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Background Dossier for Exchange of Views on India in the European Parliament's Human Rights Subcommittee

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Table of Contents

Executive Summary

A. Introduction

B. Methodology

C. Situation of Civil Society and Civic Spaces in India

Short - term risks

Recommendations in the context of the Free Trade Agreement

D. Situation of Indigenous Peoples in India

Short-term risks

Recommendations in the context of the Free Trade Agreement

E. Freedom of Press and Criminalisation of Right to Information in India

Short-term risks

Recommendations in the context of the Free Trade Agreement

F. Labour Rights in India

Short-term risks

Recommendations in the context of the Free Trade Agreement

G. Situation of Religious Minorities in India

Short-term risks

Recommendations in the context of the Free Trade Agreement

H. Overarching Recommendations

Further Reading

Executive Summary

The dossier compiles recommendations based on a comprehensive review of evidence from the Indian government itself, international lawyers, academic literature, and human rights reports. It incorporates inputs from various stakeholders, including human rights organisations and civil society, and draws from consultations and their outcomes like the EU-India People's Roadmap. These recommendations aim to address human rights and human security concerns in the EU-India relationship, and more specifically, to issue recommendations within the context of the Free Trade Agreement (FTA).

The world is facing a multifaceted human rights crisis with concerns spanning from restrictions of freedom of expression, infringements of labour rights, restrictions of religious freedoms, to violations of indigenous rights. These all violate the International Covenant on Civil and Political Rights (ICCPR) and other core human rights treaties. These concerns are prevalent in India, too, as reports by leading human rights organisations, international organisations, and UN Special Procedure experts highlight deteriorating freedoms.

Pre-existing human rights violations may be further exacerbated by the conclusion of a free trade and investment agreement between the EU and India. Labour rights as enshrined in International Labour Organisation Conventions are also under threat, with evidence of child and forced labour and suspension of core labour protection during the COVID-19 pandemic. Ongoing armed conflicts in resource-rich regions result in serious human rights violations, which may be further exacerbated by increased resource extraction. For example, in Chhattisgarh state, aerial bomb attacks on Adivasi communities have raised alarm about the right to life in violation not only of the ICCPR, but also the Common Article 3 of the Geneva Conventions.

Human rights defenders and civil society actors face persecution, exacerbating the challenges of upholding fundamental rights and seriously restricting the ability for human rights to be addressed during the negotiations for an FTA. Additionally, press freedom is deteriorating, as journalists face travel bans and harassment and India leads in blanket internet shutdowns, in violation of the ICCPR. The targeting of civil society actors who utilise the Right to Information Act (RTI) has resulted in numerous casualties, including killings, injuries, and harassment of RTI activists over the years. The country has also seen widespread targeted violence disproportionately affecting religious minorities, particularly Muslims, and with a significant increase in violence against Christians in recent years.

In light of these ongoing multifaceted crises to human rights, the EU and India should incorporate the following recommendations into their negotiations for free trade and investment agreement:



- **The EU and India should ensure that any trade liberalisation agreement thoroughly addresses concerns related to human rights, social, and environmental issues, rather than rushing into agreements for expediency.**
- **The EU and India should postpone the 2024 deadline for negotiations to allow for a meaningful discussion of adverse impacts.**
- **The EU and India should conduct Human Rights Impact Assessments, ensuring full civil society participation, and make the assessments publicly available within a defined time period.**
- **The EU and India must fulfil their human rights commitments, as outlined in international agreements and the EU-India Strategic Partnership Roadmap, and convene the 2023 bilateral Human Rights Dialogue urgently.**

Additional recommendations on each topic area can be found in the full dossier.

A. Introduction

1. 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.¹ EU-India documents emphasise “shared values” of freedom, democracy, pluralism, the rule of law, equality, respect for human rights.² 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.³
2. In June 2022, the EU and India resumed negotiations for “balanced, ambitious, comprehensive and mutually beneficial” trade and investment agreements.⁴ The negotiations on trade are expected to be some of the first ones in which the EU applies its new standards on human rights and sustainability (TSD).⁵ The EU and India have engaged in several rounds of negotiations.⁶
3. In the context of the negotiations for a free trade and investment agreement and as part of their bilateral relationship, the EU and India must jointly address human rights concerns, in line with obligations under the core human rights conventions. Therefore, on April 12 2023, a coalition of 10 NGOs published a joint statement on human rights concerns in the EU-India Free Trade Agreement, urging the EU and India to put strong commitments on TSD and all human rights at the core of their negotiations.⁷ However, within the current geopolitical landscape, these 10 NGOs also expressed serious

¹ 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

² 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

³ 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

⁴ 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

⁵ European Commission (2022), *The power of trade partnerships: together for green and just economic growth*, <https://circabc.europa.eu/ui/group/8a31feb6-d901-421f-a607-ebbdd7d59ca0/library/8c5821b3-2b18-43a1-b791-2df56b673900/details>

