

USCIRF Hearing on
Targeted Sanctions: Implications for International Religious Freedom
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Religious Freedom violations and case for imposing Targeted Sanctions on State and Non-State actors from India

Introduction

Targeted sanctions are one among many of the US foreign policy tools as part of the comprehensive strategy for addressing corruption, human rights and religious freedom abuses. The application of such sanctions is directed at individuals, corporations and entities travel bans and asset freezing. The 2016 Global Magnitsky Human Rights Accountability Act, Presidential Executive Order 13818, Presidential Executive Order on Advancing Inattentional Religious Freedom, 7031 © Annual Appropriations act, INA 1182 (US Federal Code), Presidential Proclamation 8697, are among few of the tools as part of the wider foreign policy designed to curtail religious freedom and human rights violations and sends a strong message to global community to restore the essential rights. Though the freedom of religion or belief is guaranteed by article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political rights and declaration on the elimination of all forms of Intolerance and of discrimination based on religion or belief.¹ but it remains challenged in the developing world especially India which is noticing a sharp decline in democratic values under Prime Minister Modi's leadership. Though Modi is stressing to the world leaders to contain the threat of Islamic radicalization but the real threat to India and the world comes from a radicalizing Hindu majority fueled by increasingly brazen, violent anti-muslim, Sikhs and Christians bigotry of Modi's own party². The US Congress, Executive Branch and Civil society, including human rights defenders, is tasked to play a key role in holding kleptocrats and abusive actors accountable under the most coercive environments.

Rising cases of Sikh Holy Scripture sacrilege

Under a deep-rooted conspiracy of the Modi government and Hindutva groups, the sacrilege cases of the Sikh holy scripture (Living Guru of Sikhs) have been on continuous rise in the state

¹ <https://www.ohchr.org/en/issues/freedomreligion/pages/standards.aspx>

² <https://www.haaretz.com/world-news/for-muslims-in-modi-s-india-echoes-of-1930s-germany-are-growing-louder-1.10241729>

of Punjab. To counter the cases of sacrilege two bills passed by the Punjab Assembly in 2016 establishes life imprisonment for “sacrilege of Sikh holy Scripture³” but none of the perpetrators has been held and the cases are continuously on rise⁴. **The period of 2015-2017 witnessed over 100 cases of sacrilege of the Sikh Holy Scripture in Punjab itself⁵**. Another report takes the toll to 170 cases of Holy scripture sacrilege and cites that almost 6 years have passed, and 6 panels have failed to solve the sacrilege and firing cases from June 2015⁶. In one of the recent sacrilege incident, the victim bled to death admitted to have been paid a huge amount and further claimed that 20 more people⁷ have been sent from Punjab to commit holy scripture sacrilege at a farmers protest site. Lawyers for the Human Rights International findings confirmed the victim allegedly desecrated the Sikh Holy Scripture, before being killed by angry members of Nihang sect⁸. This is a deliberate attempt by Modi government to discord communal disharmony in the State. **As we have seen in the recent case of Bangladesh, the violence attack on Hindus started after the sacrilege of Islamic Holy Scripture, ‘Quran’, placed under the feet of hindu deity⁹**.

Mass eviction of Muslims in Assam under CAA and Muslim businesses targeted across India

As part of the implementation of CAA, NRC more than 5000 Muslims have been rendered homeless after eviction drive in the State of Assam and they eventually would be deported from the country. One article put the numbers to 20000¹⁰ ¹¹and another leading foreign affairs magazine (The Diplomat) has put the number to 7000¹². The Home Minister of India has silently issued the gazette notification to quite a number of states to start implementing the citizenship act without the rules in place¹³.

