the analysis appear to be victims of double and triple forms of discrimination, because of the intersection between ethnicity, gender, religious or belief identity, and sometimes socio-economic status. These different identity layers mutually reinforce each other, making women particularly vulnerable to discrimination. It might be a part of legislation (religious and family laws), honor killings, kidnappings, abductions, forced conversions and forced marriages of minority girls and young women. Women, in particular, have suffered violence at the hands of Islamist groups, who inflict vigilante punishments against women charged with adultery or other alleged violations of Islamic law.

In addition, hostility and violence against the LGBTQ+ community is common in the region. Cases of discrimination and abuse against LGBTQ+ persons are regularly reported, including in employment, education, health care, housing and social services, attacks on representatives, and — in some cases — killings. If there is a tendency for FoRB violations against women needed to understand the correlation between gender-based violence and FoRB, then the issue of violations of LGBTQ+ experience of FoRB violations is not on the agenda at all. Given the sensitivity of the issue, an examination of the nature of FoRB violations in the LGBTQ+ communities is appropriate.

## CONCLUSION

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The countries analyzed represent different patterns of religious and ethnic freedom challenges in the Asian region. They represent diversity with respect to constitutional systems (secular and religious), dominant religions (Christianity, Islam, and Buddhism), varying degrees of state restrictions and social hostilities, and different levels of civil society development. Virtually all countries are post-conflict societies, and while the nature of conflict lay more in the political realm, it has had far-reaching consequences, shaping entrenched images of the “other,” shaping social intolerance, and justifying disproportionate state interventions. Yet, the challenges faced by such seemingly different countries are quite similar: they all require working at a structural level and community engagement. This similarity allows us to find common solutions through Asia REF programming. The intended results of Asia REF programming now covers the major challenges of religious freedom such as preventing and responding to REF-related violations, countering exclusionary narratives, supporting media efforts to cover such violations, and providing technical assistance to state agencies.

In addition, the complexity of non-governmental organizations in the region is worth considering. Virtually all countries have state restrictions on the activities of the civil society sector, especially human rights organizations, supported by narratives fearing the promotion of “Western,” or “alien” values. In Central Asia, civil society is restricted by an information campaign for the forming of images of “foreign agents,” “grant-eaters,” and are heavily supported by similar Russian discourse. In other Asian countries, attacks on civil society can go as far as physical violence and threats of violence. Where people are suspicious about international organizations, locals who received funding also becoming subject to monitoring. While some assume that partnering with religious organizations (particularly in the majority) and the government would be more effective, there are risks to consider. Religious organizations involved in peace and development work often have weak transparency and accountability mechanisms, which is combined with a perceived sense of moral superiority. A lack of coordination among organizations from different religious traditions is common. This can undermine the work of these religious groups, but since public demand for religion remains very high, these problems are rarely addressed.

Moreover, bias and lack of trust in civil society organizations demonstrates the challenges of promoting human rights – including religious freedom – which is also seen as an external construct. As the analysis has shown, to avoid prejudice some organizations frame their initiatives in protecting religious freedom as interreligious dialogue and engagement, round tables, and promoting peace and co-existence. Considering that virtually all countries have constitutional freedoms of religion or belief and non-discrimination provisions, law reform initiatives can take place under the umbrella of bringing laws and regulations into conformity with the constitution. In any form, concepts of religious freedom and gender must be strongly applied locally before starting any Asia REF programs. This study also revealed different understandings of the concept of secularism in the countries. For example, some South Asian countries introduced the idea of positive secularism, calling for a reasonable level of religious freedom; while Central Asian countries see secularism more as an atheistic model, which leads to a negative perception of the secular state as godless.

Since the analysis of actors was based on those mentioned in English-language reports and media, it lacks complete coverage and should be supplemented by country stakeholder mapping. At the same time, it shows the limited number of organizations working directly on religious freedom, which suggests the need to build capacity to work with FoRB, increase interaction between “secular” and religious NGOs, and strengthen the gender sensitivity of REF programs.

In every country, there are efforts to resolve conflicts and promote human rights. In post-conflict societies, these include government and civil society efforts to reconcile after civil wars, positive judicial precedents in favor of a secular state, media efforts to build and strengthen national unity.

Efforts by religious leaders to foster interfaith relations might be recognized as a good opportunity to promote religious and ethnic freedoms.

At the same time, today's society, wracked by political-economic and social crises, may prefer to scapegoat a minority with the potential for violence against it (e.g., the belief that Muslims intentionally infect others with COVID-19). On the other hand, in the face of external challenges, society can find the strength to reconcile.

