

Human Rights and Democracy in South Asia

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Chairman Bera, Ranking Member Yoho, and Members of the Subcommittee,

Thank you very much for the invitation to appear before you on the question of human rights and democratic values in Asia. I am honored to be part of this distinguished panel, and certainly to join my former colleagues Amb. Derek Mitchell and Dr. Daniel Twining today.

Thank you for convening this hearing on a critically important topic. Ten years ago if you had convened us on this same subject, I would most likely have submitted to you a statement that noted promise across the South Asian region and an overall strengthening of democracy region-wide. India had witnessed the world’s largest exercise of democracy with its 2009 general election. Bangladesh had a democratically elected government after a period of caretaker rule, which many worried had over-empowered the military. Nepal had come out of a decade-long civil war, albeit with tumultuous political changes, and was at work on a new

constitution. The Maldives had an elected government after decades of dictatorship. While the human rights and democracy challenges in Afghanistan, Pakistan, and Sri Lanka were well-documented, and the subject of substantial foreign policy attention, the region did appear broadly on an upward trajectory. Today, the regional picture looks less bright, particularly as China strengthens its ties with most South Asian countries, offering infrastructure development and touting the benefits of authoritarian rule.

But South Asia is not alone; the trendlines globally offer more reasons for concern as well, so in that sense developments in South Asia unfortunately track developments elsewhere. In that respect I would like to note at the outset that the United States' single most important foreign policy tool to encourage and strengthen human rights and democratic values around the world lies in the power of our example. Although this hearing focuses on Asia, I cannot help but observe that the disruptions to democracy, challenges to peaceful freedom of expression, and the ongoing examples of discrimination and excessive use of force particularly against Black Americans by law enforcement here in the United States has tarnished what we say we stand for, and certainly undermines our ability to urge others around the world to live up to the highest human rights ideals. As Dr. Richard Haass, president of the Council on Foreign Relations, wrote some years ago in a message that has gained further urgency this year: "Foreign policy begins at home."¹

India

India is an important global power, the world's largest democracy, one of the world's largest economies, and an increasingly important regional security provider and strategic partner of the United States. As an international actor, India has been a vocal defender of international rule of law and freedom of navigation as its own maritime interests have grown. Domestically, its size and federal system make for a complicated political environment: India's federal structure provides substantial devolution of power to the state level, and its parliamentary system counts numerous parties—seven national parties, more than fifty state-level parties, and more than two thousand other registered parties.² Every national election in India is the world's largest, and in May 2019, more than 600 million Indians (of more than 900 million eligible voters) cast ballots for their choice of representative.³

This written statement addresses only a select number of issues in South Asia, given the constraints of time. For a more detailed catalogue of human rights and democracy concerns in the region, see the annual Country Reports on Human Rights Practices and the annual Reports on International Religious Freedom from the U.S. Department of State; reports from the Office of the UN High Commissioner for Human Rights; the annual *Freedom in the World* report from Freedom House (cited extensively here); and the many issue-specific reports written by nongovernmental organizations like Human Rights Watch, Amnesty International, International Crisis Group, V-Dem, and others.

¹ See Richard N. Haass, *Foreign Policy Begins at Home*. New York: Basic Books, 2013. <https://www.cfr.org/book/foreign-policy-begins-home>.

² See Election Commission of India, "Notification No. 56/2019/PPS-III," March 15, 2019. Via <https://eci.gov.in/files/file/9438-list-of-political-parties-symbol-main-notification-dated-15032019/>.

³ See Election Commission of India, "Highlights: Lok Sabha Election 2019," October 19, 2019. Via <https://eci.gov.in/files/file/10991-2-highlights/>.

India's constitution is a formidable foundational document, one that provides the framework for ample freedoms and rights, and was modeled in many ways on the U.S. Constitution. For so long, India's press has been a point of pride and important guardrail for human rights, and the country's multilingual, multireligious secular pluralism has served as an inspiration. Within the South Asian region, India is—by a wide margin—the country with the highest score on the Freedom House index, and the only country in the region ranked “free” (although Freedom House treats Kashmir separately).⁴ While India undoubtedly has many challenges of discrimination (against women, religious minorities, subordinate caste groups, and others) that at times overshadow its many accomplishments, all of the aforementioned qualities, and all of the checks and balances of a colossal and at times chaotic multiparty federal system have made India an important pillar of the global democratic order. Even more so at a time of rising authoritarianism around the world, and at a time an authoritarian China seeks to expand its influence.