⁶ 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

⁷ Foundation The London Story (April 2023), *Joint statement on human rights commitments in the upcoming EU-India Free Trade and Investment Agreements* <https://thelondonstory.org/2023/04/12/joint-statement-on-human-rights-commitments-in-the-upcoming-eu-india-free-trade-and-investment-agreements/>

concerns that the agreement will be concluded at any cost. Human rights organisations assess that, discussions of human rights issues in the EU and India have been systematically side-lined within the wider relationship.⁸ This is despite the shared commitment to uphold human rights principles as enshrined in the Universal Declaration of Human Rights (UDHR) and reaffirmed during the last Human Rights Dialogue held in July 2022.⁹

4. As strategic partners, who affirm their common respect for human rights and democratic values, the EU and India must ensure that a deal to liberalise trade, whether 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. Such concerns include pervasive risks to the full realisation of human rights and sustainable development for all people in the EU and India. As a foundational tenet of international law, as enshrined in the UDHR, the International Covenant on Civil and Political Rights (ICCPR), and the core conventions of the International Labour Organization (ILO), any agreement reached between the EU and India must be fully committed to operationalising and ensuring human rights, social justice and environmental protection.
5. This dossier gives an overview of key human rights concerns for India related to the EU-India Free Trade Agreement, and provides recommendations to actors involved. There are also pervasive human rights issues in the European Union, which may be exacerbated by the agreement, and that must be identified and addressed in the context of these negotiations. A separate report by TLS addresses issues recommendations for placing human rights at the core of the EU-India relationship.¹⁰

⁸ Amnesty International EU (2021), *EU/India: The EU must break its silence on India's human rights record*, <https://www.amnesty.org/en/documents/asa20/4628/2021/en/>; Human Rights Watch et al. (2020), *Request to raise serious concerns and urge progress on the situation of human rights defenders during the upcoming 15th EU-India Summit of 15 July 2020*, <https://www.amnesty.eu/wp-content/uploads/2020/07/AI-CSW-FLD-HRW-FIDH-IDSN-MRG-OMCT-Letter-ahead-of-EU-India-summit-29-June-2020.pdf>; Foundation The London Story (April 2023), *Joint statement on human rights commitments in the upcoming EU-India Free Trade and Investment Agreements*, <https://thelondonstory.org/2023/04/12/joint-statement-on-human-rights-commitments-in-the-upcoming-eu-india-free-trade-and-investment-agreements/>;

⁹ European External Action Service (EEAS). "10th EU-India Human Rights Dialogue."

https://www.eeas.europa.eu/delegations/india/10th-eu-india-human-rights-dialogue_en

¹⁰ Foundation The London Story (September 2023), *A People's Recommendation on EU-India Relations*,

<https://thelondonstory.org/wp-content/uploads/A-Peoples-Recommendation-on-EU-India-Relations.pdf>

B. Methodology

6. Foundation The London Story (TLS) is a non-profit organisation led by Indian diaspora in Europe, working towards placing human rights and democratic values at the core of the EU-India relationship. As a diaspora-led organisation, it is in close contact with social movements, civil society organisations and human rights organisations in India, and promotes and amplifies their research and positions.
7. The following dossier is the result of a thorough review of evidence by the Indian government itself, international lawyers, peer-reviewed academic literature, fact-finding reports by human rights organisations in India, reports by reputed international human rights organisations, and reports by international organisations and bodies. It compiles inputs made by human rights organisations and supporting civil society organisations for the Universal Periodic Review of India in 2022 . TLS contributed to three stakeholder reports during the Universal Periodic Review based on a thorough review of India's implementation of applicable human rights law.
8. The recommendations issued are the outcome of a structured civil society-organised consultation process in several phases across several years. TLS draws on the written outcomes of the EU-India People's Summit of 2021, in which over 80 participants during 8 days of panel discussions and workshops devised the EU-India People's Roadmap.¹¹ The Roadmap sketches people's blueprint of the EU-India relationship with human rights and human security at its core.¹² Additionally, in August 2023, TLS convened a 2.5 hour consultation with 25 participants from civil society, academia and human rights defenders in August 2023. TLS also invited the written inputs of 70 civil society representatives from the EU and India. Additional recommendations were drafted that are not listed here, which can be found in their respective reports.¹³

¹¹ EU-India People's Summit (2021), *EU-India People's Summit*, <https://euindiasummit.com/>

¹² EU-India People's Summit (2021), *EU-India People's Roadmap*, https://thelondonstory.org/report/eu-india_peoples_roadmap/

