

Minority Rights in India Developments Jan-June 2023

HUMAN RIGHTS IN THE EU-INDIA RELATIONSHIP

- The 2020 EU-India Strategic Partnership: A Roadmap to 2025 aims at strengthening EU-India dialogue mechanisms and addresses a breadth of interrelated topics.
- The partnership is rooted in "shared values of freedom, democracy, pluralism, the rule of law, equality, respect for human rights".
- The EU's foreign policy is rooted in the promotion of human rights, as enshrined in Article 21 TEU.
- European Parliament Recommendation (2021/2023(INI)) of 29 April 2021 headed by AFET standing rapporteur on India Alviina Alametsä problematizes the crumbling rule of law and human rights situation in India.

WARNING SIGNS OF GENOCIDE

Genocide Watch, a leading think tank that predicted the Rwandan Genocide, as well as the United States Holocaust Memorial Museum, have issued a [genocide warning for India](#). The [Early Warning Project in 2023](#) ranks India as 8th highest-risk of concern for mass atrocities against religious minorities among 162 countries. A [2021 report by an Independent Panel of Experts](#), under guidance of Dr Fatou Bensouda, former Prosecutor of the International Criminal Court, found credible evidence of serious human rights violations, as well as crimes under international criminal law, committed against Muslims in India. They [write](#): "From 2019 onwards, mob lynching and other forms of hate crimes committed by private individuals against Muslims, which rose dramatically after the BJP came to power in 2014, have continued. In many of these cases, authorities either failed to intervene or did little to investigate and prosecute the persons responsible." Specific potential crimes against humanity were identified in August 2019 in Jammu and Kashmir and in 2019 in Uttar Pradesh.

HINDU SUPREMACIST VIOLENCE

It is not the case that religious violence are equal clashes, but cited that most communal violence in recent years is incited by Hindu supremacists. In the over 1369 verified instances of communal violence in the [DOTO Database](#), physical assaults and lynching since 2017 (status: 20 May 2022), the majority of victims are Muslims. Most recorded attacks take place due to religious identity, second most due to cow slaughter or beef transport (an activity associated with Muslims).

CONSPIRACY THEORIES TO LEGITIMISE VIOLENCE

Muslims are subject of several conspiracy theories, ranging from "[love jihad](#)" (that Muslim men marry Hindu women to forcibly convert them) to "[narcotics jihad](#)" (that Muslims are using drugs to spoil the lives of non-Muslims).

VIGILANTE VIOLENCE (EXAMPLE: COW VIGILANTISM)

On June 24, a Muslim man was reportedly [beaten to death](#) and another severely injured by Hindu supremacists in Maharashtra state. They were travelling in a car and a cow vigilante mob accused them of transporting beef. Such lynchings take place several times a month: On June 8, a Muslim man was lynched and another injured after they were [assaulted](#) by a Hindu supremacist group in Maharashtra state. On May 17, a Delhi-based cow vigilante group reportedly stormed a slaughterhouse and [assaulted](#) two Muslim men. Several [similar incidents](#) took place across 2023.

ATTACKS ON RELIGIOUS PLACES BY POLITICAL LEADERS

On June 20, four people, including a lawmaker from the ruling BJP, allegedly [set a mosque](#) in Alwar, Rajasthan, on fire. On June 24, Indian military personnel reportedly entered a mosque in Kashmir during prayers and [forced Muslims to chant "Jai Shri Ram"](#) (Hail Lord Ram), a Hindu religious slogan that has been turned into a warcry by Hindu supremacists.

BULLDOZING OF HOMES

There is a surge in demolitions that violate due process across India, colloquially called "[bulldozer raj](#) [[rule](#)]". In June 2022, three United Nations Special Rapporteurs condemned demolitions across India, which they allege deliberately target Muslims through "[collective punishment](#)".

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ARRESTS OF PRIESTS FOR ALLEGED FORCED CONVERSIONS

In June 2023, an Archbishop and a nun were arrested for allegedly forcing Hindu children to convert to Christianity at an orphanage. Although there was no aggrieved party who brought a complaint, which is a requirement under the local law, the police took action solely after a government body found a bible in the possession of students. These occur with a frightening regularity, see for instance news of a raid in May, and the arrest of 2 pastors for alleged forced conversions in March.

HATE SPEECH IN PRESENCE OF LAWMAKERS

During May 2023, there were three separate instances of events where speakers delivered anti-muslim speeches in the state of Maharashtra alone. One of these events was attended by Shrikant Shinde, a Member of Parliament from the Shiv Sena party and the son of Chief Minister Eknath Shinde. During two of the rallies, it was noted that at least one speaker made references to weapons.