That is why recent developments in India, particularly over the course of the past year since the Bharatiya Janata Party (BJP)'s reelection in May 2019, have spurred deep concern about the country's direction and the status of religious minorities, especially Muslims. The August 2019 abrogation of Kashmir's traditional autonomy, accompanied by a severe security crackdown, has been a focus; I will say more specifically about that below. The December 2019 passage of an amendment to India's Citizenship Act, designed to provide fast-track access to citizenship for persecuted religious minority migrants (of six named religions) from Afghanistan, Bangladesh, and Pakistan notably excluded Muslims, leading critics to charge that the Amendment for the first time ever created a religious litmus test for citizenship.⁵ The Amendment's many supporters note that this legislation provides a humanitarian port of refuge for persecuted religious minorities in the region.⁶

In addition, the National Register of Citizens exercise in the state of Assam—a process unique to the state to identify illegal immigrants and one with roots in the upheavals of Partition in 1947 and the birth of Bangladesh in 1971—resulted in a roster of nearly two million people unable to produce sufficient documents to prove Indian citizenship.⁷ Public statements made by the Home Minister suggested that a similar exercise would be carried out nationwide.⁸ Critics noted that, in conjunction with the provisions of the Citizenship Amendment, it could be possible for people unable to prove citizenship but belonging to

⁴ See Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy*. Washington, DC: 2020, Interactive map, “India,” via <https://freedomhouse.org/country/india/freedom-world/2020>.

⁵ See PRS Legislative Research, “The Citizenship (Amendment) Bill, 2019,” <https://www.prsindia.org/billtrack/citizenship-amendment-bill-2019>.

⁶ It is also the case that the region counts profoundly persecuted religious minorities like the Ahmadis in Pakistan, who would not be eligible for fast-tracked citizenship under the terms of this act.

⁷ “Assam NRC: What next for 1.9 million ‘stateless’ Indians?” BBC.com, August 31, 2019. <https://www.bbc.com/news/world-asia-india-49520593>

⁸ See “Amit Shah: NRC to apply nationwide, no person of any religion should worry,” *India Today*, November 20, 2019. <https://www.indiatoday.in/india/story/amit-shah-nrc-rajya-sabha-1620810-2019-11-20>.

any of the eligible six religions to apply for citizenship and therefore remain in the country; no such option would be left for Muslims, who could then be rendered stateless. This potential scenario led UN Secretary-General Antonio Guterres to express concern about the new law and its possible effects, urging that “everything should be done in order to avoid statelessness.”⁹

As Members of the Subcommittee likely saw, during December 2019 and January 2020, tens of thousands of Indian citizens carried out mainly peaceful protests in at least fourteen Indian states across the country in opposition to the Amendment. Some Indian state governments said they would not implement it, nor the proposal for an expanded National Register of Citizens.¹⁰ In the wake of the protests, Prime Minister Narendra Modi stated publicly in late December 2019 that the prospect of a nationwide citizenship exercise had not been discussed, and that “Muslims of India who have lived in this country for several generations will not be affected by CAA or NRC.”¹¹ But protests continued, and one in Delhi erupted into a full-fledged riot in late February in which more than fifty people were killed, the majority of them Muslim. The Delhi Minorities Commission report on the riots placed blame on police for not protecting Muslims, and further said that “police had charged Muslims for the violence even though they were the worst victims.”¹²

In addition to the questions of freedom of religion so central to a secular democracy and the protection of religious minorities, third-party assessments of the health of India’s democracy, and particularly the institutions of liberal democracy, have increasingly flagged India as a country of concern. The Varieties of Democracy (V-Dem) Project’s March 2020 report on democracy around the world stated that “India is on the verge of losing its status as a democracy due to the severely shrinking of space for the media, civil society, and the opposition under Prime Minister Narendra Modi’s government.”¹³ The EIU Democracy Index put India in the category of “Flawed democracy” (a categorization, notably, shared by the United States); its score in this index has dropped nearly a full point on the ten-point scale over the past five years.¹⁴ This year’s

⁹ See “Necessary to prevent statelessness when national laws are changed: UN chief,” in *Economic Times*, February 19, 2020. <https://economictimes.indiatimes.com/news/politics-and-nation/necessary-to-prevent-statelessness-when-nationality-laws-are-changed-un-chief/articleshow/74208648.cms?from=mdr>.

