



# A People's Recommendation on EU-India Relations

September 2023

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## Introduction

In 2021, the EU and India launched a strategic partnership and kickstarted negotiations for a Free Trade Agreement. As this relationship evolves, it is crucial for civil society to be actively involved to shape how the two partners engage.

What can an action plan look like for strengthening the EU-India partnership, keeping human rights and human security as the focal centre of growing business and trade collaborations between EU and India?

In the following, we present a People's Recommendation on EU-India relations 2023, which sets civil society's minimum standards for this relationship to operationalise and institutionalise commitment to human rights and democracy.



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## Methodology

This people's recommendation on EU-India relations is the outcome of a structured civil society-organised consultation process in several phases.

Foundation The London Story, a non-profit organisation led by Indian diaspora in Europe, convened a 2.5 hour consultation with 25 participants in August 2023. Given prevailing security concerns for participants, an exhaustive list of participants is not made public here. As civil society leaders, their views represent the perspectives of hundreds in civil society across the EU and India. The consultation took place online, and participants first shared their views in a plenary session. In plenary, participants discussed how they would prioritise elements and topics in the EU-India relationship. Participants then joined dedicated small-scale breakout sessions on the topics: 1) Trade 2) Digital issues 3) Civil society engagement and 4) Minority rights. Breakout sessions were facilitated by recognised experts in their fields, i.e. Dr Sangeeta Khorana for trade, Dr Ritumbra Manuvie for digital issues, Dr Lotika Singha for civil society engagement, and Father Cedric Prakash for minority rights.

Professor Sangeeta Khorana is an international trade expert with 25 + years of academia and management consulting experience including, between 1993 and 2001 as a civil servant with the government of India. Prof Khorana leads research on international trade policy, in particular on free trade agreement (FTA) negotiations and WTO issues. She has advised EU institutions on FTA negotiations with India and Vietnam and served on expert committees advising the UK departments for international trade and international development.

Dr Ritumbra Manuvie is a permanent member of Faculty at the University of Groningen and also the founder of Foundation The London Story. Dr Manuvie works extensively on the disinformation landscape in India and on foreign interference and election manipulation in the EU. She is part of a consortium working on Destination Democracy in the EU, and one of the recipients of the Ethics Law Society and AI Consortium Grant from NWO.

Father Cedric Prakash is a Jesuit priest and human rights defender on an unconditional and relentless quest for justice and harmony. He has lived and worked with indigenous peoples, in slums, with Internally Displaced Persons in Syria, Jordan, Iraq and Lebanon, and with Protestants and Catholics in the Ireland conflict, and provided emergency humanitarian aid during the 1984 massacre of the Sikhs in India and the 2002 Gujarat pogrom. He has received the Legion of Honour by France (2006), the Mother Teresa International Award (2013), and several other awards.



Dr Lotika Singha is a writer based in the UK. She is a member of InSAF India, which promotes international solidarity for academic freedom in India, India Labour Solidarity UK, which campaigns for solidarity between workers and their trade union and labour movements in the UK and India, and London Mining Network. Lotika has a particular interest in advocacy work concerning the distinguished struggles of the Adivasi indigenous peoples of central and eastern India against the long repression by the state-corporate nexus for mining and other extractive capitalist interests.

Foundation The London Story also invited the written inputs of 70 civil society representatives from the EU and India. Given prevailing security concerns for participants, an exhaustive list of participants is not made public here as well. It should be noted that the participants each bring years of experience working on EU-India relations and the specific topics discussed in breakout rooms. The questions around which the discussions of the consultation process took place are attached in the [Appendix](#).

Additionally, Foundation The London Story draws on the written outcomes of the EU-India People's Summit, in which over 80 participants during 8 days of panel discussions and workshops devised the EU-India People's Roadmap.<sup>1</sup> This Roadmap sketches a People's blueprint of the EU-India relationship with human rights and human security at its core.<sup>2</sup>

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<sup>1</sup> EU-India People's Summit (2021), *EU-India People's Summit*, <https://euindiasummit.com/>

<sup>2</sup> EU-India People's Summit (2021), *EU-India People's Roadmap*, [https://thelondonstory.org/report/eu-india\\_peoples\\_roadmap/](https://thelondonstory.org/report/eu-india_peoples_roadmap/)

## Setting priorities for the EU-India relationship

Participants ranked topics of collaboration between the EU and India, as noted in the EU-India Strategic Partnership: A Roadmap to 2025<sup>3</sup>, by importance. The civil society ranking is based on interconnected considerations, i.e. which topics are most pressing or most neglected, and which topics the EU and India can realistically fruitfully collaborate on.

Highest priority	<ul style="list-style-type: none"> <li>• Human Rights</li> </ul>
Second highest priority	<ul style="list-style-type: none"> <li>• Artificial Intelligence</li> <li>• Climate Change, Clean Energy and Environment</li> <li>• Parliaments, Civil Society and Local Authorities</li> <li>• Health &amp; Food Security</li> </ul>
Third highest priority	<ul style="list-style-type: none"> <li>• Foreign and Security Policy</li> <li>• Urban Development</li> <li>• Research and Innovation</li> <li>• Connectivity</li> <li>• Global Economic Governance</li> <li>• Migration &amp; Mobility</li> <li>• Education &amp; Culture</li> </ul>
Not considered a priority	<ul style="list-style-type: none"> <li>• Cooperation in the Indo-Pacific</li> <li>• Development Partnership in 3rd Countries</li> <li>• Effective Multilateralism</li> <li>• Employment &amp; Social Policy</li> <li>• Ocean Governance</li> <li>• Outer Space</li> <li>• Sustainable Modernisation</li> <li>• Trade</li> <li>• Transport</li> </ul>

This ranking shows a clear disconnect with the prioritisation of topics by the EU and India, who allocate the least action points to human rights in their Roadmap. This ranking also shows a clear disconnect between the priorities of civil society, the priorities of the European Parliament, and the agreed priorities of the European Union and India. There is an urgent need to align these perspectives, to ensure that EU-India relations in practice are representative of the needs and interests of their populations. “Human rights” are to be understood not only as the highest priority among the topics of collaboration, but as a core obligation embedded in all topics of collaboration.

“Human rights are like cultural heritage in the EU-India relationship: They are just an appendix to agreements.”

- Joe Cannataci, former UN Special Rapporteur on Privacy, participant at the consultation in August 2023.

