



# General Assembly

Distr.: General  
31 August 2021

English only

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## Human Rights Council

### Forty-eighth session

13 September–1 October 2021

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, 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.

[21 August 2021]

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



## Guaranteeing Religious Freedom in India

### INTRODUCTION

As the ECLJ highlighted in previous reports to this Council, the Hindu majority in India has been escalating violence against religious minorities. Christians are a particular target because Christianity undermines India's millennia old caste system called Varna, which subjugates people of lower castes and indigenous tribes for economic gains. Several Indian states have enacted anti-conversion laws to stop the people of lower castes and tribes from converting to other religions. Hindu nationalists often use these laws to perpetrate violence against Christians. As the Special Rapporteur on freedom of religion or belief, Asma Jahangir, noted in 2008, anti-conversion laws in India offer legitimacy to those who "stir up mob violence".<sup>1</sup> Since the Special Rapporteur's observations thirteen years ago, anti-conversion laws have continued to operate as a tool for religious suppression and violence.

Currently, eight states, Uttar Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand have enacted laws that prohibit forced religious conversion.<sup>2</sup> Some other states have passed such laws but they are not in effect.<sup>3</sup> Ironically titled "Freedom of Religion Acts", these laws stifle the practice of minority religions.

For example, the law in Chhattisgarh—which is similar to other states' laws—provides that "[n]o person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by allurement or by any fraudulent means nor shall any person abet any such conversion".<sup>4</sup>

Chhattisgarh's definitions of "allurement" and "force" grant authorities vast discretion in prosecution. Under the law, "'allurement' means offer of any temptation in form of . . . any gift or gratification . . . [or] grant of any material benefit",<sup>5</sup> and "force" includes "threat of divine displeasure or social ex-communication".<sup>6</sup> These broad definitions outlaw many legitimate forms of proselytising—such as offering salvation or preaching repentance.

Further, "conversion" does not include returning to an "ancestor's original religion or [the individual's] own original religion".<sup>7</sup> Because of this provision, Hinduism is effectively exempt from the law since it is considered the only "original religion" in India.

Anti-conversion laws are in conflict with Article 25 of India's Constitution, which protects citizens' rights to "freely profess, practise, and propagate religion".<sup>8</sup> Despite this, the Supreme Court of India affirmed the constitutionality of the anti-conversion laws in 1977.<sup>9</sup> The court held that

there is no fundamental right to convert another person to one's own religion because if a person purposely undertakes the conversion of another person to his religion, as distinguished

<sup>1</sup> Asma Jahangir (Special Rapporteur on Freedom of Religion or Belief), Rep. on Mission to India, 22, U.N. Doc. A/HRC/10/8/Add.3 (2008).

<sup>2</sup> ASIA/INDIA – There are 145 Cases of Violence Against Christians in the First Half of 2021: "Anti-conversion Laws" are Worrying, AGENZIA FIDES (27 Jul. 2021), [http://www.fides.org/en/news/70569-ASIA\\_INDIA\\_There\\_are\\_145\\_cases\\_of\\_violence\\_against\\_Christians\\_in\\_the\\_first\\_half\\_of\\_2021\\_Anti\\_conversion\\_laws\\_are\\_worrying](http://www.fides.org/en/news/70569-ASIA_INDIA_There_are_145_cases_of_violence_against_Christians_in_the_first_half_of_2021_Anti_conversion_laws_are_worrying).

<sup>3</sup> Id.

<sup>4</sup> Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, Act No. 27 of 1968, § 3 (19 Oct. 1968) (emphasis added).

<sup>5</sup> Id. § 2(a).

<sup>6</sup> Id. § 2(c).

<sup>7</sup> Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] (Amendment) Act, Bill 18 of 2006, § 2 (2006).

<sup>8</sup> CONST. INDIA, art. 25, § 1 (1949).

<sup>9</sup> Rev. Stainislaus v. State of Madhya Pradesh & Ors, 1977 SCR (2) 611 (India).

from his effort to transmit or spread the tenets of his religion, that would impinge on the “freedom of conscience” guaranteed to all the citizens of the country alike.<sup>10</sup>

The court’s affirmation of the laws ensured their continued existence.

## INSTANCES OF PERSECUTION

In Chhattisgarh, at least 13 cases of violence and arrests under anti-conversion laws have been reported in just the first half of this year.<sup>11</sup> In August 2021, a mob of Hindus vandalised and demolished a church that belonged to the Adivasi community (indigenous people, also called Schedule Tribes) in the village of Telanga Para.<sup>12</sup> The mob formed in response to accusations against local Christians of false conversions.<sup>13</sup> In July 2021, another mob of Hindus attacked a house church in Raipur while shouting anti-Christian insults.<sup>14</sup> Rather than arresting the mob, police arrested, Firoz Bagh, pastor of the church, based upon allegations of forced conversions.<sup>15</sup> After his arrest, the mob surrounded the police station and threatened to attack the pastor again.<sup>16</sup>

According to ECLJ’s on the ground sources, in September 2020, thousands of Hindus attacked seventeen Adivasi Christian families in the Kondagoan district in Chhattisgarh. The mob beat the Christian families, looted their belongings, attempted to rape a woman, and expelled the Christians from their homes. The authorities were aware of the impending attack due to the large gatherings of Hindu nationalists who were instigating the mob, but the authorities did not take any action to protect the Christian families. The authorities further delayed the investigation and medical examinations of the victims. So far, no action has been taken to punish the perpetrators.