¹⁰ See Daniel Victor, “Why People are Protesting in India,” *New York Times*, December 17, 2019. <https://www.nytimes.com/2019/12/17/world/asia/india-protests-citizenship-muslims.html> and “Nine states that have refused to implement CAA and NRC,” CNBCTV18.com, December 25, 2019, <https://www.cnbctv18.com/politics/nine-states-that-have-refused-to-implement-nrc-and-caa-4932281.htm>.

¹¹ Gyan Varma, “No discussion held to introduce NRC: Modi,” *Mint*, December 22, 2019. <https://www.livemint.com/politics/news/no-discussion-held-to-introduce-nrc-modi-11577033574834.html>

¹² “Indian minorities panel faults police role in Delhi riots targeting Muslims,” Reuters, July 17, 2020. <https://www.reuters.com/article/us-india-citizenship-report/indian-minorities-panel-faults-police-role-in-delhi-riots-targeting-muslims-idUSKCN2411JA>.

¹³ V-Dem Project, *Autocratization Surges—Resistance Grows: Democracy Report 2020*. p.6. https://www.v-dem.net/media/filer_public/f0/5d/f05d46d8-626f-4b20-8e4e-53d4b134bfc/democracy_report_2020_low.pdf.

¹⁴ Economist Intelligence Unit, *EIU Democracy Index 2019*, p.10.

Freedom in the World report from the nonpartisan Freedom House highlighted India in its very first paragraph, and went on to add:

Almost since the turn of the century, the United States and its allies have courted India as a potential strategic partner and democratic counterweight to China in the Indo-Pacific region. However, the Indian government's alarming departures from democratic norms...could blur the values-based distinction between Beijing and New Delhi. While India continues to earn a Free rating and held successful elections last spring, the BJP has distanced itself from the country's founding commitment to pluralism and individual rights, without which democracy cannot long survive.¹⁵

Indian Kashmir

The subcommittee has asked me to address Kashmir. This is a complex and tragic situation. I would like to begin by saying that there is a documented history of the former princely state of Jammu and Kashmir's accession to India after Partition, and there is a documented history of Pakistan's efforts to change the status quo by force. There is a documented history of Pakistan-based terrorists active in Indian-administered Kashmir, and Kashmiris and the Indian government continue to face a difficult challenge of border security and terrorism in this region. Terrorism has undermined every effort at peace in the last two decades, and continues to create insecurity. I would also like to acknowledge the longstanding suffering of the Kashmiri Pandits, a Hindu community driven from their Kashmiri homeland in the early years of the insurgency at the beginning of the 1990s.

The state of Jammu and Kashmir, while part of India, has had a degree of autonomy provided for in the Indian constitution due to the terms of its accession to India in 1947. In August 2019 the Indian government abruptly abrogated that traditional autonomy through the hurried passage of legislation in parliament.¹⁶ Constitutional questions about this whole procedure resulted, and twenty-three cases about the revocation of autonomy are currently before the Indian Supreme Court, according to the *Hindustan Times*.¹⁷ India's parliament passed another bill to divide the former state into two new "Union Territories": Ladakh, and Jammu and Kashmir. A Union Territory is an administrative framework under the authority of the federal government. The Union Territory of Jammu and Kashmir is supposed to have an elected assembly while

¹⁵ Freedom House, *Freedom in the World: A Leaderless Struggle for Democracy*. Washington, DC: 2020, p.2.

https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

¹⁶ See "Jammu and Kashmir Governor Dissolves Assembly After Rivals Stake Claims to Form Government," *Economic Times*, November 22, 2018. <https://economictimes.indiatimes.com/news/politics-and-nation/jk-assembly-dissolved-amid-claims-for-power/articleshow/66739283.cms?from=mdr>

¹⁷ See Gautam Bhatia, "The Article 370 Amendments on Jammu and Kashmir: Key Legal Questions," *BloombergQuint*, August 5, 2019. <https://www.bloombergquint.com/opinion/the-article-370-amendments-key-legal-issues>; also Murali Krishnan, "Kashmir and Article 370: A look at the cases in Supreme Court and where do they stand," *Hindustan Times*, August 4, 2020. <https://www.hindustantimes.com/india-news/kashmir-and-article-370-a-look-at-the-cases-in-sc-and-where-do-they-stand/story-SLNajzn1cL3JNXuHH4eVdO.html>

Ladakh is not; some other Union Territories have assemblies (Delhi, Puducherry) while others do not (Daman and Diu, Andaman and Nicobar Islands). Elections to the new Union Territory of Jammu and Kashmir's assembly have yet to be slated, but the territory will for all intents and purposes be governed directly from New Delhi.

