

Hindus for Human Rights

Dr. Ahmed Shaheed
United Nations Special Rapporteur on Freedom of Religion or Belief
Via Email: submissionsreligion@ohchr

Dear Dr. Shaheed:

Hindus for Human Rights (HfHR) is a U.S.-based advocacy organization that is committed to the ideals of multi-religious pluralism in the United States, India, and beyond. HfHR presents this report on the state of religious freedom in India to highlight the alarming trend of religious minorities being increasingly targeted for their beliefs. In the wake of the Bharatiya Janata Party's (BJP) re-election in May 2019, the government has enacted policies that actively discriminate against the country's Muslim citizens while failing to stop violence against these communities. We believe it is imperative that we speak up as Hindus to support the continuation of India's historic secularism while condemning injustices perpetrated by Hindu nationalists.

ISSUES OF CONCERN

The Citizenship Amendment Act

The enactment of the Citizenship Amendment Act (CAA) created a fast track to citizenship for non-Muslim migrants from Afghanistan, Bangladesh, and Pakistan currently residing in India. At the same time, the government approved the use of a National Population Register (NPR) to eventually create a National Register of Citizens (NRC). While the CAA's text is couched in language purportedly focused on providing refuge for persecuted minorities, CAA and NPR threaten to undermine the secular principles outlined in India's Constitution and threaten the citizenship of 182 million Indian Muslims.

In June 2018, the state of Assam adopted a state-level NRC as a means of identifying illegal migrants. 1.9 million Hindu and Muslim residents--mostly of Bengali origin--were left off the list, threatened with statelessness and possible deportation. The BJP designed the Citizenship Amendment Act to allow Hindu migrants lacking documentation a pathway to citizenship, while denying the same right to Muslims. In combination with a nationwide NRC modeled after Assam's NRC, CAA could cause millions of Muslims who may lack acceptable documentation to lose citizenship, facing statelessness, deportation, and/or long-term detention. India has already begun to build [large detention centers](#) in Assam designed to hold millions of undocumented immigrants.

Proponents of the CAA argue that the law does not target current Muslim citizens of India. But for many poor or uneducated families, a lack of strong recordkeeping or illiteracy may keep them from being able to produce required documents, [as was illustrated in Assam](#). Households headed by women may also be particularly at risk. Even with documentation, people have been excluded from the NRC due to minor

inconsistencies and anti-minority bias. While non-Muslims who fail to meet documentation requirements will likely be protected by CAA, Muslims will not be protected, threatening the citizenship of some of the most vulnerable people in India whose families have lived in the country for generations.

While the law purportedly claims to be helping persecuted minorities in Afghanistan, Pakistan, and Bangladesh, the exclusion of Muslims prevents persecuted Muslim groups, such as Ahmadi and Shia Muslims, from seeking refuge in India. The law poses a dangerous threat to India's secularism and freedom of religion under the guise of refugee policy and is designed with the aim of creating a Hindu Rashtra (Hindu state) that relegates Muslims to a second-class status. This law is reason alone for India to be censured for religious freedom violations.

Religiously-Motivated Mob Violence

Mob violence against religious minorities continues to be pervasive throughout India. Attacks continue against people suspected of cow slaughter or beef consumption, mostly targeting Muslims and Dalits. In one egregious case in Jharkand, a Hindu mob tied Tabrez Ansari, a Muslim man, to a lamppost and forced him to chant "[Jai Shri Ram.](#)" A year after India's Supreme Court instructed the state and central government to take action to stop the lynchings, the central government and 10 states had failed to come into compliance. In fact, the Home Minister ordered the National Crime Records Bureau [to remove lynchings](#) from the 2019 crime data report.

Furthermore, in the wake of protests against the Citizenship Amendment Act, violence carried out by Hindu mobs attacked Muslims in North East Delhi. 53 people died in the rioting, two-thirds of whom were Muslim. There were also reports that police officers failed to curtail the violence, even [partaking in beatings](#). This was the worst incident of Hindu-Muslim communal violence in Delhi [since the Partition](#).

Muslims in India, such as [22-year-old Mehboob Ali](#), are also facing violent attacks as a result of rumors that Muslims are spreading the novel coronavirus (COVID-19). A #CoronaJihad hashtag has trended on Twitter and misleading information has been widely shared on social media. Statements from the government and national media have propagated claims that Muslims are to blame for the spread of COVID-19, and Muslims have increasingly come under attack. In one case, Muslim volunteers distributing food to the poor came [were attacked with cricket bats](#) from members of the Rashtriya Swayamsevak Sangh, a Hindu nationalist group with close ties to the BJP.

Human Rights Violations in Kashmir

In August 2019, Modi's government suspended Article 370 of the Indian Constitution, demoting Kashmir--India's only majority Muslim state--from a state with special status to a union territory. Since then, the

region has been under a near-total blockade imposed by the Government of India. With complete suspension of phone service, internet, and travel, as well as a media blackout, the people of Kashmir were already reeling prior to the onset of COVID-19. Now, the seven million citizens in the Kashmir Valley are in double jeopardy, with no ability for human rights groups to assess their situation first-hand.

While the Indian government continues to claim that the situation is normal, reports from the ground say otherwise. Thousands of Kashmiris, including a former Chief Minister, Mehbooba Mufti, continue to be under detention; the so-called restoration of the Internet is deliberately kept at 2G levels to prevent people sharing stories of their travails; and children have not been in school for over nine months.

It is becoming increasingly clear that the end goal of the government is to [change the demographic make-up of the state](#) after breaking the will and morale of the Kashmiris to resist.

We quote from a recent [letter to the U.N. Secretary General from international scholars](#):

“Hindu nationalists have...now been emboldened to continue their project and operationalize the forced demographic change of IAJK in favor of Hindus, conduct which constitutes a crime against humanity and a grave breach of the Fourth Geneva Convention...To that end, GoI has, among other things, implemented a new Domicile Law.”

The Government of India is actively infringing upon the rights of Kashmiri Muslims to have civil and political rights, restricting their participation to select elected officials, go through a fair justice process, and freely express themselves, whether that is through individual means, the media, or public protest. These attempts to stifle the Kashmiri people are being made to control the region while Hindu settlers migrate to the region, changing the demographics of the population and making the BJP's goal of a Hindu Rashtra easier to achieve.

RECOMMENDATIONS

1. The Government of India and United Nations Member States advocate for concrete actions toward greater religious freedom, imagining and creating a world where religious minorities can practice freely without fear of violence or threats to their citizenship.
2. Member States should condemn countries that violate basic tenets of religious freedom, enacting targeted sanctions when incidents of violence or injustice are particularly egregious (such as state-sanctioned ethnic cleansing). Sanctions can target officials responsible for religious freedom violations and technologies/companies involved in surveillance/violence/other targeting of religious minorities.
3. Member States should pressure the Government of India to allow independent observers to enter Kashmir to investigate allegations of human rights violations.

HfHR stands ready to work with your office to help document and combat violations of religious freedom in India and around the globe. Please let us know how we can support your efforts. We look forward to future collaboration.

Sincerely,

Hindus for Human Rights Board of Directors