<sup>3</sup> European External Action Service (2020), *EU-India Strategic Partnership: A Roadmap to 2025*, [https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025\\_en](https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025_en)

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# Recommendations for the EU-India relationship

## Overarching recommendations

### Centrality of human rights

- The EU and India should consider democracy, rule of law and human rights as the basis, method and goal of their relationship. The EU-India relationship should seek to operate strictly within the values and oversight mechanisms of democracy, rule of law, and human rights, and documents must recognise that this is not yet ensured as a starting point. The EU and India should note that democratic values *can* be shared values, rather than falsely assuming that they already are. This also means that deficits in democracy and human rights in the EU should be addressed in EU-India relations.
- In documents on EU-India relations, the partners should in the preamble note human rights concerns, and note the importance of acting on them as a central issue in the relationship.
- Discussions on the serious erosion of democracy and the implementation of the human rights enshrined in its domestic and international law should not only be central to the relations between the EU and India, but also have to come first and lead to significant improvements on the state of democracy and human rights before further negotiations on the EU-India free trade and investment agreements can proceed.
- The EU and India should jointly develop a strategy and plan of action to protect human rights, and the partners should also agree on consequences and revisions on if such a strategy is not adequate to tackle the mentioned problems.

### Public engagement on human rights

- The EU and India must publicly and at the highest level address their concerns about human rights, which constitute mutual treaty obligations under various international law instruments.
- The EU and India must regularly address human rights concerns bilaterally with the respective ambassadors.
- The EU and India must address human rights violations in the others' geography coherently, i.e. with the same approach as human rights violations in any other third country.
- The EU and India should use strong language in addressing human rights violations in the others' geography, bearing in mind that they constitute violations of mutually agreed international treaties. For example, instead of words such as "encourage", the EU and India should use words such as "insist".

## Engagement with the United Nations

- The EU and India should expand their engagement with UN bodies and multilateral fora, by further recognising the importance of engaging openly with UN treaty bodies, UN Special Rapporteurs and allowing their requests for country visits, and also by basing human rights discussions on the recommendations framed at the Universal Periodic Review, which propose tangible steps to improve the respective human rights situations.

## Better understanding overall

- The EU and India should commit to promoting more mutual understanding of each others' functioning, including the respective human rights situations, culture and political systems.
- The EU and India should encourage discussion and understanding among their general population of their relationship, including risks and benefits of increased trade relations.

## Civil society engagement

### Reducing barriers

- The EU and India should jointly work to reduce barriers to participation for civil society organisations, including by facilitating funding opportunities for, ceasing intimidation by authorities against, and repealing laws and regulations that target organisations working on human rights and democracy issues.
- The EU and India should encourage and actively reach out to civil society representatives from marginalised groups, and encourage and support civil society organisations doing such outreach.

### Summit diplomacy

- In putting in place an EU-India Civil Society Platform and an EU-India Youth Summit as a side event at future EU-India Summits, the EU and India should jointly commit to allowing and encouraging diverse and representative voices, to avoid co-option of the space by NGOs that act as proxies for the government, or by ideological groups that promote religious fundamentalism and dominant caste interests.
- The EU and India should actively include the outcomes of these Summits in their leaders' summit, to address criticism by civil society that these recommendations are not relevant.
- Civil society consultations and Summits should allow for participation in all official languages of the EU and India, to ensure marginalised voices are encouraged to speak out.

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## Security concerns

- The EU and India should put in place mechanisms to allow and encourage civil society groups from one geography to speak freely about concerns in the other geography, without jeopardising the safety of their local partners there.

## Academic freedoms

- The EU and India should jointly pledge to guarantee academic freedoms, especially in their joint research initiatives, and for researchers who receive scholarships to study in the other geography.

## Minority rights

### General recommendations on minority rights

- The EU and India should give explicit mention to the rights of gender, sexual, religious and ethnic minorities and caste-oppressed groups, as minority groups all benefit from equal rights and protections. Otherwise, the mention of minority rights risks being a box-ticking exercise.
- The EU and India should integrate human rights and minority rights across the relationship, and engage in a meaningful, substantive and coherent approach to human rights. Participants generally expressed concern at the fact that the EU and India selectively express concern at individual human rights violations, while continuing with business as usual in other domains. Such an approach risks being tokenistic and constitutes box-ticking, as focusing on individual instances may detract attention from systemic issues.
- EU-India relations documents should recognise the agency of governments and their agencies in perpetrating human rights violations. Rather than simply naming the violations, documents should recognise the role of governments and their agencies in causing or exacerbating these violations, such as the government's refusal to acknowledge its Adivasi and other tribal communities as indigenous communities, and appeal to each others' governments to take tangible steps to improve the human rights situation.
- The EU and India, in their discussion of the climate crisis, should jointly commit to protecting the rights of the most vulnerable groups suffering from this crisis in both India and the EU.

## Hate speech and militancy

- The EU and India should jointly commit to countering and condemning hate speech that incites discrimination and violence, as these lead to a toxic environment where intolerance and violence against religious minorities can occur with impunity. The EU

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and India should commit to ensuring that those who indulge in hate speech are held accountable, and counter the impunity of lawmakers and state officials who engage in hate speech or incitement to violence.

- The EU and India should jointly commit to prohibiting the operation of extremist militant groups, such as the Bajrang Dal, and conducting thorough investigations into their funding and transnational operations.
- EU-India relations should recognise that as the two geographies are interconnected, discrimination and hate transcends borders, and countering illiberalism and hateful ideology is therefore a mutual interest.

## Anti-discrimination laws

- The EU's member states and India should each enact strong anti-discrimination laws, which concretely prohibit discrimination on the grounds of caste.
- The EU and India should jointly commit to repealing discriminatory laws, i.e. laws that prohibit the free choice of religion under the guise of preventing involuntary conversions.

## Refugees

- The EU and India should jointly commit to the 1951 Refugee Convention and the 1967 protocol, and ratify the convention if not yet the case.
- The EU and India should both recall their history of providing shelter to persecuted persons, and provide asylum and subsidiary protection to persons in need regardless of their faith or origin.
- The EU and India should jointly commit to the prohibition of creating statelessness, as enshrined in the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

## Digital issues

### Data privacy

- The EU and India should jointly commit to ensuring privacy and freedom of association within a digital context. Such a commitment should follow from existing commitments to collaborating on data protection and data transfers.
- The EU and India should work to align their data regulation and data protection laws. In light of India's recently passed data protection law, which has been seriously criticised, and in light of widespread violations of European data protection laws, the EU and India should jointly pledge to data protection laws that guarantees the independence of the regulator, foresees adequate checks on government power, and provides adequate safeguards for the individual against government surveillance.



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- In their data partnership, the EU and India should put the safety of their citizens first, and avoid engaging in a special bilateral agreement to bypass the standard procedure of determining data adequacy. Data transfers and decisions on adequacy of data protection laws should be rooted in an objective assessment, guided by the Council of Europe's assessment.
  - The EU and India should jointly commit to ensuring the integrity and safety of digital identities. Such a commitment should follow from existing commitments to promoting cyber security.
  - The EU and India should jointly pledge to end the weaponization of data.

## Artificial Intelligence

- The EU and India should jointly pledge to partner on the development of human rights-based artificial intelligence and digital services, in which products do not enter the market until it can be verified that it will have no negative impact on human rights.