The Indian government deployed a reported thirty-eight thousand additional military and paramilitary troops to the region in advance of and during this process.¹⁸ In addition, the Indian government implemented a statewide communications and internet shutdown, a move that came under significant international criticism.¹⁹ The Indian government also placed an unknown number of Kashmiri politicians and other leaders (a Reuters report placed the number at nearly 4,000) in some form of preventive detention (house arrest or detention in another facility), and “most” of the “at least 300 people” charged under the Public Safety Act were sent out of the state to jails in Uttar Pradesh.²⁰ Mainstream political leaders, including three former chief ministers of the state—one of whom, Mehbooba Mufti, had served as chief minister in a coalition with the BJP only two years ago—had their individual freedoms curtailed. Former Chief Minister Farooq Abdullah and his son, former Chief Minister Omar Abdullah, were released separately in March; former Chief Minister Mehbooba Mufti remains detained (at home) under a preventive security order.²¹ These and other mainstream politicians have done nothing wrong but have been deprived of their liberty.

The Indian government took these steps with the explanation that they would be better able to tackle terrorism in Jammu and Kashmir, and be able to bring greater economic development to the state. More than a year on, it is hard to see improvements on that front. The impact on democracy and human rights has been harmful, as Freedom House put it: “Indian Kashmir experienced one of the five largest single-year score declines of the last 10 years in *Freedom and the World*, and its freedom status dropped to Not Free.”

¹⁸ Prabhash K. Dutta, “Kashmir: Why Centre is sending additional 38,000 troops to J&K,” *India Today*, August 2, 2019.

<https://www.indiatoday.in/news-analysis/story/-if-situation-has-improved-then-why-send-38-000-troops-to-j-k-1576436-2019-08-02>.

¹⁹ Niha Masih, Shams Irfan, and Joanna Slater, “India’s Internet shutdown in Kashmir is the longest ever in a democracy,” *Washington Post*, December 16, 2019. https://www.washingtonpost.com/world/asia_pacific/indias-internet-shutdown-in-kashmir-is-now-the-longest-ever-in-a-democracy/2019/12/15/bb0693ea-1dfc-11ea-977a-15a6710ed6da_story.html.

²⁰ Devjyot Ghoshal, Fayaz Bukhari, Alasdair Pal, “The transported: Kashmiri prisoners sent far from home,” Reuters, October 7, 2019. <https://www.reuters.com/article/us-india-kashmir-detentions-insight/the-transported-kashmiri-prisoners-sent-far-from-home-idUSKBN1WM2D6>.

²¹ “Farooq Abdullah: Kashmir leader released from seven-month detention,” BBC.com, March 13, 2020.

<https://www.bbc.com/news/world-asia-india-51869134>. “Omar Abdullah: Kashmir leader released from months-long detention,”

BBC.com, March 24, 2020. <https://www.bbc.com/news/world-asia-india-52015776>. “Mehbooba Mufti still held under PSA, some

raise questions,” *Indian Express*, August 1, 2020. <https://indianexpress.com/article/india/mehbooba-mufti-psa-pdp-jammu-kashmir-6533329/>.

Bangladesh

Bangladesh is an important Muslim-majority country of approximately 160 million people. It has a democratically elected government led by Prime Minister Sheikh Hasina of the Awami League. Bangladesh has made great strides in human development indicators over the years, and its per capita income now exceeds that of Pakistan, the country from which it seceded in 1971.²² Bangladesh has emerged as a global garment industry powerhouse, the world's second-largest ready-made garment exporter after China, which connects American brands and retailers with Bangladesh through deep supply chain linkages.

Despite Bangladesh's economic progress, the health of Bangladeshi democracy itself has worsened due to the erosion of a competitive system—and the actions the ruling Awami League has taken to hobble its opposition, notably the Bangladesh Nationalist Party. This year two scholars of democracy categorized the country as a “competitive authoritarian” system.²³ The EIU Democracy Index ranks the country between Albania and Fiji as a “flawed democracy.” The V-Dem Democracy 2020 report called Bangladesh an “electoral autocracy” and placed it within the bottom 10-20 percent of countries ranked. Freedom House places Bangladesh in the “partly free” category, and this year included it among the countries with some of the largest declines in freedom over the past decade.²⁴ Bangladesh also has the worst indicators on child marriage in the region, with 59 percent of women (aged 20 to 24 years) first married before age 18.²⁵