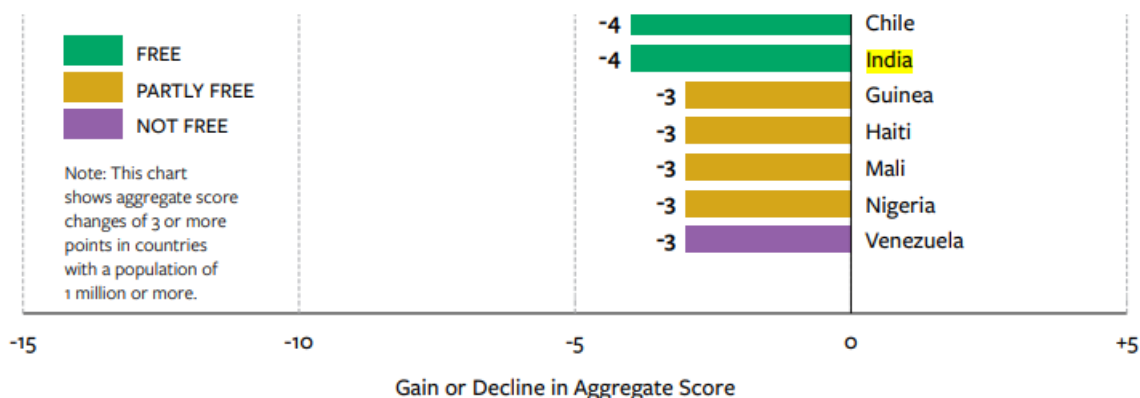
¹³ EU-India People's Summit (2021), *EU-India People's Roadmap*, https://thelondonstory.org/report/eu-india_peoples_roadmap/; Foundation The London Story (September 2023), *A People's Recommendation on EU-India Relations*, <https://thelondonstory.org/wp-content/uploads/A-Peoples-Recommendation-on-EU-India-Relations.pdf>

C. Situation of civil society and civic spaces in India

9. India is established as a democratic country with human rights and freedoms firmly enshrined in its Constitution. However, 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”.¹⁴ 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".¹⁵ In 2023, former senior Supreme Court judges alleged that branches of the executive and other oversight bodies had been “turned into extended arms of the central government” and had been “ignoring the Constitution of India”.¹⁶

LARGEST ONE-YEAR GAINS AND DECLINES IN 2019

Gains in aggregate score reflect improvements in conditions for political rights and civil liberties.



Source: Freedom House (2021)

10. According to Article 246 of India’s Constitution, the legislative competence on “entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries” lies with the Union government.¹⁷ In theory, this therefore allows for a role of India’s two houses of

¹⁴ Freedom House (2021), *Freedom in the World 2020*, https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

¹⁵ V-Dem Institute (2023), *Democracy Report 2023*, https://www.v-dem.net/documents/29/V-dem_democracyreport2023_lowres.pdf

¹⁶ Mukund Jha (2023), *Delhi: Former Judges, Lawyers Accuse the Current Government of Undermining Democracy and Constitution*, NewsClick, <https://www.newsclick.in/Delhi-Former-Judges-Lawyers-Accuse-Current-Government-Undermining-Democracy-Constitution>

¹⁷ Constitution of India (1950), Article 246: Subject-matter of laws made by Parliament and by the Legislatures of States, <https://www.constitutionofindia.net/articles/article-246-subject-matter-of-laws-made-by-parliament-and-by-the-legislatures-of-states/>

Parliament. However, in practice, as of 2022, there was reportedly no mechanism for any role of Parliament in the ratification of free trade agreements.¹⁸ This means that in addition to a lack of consultation of civil society actors, legislators also do not appear to have a formal route to engaging with the proposed agreement, despite this being constitutionally possible. Additionally, research by Gupta et al. (2018) shows that there has been a centralisation of decision-making in the Prime Minister's office since the election of Modi, including during trade deal negotiations.¹⁹ For example, the paper notes that Prime Minister Modi's government reduced the autonomy of the commerce ministry in shaping trade policy, by changing the ranks of the minister.²⁰

11. In June 2023, in a joint statement, more than 130 Indian actors expressed concern at the lack of transparency and non-inclusive consultation processes adopted by India in its FTA negotiations.²¹ This process reportedly sidelines India's Right to Information (RTI) Act: For example, an application submitted under the RTI Act seeking information about the agenda and the minutes of ministerial meetings with visiting EU delegations, representations received from business and trade representatives seeking to influence India's position in the trade talks was rejected by the Commerce Ministry on grounds of national security and trade secrets.²²
12. Additionally, human rights defenders and civil society are systematically persecuted, and an investigation by the Forensics Firm Arsenal Consulting alleges evidence against human rights defenders has been planted, in violation of the ICCPR²³ For example, in July 2021, 84- year-old Jesuit priest Father Stan Swamy died in custody while imprisoned without trial under sedition laws and being denied medical care.²⁴ 96% of sedition cases after 2014 have been filed against citizens criticising the government and politicians, raising serious concerns about freedom of expression enshrined in

¹⁸ Prabhash Ranjan (2022), Opinion: India needs parliamentary supervision of trade pacts, Indian Express, <https://indianexpress.com/article/opinion/columns/india-needs-parliamentary-supervision-of-trade-pacts-7932520/>

¹⁹ Gupta et al. (2019), *Indian Foreign Policy under Modi: A New Brand or Just Repackaging?* International Studies Perspectives, 20, 1-45

²⁰ Gupta et al. (2019), *Indian Foreign Policy under Modi: A New Brand or Just Repackaging?* International Studies Perspectives, 20, 1-45

