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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by International Muslim Women's Union, a non-governmental organization in special consultative status

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

[18 August 2020]

* Issued as received, in the language(s) of submission only.

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Discrimination against minorities in India

The term minority as used in the United Nations human rights system usually refers to national or ethnic, religious and linguistic minorities, pursuant to the United Nations Minorities Declaration.

All States have one or more minority groups within their national territories, characterized by their own national, ethnic, linguistic or religious identity, which differs from that of the majority population.

The United Nations (UN) estimates suggests that 10 to 20 percent of world's population belongs to minority groups. In many cases minorities are among the most disadvantaged groups in society and their members are often subjected to injustice and socio economic discrimination. Even in this modern age, cases of genocide of minorities are being reported. Although protection of minorities has been one of the oldest concerns of International Law.

Under the Universal Declaration of Human Rights, the United Nations General Assembly in Paris on 10 December 1948, General Assembly resolution 217 A (III) It sets out for the first time: Fundamental Human rights to be universally protected. The Universal Declaration covers the range of human rights 30 clear and concise articles.

Article 1: All human beings are born equal in dignity and rights.

Article 2: Everyone is entitled to all the rights and freedom without distinction of any kind such as race, colour, sex, language, religion political or any other opinion, origin, birth or other status.

Article 6, 7, 8: Right to life and freedom from torture and slavery.

The first cluster of Article 3 to 21 sets forth civil and political rights to which everyone is entitled.

The second cluster from 22 to 27 sets forth the economic, social and cultural rights to which all human beings are entitled.

The third and final cluster of Articles from 28 to 30 provides a larger protective framework in which all human rights are to be universally enjoyed.

When we look at the minorities in India, Muslims (which represent the 14.2 per cent on a population of 1.3 billion), Dalits (formerly known as “untouchables”, the lowest section of India’s rigid social stratification), and Adivasi (indigenous) communities. Muslims in India have been increasingly at risk since the Hindu nationalist Bharatiya Janata Party (BJP) government led by Prime Minister Narendra Modi was first elected in 2014.

On December 12, 2019, the Modi administration achieved passage of the discriminatory Citizenship (Amendment) Act (CAA). Under the act, for the first time in India, religion is a basis for granting citizenship. This has led to fears that millions of Indian Muslims, including many families who have lived in the country for generations, could be stripped of their citizenship rights and disenfranchised.

During protests against the citizenship law, there was a similarly partisan response. In many cases, when BJP-affiliated groups attacked protesters, the police did not intervene. However, in BJP-governed states in December, police used excessive and unnecessary lethal force, killing at least 30 people during protests and injuring scores more. In Delhi in February, some policemen actively participated in the mob attacks on Muslims.

Earlier, Indian diplomats tried to brush off international concern as “internal matters,” and the BJP launched a public campaign to counter attempts to “mislead the nation.” Prime Minister Modi has insisted that these policies are not discriminatory, saying, “Muslims are a part of our nation, and they have equal rights and duties as others.” However, he has done little to initiate a dialogue with the protesters, rein in his party members and supporters who routinely vilify Muslims, or press state governments to prosecute those responsible for abuses.

(This report is based on interviews with victims of abuses and their families from Assam, Delhi, and the state of Uttar Pradesh, as well as legal experts, academics, activists, and police officials)

Along with domestic organizations, international human rights organizations such as Amnesty International and Human Rights Watch publish reports on acts of religious violence in India. Over 2005 to 2009 period, an average of 130 people died every year from communal violence, or about 0.01 deaths per 100,000 population. The state of Maharashtra reported the highest total number of religious violence related fatalities over that five-year period, while Madhya Pradesh experienced the highest fatality rate per year per 100,000 population between 2005 and 2009. Over 2012, a total of 97 people died across India from various riots related to religious violence.

According to the report, between May 2015 and December 2018, at least 44 people – among them, 36 Muslims – were killed across 12 Indian states over cow-related issues.

Persecution against Christians in India rose by over 40 percent in the first half of 2020, despite a three-month, nationwide lockdown, according to an ecumenical body.

The watchdog group recorded 293 incidents of anti-Christian persecution in the first six months of the year. Six of those cases resulted in murder. Two women were raped and killed for their faith, and another two women and a 10-year-old girl were raped for refusing to renounce Christianity.

Uttar Pradesh “remained the most hostile state against Christians in India,” noted the report. Sixty-three hate crimes were reported there. Police threatened one pastor with jail for him and his family if he did not forsake Christianity, according to the Persecution Relief report.

The state of Tamil Nadu reported 28 cases, with a church building left burnt to the ground in June.

On 5 August 2019, the Government of India issued a constitutional order superseding the 1954 order, and making all the provisions of the Indian Constitution applicable to Indian administered Jammu and Kashmir based on the resolution passed in both houses of India's parliament with 2/3 majority. Following the resolutions passed in both houses of the parliament, he issued a further order on 6 August declaring all the clauses of Article 370 except clause 1 to be inoperative.

Without going into further details would like to reiterate that Narendra Modi did not cease his persecution of Indian Muslims and continued to brutally oppress innocent Kashmiris and other minorities after becoming prime minister.

All the acts of Indian government are against the International Law and it is against the rights granted to the minorities worldwide. We demand United Nations to constitute a high powered commission to investigate gross religious violence in India and place India under international sanctions until the safety of life of religious minorities is not ensured.