Due to Bangladesh's embeddedness in U.S. garment and footwear supply chains, labor rights have grown in prominence as a concern especially after the garment industry's largest disaster in history, the collapse of Rana Plaza in 2013. While initiatives like the Alliance for Bangladesh Worker Safety and the Accord on Fire and Building Safety in Bangladesh have helped improve conditions among factories producing for international export, concerns remain about workplace safety across the large subcontracting sector, and as well about the freedom for workers to unionize. Earlier this year the U.S. Senate Foreign Relations Committee Minority Staff released a report on precisely these concerns.²⁶

Finally, and on a different note, Bangladesh has generously served as the place of refuge for nearly one million Rohingya refugees who were driven out of their homes in Myanmar's Rakhine State. The Rohingya refugees are continuing to live in what should only have been temporary shelter, and as the duration of their time in refugee camps extends without any end in sight, the Bangladeshi government and the international humanitarian consortium seek additional support as well as alternatives. Bangladesh continues to seek

²² World Bank Open Data, “GDP per capita (current US\$),”

<https://data.worldbank.org/indicator/NY.GDP.PCAP.CD?end=2019&locations=BD-PK&start=2012>

²³ Steven Levitsky and Lucan Way, “The New Competitive Authoritarianism,” *Journal of Democracy* Vol. 31, no. 1 (January 2020): p.53.

²⁴ *Freedom in the World*, p.14.

²⁵ UNICEF and UNFPA, *Child Marriage in South Asia: an evidence review*, 2019. p.9.

https://www.unicef.org/rosa/media/4251/file/Child%20Marriage%20Evidence%20Review_Web.pdf.

²⁶ Senate Foreign Relations Committee Minority Staff, *Seven Years After Rana Plaza, Significant Challenges Remain*. March 5, 2020.

<https://www.foreign.senate.gov/imo/media/doc/Final%20Bangladesh%20%20Report--3.2.2020.pdf>

repatriation of the Rohingya, yet it is apparent that there is no safety for them in their home in Rakhine State. This remains among the most difficult humanitarian situations to solve, and the United States and its humanitarian partners around the world should begin exploring the possibility (and feasibility) of a third-country resettlement program.

Sri Lanka

Sri Lanka is an upper-middle income country of more than 20 million people, and is considered a development success. It is strategically located in the Indian Ocean. Sri Lanka has been a focal point for geopolitical competition, including through its close relations with China and its paradigmatic example of the costs of Belt and Road loans, given the case of the port at Hambantota. The brutal end in 2009 of the country's decades-long civil war included accusations of severe violations of human rights and international humanitarian law on the part of the government led by former President Mahinda Rajapaksa and former Defense Secretary Gotabaya Rajapaksa, leading to sustained international calls for reconciliation and accountability. These concerns were at the center of a series of UN Human Rights Council resolutions.

In 2015, a new coalition government unseated the Mahinda Rajapaksa government that had led the country since 2005. It appeared that Sri Lanka might engage more substantially on a reconciliation and accountability agenda, particularly after the Sri Lankan government itself co-sponsored a UN Human Rights Council resolution in 2015. But political disagreements hobbled the coalition government, and then the Easter Sunday terrorist attacks in April 2019 helped former Defense Secretary Gotabaya Rajapaksa win the presidential election in November 2019 with a security-focused campaign. Then, in the parliamentary elections of August 2020, the Rajapaksa family's party swept the polls and secured a two-thirds majority (including allies). Among their explicit campaign promises was the repeal of a constitutional amendment that limited the power of the presidency through term limits, constraints on the ability to dismiss the government, restrictions on immunity, and greater independence of institutions. The president's opening speech before the new parliament in August included his commitment to repealing this 19th amendment and then drafting a new constitution.²⁷ These steps signal the return of a far more empowered and centralized presidency to come. Sri Lanka had been moving up the Freedom House ranking over the past half-decade, and is in the category of "partly free." Developments during 2020 have moved in the downward direction.

It is safe to say that Sri Lanka's new political configuration will not pursue progress on reconciliation and accountability for the end of the civil war. In February of this year, Sri Lanka withdrew from its own cosponsorship of the 2015 Human Rights Council resolution.²⁸ In May, President Gotabaya Rajapaksa said

²⁷ "Speech made by His Excellency the President Gotabaya Rajapaksa at the Inaugural meeting of the Ninth Parliament," August 20, 2020. <https://www.parliament.lk/en/news-en/view/1882?category=6>.