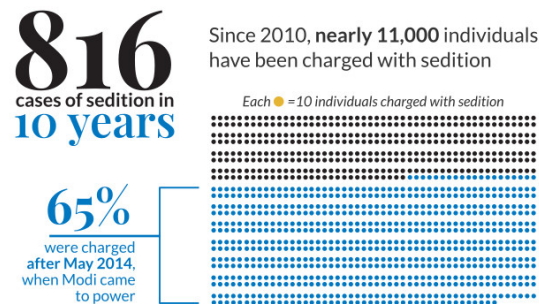
²¹ Counterview (2023), *India's free trade talks 'ignore' human rights, social justice, environmental impact*, <https://www.counterview.net/2023/06/indias-free-trade-talks-ignore-human.html>

²² Counterview (2023), *India's free trade talks 'ignore' human rights, social justice, environmental impact*, <https://www.counterview.net/2023/06/indias-free-trade-talks-ignore-human.html>

²³ The Washington Post (2022), *Hackers planted evidence on computer of jailed Indian priest, report says*, <https://www.washingtonpost.com/world/2022/12/13/stan-swamy-hacked-bhima-koregaon/>

²⁴ BBC News (2021), *Stan Swamy: Jailed activist dies at 84*, <https://www.bbc.com/news/world-asia-india-57718356>

Article 19 of the ICCPR²⁵ In February 2022, Prime Minister Narendra Modi described people participating in various peaceful protests as “parasites.”²⁶



28% increase in sedition cases filed each year between 2014 and 2020 under BJP compared to yearly average between 2010 and 2014 under Congress.

During the anti-CAA protests, **22** of the 25 sedition cases filed were in BJP-ruled states

After the Pulwama attack, **26** of the 27 sedition cases filed were in BJP-ruled states

Top 5 States With the Highest No. of Sedition Cases Since 2010

Rank	State	Cases since 2010	
1	Bihar	168	Of the five states with the highest number of sedition cases, four were governed by the BJP – Bihar, Uttar Pradesh, Karnataka and Jharkhand.
2	Tamil Nadu	139	
3	Uttar Pradesh	115	
4	Jharkhand	62	
5	Karnataka	50	

In Uttar Pradesh, **77%** of 115 sedition cases since 2010 have been registered over the last 4 years, since Yogi Adityanath became CM

More than half of these were for issues of 'nationalism'.

Disclaimer: This data is a preliminary set of findings based on ongoing research.

Sources: District Courts, High Courts & State Police Department websites, Media Reports, India Kanoon, SCC Online, Manupatra



© www.article-14.com

Source: Article-14 (2021)

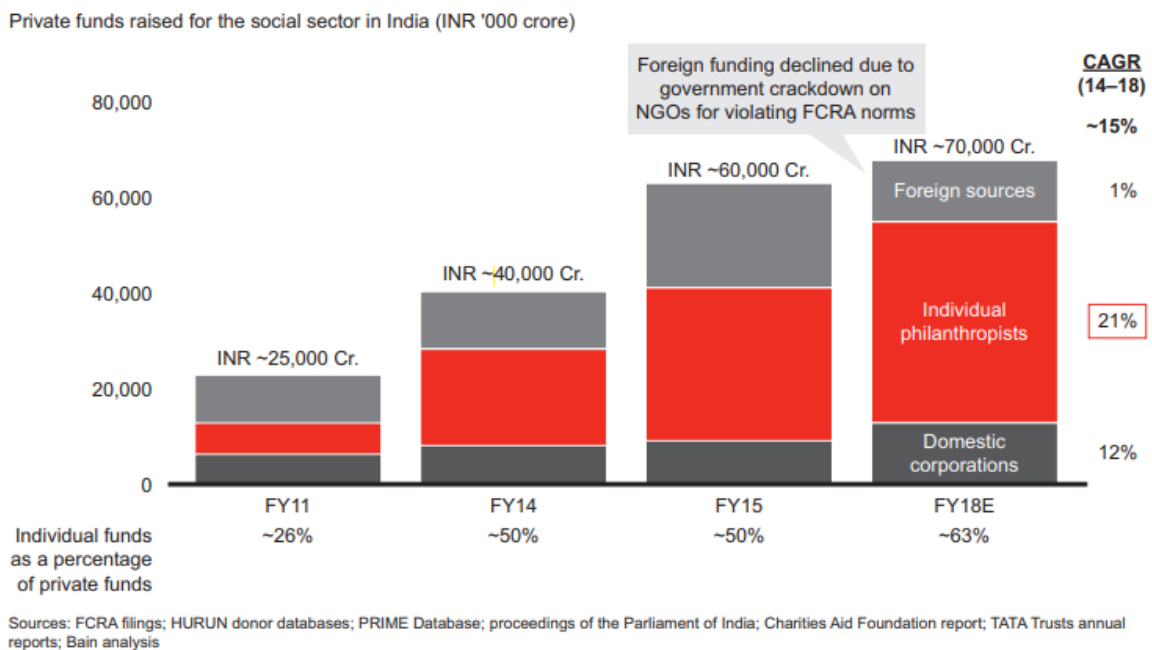
13. UN member states have issued recommendations to India to repeal or amend its Foreign Contribution Regulation Act (FCRA), given serious concerns that it restricts human rights, including the ability of human rights defenders to support human