## Restrictions on access to information

- The EU and India should jointly pledge to not selectively restrict or ban social media platforms, as this quashes freedom of expression.
- The EU and India should jointly pledge to not engage in blanket bans on internet and telecommunications access. Such a commitment should follow from existing efforts to set joint standards for the digital economy, which should be rooted in rule of law, human rights, and the protection of fundamental rights and freedoms.

## Trade

### Ensure a meaningful and useful agreement for all

- The EU and India should jointly agree to postpone the ambitious deadline of 2024 for finalising its negotiations for a comprehensive free trade agreement, to allow for meaningful consideration of adverse impacts on environment, labour and human rights, and to allow for all contentious points to be meaningfully and sufficiently discussed.
- Given significant divergences in priorities, and given prevailing pervasive human rights, climate change and environmental concerns in both geographies, the EU and India should consider negotiations for a comprehensive free trade agreement a step further ahead in the future, only after human rights and climate change issues have been adequately addressed.

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- The EU and India should not conclude an agreement for primarily geopolitical purposes, and conduct negotiations with the economic and social wellbeing of all people of their respective countries at the core.
  - The EU and India should insist that a deal to liberalise trade, be it in the form of a comprehensive free trade agreement or a bilateral investment agreement, has adequately addressed and found solutions to all concerns brought to the table by the negotiators. The EU and India should refrain from concluding an agreement with inadequate inclusion of human rights, social and environmental concerns, just for the sake of expediency.

## Human Rights Impact Assessment

- The EU and India should both conduct a comprehensive human rights and sustainability impact assessment (HRIA) before continuing further negotiations. The HRIA should consider the impact on vulnerable and often discriminated groups, including religious and other minorities.
- The EU and India should place negotiations on halt until the conclusions of the HRIA are finalised and placed in unredacted form in the public.
- The HRIA should follow the principles proposed by the UN Special Rapporteur on the Right to Food, Olivier De Schutter.

## Meaningful civil society engagement

- The EU and India should actively reach out to civil society groups, trade unions and human rights defenders, to participate in civil society consultations on EU-India trade relations and its impact, in order to ensure participation of diverse sections of society beyond simply business interests.
- Before negotiations continue, the EU and India should conduct meaningful consultation of all stakeholders, including from other geographies, particularly the most vulnerable, to frame its positions on textual proposals. The consultation should be integral to framing the positions and mandates of negotiators, rather than just a box-ticking exercise in which views are exchanged, but not incorporated.

## Transparency

- The EU and India should make all drafts of the agreement and negotiation documents transparent and open for public debate, and regularly report on both agreements reached and topics still under discussion.
- The EU and India should make all documents necessary for a human rights and sustainability impact assessment public, including data on unemployment, data on environmental clearances of resource intensive clearances, and similar documents as required by the independent assessors.

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## Trade and sustainable development clauses

- The EU and India should jointly commit to ambitious provisions on an enforceable Trade and Sustainable Development chapter aligned with the Paris Agreement, as well as appropriate provisions regarding investors' rights and duties and human rights, in their trade and investment relations. This is an unequivocal necessity, in line with their international treaty obligations.
- The EU and India should subject all the proposals for an EU-India FTA and investment agreement to independent assessment, which determines whether they conform to the international human rights treaties and conventions to which India and EU member states have committed themselves.
- The EU and India should include a clause in their trade agreements that
  - ... allows for revision of the agreement in case of human rights violations, and in case any provision is found to threaten human rights.
  - ... establishes an independent monitoring mechanism, in which civil society is encouraged and facilitated to play a key role.
  - ... establishes a timeline for revisiting the agreement with a view to updating it in line with progressively evolving human rights standards.
  - ... provides a special safeguard mechanism to work against sudden import surges of agricultural products.

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# Background Information on Human Rights

## 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, including human and cyber security, human rights and fundamental freedoms, trade and market access, and climate change.<sup>4</sup> EU-India documents emphasise “shared values” of freedom, democracy, pluralism, the rule of law, equality, respect for human rights.<sup>5</sup> The EU and India are in the process of preparing for negotiations for a comprehensive trade and investment cooperation, and have engaged in several rounds of negotiations<sup>6</sup>. However, significant differences persist, as they did in 2014 when the first attempt at trade negotiations failed.<sup>7</sup> Public statements on human rights concerns have not been a key part of the relationship, although the partners in 2021 reinstated a Human Rights Dialogue after a long break, in the form of a diplomatic summit.<sup>8</sup>

## Human rights in India

### International treaties

India has played a crucial role in the establishment of the United Nations and in shaping the Universal Declaration of Human Rights, and has positively contributed to the formulation and establishment of the International Covenant on Civil and Political Rights and the International Covenant on Social, Economic and Cultural Rights. We insist on the need for international solidarity with victims of violations of mutual treaty obligations, such as the persecution of civil society actors in violation of the mutually agreed upon International Covenant on Civil and Political Rights (ICCPR) and other core human rights treaties.

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<sup>4</sup> European External Action Service (2020), *EU-India Strategic Partnership: A Roadmap to 2025*, [https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025\\_en](https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025_en)

<sup>5</sup> European External Action Service (2020), *EU-India Strategic Partnership: A Roadmap to 2025*, [https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025\\_en](https://www.eeas.europa.eu/eeas/eu-india-strategic-partnership-roadmap-2025_en)

<sup>6</sup> European Commission (2023), *EU-India agreement: Documents*, [https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/india/eu-india-agreement/documents\\_en](https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/india/eu-india-agreement/documents_en)

<sup>7</sup> European Parliamentary Research Service (2014), *Controversial issues in EU-India trade*, [https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130597/LDM\\_BRI\(2014\)130597\\_REV1\\_EN.pdf](https://www.europarl.europa.eu/RegData/bibliotheque/briefing/2014/130597/LDM_BRI(2014)130597_REV1_EN.pdf)

<sup>8</sup> Delegation of the European Union to India and Bhutan (2022), *10th EU-India Human Rights Dialogue*, [https://www.eeas.europa.eu/delegations/india/10th-eu-india-human-rights-dialogue\\_en?s=167](https://www.eeas.europa.eu/delegations/india/10th-eu-india-human-rights-dialogue_en?s=167)

To date, India has ratified only 8 of the 18 core human rights treaties.<sup>9</sup> Despite supporting the recommendation to do so in the last UPR cycle, India has not ratified the Conventions against Torture, and against Enforced Disappearances after signing them. India also fails to implement even the treaties it has ratified, such as the Genocide Convention<sup>10</sup>, and fails to follow through even to its soft law commitments, such as the Global Compact for Migration.<sup>11</sup> India has also not accepted requests for visit by Special Rapporteurs, leaving some requests pending since 1999.<sup>12</sup> India is a non-signatory to the Refugee Convention 1951, but under international human rights law is still obliged to protect the rights of refugees. India has signed, but failed to ratify and internalise the International Convention for the Protection of All Persons from Enforced Disappearance (CPPED), despite reported cases of enforced disappearances, especially in Jammu and Kashmir.<sup>13</sup>