²⁸ Krishan Francis, "UN rights chief regrets Sri Lanka withdrawal from resolution," AP.com, February 27, 2020. <https://apnews.com/9d6870266f2711b1e005c72ed3e168fc>.

that, “If any international body or organization continuously targets our country and our war heroes, using baseless allegations, I will also not hesitate to withdraw Sri Lanka from such bodies or organizations.”²⁹

Pakistan

Pakistan is a large Muslim-majority country of more than 200 million people, and is a “Major Non-NATO Ally” of the United States. It receives a “partly free” ranking from Freedom House, one notch above Bangladesh, and is a “hybrid regime” according to the EIU Democracy Index. V-Dem terms it an “electoral autocracy” and places it within the bottom 20 to 30 percent of countries ranked. Its civil-military relations problems are a longstanding feature of its political system, and the election of the current government in 2018—the second peaceful transition from one civilian government to another, an important milestone for a country that had spent decades under military rule—was marred by accusations of vote-rigging, and numerous parties alleged tampering aided by the country’s powerful military.³⁰

Terrorism and the presence of UN- and U.S.-designated terrorist groups based in Pakistan has been a long-running problem as well, and successive U.S. governments have struggled to find the right policy tools to incentivize Pakistan to take further action against these groups. Pakistan is presently a Financial Action Task Force “jurisdiction under increased monitoring” (or “gray list”), meaning that it has yet to take sufficient steps to control terrorist financing and money laundering.³¹ Pakistan also has a longstanding problem with sectarian militancy, and with groups that target the country’s religious minorities, including its large Shi’a minority.³² Pakistan’s dwindling Hindu minority (now less than two percent of the population) face discrimination, forced conversions, and as a recent article highlighted, “voluntary” conversion due to economic duress.³³ Pakistan’s laws against blasphemy have acquired global notoriety for the ease with which religious minorities can be subjected to the charge and find themselves facing the death penalty. The Ahmadi community has endured special suffering under a 1974 amendment to the Pakistani constitution that defined them as non-Muslim, which means that any Ahmadi could be accused of “posing as a Muslim” and subject to blasphemy charges. In Pakistan, blasphemy is punishable by death.³⁴

²⁹ Krishan Francis, “Sri Lanka threatens to leave international organizations over rights,” AP.com, May 19, 2020. <https://apnews.com/63c302b2f90a5869859ce499fe0b767f>

³⁰ “Violence and claims of election-rigging overshadow Pakistan’s election,” *Economist*, July 19, 2018. <https://www.economist.com/asia/2018/07/19/violence-and-claims-of-election-rigging-overshadow-pakistans-election?fsrc=rss%7Casi> and “Imran Khan’s unsportsmanlike win in Pakistan,” *Economist*, July 28, 2018. <https://www.economist.com/asia/2018/07/28/imran-khans-unsportsmanlike-win-in-pakistan>.

³¹ Financial Action Task Force, “Jurisdictions under Increased Monitoring—30 June 2020,” via <http://www.fatf-gafi.org/countries/a-c/bahamas/documents/increased-monitoring-june-2020.html>.

³² See Farahnaz Ispahani, *Purifying the Land of the Pure: A History of Pakistan’s Religious Minorities*, Oxford University Press, 2017.

³³ See Maria Abi-Habib and Zia ur-Rahman, “Poor and Desperate, Pakistani Hindus Accept Islam to Get By,” *New York Times*, August 4, 2020. <https://www.nytimes.com/2020/08/04/world/asia/pakistan-hindu-conversion.html>.

³⁴ Ayilah Chaudhary, “Surviving as an Ahmadi in Pakistan,” Pulitzer Center, April 7, 2020. <https://pulitzercenter.org/reporting/surviving-ahmadi-pakistan>. See also Human Rights Watch, *Pakistan: Ensure Ahmadi Voting*

There are two parts of the former princely state of Jammu and Kashmir presently under Pakistani administration, known as Azad Jammu and Kashmir and Gilgit-Baltistan. Freedom House assesses these two territories as “not free,” and without “representation and other rights of Pakistani provinces.” Further, “[f]reedoms of expression and association, and any political activity deemed contrary to Pakistan’s policy on Kashmir, are restricted.”³⁵