²⁵ 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>

²⁶ 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/>

rights.²⁷ Between 2015 and 2018, there was a decline of 40 per cent in funding to NGOs in India following amendments to the FCRA.²⁸ The government cancelled the FCRA licences of 6,677 NGOs between 2017 and 2021 for alleged violations of the law.²⁹ One example includes Amnesty India, who was forced to suspend its operations in India in 2020.³⁰

Figure 3: Despite a slowdown in foreign funding in recent years, the role of private funding continues to grow, led by individual philanthropists



Source: Bain & Company (2019)

²⁷ United Nations Human Rights Council (2023), *UPR of India (4th Cycle - 41st Session) Thematic list of recommendations*, https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session41/in/UPR41_India_Thematic_List_of_Recommendations.doc

²⁸ Mia Swart (2020), *Indian law on foreign funding a 'tool to silence' civil society*, AlJazeera, <https://www.aljazeera.com/news/2020/11/13/restrictions-on-funding-of-indian-civil-society>

²⁹ Digvijaya Singh (2022), *Unstarred Question: Cancellation of FCRA Licences of NGOs*, Rajya Sabha; Hindustan Times (2022), *FCRA licences of NGOs linked to Gandhis cancelled over fund misuse: Govt*, <https://www.hindustantimes.com/india-news/fcra-licences-of-ngos-linked-to-gandhis-cancelled-over-fund-misuse-govt-101670436220901.html#:~:text=BJP%20president%20J%20P%20Nadda%20%2C%20in%20years%20between%202017%20and%202021>

³⁰ Amnesty (2020), *Amnesty International India halts its work on upholding human rights in India due to reprisal from Government of India*, <https://www.amnesty.org/en/latest/press-release/2020/09/amnesty-international-india-halts-its-work-on-upholding-human-rights-in-india-due-to-reprisal-from-government-of-india/>

Short-term risks

14. The FTA cannot proceed without good-faith consultations with representative and diverse civil society organisations in India. Human rights concerns must be monitored both before and after the conclusion of the agreement, through ex ante and ex post human rights monitoring mechanisms. Civil society actors must be actively facilitated in supporting such monitoring, as opposed to persecuted for showing adverse impacts. The need for such an enabling environment for continued human rights monitoring follows from the EU's 2022 Trade and Sustainable Development review.³¹ While the European Economic and Social Committee expects that civil society organisations should deliver “timely, well substantiated and evidence-based contributions”, this is not possible under the current persecution.³²

Recommendations in the context of the Free Trade Agreement

15. The EU and India should proactively engage with civil society groups, trade unions and human rights defenders, to involve them in civil society consultations regarding EU-India trade relations. This approach aims to ensure participation of diverse sections of society, broadening the scope to transcend simple business interests. Engaging with civil society is essential to adequately identify and address potential adverse impacts on vulnerable populations, and hold governments accountable for the impact of their trade policies on human rights, labour standards, and the environment. In line with this, the EU and India should also promote and provide assistance to civil society organisations conducting outreach to civil society representatives from marginalised groups.
16. Before negotiations continue, the EU and India should consult representatives of all groups of stakeholders who will be affected by the agreement, including from other geographies, particularly the most vulnerable, to frame their positions on textual proposals. By excluding or neglecting these populations from decision-making processes, the EU and India may inadvertently perpetuate discriminatory practices, which are contrary to international legal norms. Therefore, consultations should be an integral part of shaping the positions and mandates of negotiators, rather than just

³¹ European Commission (2022), The power of trade partnerships: together for green and just economic growth,

<https://circabc.europa.eu/ui/group/8a31feb6-d901-421f-a607-ebbdd7d59ca0/library/8c5821b3-2b18-43a1-b791-2df56b673900/details>

³² European Economic and Social Committee (2023), Opinion of the European Economic and Social Committee on ‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — The power of trade partnerships: together for green and just economic growth’,
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52022AE4926>

a box-ticking exercise in which views are exchanged, but not incorporated.

17. 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.

D. Situation of indigenous peoples in India

18. There is an active armed conflict ongoing between insurgent groups in the resource-rich state of Chhattisgarh, inhabited largely by indigenous peoples, and state forces.³³ A fact-finding initiative conducted in 2016 found that approximately 60,000 to 100,000 armed forces personnel are stationed in southern Chhattisgarh.³⁴ According to the ECCHR and the India Justice Project, the state commits serious human rights violations as part of the armed conflict, including reportedly against civilians.³⁵
19. On April 7, 2023, Adivasi people in the Bijapur district of Bastar, in the Indian state of Chhattisgarh, were targeted by an aerial bomb attack.³⁶ This attack is the fourth in three years and grossly violates the right to life of indigenous peoples.³⁷ Because of the violent nature of attempts to contain the Maoist movement, the conflict is classified as an armed conflict.³⁸ Although the conflict itself is non-international, it constitutes an

