

## Hearing on policy options for advancing religious freedom in India

### U.S. Commission on International Religious Freedom Hearing

Washington DC 20 September 2023

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Thank you.

Distinguished Commissioners, good morning, bonjour.

We often tend to focus so much on the trees that we don't see the forest. Let me summarise the situation with three words: massive, systematic and dangerous.

Along with a number of UN special rapporteurs, I have expressed grave and growing concerns regarding the deteriorating situation in India. We have, in the last decade, issued numerous communications and press releases, communications being way allegations of human rights violations raised through diplomatic channels to the concerned governments.

They show a steady and alarming erosion of fundamental rights, particularly for religious and other minorities from the review of communications from 2011 to now: By 2022, almost all of them involve grave allegations of denial of fundamental rights, particularly targeting religious minorities. From 12 May 2020 to 23 May 2023, around 46 communications and an estimated 20 press releases.

The most recent is perhaps symptomatic: on 4 September, myself and 18 other colleagues expressed our alarm about reports of serious human rights violations in Manipur, including alleged acts of sexual violence, extrajudicial killings, forced displacement and other ill-treatment where the victims were from the predominantly Christian Kuki minority last May.

Beyond dry statistics such as 160 persons reportedly killed and thousands of homes and hundreds of churches burnt down, some of you will have heard of a video which circulated on social media of two women from the Christian Kuki community being paraded naked, beaten and gang raped. There was inaction from authorities until this video caught the international attention.<sup>1</sup> I saw that video, and what it showed was hatred against women because they were considered a threat, unworthy, less human because they belonged to a despised religious and ethnic minority.

It was only after the shock and outcry and pressure from outside that men from the Hindu majority were finally arrested and charged. These individuals circulated and behaved with complete impunity for months despite the highly visible, public and horrific nature of what occurred. This is not an isolated incident.

We receive multitudes of reports of attacks, rapes and lynchings of members of religious minorities, of national, state, and local religiously discriminatory policies and laws targeting religious conversion, interfaith relationships, the killing of cows, the wearing of hijabs and other practices restricted or prohibited which makes a mockery of freedom of religion and non-discrimination guarantees for religious and other minorities.

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<sup>1</sup> Caution: disturbing images and subject-matter, <https://youtu.be/JZpSINIulDg>

Human rights defenders, lawyers and journalists, face harassment, surveillance or even detention under the Unlawful Activities Prevention Act. Nongovernmental organizations have also been targeted and in some cases closed under the Foreign Contribution Regulation Act.

Let me repeat: India risks becoming one of the world's main generators of instability, atrocities and violence, because of the massive scale and gravity of the violations and abuses targeting mainly religious and other minorities such as Muslims, Christians, Sikhs and others. It is not just individual or local, it is systematic and a reflection of religious nationalism.

- There is a discriminatory citizenship determination process in Assam, and potentially other regions of the country, and which could lead to millions denied citizenship, mainly from the Muslim minority community. This process must be seen in the light of the 2019 Citizenship (Amendment) Act which provides a fast track to Indian citizenship for individuals unless they are Muslims. There are fears this may be part of an effort to create a religious and discriminatory test for Indian citizenship.
- The disenfranchisement of millions, again mainly Muslims because of their religion, through the revocation in 2019 of the special status or autonomy of Jammu and Kashmir. Now under the direct control of the central Indian government, discarding locally elected bodies, the right of political participation and representation, effectively stripping mainly Muslim and other minority residents of many of their previous political rights.
- A study noted a 786% increase in hate crimes against minorities between 2014 and 2018.<sup>2</sup> It is also widely acknowledged that hate speech and content inciting violence against religious minorities in social media in India is widespread, increasing, vitriolic, involving incitement to violence and even calls to genocide, and largely left unchallenged by State authorities. Official silence over violent attacks and rhetoric is encouraging majority nationalist groups to even more brazen violence with a religious tint.
- The violence in Manipur is also a warning of the dangers of inaction. The danger is that left alone many more 'Manipur' may erupt. India ranks as eighth country at the highest risk of mass killings.<sup>3</sup> This is mainly because of the targeting of religious and other minorities, and is symptomatic of large-scale scapegoating and dehumanising of Muslims and religious 'others' that could lead to a slide towards horrific atrocities.

There is of course much more that could be said time permitting, but I have a written summary which I can share with the Commissioners if this would be of any assistance.

Thank you.

### **Additional Information**

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<sup>2</sup> Dominance of Majoritarian Politics and Hate Crimes Against Religious Minorities in India, 2009-2018, Deepankar Basu, Political Economy Research Institute.

<sup>3</sup> Early Warning Project, 2022-23 Statistical Risk Assessment for Mass Killing, <https://earlywarningproject.ushmm.org/countries/india>

With national elections scheduled for early 2024, there are concerns that the targeting of minorities, and human rights defenders will worsen. Indian authorities have not taken any tangible steps to hold [perpetrators of abuses](#) against minorities to account. Indian authorities have not engaged constructively with criticism, boasting instead of democratic values and the rule of law. Some senior [leaders](#) have either [remained silent](#), or have indeed contributed, through their own [rhetoric](#), to the [hostile](#) environment against religious minorities. There has been a dismantling of basic freedoms and democratic backsliding, a trend captured by several indicators on [global freedom](#), [press freedom](#), [internet freedom](#) and the targeting of [civic space](#) and HRDs. Indian justice system has not always intervened with the legal force and independence that such a situation would require to safeguard constitutional rights and reassert the duty of India to uphold its international human rights obligations.

These views re shared by [experts](#), [NGOs](#) and [governments](#) monitoring risk of mass atrocities.

The gravity of these long-standing developments is compounded by the absence of a UN human rights presence in India as well as the lack of a robust independent national human rights mechanism in India. Regrettably, India has not engaged with the Special Procedures in years, as it rarely responds to letters nor received visits by Special Procedures since 2017. Communications from the Special Procedures are largely disregarded.