



# General Assembly

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## Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by Jubilee Campaign, 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.

[20 August 2020]

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

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## Persecution of religious minorities in India

### Problematic legislation and programs

The Constitution of India appears to make promises of and provide for the protection of religious freedom of all citizens; Article 25 grants all citizens the “freedom of conscience and free profession, practice and propagation of religion” and Article 15 outlines the “prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.”<sup>1</sup> However, these inherent guarantees of religious freedom become defunct as a result of contrasting legislations and provisions in Chapter XV of the Indian Penal Code, which criminalizes and stipulates harsh sentences for those who “insult the religion or the religious beliefs of that class [of citizens]”, “[u]ttering, words, etc., with deliberate intent to wound the religious feelings of any persons”, and “[I]njuring or defiling [a] place of worship with intent to insult the religion of any class.”<sup>2</sup>

Religious minorities or political activists are - often falsely - accused of blasphemy or religious insult, and the court makes judgements “without evidence of intent” and sometimes based solely on the accuser’s recollection of events. Moreover, judicial rights and the right to due process are often withheld from accused individuals: prolonged pretrial detention, abuse to obtain false admissions of guilt, denial of family and lawyer visits, and more. The existence of blasphemy laws combined with a judicial system fraught with rights violations has the potential to foster miscarriages of justice similar to those that occur in adjacent Pakistan, where innocent religious minorities such as Christians are sentenced to death or imprisoned for decades due to a false accusation of blasphemy.

The national government allows states to make their own legislations as well and, as a result, 21 out of 29 have enacted laws prohibiting the slaughter of cows due to Hinduism’s symbolic reverence of cattle; these laws have been enforced without consideration that notable portions of the population, such as Tribal native populations and religious minorities do not subscribe to Vedic Hindu theology and therefore should not be held accountable to laws directly derived from Hinduism.<sup>3</sup> In many of the states that have enacted cow slaughter laws, Indian Muslims, Christians, and Dalits have been victims of hundreds of mob lynchings for being linked to beef consumption. 10 Indian states have also administered laws prohibiting the use of force to convert another’s religion; however, mainly Muslims and Christians are arrested under these laws in attempts to prevent religious conversion away from Hinduism - even if such conversion is consensual. At the same time, forceful conversion of Christians to Hinduism is permitted by these laws.

2019 introduced two more controversial and discriminatory motions - the Bharatiya Janata Party (BJP)-led administration implemented the Citizenship Amendment Act (CAA) which preferentially provides non-Muslim migrants from neighboring countries with an expedited citizenship process and concurrently presents obstacles to Muslims attempting to obtain citizenship. Concurrently, the government established a National Register for Citizens (NRC) to facilitate distinguishing natural born and naturalized citizens from illegal migrants. In July 2019, multiple United Nations (UN) Special Rapporteurs released a statement condemning this legislation:

“This process may exacerbate the xenophobic climate while fuelling religious intolerance and discrimination in the country. We are seriously concerned over the current implementation of the NRC update in Assam and its potentially far-reaching consequences

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<sup>1</sup> The Constitution of India, India.gov.in, available at: [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_contents.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_contents.pdf).

<sup>2</sup> Blasphemy and Related Laws, Library of Congress, available at: <https://www.loc.gov/law/help/blasphemy/index.php#India>.

<sup>3</sup> United States Commission on International Religious Freedom (USCIRF), Annual Report 2020, available at: [https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report\\_Final\\_42920.pdf](https://www.uscifr.gov/sites/default/files/USCIRF%202020%20Annual%20Report_Final_42920.pdf).

for millions of people, in particular persons belonging to minorities who risk statelessness, deportation or prolonged detention.”<sup>4</sup>

## Violence against religious minorities

Violence against religious minorities has continued unmitigated and takes the form of lynchings, riots, murders, physical assaults, vandalism, and acts of discrimination. The victim profile usually consists of Muslims, Christians, and lower-caste citizens targeted either for their religious affiliation or upon accusations of killing or trading cattle. Perpetrators are radical Hindu nationalists and BJP supporters. Amnesty International reports below regarding instances of violence during 2019:

“Between January and June 2019, over two-third of the victims suffered harm on account of their Dalit identity followed by their Muslim (40), Adivasi (12), Christian (4) and their actual or perceived sexual orientation or gender identity (6). .... Overall, 72 reported hate crimes were mob attacks. Of these, more than half (37 incidents) were directed at Muslims.”<sup>5</sup>

Another non-governmental organization, Persecution Relief, revealed in its 2019 annual report that from the period of January 2016 to December 2019, they have recorded 1,774 hate crime incidents against Indian Christians, with a total of 527 cases in 2019 alone.<sup>6</sup>

Just last month in July 2020, Indian Christian Pastor Balvinder Bagicha Bhatti’s body was found battered and assaulted on a roadside in Punjab Province, right next to a pair of blood-stained footprints.<sup>7</sup> Despite such images of obvious physical violence and confrontation with another unidentified individual, and despite the family’s plead for a thorough investigation, police were quick to write off his death as accidental. However, Pastor Bhatti’s family believe this was a predetermined attack on his religious affiliation, as Bhatti’s own brother had been similarly murdered just a few years prior. This would certainly be par for the course, as entire Christian households and families have been harassed and beaten in patterned attacks by Hindu nationalist radicals. The July 2020 murder of 25-year-old Christian convert woman Suman Munda marked the sixth death of an Indian Christian in just three months, following on the heels of the abduction and murder of Pastor Munsu Deo Tando two weeks prior, the gang-kidnapping and murder of 15-year-old S. M. whose family had just collectively converted to Christianity, the two separate June murders of 27-year-olds Kande Mudu and Ramji Munda, and the harassment and subsequent killing of Christian woman Bijaya Mandavi in May.<sup>8</sup>

In the Religious Liberty Commission of the Evangelical Fellowship of India’s 2018 report on violence against Christians in India, they recorded that Uttar Pradesh is the province in which most incidents take place, that throughout India about twenty to thirty incidents occur

<sup>4</sup> Office of the United Nations High Commissioner for Human Rights, “UN experts: Risk of statelessness for millions and instability in Assam, India,” 3 July 2019, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24781&LangID=E>.