In response to the abrogation of article 370 and 35A, and months of restrictions imposed by Modi government has deteriorated the situation in Kashmir, many young and educated people have been found to be missing every other day and joining the path to militancy¹⁴ which further has led

³ <https://www.loc.gov/item/global-legal-monitor/2018-09-10/india-punjab-passes-amendments-to-indian-penal-code-and-code-of-criminal-procedure-making-sacrilege-of-certain-religious-texts-a-crime/>

⁴ <https://www.loc.gov/item/global-legal-monitor/2018-09-10/india-punjab-passes-amendments-to-indian-penal-code-and-code-of-criminal-procedure-making-sacrilege-of-certain-religious-texts-a-crime/>

⁵ <https://www.newindianexpress.com/nation/2017/apr/18/why-has-the-sikh-holy-book-been-desecrated-over-a-100-times-in-punjab-all-you-need-to-know-1594993.html>

⁶ <https://www.tribuneindia.com/news/punjab/6-years-on-6-panels-fail-to-solve-sacrilege-firing-cases-240540>

⁷ <https://timesofindia.indiatimes.com/city/amritsar/singhu-killing-punish-culprits-says-skm/articleshow/87051472.cms>

⁸ <https://theprint.in/india/singhu-victim-did-commit-sacrilege-before-being-lynched-human-rights-lawyers-probe-finds/754516/>

⁹ <https://www.straitstimes.com/asia/south-asia/deadly-violence-in-bangladesh-over-quran-desecration>

¹⁰ <https://www.kmsnews.org/kms/2021/09/23/massive-eviction-drive-in-assam-leaves-20000-muslims-homeless.html>

¹¹ <https://www.middleeastmonitor.com/20210930-kuwait-lawmakers-condemn-atrocities-against-indias-muslims/>

¹² <https://thediplomat.com/2021/10/assam-governments-eviction-drive-kicks-up-controversy/>

¹³ <https://theprint.in/india/governance/with-caa-rules-nowhere-in-sight-centre-allows-5-states-to-implement-religion-based-citizenship/667878/>

¹⁴ <https://www.bbc.com/news/world-asia-india-58025062>

to the increasing targets of Modi supporters/leaders in the valley. The attempt to establish Kashmir into a Hindu majoritarian state¹⁵ is leading to destabilization of situation in valley. The Muslim business are more frequently targeted by Hindutva groups¹⁶ and BJP leaders through various parts of the country¹⁷. Muslims have been blocked by Hindutva organization against offering of the prayer in public places¹⁸. The support of local administration officials, police and BJP state and central leadership to Hindutva groups is leaving this minority with no option. **One of the TIME magazine article goes onto describe the continued killings, lynching, cow vigilantism, Love-Jihad (anti-conversion) law, evictions of families in Assam under citizenship drive and targeting of muslim hawkers and vendors (as part of complete economic boycott¹⁹) as beginning of anti-muslim genocide²⁰.** Another New York times article notes that State of Assam is evicting even those Muslims who have been legally living over there²¹.

During the revocation of Article 370 and 35A, the Head of State from Indonesia, Malaysia and Turkey questioned the necessity of CAA and used the phrase 'widespread massacre of Muslims', 'people are dying' to condemn Delhi riots. Turkey has on continuous note raised the matter of Kashmir at UN General Assembly in 2020 and 2021²².

In a recent Senate Hearing on October 5th 2021, the Facebook whistle blower, Frances Haugen cited the company's internal document titled, '**Adversarial Harmful Networks-India Case Study**', which says that RSS promoted anti-muslim narratives on Facebook. The record further says; **"RSS Users, Groups, and pages promote fear mongering, anti-muslim narratives targeted pro-hindu populations with violence and inciting intent"**. The misinformation spread by RSS claims that "Quran calls for men to rape their family members²³".

Christians facing 'existential threat' under Hindu Nationalists

Christian persecution is consistently on high rise in India. During one of the attacks in April 2021 in the Jharkhand's Khala Village Christians are not allowed to socialize with other members of the society and anyone caught attending Christian worship or socializing with Christians would receive 51 blows from a lathi, a bamboo club bound with iron and a fine of \$330. The families are forced to secretly worship in homes. Mobs regularly organize social boycotts against Christians,

¹⁵ <https://foreignpolicy.com/2021/08/11/modi-is-trying-to-engineer-a-hindu-majority-in-kashmir/>

¹⁶ <https://www.telegraphindia.com/india/hindutva-groups-in-north-india-accused-of-forcing-meat-shops-to-shut-during-navratri/cid/1834628>