## Risk factors for mass atrocities

India is witnessing a steep marginalisation and curtailment of rights of its religious minorities through laws, while political leaders actively incite further violence against minorities by engaging in hate speech.<sup>14</sup> Genocide scholars have identified ‘signs and processes’ of an approaching genocide in India against the Muslim community.<sup>15</sup> The Early Warning Project in 2023 ranks India 8th highest risk of concern for mass atrocities against religious minorities among 162 countries.<sup>16</sup> Targeted violence on grounds of protected characteristics disproportionately targets religious minorities. Of over 19014 verified victims of communal violence, physical assaults, and lynching since 2017 (status: August 2022), the majority (86.7%) are Muslims.<sup>17</sup> Violence against Christians also rose by 81% between 2020 and 2021.<sup>18</sup> More than 2000 Christians were attacked and injured in the first nine months of

<sup>9</sup> United Nations Human Rights Office of the High Commissioner (2023), *Ratification of 18 International Human Rights Treaties*, <https://indicators.ohchr.org/>

<sup>10</sup> The Hindu (2019), *Crimes that India’s statute books have failed to define*, <https://www.thehindu.com/opinion/op-ed/crimes-that-indias-statute-books-have-failed-to-define/article28312905.ece>

<sup>11</sup> United Nations (2018), *General Assembly Endorses First-Ever Global Compact on Migration, Urging Cooperation among Member States in Protecting Migrants*, <https://press.un.org/en/2018/ga12113.doc.htm>

<sup>12</sup> United Nations Human Rights Office of the High Commissioner (2023), *View Country visits of Special Procedures of the Human Rights Council since 1998*, <https://spinternet.ohchr.org/ViewCountryVisits.aspx?visitType=all&lang=en>

<sup>13</sup> Association of Parents of Disappeared Persons (2020), *About APDP’s Digital Archive*, <https://apdpkashmir.com/about-apdps-digital-archive-project/>

<sup>14</sup> The Wire (2020), *Anurag Thakur Leads Crowd to Chant ‘Shoot the Traitors’*, <https://thewire.in/politics/anurag-thakur-delhi-chants>

<sup>15</sup> The London Story (2022), *The process of genocide is well underway*, <https://thelondonstory.org/2022/03/02/the-process-of-genocide-is-well-underway-in-india-experts-say-at-final-day-of-global-summit/>

<sup>16</sup> Early Warning Project (2022), *Countries at Risk for Mass Killing 2022–23: Early Warning Project Statistical Risk Assessment Results*, <https://earlywarningproject.ushmm.org/reports/countries-at-risk-for-mass-killing-2022-23-early-warning-project-statistical-risk-assessment-results>

<sup>17</sup> The London Story (2022), *UPR Cycle IV India Facsheet*, <https://thelondonstory.org/wp-content/uploads/UPR-Cycle-IV-India-Factsheet-1.pdf>

<sup>18</sup> National Herald (2022), *Violent attacks against Christians up by 81 per cent since 2020, 505 incidents in 2021*,

2021.<sup>19</sup> Elected legislators and ministers engage in hate speech and legitimization of violence against religious minorities. Examples include BJP MP Pragya Thakur (2022) urging attendees of a conference to “keep knives sharpened”,<sup>20</sup> BJP Government Minister of State for Finance Anurag Thakur (2020) calling to “shoot the traitors of the country”<sup>21</sup>, which triggered communal violence in which at least 53 people died, and India's BJP Home Minister Amit Shah (2019) calling Rohingya refugees “termites”.<sup>22</sup>

## Discriminatory Laws

23 out of 29 states in India have introduced laws criminalising cow slaughter, trade, and consumption of beef with harsh sentences.<sup>23</sup> In the State of Gujarat, the punishment for cow slaughter was increased to life imprisonment. Several 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.<sup>24</sup>

## Arbitrary deprivation of 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.<sup>25</sup> Home Minister Amit Shah announced that a National Registry of Citizens (NRC) would be conducted for the whole of India.<sup>26</sup> In Assam, the NRC has already rendered 1.9 million citizens stateless.<sup>27</sup> The NRC coupled with the CAA risks

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<https://www.nationalheraldindia.com/india/violent-attacks-against-christians-up-by-81-per-cent-since-2020-505-incidents-in-2021>

<sup>19</sup> DW (2021), *Why are Christians being targeted in India?*

<https://www.dw.com/en/why-are-attacks-on-christians-increasing-in-india/a-60293867>

<sup>20</sup> Financial express (2022), *Keep your knives ‘sharpened’, Pragya Thakur sparks row with remarks at Hindu convention,*

<https://www.financialexpress.com/india-news/keep-your-knives-sharpened-pragya-thakur-sparks-row-with-remarks-at-hindu-convention/2927227/>

<sup>21</sup> The Wire (2020), *Anurag Thakur Leads Crowd to Chant ‘Shoot the Traitors’,*

<https://thewire.in/politics/anurag-thakur-delhi-chants>

<sup>22</sup> The Wire (2019), *US State Department Red Flags Amit Shah's ‘Termites’ Comment on Migrants,*

<https://thewire.in/rights/us-state-department-india-amit-shah-human-rights-refugees>

<sup>23</sup> The Wire (2021), *Book Excerpt: The Many Anti-Muslim Laws Brought in By the Modi Government,*

<https://thewire.in/politics/price-of-the-modi-years-book-excerpt>

<sup>24</sup> AlJazeera (2021), *India’s ‘love jihad’ laws: Another attempt to subjugate Muslims,*

<https://www.aljazeera.com/opinions/2021/1/15/indias-love-jihad-laws-another-attempt-to-subjugate-muslims>

<sup>25</sup> United Nations (2019), *New citizenship law in India ‘fundamentally discriminatory’: UN human rights office,* <https://news.un.org/en/story/2019/12/1053511>

<sup>26</sup> The Hindu (2019), *Centre plans NRC exercise all over the country: Amit Shah,*

<https://www.thehindu.com/news/national/nrc-process-to-be-carried-out-in-entire-country-says-amit-shah-in-rajya-sabha/article61670698.ece>

<sup>27</sup> The London Story (2021), *Assam Dossier,*

<https://thelondonstory.org/2021/09/20/assam-dossier-2021/>

mass statelessness of Muslims and other marginalised groups, leading to mass protests across the country that were brutally quelled.<sup>28</sup>