<sup>5</sup> Amnesty International India, “Hate Crime Reports on an Alarming Rise – Reveals Amnesty International India’s ‘Halt The Hate’”, 4 October 2019, available at: <https://amnesty.org.in/news-update/hate-crime-reports-on-an-alarming-rise-reveals-amnesty-international-indias-halt-the-hate/>.

<sup>6</sup> Persecution Relief, Hate Crimes Against Christians in India: Annual Report 2019, February 2020, available at: <https://persecutionrelief.org/wp-content/uploads/2020/02/Persecution-Relief-Annual-Report-2019.pdf>.

<sup>7</sup> John Stonestreet and Roberto Rivera, “The Ongoing and Intensifying Persecution of Christians in India,” Christian Headlines, 17 August 2020, available at: <https://www.state.gov/reports/2019-report-on-international-religious-freedom/india/>; Shibu Thomas, “Christian Preacher Found Dead in Punjab,” Counter Currents, 30 July 2020, available at: <https://countercurrents.org/2020/07/christian-preacher-found-dead-in-punjab/>.

<sup>8</sup> Jubilee Campaign, “Indian Christian Woman Murdered in Jharkhand, Marking the Sixth Death of an Indian Christian Within Just Three Months,” available at: <https://jubileecampaign.org/indian-christian-woman-murdered-in-jharkhand-marking-the-sixth-death-of-an-indian-christian-within-just-three-months/>.

every month against Christians, and that the most common types of violence recorded include: arrests, disruption of worship, false accusations, physical violence, and threat.<sup>9</sup>

Muslims also represent a large proportion of the victim demography of Hindu nationalist violence and attacks. Coinciding with Narendra Modi's government steps to disenfranchise Muslims by enacting the CAA and establishing the NRC, since early 2020 there has been an observable rise in attacks on Indian Muslims.<sup>10</sup> In February 2020 a video was circulated on social media showing five beaten and battered men who were forced to sing the national anthem by their attackers: a group of policemen. One of the individuals, Faizan, sustained such severe injuries that he passed away no more than two days later. Following this attack, three days of unmitigated attacks and mobs saw the deaths of no less than 52 Indian Muslims, and upwards of 200 others were injured.<sup>11</sup> Demonstrations in which Muslims protested the new citizenship legislation drew the attention of Hindu nationalists and BJP supporters, who launched mass mobs killing hundreds of Muslims primarily in Uttar Pradesh. Police officials who are supposed to disperse the conflict and protect the citizens engaged in the violence themselves.

Violence against Muslims has also been instigated by the outbreak and global spread of COVID-19. In many nations, including India, religious minorities are scapegoated and blamed for the disease. A video was released in April 2020 of 22-year-old Muslim man Mehboob Ali beaten, bloody, and traumatized after being assaulted and threatened to be set on fire by his attackers.<sup>12</sup> An Islamic movement called Tablighi Jamaat held a conference in March that had been linked to a massive increase in coronavirus cases, and now Muslims throughout the nation - regardless of their association or lack thereof with the movement - are being blamed as the sole spreaders of the virus. On Twitter, the hashtag #CoronaJihad accompanies Tweets falsely claiming that Muslims have leveraged the virus as a tool of "holy war". This targeted violence and hateful propaganda has not been launched against Hindus who attended a religious festival around the same time.

## **Recommendations to the Council**

- Hold India accountable to its human rights obligations as a State party to the UN International Covenant on Civil and Political Rights Article 18.

## **Recommendations to India**

Jubilee Campaign calls on India to:

- Prevent unjust accusations and detentions of religious minorities, and in accordance with India's protections of religious freedom, abolish the oppressive laws that punish non-Hindus for their faith.
- Reform or abolish the Citizenship Amendment Act, as it places Muslims and migrants under scrutiny and singles them out for detention or deportation.
- Discourage the implementation and enforcement of state-wide cow slaughter laws.

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<sup>9</sup> Religious Liberty Commission of the Evangelical Fellowship of India, *Hate and Targeted Violence Against Christians in India*, 2018, available at: <https://files.constantcontact.com/cf0c2406701/4251a10a-afe3-4ca4-aa26-e8acd7d1788c.pdf>.

<sup>10</sup> Isaac Chotiner, "The Real Objective of Mob Violence Against Muslims in India," *The New Yorker*, 28 February 2020, available at: <https://www.newyorker.com/news/q-and-a/the-real-objective-of-mob-violence-against-muslims-in-india>.

<sup>11</sup> Jayshree Bajoria, "Shoot the Traitors," *Human Rights Watch*, 9 April 2020, available at: <https://www.hrw.org/report/2020/04/09/shoot-traitors/discrimination-against-muslims-under-indias-new-citizenship-policy>.

<sup>12</sup> Lauren Frayer, "Blamed for Coronavirus Outbreak, Muslims in India Come Under Attack," *npr*, 23 April 2020, available at: <https://www.npr.org/2020/04/23/839980029/blamed-for-coronavirus-outbreak-muslims-in-india-come-under-attack>.

- Publicly condemn all acts of persecution of and violence towards religious minorities, and put in place mechanisms to respond to and dissolve incidents of religious violence and prosecute perpetrators.
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