³³ European Center for Constitutional and Human Rights and India Justice Project (2022), *In the Name of Development*, <https://www.ecchr.eu/en/publication/in-the-name-of-development/>

³⁴ Delhi Solidarity Group (2016), Report of the Fact-Finding Team to South Chhattisgarh, https://delhisolidaritygroup.files.wordpress.com/2021/03/report-of-the-fact-finding-team-to-south-chhattisgarh-1.pdf?force_download=true

³⁵ European Center for Constitutional and Human Rights and India Justice Project (2022), *In the Name of Development*, <https://www.ecchr.eu/en/publication/in-the-name-of-development/>

³⁶ India Matters UK (2023), *Statement against the drone bomb attacks in Chhattisgarh, India*, <https://indiamattersuk.com/2023/04/17/statement-against-the-drone-bomb-attacks-in-chhattisgarh-india/>

³⁷ Raunak Shivhare (2022), 'Narrowly Escaped Drone Strike,' *Claim Adivasis in Chattisgarh's Bijapur*, The Quint, <https://www.thequint.com/news/india/chhattisgarh-tribals-claim-drone-attack-in-bastar-forces-deny#read-more>

³⁸ Human Rights Council Eleventh Session (2009), India: Special police officers in use in armed conflicts, committing rights violations - India, ReliefWeb, <https://reliefweb.int/report/india/india-special-police-officers-use-armed-conflicts-committing-rights-violations>; Saini, A., & Nirula, K. (2022), *Insurgency in India as a Non-international Armed Conflict*, Indian Journal of Integrated Research in Law, 2(3)

ongoing armed conflict subject to Common Article 3 of the Geneva Conventions.³⁹ In accordance with customary International Humanitarian Law, the Government of India is obligated to prohibit indiscriminate attacks that threaten civilian populations.⁴⁰

20. Additionally, over 70 million people have been displaced from “development projects” since India’s independence in 1947, making it the world leader.⁴¹ Such displacement has placed people at serious risk, including by threatening their right to housing under Article 11(1) of the International Covenant on Economic, Social and Cultural Rights (ICESCR) and their right to property under Article 17 of the Universal Declaration of Human Rights (UDHR). Additionally, since the ruling Bharatiya Janata Party (BJP) came into power in 2014, state-sanctioned land grabs by corporations in the state of Chhattisgarh have reportedly accelerated.⁴²

Short-term risks

21. Corporate land grabs are expected to aggravate, as the extraction of rare earths needed for so-called clean energy technology is likely to increase under the EU-India trade liberalisation.⁴³ Increasing extraction of natural resources in already conflict-ridden regions is likely to further exacerbate human rights violations by the hands of the police, Border Security Forces, army, and private security by corporations. Without adequate consultation, free and prior informed consent, and respect for human rights, it is likely to further undermine the rights of Adivasis to self-governance of their land and resources as recognized by the Indian Constitution as well as a number of progressive laws, including the Panchayat (Extension to Scheduled Areas) Act 1996 and The Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006. It will primarily impact already marginalised persons and impoverished communities in

³⁹Human Rights Council Eleventh Session (2009), India: Special police officers in use in armed conflicts, committing rights violations - India, ReliefWeb, <https://reliefweb.int/report/india/india-special-police-officers-use-armed-conflicts-committing-rights-violations>; Saini, A., & Nirula, K. (2022), Insurgency in India as a Non-international Armed Conflict, Indian Journal of Integrated Research in Law, 2(3)

⁴⁰ Art 3 of the Geneva Conventions; Art 13(2), 48, 51(2), 52 of the Additional Protocol I to the Geneva Conventions; Amended Protocol II to the Convention on Certain Conventional Weapons

⁴¹ Working Group on Human Rights (2017), *Factsheets India UPR*, <https://web.archive.org/web/20220319235515/https://wghr.org/wp-content/uploads/2022/03/WGHR-Factsheets-India-UPR-III-copy.pdf>

⁴² Working Group on Human Rights (2017), *Factsheets India UPR*, <https://web.archive.org/web/20220319235515/https://wghr.org/wp-content/uploads/2022/03/WGHR-Factsheets-India-UPR-III-copy.pdf>

⁴³ European Commission (2023), *EU-India: new Trade and Technology Council to lead on digital transformation, green technologies and trade*, https://ec.europa.eu/commission/presscorner/api/files/document/print/en/ip_23_596/IP_23_596_EN.pdf

Chhattisgarh state.

22. If the EU decides to consider India a trade partner on raw earth minerals and chooses to import from the country it risks further exacerbating the already fractured relationship that the Government of India has with its tribes. Both the state of India and the EU risk becoming complicit in the violation of the rights of indigenous peoples, which they have both previously affirmed in accordance with numerous human rights accords.

Recommendations in the context of the Free Trade Agreement

23. Adopt and strictly enforce comprehensive due diligence legislation that enables holding corporations of all sizes (Multinational, SMEs, ...) accountable, and facilitate state-based punitive actions against corporate infringements of human rights.
24. Include ex ante and ex post human rights monitoring mechanisms in which civil society play a greater role in the monitoring of the agreement.
25. Include a clause in the FTA that allows for revision of the agreement in case of human rights violations, and in case any provision is found to threaten human rights.