¹⁷ <https://www.aljazeera.com/news/2021/9/27/india-muslims-livelihoods-islamophobia-hindu-groups>

¹⁸ <https://thewire.in/communalism/hate-watch-hindutva-meat-shop-ban-navratri>

¹⁹ <https://www.thequint.com/news/india/hindutva-groups-called-for-economic-boycott-of-muslims#read-more>

²⁰ <https://time.com/6103284/india-hindu-supremacy-extremism-genocide-bjp-modi/>

²¹ <https://www.nytimes.com/2021/10/17/world/asia/india-assam-muslim-evictions.html>

²² <https://theprint.in/opinion/not-all-muslim-nations-love-modi-this-is-why-iran-malaysia-turkey-dont/376591/>

²³ <https://theprint.in/tech/facebook-knew-rss-promotes-anti-muslim-narratives-but-took-little-action-whistleblower-says/747033/>

disrupt church services and falsely accuse them under the anti-forced conversions laws that are in effect in several states in India²⁴.

Another article from Guardian, Oct 3 2021, states that India's Christians living in fear as claims of forced conversion swirl²⁵. **A report by Open Doors, titled, "Destructive Lies", provides disturbing account of widespread violence and intimidation, with Christians at risk of harassment, rape and murder in States of Odisha, Madhya Pradesh, Chhattisgarh, Jharkhand and Karnataka. The report further goes to warn that Christians in India face "existential threat" at the hands of violent hindu nationalists.**²⁶ Another article by UCA documents let alone 200 cases of attacks on Christians in past 2 years²⁷. The church services in Hubli, Karnataka was stopped by Hindutva organizations and an FIR against pastor was made for allegedly over converting Dalit into Christianity²⁸. In the month of October 2021 itself, 10 cases of religion based communal violence on Christians have come out in the state of Karnataka²⁹.

Spillover effect of Hindutva ideology outside India and its consequences on geopolitical situation

The **attack on the US academic freedom by the Hindutva groups** based out in India and US points towards the danger to which the societies have been made to push through. Some 1100+ professors from universities likely of Harvard, Princeton and Stanford joined a global call on 'Dismantling Hindutva' in the month of September 2021. Most of these professors were issued with rape and death threats for their association with the conference and many feared to go back to India^{30 31}. Prof. Audrey Truschke from Rutgers University notes that, "For more than 5 years, I have received hate mail from Hindu supremacists every single day. I have been target of so many death and rape threats that I have lost count".

During the farmers protests many **Sikhs living in different parts of the world (Australia, Canada) have been targeted and attacked by Hindutva Groups and termed as anti-national**³². The Australian Senator David Stonebridge speaking in favor of peaceful farmers protest raised the strong objection to the growing presence of Vishwa Hindu Parishad in New

²⁴ <https://www1.cbn.com/cbnnews/2021/april/persecution-rises-in-east-india-christian-family-attacked-threatened-by-local-police>

²⁵ <https://www.theguardian.com/world/2021/oct/04/india-christians-living-in-fear-claims-forced-conversions>

²⁶ <https://www.christiantoday.com/article/indias.christians.are.facing.an.existential.threat.open.doors/137033.htm>

²⁷ <https://www.ucanews.com/news/attacks-on-christians-go-unpunished-in-indian-state/93924>

²⁸ <https://indianexpress.com/article/cities/bangalore/karnataka-pastor-arrested-dalit-man-convert-christianity-7578745/>

²⁹ <https://www.thequint.com/news/politics/violence-muslim-christian-communal-violence-hindutva-rise-karnataka>

³⁰ <https://www.theguardian.com/world/2021/sep/09/death-threats-sent-to-participants-of-us-conference-on-hindu-nationalism>

³¹ <https://clarionindia.net/defying-death-threats-unprecedented-pressure-us-conference-debates-spectre-of-hindutva/>

³² <https://www.trtworld.com/opinion/sikhs-fall-victim-to-rising-hindu-nationalism-in-australia-44851>

South Wales School. One such individual deported back to India for attack on Sikhs in Australia receives a warm welcome and presented as national hero by Hindutva ideology supporters³³.