## Internet and Press Freedom

India ranks 161 of 180 worldwide in the Reporters Without Borders Press Freedom Index.<sup>29</sup> The 2023 report by Access Now and the #KeepItOn coalition documented India as the world leader of Internet shutdowns for the fifth consecutive year.<sup>30</sup> Takedown orders by the Indian government increased by 11% between 2021 and 2022.<sup>31</sup> The 552-day shutdown in Kashmir constitutes the longest internet shutdown in a democratic country.<sup>32</sup> Between 2010-2020, 154 journalists were arrested, detained, interrogated, or harassed for their work.<sup>33</sup> Over 40% of incidents took place in 2020 itself.<sup>34</sup> The government has imposed travel bans on over 22 journalists, several of whom have faced raids, threats, and detention.<sup>35</sup> For example, in 15 October, Kashmiri photojournalist and Pulitzer prize winner Sanna Irshad Mattoo was arbitrarily banned from traveling to the US by immigration authorities at Delhi airport, despite having a valid visa and ticket. She was given no official reason.<sup>36</sup>

## Civil Society and Civic Spaces

In 2020, Freedom House's Freedom in the World report downgraded India to "party free" and ranked India as one of the 'Countries in the Spotlight' for the "deterioration of basic freedoms".<sup>37</sup> The V-Dem Institute has considered India an "electoral autocracy" for several years in a row. The V-Dem Institute considers India one of the "worst autocratizers in the last 10 years".<sup>38</sup> Human rights defenders and civil society are systematically persecuted and evidence planted.<sup>39</sup> For example, in July 2021, 84-year-old Jesuit priest Father Stan Swamy

<sup>28</sup> PUDR (2019), *Bloody Sunday*,

<https://pudr.org/sites/default/files/2019-12/Jamia%20Report%202019%20for%20screen.pdf>

<sup>29</sup> Reporters without Borders (2023), *India*, <https://rsf.org/en/country/india>

<sup>30</sup> Access Now (2023), *Weapons of control, shields of impunity: Internet shutdowns in 2022*,

<https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

<sup>31</sup> Access Now (2023), *Weapons of control, shields of impunity: Internet shutdowns in 2022*,

<https://www.accessnow.org/wp-content/uploads/2023/05/2022-KIO-Report-final.pdf>

<sup>32</sup> SFLC (2023), *Internet Shutdowns*, <https://internetshutdowns.in/>

<sup>33</sup> Free Speech Collective (2020), *Behind Bars*,

<https://freespeechcollectivedot.in.files.wordpress.com/2020/12/behind-bars-arrests-of-journalists-in-india-2010-20.pdf>

<sup>34</sup> Free Speech Collective (2020), *Behind Bars*,

<https://freespeechcollectivedot.in.files.wordpress.com/2020/12/behind-bars-arrests-of-journalists-in-india-2010-20.pdf>

<sup>35</sup> Human Rights Watch (2022), *India: Kashmiri Journalist Held Under Abusive Laws*,

<https://www.hrw.org/news/2022/02/08/india-kashmiri-journalist-held-under-abusive-laws>

<sup>36</sup> X (2022), *Amnesty International*, <https://twitter.com/amnesty/status/1582749802596442113>

<sup>37</sup> Freedom House (2021), *Freedom in the World 2020*,

[https://freedomhouse.org/sites/default/files/2020-02/FIW\\_2020\\_REPORT\\_BOOKLET\\_Final.pdf](https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf)

<sup>38</sup> V-Dem Institute (2023), *Democracy Report 2023*,

[https://www.v-dem.net/documents/29/V-dem\\_democracyreport2023\\_lowres.pdf](https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf)

<sup>39</sup> The Indian Express (2022), *US-based forensic firm claims digital evidence was 'planted' on Stan Swamy's computer*,

<https://indianexpress.com/article/india/us-forensic-firm-digital-evidence-planted-stan-swamy-computer-8322990/>

died in custody while imprisoned without trial under sedition laws and being denied medical care.<sup>40</sup> 96% of sedition cases after 2014 have been filed against citizens criticising the government and politicians.<sup>41</sup> In February 2022, Prime Minister Narendra Modi described people participating in various peaceful protests as “parasites.”<sup>42</sup> Several BJP-led states in India have demolished homes with bulldozers without due process, reportedly as reprisal for participation in anti-government protests.<sup>43</sup> In June 2022, three United Nations Special Rapporteurs condemned these demolitions across India, which they allege deliberately target Muslims through “collective punishment”.<sup>44</sup>

## Caste discrimination

According to the 2011 census, Dalits – officially known as “scheduled castes” – constitute 201 million people. These figures do not include Dalits who have converted or are born and raised within a non-Hindu religious community.<sup>45</sup> Despite constitutional safeguards and special legislation for their protection, violations of their fundamental human rights continue on a massive scale.<sup>46</sup>

## Human rights in the EU

### International treaties

As the EU consists of 27 member states, it is not a state that can accede to international human rights law. Yet, it obliges its member states to act in conformity with human rights law in several places in its founding treaty. In 2000, the European Parliament, the European Commission and the Council proclaimed the EU Charter of Fundamental Rights, which sets out the fundamental rights and freedoms recognised by the European Union. Further, Article 2 of the Treaty on European Union (TEU) holds that the EU’s “founding values are ‘human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including

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<sup>40</sup> BBC News (2021), *Stan Swamy: Jailed activist dies at 84*,

<https://www.bbc.com/news/world-asia-india-57718356>

<sup>41</sup> Article-14 (2021), *Our New Database Reveals Rise in Sedition Cases in The Modi Era*,

<https://www.article-14.com/post/our-new-database-reveals-rise-in-sedition-cases-in-the-modi-era>

<sup>42</sup> The Indian Express (2021), *India must save itself from ‘Foreign Destructive Ideology’: PM Modi in Rajya Sabha*,

<https://indianexpress.com/article/india/india-must-save-itself-from-foreign-destructive-ideology-pm-mo-di-in-rajya-sabha-7179445/>

<sup>43</sup> Amnesty International (2022), *India: Authorities must stop apparent unlawful demolitions of largely Muslim-owned property*,

<https://www.amnesty.org/en/latest/news/2022/04/india-authorities-must-stop-apparent-unlawful-demolitions-of-largely-muslim-owned-property/>

<sup>44</sup> The Wire (2022), *UN Special Rapporteurs Condemn Home Demolitions in India, See Collective Punishment of Muslims*,

<https://thewire.in/rights/un-special-rapporteurs-condemn-home-demolitions-in-india-see-collective-punishment-of-muslims>

<sup>45</sup> International Dalit Solidarity Network (2019), *India*, <https://idsn.org/countries/india/>

<sup>46</sup> International Dalit Solidarity Network (2019), *India*, <https://idsn.org/countries/india/>



the rights of persons belonging to minorities.”<sup>47</sup> Article 3 of the TEU set out that in “its relations with the wider world”, the EU contributes to the “eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter.”<sup>48</sup> The EU’s institutions and bodies and its Member States must also respect the Charter in the EU’s external relations.<sup>49</sup> Countries joining the EU must also comply with the Charter, and Article 6(2) TEU requires the EU to accede to the European Convention on Human Rights. Under Article 21 of the TEU, the principles inspiring the EU’s external action are “democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality and solidarity, and respect for the principles of the United Nations Charter of 1945 and international law.”<sup>50</sup> In Article 21, the EU endorses the principle of the “indivisibility of human rights and fundamental freedoms”, committing itself to considering economic and social rights to be as important as civil and political rights.<sup>51</sup>