E. Freedom of press and criminalisation of right to information in India

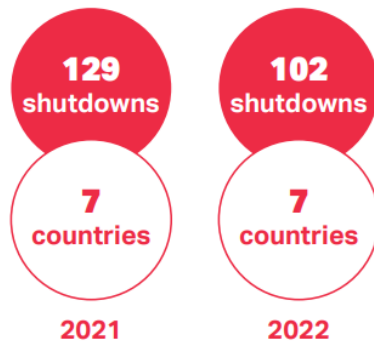
26. The 2023 report by Access Now and the #KeepItOn coalition documented India as the world leader of Internet shutdowns for the fifth consecutive year.⁴⁴ Takedown orders by the Indian government increased by 11% between 2021 and 2022.⁴⁵ The 552-day shutdown in Kashmir constitutes the longest internet shutdown in a democratic country.⁴⁶ Such blanket internet shutdowns cannot be justified in reference to international human rights law and constitute violations of the freedom of expression and right to impart and seek information under the ICCPR.

⁴⁴ 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>

⁴⁵ 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>

⁴⁶ SFLC (2023), *Internet Shutdowns*, <https://internetshutdowns.in/>

Asia Pacific Regional overview in 2022



Myanmar: 7

Longest ongoing shutdown exceeded 540 days as of March 2023

India: 84

Most shutdowns recorded in the world for five consecutive years

Bangladesh: 6 Afghanistan: 2 China: 1
Pakistan: 1 Sri Lanka: 1

Mobile vs. broadband shutdowns in the region



1.2 billion mobile internet users in the region

(source: Global System for Mobile Communications Association)

Source: Access Now (2022)

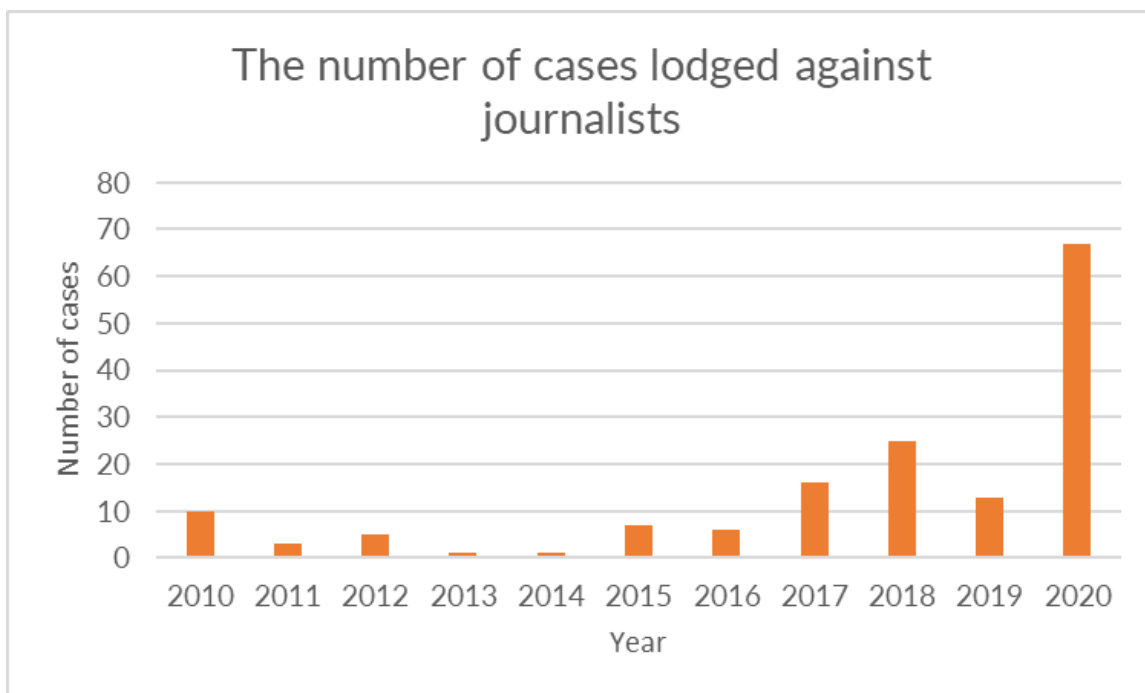
India's expanding censorship toolkit

From 2015 to 2022, Indian authorities blocked at least 55,607 websites, URLs, applications, social media posts, and accounts.⁹² These censorship acts have been steadily on the rise, with the government blocking 2.4 times, or 142%, more social media posts in 2022 than 2018.⁹³

	Shutdowns	Takedown orders (social media posts and accounts) ⁹⁴
2022	84 (21% ↓)	6775 (11% ↑)
2021	107	6096

Source: Access Now (2022)

27. India ranks 161 of 180 worldwide in the Reporters Without Borders Press Freedom Index.⁴⁷ Between 2010-2020, 154 cases were filed against journalists for their work.⁴⁸ Over 40% of cases were registered in 2020 itself.⁴⁹ The government has imposed travel bans on over 22 journalists, in violation of freedom of movement and freedom of expression enshrined in Articles 12 and 19 of the ICCPR. Several journalists have faced raids, threats, and detention.⁵⁰ For example, on October 15, 2022, Kashmiri photojournalist and Pulitzer prize winner Sanna Irshad Mattoo was arbitrarily banned from travelling to the US by immigration authorities at the Delhi airport, despite having a valid visa and ticket. She was given no official reason.⁵¹ This violated not only her right to freedom of movement, as protected under various international agreements, but also constituted a restriction on press freedom as mandated by Article 19 of the ICCPR.