There are also many examples of violence outside of Chhattisgarh. In Madhya Pradesh, for example, about 30 incidents of violence and arrests under anti-conversion laws have been reported this year.<sup>17</sup> One such incident occurred on 7 February 2021, where a mob of forty people interrupted a worship service, beat the pastor, damaged the property, and accused the pastor of forced conversions.<sup>18</sup> Another similar event took place on 6 April 2021.<sup>19</sup>

And in Uttar Pradesh about 22 cases of violence and arrests under the anti-conversion laws have been reported.<sup>20</sup> For example,

- on 3 August 2021, three Christians came to pray at the invitation of an elderly Hindu individual who lost family members to COVID.<sup>21</sup> Local Hindu extremists formed a mob, attacked everyone present, and accused the Christians of false conversions.<sup>22</sup> Police charged the Christians with forced conversions and they remain in custody.<sup>23</sup>

<sup>10</sup> Id.

<sup>11</sup> Supra note 2.

<sup>12</sup> Nirmala Carvalho, Tribal Church Demolished in Chhattisgarh, ASIANEWS.IT (3 Aug. 2021), [http://www.asianews.it/news-en/Tribal-Christian-church-demolished-in-Chhattisgarh-\(VIDEO\)-53784.html](http://www.asianews.it/news-en/Tribal-Christian-church-demolished-in-Chhattisgarh-(VIDEO)-53784.html).

<sup>13</sup> Id.

<sup>14</sup> Nirmala Carvalho, Sunday Service Interrupted by Hindu Extremists in Chhattisgarh, ASIANEWS.IT (6 Jul. 2021), <http://www.asianews.it/news-en/Sunday-service-interrupted-by-Hindu-extremists-in-Chhattisgarh-53579.html>.

<sup>15</sup> Id.

<sup>16</sup> Id.

<sup>17</sup> Supra note 2.

<sup>18</sup> William Stark & Matias Perttula, India’s Anti-Conversion Laws and Their Effects on the Christian Community, INT’L CHRISTIAN CONCERN 13 (July 2021), <https://www.persecution.org/wp-content/uploads/2021/07/2021-07-12-India-Report.pdf>.

<sup>19</sup> Id. at 14.

<sup>20</sup> Id.

<sup>21</sup> Christians Jailed after Hindus Attack Them for Visiting Widower, MORNING STAR NEWS (13 Aug. 2021), <https://morningstarnews.org/2021/08/christians-jailed-after-hindus-attack-them-for-visiting-widower/>.

<sup>22</sup> Id.

<sup>23</sup> Id.

- on 21 July 2021, police arrested three Christians who managed an orphanage for allegedly violating the state's anti-conversion law, and the orphans they cared for were taken into custody.<sup>24</sup>
- on 18 July 2021, a mob of approximately twenty-five Hindu radicals attacked a prayer meeting and accused the Christians present of illegal conversions.<sup>25</sup> Police arrested seven of the Christians for alleged forced conversions and detained them for three days.<sup>26</sup> One of the Christian arrestees claimed that "[t]he police officer and officials from the district administration demonized us saying we have deserted India's traditional religion of Hinduism and have accepted a foreign religion".<sup>27</sup>
- in a separate incident on the same day, police arrested Pastor Dinesh Kumar and another Christian while they were conducting a prayer meeting in a private home for violating the state's anti-conversion law.<sup>28</sup>
- on 28 June 2021, Pastor Shiva Kumar was arrested while attending a house dedication ceremony after someone claimed that religious conversions were taking place.<sup>29</sup> Police charged Kumar and other Christians under the state's anti-conversion law.<sup>30</sup>

The incidents mentioned here are merely the tip of the iceberg for a long list of violence and prosecutions under the anti-conversion laws. All too often, violence against religious minorities has the tacit approval or even assistance of government actors.

## REQUEST

In 2008, the U.N. Special Rapporteur recommended that the anti-conversion laws be changed.<sup>31</sup> She stressed that "[t]he laws and bills on religious conversion in several Indian states should be reconsidered since they raise serious human rights concerns".<sup>32</sup> In the thirteen years since her recommendation, the only thing that has changed is that it is now clear that the laws not only should be changed, they must be repealed.

This Council should take swift action by calling on India to repeal the anti-conversion laws and ensure that all of India's citizens can peacefully express their religious beliefs. India should be held responsible for these laws and the violence they legitimise.

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<sup>24</sup> Another Twelve Christians Arrested on False Forced Conversion Charges in India, INT'L CHRISTIAN CONCERN (22 Jul. 2021), <https://www.persecution.org/2021/07/22/another-twelve-christians-arrested-false-forced-conversion-charges-india/>.

<sup>25</sup> Id.

<sup>26</sup> Id.

<sup>27</sup> Id.

<sup>28</sup> Id.

<sup>29</sup> Arrests Trigger New Wave of Persecution in India's Uttar Pradesh State, INT'L CHRISTIAN CONCERN (16 Jul. 2021), <https://www.persecution.org/2021/07/16/arrests-trigger-new-wave-persecution-indias-uttar-pradesh-state/>.

<sup>30</sup> Id.

<sup>31</sup> Rep. of the Special Rapporteur, *supra* note 1.

<sup>32</sup> Id.