Afghanistan

Afghanistan is in Freedom House’s “not free” category, the only such country in the region, with low scores on political rights and civil liberties due to decades of violence, severely limited state capacity, and myriad other problems. It has the lowest per capita GDP in the region, and ranks below every country in the region on other rights assessments, including in the EIU Democracy Index, where it is called “authoritarian.” A peace process is currently underway, and the international security presence in Afghanistan is shrinking. There is a bipartisan consensus in the United States that in some fashion the extended deployment of U.S. troops must end. While comment on this process is well beyond the scope of this statement, I would note that the question of protecting human rights gains in Afghanistan, especially for women, looms on the horizon. This is a vexing foreign policy question for which no obvious solution is in sight. At minimum I would urge Congress to consider crafting ways to maintain multi-year assistance and democracy and governance programs, even after the U.S. footprint shrinks further.

Nepal

Nepal is a country of more than 30 million people and has the lowest per capita GDP in the region other than Afghanistan. Its decade-long conflict with Maoist guerillas ended in 2006, and since then the country has been in a slow process of building democracy, holding elections, and drafting a new constitution for the new republic. Freedom House considers Nepal “partly free,” and the EIU Democracy Index calls it a “hybrid regime.” Its politics have been tumultuous. A reconciliation process to move forward on transitional justice following the civil war, a laudable and important goal, has not progressed.

Nepal’s new constitution, completed in 2015, was an important milestone and deserves commendation. But it would be fair to say that Nepal still has many challenges on the human rights front. Child marriage remains a problem, with the second-highest percentage in the region of women first married before age

Rights: Repeal Discriminatory Laws Against Religious Community. June 28, 2018. <https://www.hrw.org/news/2018/06/28/pakistan-ensure-ahmadi-voting-rights#>.

³⁵ See *Freedom in the World 2020*, interactive map, “Pakistani Kashmir*” via <https://freedomhouse.org/country/pakistani-kashmir/freedom-world/2020>.

eighteen; trafficking in persons remains a problem; and certain forms of traditional discrimination against menstruating women and girls continue (although the practice is now illegal).³⁶

Nepal has traditionally been a safe harbor for Tibetans who fled Tibet via the overland route, and according to FreeTibet.org, around twenty thousand Tibetan refugees live in Nepal. They have been under increased constraints in Nepal due to Chinese pressure on the Nepali government in recent years. Rumors about a possible extradition treaty between China and Nepal surrounded President Xi Jinping's October 2019 state visit to the country, although press reports immediately after the visit said the treaty had been "shelved" at the last minute. However, in February, the International Campaign for Tibet released a statement saying they had obtained copies of two agreements signed during the visit that could imperil Tibetan refugees: one, a Boundary Management Agreement, and the other, a treaty on Mutual Legal Assistance. The International Campaign for Tibet reports that in 2019, arrivals from Tibet to Nepal were down to "an unprecedented low of just 18" compared with earlier annual levels of around 2,500 to 3,500.³⁷

Maldives

The Maldives is an island archipelago nation of a little more than 557,000 people, according to the Maldivian government's latest projections.³⁸ The Maldives has the highest per capita GDP in the region, and graduated out of the United Nations' "Least Developed Countries" category in 2011. The World Bank classifies it as an upper-middle-income country (like Argentina, Brazil, or China).

Freedom House rates it as "partly free." V-Dem categorizes it as an "electoral autocracy." It has been on an upward democratic trajectory following the 2018 presidential and 2019 parliamentary elections, which returned the Maldivian Democratic Party to power after the Yameen government's years of democratic backsliding.

Citizens of the Maldives must be Muslim and the state religion is Islam. Freedom House calls religious freedom in the country "severely restricted" and further notes that "growing religious extremism, stoked in part by the Yameen administration, has led to an increase in threatening rhetoric and physical attacks against those perceived to be insulting or rejecting Islam. Secularist writers and defenders of freedom of conscience have face pressure from the authorities as well as death threats."³⁹

³⁶ *Freedom in the World*, interactive map, "Nepal," <https://freedomhouse.org/country/nepal/freedom-world/2020>; see also UNICEF and UNFPA, *Child Marriage in South Asia: an evidence review*, 2019. p.9.

https://www.unicef.org/rosa/media/4251/file/Child%20Marriage%20Evidence%20Review_Web.pdf.

³⁷ International Campaign for Tibet, "New China-Nepal agreements could deny Tibetans freedom," February 11, 2020.

<https://savetibet.org/new-china-nepal-agreements-could-deny-tibetans-freedom/>.