## Discrimination and hate crimes against minorities

The EU is witnessing a marginalisation of and discrimination against ethnic, religious and sexual minorities, which is increasingly manifesting in physical attacks. Discrimination against religious minorities, especially Jewish and Muslim people, is on the rise in the EU, and increasingly being enshrined legally. The European Court of Human Rights (ECtHR) in 2021 ruled to permit employers to discriminate against people who wear religious dress, raising concerns about protection of religious freedom for Muslim women in particular.<sup>52</sup> According to surveys by the EU Agency for Fundamental Rights, 45% of respondents with a North African background, 39% of those with a Sub-Saharan African background and 41% of Roma respondents had felt discriminated against in the previous five years.<sup>53</sup> 39% of Jewish

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<sup>47</sup> Article 2, Treaty on the European Union,  
[https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC_1&format=PDF)

<sup>48</sup> Article 3, Treaty on the European Union,  
[https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC_1&format=PDF)

<sup>49</sup> Treaty on the European Union,  
[https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC_1&format=PDF)

<sup>50</sup> Article 21, Treaty on the European Union,  
[https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC_1&format=PDF)

<sup>51</sup> Article 21, Treaty on the European Union,  
[https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC\\_1&format=PDF](https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/D OC_1&format=PDF)

<sup>52</sup> Human Rights Watch (2021), *European Union Court OKs Bans on Religious Dress at Work*,  
<https://www.hrw.org/news/2021/07/19/european-union-court-oks-bans-religious-dress-work>

<sup>53</sup> European Council (2022), *Council adopts conclusions on combating racism and antisemitism*,  
<https://www.consilium.europa.eu/en/press/press-releases/2022/03/04/council-adopts-conclusions-on-combating-racism-and-antisemitism/>

respondents had experienced some form of antisemitic harassment.<sup>54</sup> In response, the European Commission has published strategies on combating discrimination, such as the 2021 strategy on antisemitism.<sup>55</sup> In its 2022 fundamental rights report, the EU's Fundamental Rights Agency noted that the COVID-19 pandemic further fueled discrimination, hate crimes, and particularly online hate speech towards migrants and ethnic minorities, and called on EU countries to penalise hate crime, encourage reporting, and better support victims.<sup>56</sup>

## Civil Society and Civic Spaces

Across the EU, authorities have arrested peaceful protestors, especially targeted activists protesting for the rights of refugees, and against government inaction on the climate crisis. Between 2015 and May 2019, there were at least 49 ongoing cases of investigation and criminal prosecution in 11 EU Member States involving a total of 158 people.<sup>57</sup> The number of individuals criminalised for humanitarian activities has grown tenfold, from 10 people in 2015 to 104 in 2018.<sup>58</sup> For instance, in 2017, Italian authorities investigated and criminalised ten members of Jugend Rettet, a crew that had rescued a reported 14,000 people from drowning at sea, for allegedly facilitating the irregular entry of refugees and migrants.<sup>59</sup> In 2023, the European Commission came under criticism for proposing a Defence of Democracy package that works as a “foreign agents law”, and risks restricting the abilities of NGOs to operate in the EU.<sup>60</sup> This comes after EU member states, such as Hungary, have already arbitrarily restricted the ability of NGOs to act freely. In 2029, the Court of Justice of the European Union ruled against Hungary in a case regarding its law on foreign-funded NGOs.<sup>61</sup>

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<sup>54</sup> European Council (2022), *Council adopts conclusions on combating racism and antisemitism*, <https://www.consilium.europa.eu/en/press/press-releases/2022/03/04/council-adopts-conclusions-on-combating-racism-and-antisemitism/>

<sup>55</sup> European Commission (2022), *The EU Strategy on Combating Antisemitism and Fostering Jewish Life (2021-2030), One Year in Action*, [https://commission.europa.eu/system/files/2022-10/eu\\_strategy\\_on\\_combating\\_antisemitism\\_and\\_fostering\\_jewish\\_life\\_-\\_one\\_year\\_in\\_action\\_0.pdf](https://commission.europa.eu/system/files/2022-10/eu_strategy_on_combating_antisemitism_and_fostering_jewish_life_-_one_year_in_action_0.pdf)

<sup>56</sup> European Union Agency for Fundamental Rights (2022), *Fundamental Rights Report 2022*, <https://fra.europa.eu/en/publication/2022/fundamental-rights-report-2022>

<sup>57</sup> ReSOMA (2020), *Crackdown on NGOs and volunteers helping refugees and other migrants*, [https://www.migpolgroup.com/wp-content/uploads/2019/06/Final-Synthetic-Report-Crackdown-on-NGOs-and-volunteers-helping-refugees-and-other-migrants\\_1.pdf](https://www.migpolgroup.com/wp-content/uploads/2019/06/Final-Synthetic-Report-Crackdown-on-NGOs-and-volunteers-helping-refugees-and-other-migrants_1.pdf)

<sup>58</sup> ReSOMA (2020), *Crackdown on NGOs and volunteers helping refugees and other migrants*, [https://www.migpolgroup.com/wp-content/uploads/2019/06/Final-Synthetic-Report-Crackdown-on-NGOs-and-volunteers-helping-refugees-and-other-migrants\\_1.pdf](https://www.migpolgroup.com/wp-content/uploads/2019/06/Final-Synthetic-Report-Crackdown-on-NGOs-and-volunteers-helping-refugees-and-other-migrants_1.pdf)

<sup>59</sup> Amnesty International (undated), *Solidarity on Trial*, <https://www.amnesty.org/en/latest/campaigns/2020/03/free-to-help/>

<sup>60</sup> European Partnership for Democracy (2023), *Joint Civil Society and Democracy Organisations' Priorities for the Defence of Democracy Package*, <https://epd.eu/wp-content/uploads/2023/04/defence-of-democracy-package-v3.pdf>

<sup>61</sup> European Commission (2021), *February infringements package: key decisions*, [https://ec.europa.eu/commission/presscorner/detail/en/INF\\_21\\_441](https://ec.europa.eu/commission/presscorner/detail/en/INF_21_441); Court of Justice of the European Union (2020), *The restrictions imposed by Hungary on the financing of civil organisations by persons established outside that Member State do not comply with EU law*, [https://curia.europa.eu/jcms/jcms/p1\\_3078308/en/](https://curia.europa.eu/jcms/jcms/p1_3078308/en/)