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## RECOMMENDATIONS

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Building state and public demands to promote REF:

- Conduct an awareness raising campaign on the positive impact of religious diversity on peace and the development of each country;
- Demonstrate to governments the economic advantages of fulfilling international obligations on FoRB (e.g. economic preference mechanisms);
- Support local civil society actors to build public demands for addressing violent acts of religious intolerance, gender violence, and discrimination;
- Develop initiatives and activities aimed at understanding the strategic importance of a tolerant attitude toward religious, beliefs, and ethnicity. For example, optional training courses (online and offline) on FORB and inter-religious tolerance in mass media in local languages could be developed.

Efficiency of state authorities:

- Strengthen the neutrality principle of public services along with state agencies for civil service and local self-governments, judiciary and law enforcement;
- Assist government capacity building for local law enforcement on addressing religious and ethnic freedom violations (e.g., the rights of minorities, the investigation and prosecution of offenders attacking minority groups) and mob negotiation tactics;
- Establish monitoring and evaluation systems of state policies on religion and countering extremism/terrorism;
- Provide technical support to governments in the reform, development, or adoption of REF relevant legislation. For example, blasphemy, conversion, and anti-extremism laws should have a non-religious purpose to protect potential victims, rather than protecting a majority religious group from alleged threats from religious minorities. These laws also must define the main concepts.

Protecting victims:

- Support local human rights organizations providing legal assistance/consultations for REF violation victims; and engage in strategic litigation related to REF issues outlined in the constitution;
- Build the capacity of small local NGOs to strengthen the community oversight of REF violations; hold capacity-building workshops for various religious freedom protection skills.
- Build the capacity of relevant groups and organizations and start an informational campaign among those groups on local, national and international access to justice mechanisms and on local legislation (e.g. the Vested Property Return Act in Bangladesh.)
- Establish a national mechanism for documenting and responding (early warning mechanisms) to religious and ethnic freedom violations, strengthen the interaction between the central apparatus of government and the heads of state, and strengthen the system of response to cases of religious discrimination.

#### Countering societal polarization:

- Reconstruct exclusionary narratives through work with community actors, religious and ethnic leaders, as well as media representatives;
- Work with local officials and media representatives on reframing narratives about “non-traditional,” “destructive,” or “deviant” religions, portraying converters as “betrayers”; and develop conflict-sensitive journalism guidelines for the mass media to cover the subject of religion, taking into account international standards and journalism ethics;
- Support civil society organizations to address the rapid spread of disinformation and hate speech online. Religious or belief-based hate speech is not a focus in some countries in the region. Most interventions are directed at political narratives or anti-extremism/counternarratives;
- Focus on activities indirectly promoting REF, stimulating intra-faith, interfaith and inter-ethnic engagement (For example, preserving and supporting cultural and linguistic heritage);
- Efficiently distribute efforts in the country. For example, in recent years the emphasis of NGO work in Kyrgyzstan has been on the south of the country, leading to an increase in protest sentiments in the northern regions. In Kazakhstan, religious freedom observers noted that the Kordai District experienced a disproportionate number of religious freedom prosecutions;
- Programs should seek adequate representation from all relevant stakeholders. For example, in Central Asia, religious minorities are often excluded. In Southeast Asia it is indigenous groups.

#### Gender:

- Strengthen gender sensitive approaches in REF protection and capacity building;
- Address gender inclusion in ensuring access to justice for the victims of REF violations;
- Reconstruct narratives to address the traditional attitudes and social norms that legitimize bride kidnapping, polygamy, early marriages, honor killings, etc.;
- Initiate positive masculinity campaigns. Work with male leadership to champion women’s rights to REF.

#### Research:

- Understand how different religious, ethnic, and belief groups make sense of their presence as minorities in each country. Arguably, these nuances shape their understanding of their own religious freedom;
- Understand intersections of REF and gender (including LGBTQ+) and consult with local women’s group to ensure strong gender analysis and mainstreaming in projects;
- Provide opportunities for localization of REF, gender, and secularism concepts: What does religious freedom mean to people in the countries where Asia REF intends to do projects? Is religious freedom and secularism about the separation of church and state? Does it also factor in individual liberties of exercising beliefs, practices, and even moral choices?
- Establish stakeholder mapping exercises/actor analysis in the countries where Asia REF works. Identify different organizations/bodies/people/institutions that are in their REF field and seek their classification and evaluation.