³⁸ See Statistics Maldives, "Maldives in Figures, August 2020," via <http://statisticsmaldives.gov.mv/nbs/wp-content/uploads/2020/09/MIF-2020Aug-Infographics-P1.jpg>.

³⁹ *Freedom in the World*, interactive map, "Maldives," <https://freedomhouse.org/country/maldives/freedom-world/2020>.

Recommendations

The above survey of the region illustrates not only that human rights and democracy are under stress in South Asia—but also illustrates the political hurdles to encouraging changes on the part of country’s leaders. As I stated at the outset, the United States can provide a more powerful example by improving our own human rights and democracy here at home. Congress’s role in shining a spotlight on these questions is an important signal in and of itself, for it demonstrates that our democratic separation of powers allows for debate, consideration, and questioning of the issues at stake in our policy toward the region.

Some particular challenges to deepening dialogue on democracy and human rights with India have long existed: the Indian government holds the view that domestic developments are sovereign matters for which an external actor has no standing to comment. Bangladesh’s scorched-earth political system means that the party in power is never particularly interested in strengthening a competitive party system for the sake of democracy. Sri Lanka’s new president has signaled the end of the reconciliation and accountability debate. The dominance of the military in Pakistan’s government has made human rights a limited arena for advancement. The impending reduction of the international security presence in Afghanistan will make the protection of human rights improvements all the more difficult to sustain. Nepal and Maldives are open to wider conversations about strengthening democracy, although progress may be slow.

I believe in diplomacy as the most important approach on democracy and human rights, as government-to-government relationships are simply not the same as that between advocacy organizations and governments. Congress should urge the Trump administration to elevate the priority of diplomacy on the issues outlined here, and Congress should seek classified briefings to gain a better understanding of the current status.

Congress should urge the Trump administration to ensure that while engagement on defense and security issues should remain a priority in the region—South Asia is a vital part of the Indo-Pacific region—a better balance with the complete range of bilateral issues should be restored. Each of the countries in South Asia is important to the United States for a unique set of reasons, and thus our focus should include engagement along a broad spectrum of issues, including democracy and human rights. Strengthening the State Department, including filling empty positions and empowering the department with a budget appropriate for the challenges it is asked to tackle, and providing USAID with funding for democracy and governance support to ensure this important area does not get crowded out by other more substantially-resourced assistance accounts, should be the highest umbrella priorities toward rebalancing our own diplomatic engagement. I would add as well that the unique design of our institutions focused on democracy—the National Endowment for Democracy, the National Democratic Institute, and the International Republican Institute—offer tremendous analytic, training, and support capacity and should continue to be a high priority for Congress.

Comparative Rankings on Selected Indices of Freedom and Democracy

Arrows show improvement or decline over time; presented in descending order along the Freedom House index ranking

Country	Freedom House	World Press Freedom	EIU's Democracy Index		Heritage Index of Economic Freedom	
	(out of 100, higher numbers are better)	(out of 180 countries, higher numbers are worse)	(out of 10, higher numbers are better)		(out of 178 countries, higher numbers are worse)	
	2020	2020	2014	2019	2015	2020
India	↓ 71 (free)	142 (bad)	7.92	↓ 6.90 (flawed democracy)	128	↑ 120 (mostly unfree)
Nepal	↑ 56 (partly)	112 (bad)	4.77	↑ 5.28 (hybrid regime)	152	↑ 139 (mostly unfree)
Sri Lanka	↓ 55 (partly)	127 (bad)	5.69	↑ 6.27 (flawed democracy)	101	↓ 112 (mostly unfree)
Pakistan	↓ 38 (partly)	145 (bad)	4.64	↓ 4.25 (hybrid regime)	121	↓ 135 (mostly unfree)
Bangladesh	↓ 39 (partly)	151 (bad)	5.78	↑ 5.88 (hybrid regime)	131	↑ 122 (mostly unfree)
Maldives	↑ 40 (partly)	79 (problematic)	NA	NA	134	↑ 119 (mostly unfree)
Afghanistan	— 27 (not)	122 (bad)	2.77	↑ 2.85 (authoritarian)	N/A	136 (mostly unfree)

On the EIU Democracy Index, Sri Lanka improved from a “hybrid regime” to a “flawed democracy” between 2014 and 2015.

GDP per capita (current US\$) - India, Bangladesh, Pakistan, Nepal, Maldives, Sri Lanka, Afghanistan

World Bank national accounts data, and OECD National Accounts data files.

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