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## Rule of law

There are serious concerns about the independence of the judiciary and disproportionate powers of the executive in several EU member states, especially Hungary and Poland. In June 2021, the EU conducted a hearing about threats to EU values on rights and rule of law in the two states.<sup>62</sup> In September 2022, the EU Council approved for the first time to suspend funds to Hungary because of rule of law concerns leading to risks of corruption and conflicts of interest.<sup>63</sup> The European Commission also opened legal infringement procedures against Hungary for a law violating the rights of LGBTQ+ persons.<sup>64</sup> In October 2021, the European Court of Justice imposed a penalty of €1 million daily on Poland for failing to respect its request to overturn a 202 law undermining judges' independence. Additionally, the European Commission has initiated two legal procedures against Poland, one regarding its disciplinary regime against judges, which the European Court of Justice found to be violating EU law<sup>65</sup>, and regarding its "LGBT-ideology free zones" in several municipalities.<sup>66</sup>

## Internet and Press Freedom

The European Parliament monitoring group on the rule of law is scrutinising concerns about media freedom in Bulgaria, Slovakia, Malta, and Greece.<sup>67</sup> In September 2021, the European Parliament also criticised the deterioration of media freedom in Poland.<sup>68</sup> The European Commission opened new legal infringements against Hungary, for shutting down an independent radio station.<sup>69</sup> Apart from prevalent SLAPP litigations against journalists in the EU<sup>70</sup>, attacks against journalists are on the rise. Several journalists have been killed for their work in the EU, and there is a lack of accountability for their killings. For instance, Malta

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<sup>62</sup> European Council (2021), *General Affairs Council, 22 June 2021*, <https://www.consilium.europa.eu/en/meetings/gac/2021/06/22/>

<sup>63</sup> European Commission (2022), *EU budget: Commission proposes measures to the Council under the conditionality regulation*, [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_22\\_5623](https://ec.europa.eu/commission/presscorner/detail/en/IP_22_5623)

<sup>64</sup> European Commission (2021), *EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people*, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3668](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668)

<sup>65</sup> European Commission (2021), *Independence of Polish judges: Commission asks European Court of Justice for financial penalties against Poland on the activity of the Disciplinary Chamber*, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_4587](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_4587)

<sup>66</sup> European Commission (2021), *EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people*, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3668](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668)

<sup>67</sup> European Parliament (2022), *The situation of Article 2 TEU values in Greece*, [https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL\\_IDA\(2022\)732214\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2022/732214/IPOL_IDA(2022)732214_EN.pdf)

<sup>68</sup> European Parliament (2021), *Poland: attacks on media freedom and the EU legal order need to stop*,

<https://www.europarl.europa.eu/news/en/press-room/20210910IPR11928/poland-attacks-on-media-freedom-and-the-eu-legal-order-need-to-stop>

<sup>69</sup> European Commission (2021), *EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people*, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3668](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668)

<sup>70</sup> EUR-Lex (2022), *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation")*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0177>

has failed to thoroughly hold accountable the perpetrators of the 2017 murder of journalist Daphne Caruana Galizia, as recognised by the European Parliament.<sup>71</sup> An independent judicial inquiry has found that the Maltese government holds responsibility for a pervasive climate of impunity that led to Caruana Galizia's killing.<sup>72</sup>

## Migrants, Refugees, and Asylum Seekers

EU member states have been found to significantly violate the fundamental human rights of migrants, refugees, and asylum seekers, including by violating the *jus cogens* norm against non-refoulement, and are responsible for the deaths of thousands of refugees at sea. According to the UNHCR, at least 128,719 people arrived irregularly at the EU's southern borders between January and mid-August 2023.<sup>73</sup> Of these, at least 2,175 died or went missing in the Mediterranean Sea.<sup>74</sup> This is up from previous years: The International Organization for Migration estimates that at least 1,563 people died in the Mediterranean in the first eight months of 2021.<sup>75</sup> Simultaneously, NGOs that provide humanitarian support and conduct rescue missions are criminalised by EU member states. As of September 2019, only five NGO rescue vessels were reportedly operational.<sup>76</sup>

EU member states summarily return migrants and refugees from their borders, violating the right of people to have their claim heard individually. In May 2021, Spain summarily returned within 24 hours thousands of people, including unaccompanied children, who had arrived from North Africa.<sup>77</sup> Apart from Spain, EU member states including Bulgaria<sup>78</sup>, Croatia<sup>79</sup>,

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<sup>71</sup> European Parliament (2021), *European Parliament resolution of 29 April 2021 on the assassination of Daphne Caruana Galizia and the rule of law in Malta (2021/2611(RSP))*, [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0148\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0148_EN.html)

<sup>72</sup> DW (2021), *Malta failed to protect murdered journalist, says inquiry*, <https://www.dw.com/en/malta-failed-to-protect-murdered-journalist-says-inquiry/a-58692005>

<sup>73</sup> UN Refugee Agency (2023), *Operational Data Portal Refugee Situations*, <https://data.unhcr.org/en/situations/mediterranean>

<sup>74</sup> UN Refugee Agency (2023), *Operational Data Portal Refugee Situations*, <https://data.unhcr.org/en/situations/mediterranean>

<sup>75</sup> Missing Migrants Project (2023), *Migration Within the Mediterranean*, [https://missingmigrants.iom.int/region/mediterranean?region\\_incident=All&route=All&year%5B%5D=2021&month=All](https://missingmigrants.iom.int/region/mediterranean?region_incident=All&route=All&year%5B%5D=2021&month=All)

<sup>76</sup> Council of Europe (2020), *A distress call for human rights: The widening gap in migrant protection in the Mediterranean*,

<https://rm.coe.int/a-distress-call-for-human-rights-the-widening-gap-in-migrant-protectio/1680a1abcd>;

United Nations Human Rights Office of the High Commissioner (2021), *Lethal Disregard: Search and rescue and the protection of migrants in the central Mediterranean Sea*,

<https://www.ohchr.org/Documents/Issues/Migration/OHCHR-thematic-report-SAR-protection-at-sea.pdf>

<sup>77</sup> The Guardian (2021), *Spain accuses Morocco of 'show of disrespect' for EU in migrant row*, <https://www.theguardian.com/world/2021/may/19/spain-accused-of-summary-deportations-as-thousands-sent-back-to-morocco>

<sup>78</sup> Human Rights Watch (2022), *Bulgaria: Migrants Brutally Pushed Back at Turkish Border*, <https://www.hrw.org/news/2022/05/26/bulgaria-migrants-brutally-pushed-back-turkish-border>

<sup>79</sup> Human Rights Watch (2023), *Croatia: Ongoing, Violent Border Pushbacks*, <https://www.hrw.org/europe/central-asia/croatia>

Cyprus<sup>80</sup>, Estonia<sup>81</sup>, Greece<sup>82</sup>, Lithuania<sup>83</sup>, Latvia<sup>84</sup>, and Poland<sup>85</sup> engage in unlawful pushbacks and violence at their borders. The EU Border and Coast Guard Agency, Frontex, has failed to take action to stop unlawful pushbacks.<sup>86</sup>