To the rising anti-muslim violence in India, **Princess Hend Al Qassimi from Royal Family of Sharjah responds that, “Hatred spread by Hindutva is not welcome in Emirate. It is illegal in UAE”**. She further notes, ... your rudeness is not welcome. ... You make your bread and butter from this land which you scorn and your ridicule will not go unnoticed.” A religious scholar in Saudi Arabia, Sheikh Abidi Al Zahrani, **called for the listing of “militant Hindus” in the Gulf Cooperation Council (GCC) countries** who were “spreading hate against Islam, Muslims or our beloved Prophet” under the hashtag **“Send Hindutva Back Home”**.

In **Pakistan during the month of August 2021 a Hindu temple was vandalized** but the immediate intervention by the government helped to restore it³⁴. In another incident in March 2021, nearly a century old Hindu temple in Rawalpindi was destroyed³⁵. In December 2020 a hindu temple in Keri Village of Karak district was destroyed³⁶. In 3 separate incidences the Hindu places of worship has been targeted by mobs in Pakistan in month of October and November 2020. These incidents have frequented in neighboring countries in response to the anti-muslim violence in India.

In another alarming incident with rise in communal violence, the **Hindus living in Bangladesh and their places of worship have been targeted and vandalized owing to the rising hindutva supremacy in India**³⁷. The situation turned such volatile that Bangladesh Prime Minister Sheikh Hasina had to intervene and send a warning message to India to intervene and stop the violence against the Muslims in India or Hindus could get affected in Bangladesh³⁸. The international expansion of this communal violence in India is dangerous for the geopolitical situation in the region. The continuous failure of acknowledgement by India against the Indian minorities, let alone, is now making Hindus vulnerable to targeted attacks in other countries.

People across Middle Eastern countries have started a campaign on social media to boycott Indian products to protest against the Assam Police brutality against Muslims eviction drive³⁹. On October 1st 2021, Kuwait National Assembly condemned the atrocities on muslims in India⁴⁰ and called for a boycott of Indian goods. Oman, Qatar and other Gulf nations have joined the boycott call.

Oman’s Grand Mufti Sheikh Ahmed Al Khalili, one of the most influential clerics in the country, had tweeted on September 28, about violence against Muslims in India. He claimed

³³ <https://sabrangindia.in/article/deported-australia-hate-crimes-vishal-jood-gets-heros-welcome>

³⁴ <https://www.aljazeera.com/news/2021/8/10/temple-attacked-in-pakistan-returned-to-hindus-after-repairs>

³⁵ https://www.voanews.com/a/south-central-asia_police-attackers-damage-hindu-temple-pakistan/6203882.html

³⁶ <https://www.hindustantimes.com/world-news/hindu-temple-in-pakistan-vandalised-set-on-fire/story-06WMhxga1WvRXA4shTjtII.html>

³⁷ <https://www.theweek.in/news/world/2021/10/15/hasina-warns-india-against-incidents-that-could-affect-hindus-in-bangladesh.html>

³⁸ <https://scroll.in/article/1007964/why-bangladesh-warned-india-over-anti-hindu-riots-even-though-modi-government-praised-it>

³⁹ <https://www.siasat.com/assam-police-brutality-gulf-calls-for-boycott-of-indian-products-over-anti-muslim-violence-2200463/>

⁴⁰ <https://www.middleeastmonitor.com/20210930-kuwait-lawmakers-condemn-atrocities-against-indias-muslims/>

the violence in India was “a blatant aggression against Muslim citizens at the hands of extremist groups—supported by official bodies—it hurts everyone with a conscience.”

The continued denial of PM Modi is grossly disturbing the religious freedom situation in South Asia and allowing the internal conflicts to grow further. The retaliatory measures by neighboring and middle eastern countries should be taken on serious note as it might have long time repercussions on bilateral relations between Indian and other countries.