RELIGIOUS CRITERION FOR CITIZENSHIP

The Citizenship Amendment Act 2019 (CAA) allows the government to fast-track asylum claims of irregular immigrants from specific communities. The OHCHR called the CAA 'fundamentally discriminatory in nature', as it adds a religious criterion to citizenship and specifically excludes Muslims, despite India being secular by constitution. Home Minister Amit Shah announced that a National Registry of Citizens (NRC) would be conducted for the whole of India. In Assam, the NRC has already rendered 1.9 million citizens stateless. The NRC coupled with the CAA risks mass statelessness of Muslims and other marginalised groups, leading to mass protests across the country that were brutally quelled.

CRIMINALISATION OF COW SLAUGHTER

23 out of 29 states in India have introduced laws criminalizing cow slaughter, trade, and consumption of beef with harsh sentences. In the State of Gujarat, the punishment for cow slaughter was increased to life imprisonment. Especially in Haryana, the police collaborates with "cow vigilante groups", who attack individuals they accuse of cow slaughter.

ANTI-CONVERSION LAWS

At least 10 BJP-ruled states have passed laws requiring governmental permission for religious conversion for marriage, which are justified with reference to the conspiracy theory that Muslim men trick Hindu women into conversion.

VIOLENCE IN MANIPUR

In the state of Manipur, over 100 people have died in violent clashes that erupted between tribals and non-tribals. At least 250 churches have been reportedly burned. Within the first four days, at least 1700 homes were destroyed. This development comes after a longstanding ethnic conflict between the Meitei (mostly Hindu) and the Kuki (mostly Christian), but the ethnic conflict has taken a religious and Hindu supremacist spin. Local activists accuse the BJP government of targeting Kukis over the past years. There have been concerns about a rise of Meitei nationalism, and an increase in militant groups, coinciding with the BJP assuming power in Manipur in 2017. Earlier in 2023, in Manipur, three churches were demolished by the administration for alleged illegal construction on government land. In response to the recent violence, the state government has imposed a curfew, shut down internet services, and issued "shoot-on-sight" orders on May 4 to enforce the curfew. The Indian Army deployed an estimated 10,000 troops and paramilitary forces.

DAILY DISCRIMINATION

According to a new research paper, the degree of segregation experienced by Muslim and Scheduled Caste communities in Indian cities is comparable to the segregation issues faced by Black and White populations in the United States. See also this chapter in Oxford University Press on every day discrimination against Muslims in India, and this AlJazeera article on discrimination in the job market faced by Muslim women. Similarly, while temples can play loud music, mosques are not allowed to, as reported in 2022.

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STEPS AHEAD

- These developments were laid out a webinar organised by Indian diaspora organisations The London Story, Indian American Muslim Council, Hindus for Human Rights, UK Indian Muslim Council, and Scottish Indians for Justice. The speakers were:
- **Dr. Ritumbra Manuviel** is a permanent member of Faculty at the University of Groningen and also the founder of Stichting The London Story.
- **Dr Fatou Bensouda** is a Gambian lawyer and former Prosecutor of the International Criminal Court (ICC). She is currently serving as the Gambian High Commissioner to the United Kingdom.
- **Father Cedric Prakash** is a Jesuit priest and human rights defender on an unconditional and relentless quest for justice and harmony. He has received the Legion of Honour by France (2006), the Mother Teresa International Award (2013), and several other awards.
- **Kavita Srivastava** is President of the People's Union for Civil Liberties (PUCL), India's largest human rights organisation.
- **Ambassador Stephen Rapp** is the former United States Ambassador-at-Large for War Crimes Issues and former Prosecutor of the Special Court for Sierra Leone from 2007 to 2009.

The speakers called for **international attention** by actors Prime Minister Modi meets. The EU and US, for example, should address human rights when speaking with Indian government officials, such as Prime Minister Modi, and hold the Indian government accountable to their claims of religious tolerance and constitutional protection of minorities. Amp Stephen Rapp recommended a joint press conference wherever Indian officials conduct a state visit. The European Parliament Intergroup on Freedom of Religion in its 2021 report considered India to be the country of most concern. The 2023 USCIRF report cites India as being a "country of particular concern" regarding freedom of religion and belief.

The speakers called for **international criminal action**. Fatou Bensouda noted: "Today we have seen enough situations and examples, enough atrocity crimes committed so regularly, that we do not have any doubt that there is responsibility to act now, at the highest level to try and stop this. [...] "What is happening against the Muslim minorities, these are crimes under the Rome Statute that are punishable." She noted that while India is not a state party to the Rome Statute of the ICC, action could be taken through cross-border implications (as was done for Myanmar), or via the UN Security Council. She encouraged civil society to try to engage the Security Council, even "one may think this is of no use".