EU member states have also put in place asylum legislation that violates human rights law and EU law, such as Hungary<sup>87</sup>, who by law restricts access to international protection and criminalised legitimate activities in support of migrants. Denmark amended its immigration law to allow asylum seekers being sent to a third country for examination of their claim, violating refugee law.<sup>88</sup> Additionally, the EU and member states have ongoing cooperation with the border forces of third countries, such as Libya and Tunisia, despite known evidence of serious human rights violations and crimes against humanity committed by these actors against refugees.<sup>89</sup>

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<sup>80</sup> Euromed Rights (2022), *Stop Push-backs from Cyprus to Lebanon Now!*

<https://euromedrights.org/publication/stop-push-backs-from-cyprus-to-lebanon-now/>

<sup>81</sup> ERR News (2022), *Estonia legalizes migrant pushbacks at borders in emergencies*,

<https://news.err.ee/1608673804/estonia-legalizes-migrant-pushbacks-at-borders-in-emergencies>

<sup>82</sup> Euronews (2022), *Violent and illegal' migrant pushbacks must end now, EU warns Greece*,

<https://www.euronews.com/my-europe/2022/07/04/violent-and-illegal-migrant-pushbacks-must-end-now-eu-warns-greece>

<sup>83</sup> Euronews (2021), *Lithuania declares state of emergency over migrant arrivals from Belarus*,

<https://www.euronews.com/2021/07/03/lithuania-declares-state-of-emergency-over-migrant-arrivals-from-belarus>

<sup>84</sup> France 24 (2021), *Latvia declares state of emergency over migrant influx at Belarus border*,

<https://www.france24.com/en/europe/20210810-latvia-declares-state-of-emergency-over-belarus-migrant-influx>

<sup>85</sup> Human Rights Watch (2022), *Violence and Pushbacks at Poland-Belarus Border*,

<https://www.hrw.org/news/2022/06/07/violence-and-pushbacks-poland-belarus-border#:~:text=Between%20March%20and%20May%2C%20Human%20Rights%20Watch%20interviewed%20nine%20migrants,wanted%20asylum%20and%20international%20protection>

<sup>86</sup> Human Rights Watch (2021), *Frontex Failing to Protect People at EU Borders*,

<https://www.hrw.org/news/2021/06/23/frontex-failing-protect-people-eu-borders>; European Parliament (2021), *Working Document: Report on the fact-finding investigation on Frontex concerning alleged fundamental rights violations*,

<https://www.statewatch.org/media/2590/ep-frontex-scrutiny-group-final-report-14-7-21.pdf>

<sup>87</sup> Court of Justice of the European Union (2020), *Hungary has failed to fulfil its obligations under EU law in the area of procedures for granting international protection and returning illegally staying third-country nationals*,

<https://curia.europa.eu/jcms/upload/docs/application/pdf/2020-12/cp200161en.pdf>

<sup>88</sup> BBC News (2021), *Denmark asylum: Law passed to allow offshore asylum centres*,

<https://www.bbc.com/news/world-europe-57343572>

<sup>89</sup> United Nations Human Rights Council (2021), *Report of the Independent Fact-Finding Mission on Libya (A/HRC/48/83)*,

<https://reliefweb.int/report/libya/report-independent-fact-finding-mission-libya-ahrc4883-enar>;

Amnesty International (2023), *EU/Tunisia: Agreement on migration 'makes EU complicit' in abuses against asylum seekers, migrant and refugees*,

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## Appendix: Consultation questions

### How would you prioritise the different elements in the EU-India Strategic Partnership Roadmap?

#### Civil society engagement

1. Have you ever participated in a civil society consultation by the EU or India? How representative are the consultations you have participated in of the diverse publics in both contexts, in particular the historically caste-oppressed and indigenous marginalised communities?
2. The previous Parliament recommendation on EU-India relations wants to “ensure the active and regular consultation and involvement of EU and Indian civil society in the development, implementation and monitoring of EU-India relations”. What are the things that impede your participation in such consultations? What additional details should this clause contain to ensure that historically oppressed and marginalised civil society actors are included in these consultations?
3. The previous Parliament recommendation in several places calls on the EU to address the human rights situation in India, and to encourage India to promote civil society participation. How can such civil society participation include the communities that are most affected by the human rights violations in India as well as the EU? What should it avoid doing so that the civil society that engages with the EU is not overly representative of the dominant caste groups in India and the dominant racial groups in EU?
4. The previous Parliament recommendation wants an “EU-India Civil Society Platform” and an “EU-India Youth Summit” as a side event at future EU-India summits. What would facilitate such Summits to avoid tokenism and youth from all communities are able to participate with equal voice?
5. The previous Parliament recommendation wants the EU to “develop, in collaboration with India, a strategy to address human rights issues [...] and to address [...] a free and safe environment for independent journalists and civil society”. What should this EU-India strategy entail?

#### Trade

1. The previous Parliament recommendation notes that “it is in the common interest to foster closer economic ties”. Do you think this is accurate?
2. What broad or specific action should the EU-India Free Trade Agreement contain on
  - a. sustainability and environment?
  - b. human rights?
  - c. caste-based discrimination and labour rights?
  - d. gender-based discrimination?

3. The EU and India have given their domestic stakeholders differential access to information on the trade negotiations. What is the minimum information that both should make available?

## Minority Rights

1. The previous Parliament recommendation calls on the other EU bodies to “express deep concern” on several issues, such as the CAA and anti-conversion laws. Is this appeal sufficient?
2. The previous Parliament recommendation calls on the other EU bodies to “work to eliminate and deter hate speech that incites discrimination or violence, which leads to a toxic environment where intolerance and violence against religious minorities can occur with impunity”. What should the next document say on hate speech in the EU-India relationship?
3. In the previous Parliament recommendation, refugees were *not* explicitly mentioned. What should civil society’s concrete recommendations be on refugees, to operationalise the UN Global Compact of Migration and the New York Declaration for Refugees and Migrants?
4. The European Parliament recommendation has called on the other bodies of the EU to “recognise” the link between anti-conversion laws and violence against religious minorities. What action should follow concretely in this relationship?

## Digital issues

1. The European Parliament wants to partner with India to “set and advance international standards in the digital economy grounded in sustainable and responsible digitalisation and a rule of law and human rights-based ICT environment, while [...] protecting fundamental rights and freedoms, including the protection of personal data” (ba). Do you think this formulation is sufficient?
2. The European Parliament in 2021 wanted to “align[...] Indian and European data regulation”, “welcome[d] India’s efforts towards a GDPR-like high level of personal data protection”, and wanted to “support data protection reform in India” (bb). What specific standards would civil society like to see in the EU-India relationship for data protection?
3. The EU plans to invest with India in a partnership in digital services and the development of responsible and human rights-based artificial intelligence (ba). What should this entail exactly?