US Congressional tools dedicated to address human rights and religious freedom violations worldwide

Sanctions are a critical tool of foreign policy available to US policymakers in the administration and in Congress, as they provide more leverage than is available in traditional diplomatic negotiations without the many downsides of military action if applied in a coordinated manner⁴¹. On March 22nd, 2021, 27 nation EU bloc, US, UK and Canada launched targeted coordinated sanctions against Chinese officials over Human rights abuses in the far western Xinjiang region⁴².

With the growing religious freedom violations across the different parts of India and the continued impunity to Hindutva goons by Modi government, the US government may consider to step up its bona-fide efforts through the congressional tools as part of the wider foreign policy implications. The 2016 Global Magnitsky Human Rights Accountability Act, 7031 ©, Presidential Proclamation 8697, Presidential Executive Order 13818, INA 1182 of US Federal Code, Presidential Executive Order on Advancing International Religious Freedom are among wide array of congressional tools designed to send message to freedom violators community to mend their ways. The wider use of 7031 © by the Trump administration on the state and on-state actors from China, Russia, Burma, Iran and other violator countries did send out a direct message to the global community that religious freedom violations would not be tolerated under the US laws. Although it represents a small array from the large pool of human rights and religious freedom violators, however countries such as India, under the current ruling political party in India, are attempting to grossly misuse their cordial relations with US as a shadow to commit gross violation of human rights and religious freedom. The imposition of targeted sanctions through these congressional tools must be expanded to India which has noted the degradation in its democracy dynamics in the past several years and deliberating with its efforts to do further.

Targeted Sanctions may prove effective tool against religious freedom violators from India

Among various US lawmakers critical of human rights and religious freedom violations in India, the Senate Foreign Relations Committee Chairman Hon’ble Senator Robert Menendez in one of his letters to Secretary of Defense in March 2021 did urge the top US official to relay the message to India on curtailing the human rights violations and adhering to the principles of democracy and

⁴¹ <https://www.atlanticcouncil.org/blogs/new-atlanticist/sanctions-are-effective-if-used-correctly/>

⁴² <https://apnews.com/article/eu-sanctions-4-china-officials-uyghur-abuses-bf221f9c5d495f82c384a34a713b2d26>

human rights⁴³. Senator further goes to point that, “We should seek to partner with India to address challenges from China to Climate Change but doing so we cannot let our democratic values fall apart”. USCIRF, as a leading prestigious religious freedom monitoring body, for the 2nd year in a row, has recommended the US State Department to impose targeted sanctions against the state and non-state actors involved in religious freedom violations.

Until now, the deviation of US government from slapping the sanctions on state and non-state actors from India is only offering the leeway to take the religious freedom and human rights violations to next level. The impunity offered by the Modi government to his party members and other hindu nationalists (RSS, VHP, Bajrang Dal and other aligned Hindutva organizations) has led to the killing and lynching of muslims, mass evictions of muslims in Assam, targeting of Sikhs as being separatists and terrorists, alarming rate of religious conversions in Punjab, vandalizing the churches, silencing the human rights critics and the sharp decline in press freedom across various states in India. Most of these violations may get covered by these congressional tools available with US government.

The subsequent US administrations has not only been the strong promoters of human rights and religious freedom but has implemented those congressional tools (visa bans and assets freezing) crucial to save the religious beliefs of minorities around the world.

Through this written statement:

We request the US government not to deviate itself from the fundamental principles of democracy and human rights when it comes to restoring these values in context to India. The lack of commitment expressed by the Modi government to restore democratic values and adopt the authoritarian agenda is only going to give the way for internal conflicts to grow and destabilize the geopolitical situation in neighboring countries, Bangladesh, Kuwait, Oman, Qatar, UAE, Gulf Cooperation Council, Pakistan, Malaysia, Indonesia and Turkey.

Some of the Ultra Nationalist Hindu leaders involved in hate speech during February 2020 North East Delhi Muslim pogrom and 2013 Muzaffarnagar communal violence may be considered as cases for targeted sanctions. We further request the US State Department to consider publicly designating the religious freedom violators from India.

⁴³ <https://www.menendez.senate.gov/newsroom/press/menendez-urges-secretary-austin-to-use-upcoming-trip-to-india-to-discuss-democracy-human-rights-and-opposition-to-s-400-missile-system>