Source: Free Speech Collective (2020)

⁴⁷ Reporters without Borders (2023), *India*, <https://rsf.org/en/country/india>

⁴⁸ Free Speech Collective (2020), *Behind Bars*, <https://freespeechcollectivedotin.files.wordpress.com/2020/12/behind-bars-arrests-of-journalists-in-india-2010-20.pdf>

⁴⁹ Free Speech Collective (2020), *Behind Bars*, <https://freespeechcollectivedotin.files.wordpress.com/2020/12/behind-bars-arrests-of-journalists-in-india-2010-20.pdf>

⁵⁰ 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>

⁵¹ Amnesty International (2022), *India: Authorities must end alarming rise of arbitrary travel bans on journalists and activists*, <https://www.amnesty.org/en/latest/news/2022/10/india-authorities-must-end-alarming-rise-of-arbitrary-travel-bans-on-journalists-and-activists/>

INDEX 2023

161 / 180

Score : 36.62

INDEX 2022

150 / 180

Score : 41

POLITICAL INDICATOR	169 33.65	POLITICAL INDICATOR	145 40.76
ECONOMIC INDICATOR	155 34.15	ECONOMIC INDICATOR	149 30.36
LEGISLATIVE INDICATOR	144 42.92	LEGISLATIVE INDICATOR	120 57.02
SOCIAL INDICATOR	143 45.27	SOCIAL INDICATOR	127 56.25
SECURITY INDICATOR	172 27.12	SECURITY INDICATOR	163 20.61

Source: Reporters without Borders (2023)



Source: Reporters without Borders (2023)

28. In 2005, India enacted the Right to Information Act (RTI) to give effect to the fundamental rights of citizens to seek and receive information from governments, local authorities, public sector enterprises including banks and non-governmental organisations owned, controlled or substantially financed by governments.⁵² However, civil society actors who make use of RTI are systematically targeted. According to the Commonwealth Human Rights Initiative, between October 12, 2005 and October 17, 2016, media reported more than 311 instances of attacks on or harassment of citizens who sought information under RTI Act.⁵³ In this period, at least 51 people were reportedly killed for exercising their right to information.⁵⁴

Short-term risks

29. The severe restrictions on access to information and freedom of press greatly impede the prospect of effectively monitoring agreements. It is unlikely that journalists will be able to comprehensively and independently report on rampant corporate human rights violations and labour rights violations or fully exercise their right to freedom of expression.

Recommendations in the context of the Free Trade Agreement

30. The EU and India should ensure transparency and public engagement by disclosing all draft agreements and negotiation documents, facilitating open discussions for public debate. Furthermore, they should provide regular updates on both finalised agreements and ongoing negotiation topics.

31. The EU and India should adhere to the principle of transparency by making all relevant documents essential for conducting a comprehensive assessment of human rights and sustainability impacts publicly accessible. This should encompass data related to unemployment rates, environmental clearances for resource-intensive activities, and any other pertinent documents as mandated by the independent assessors.

32. The EU and India should jointly pledge to not selectively restrict or ban social media platforms, or to engage in blanket bans on internet and telecommunications access as

⁵² The Right to Information Act (2005), <https://www.indiacode.nic.in/bitstream/123456789/2065/1/A2005-22.pdf>

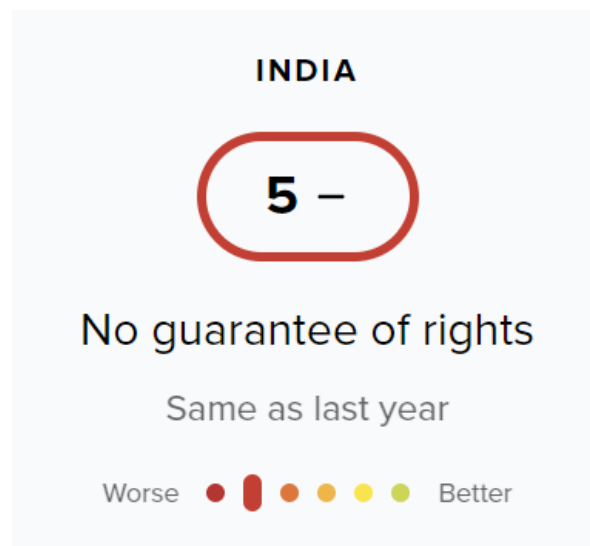
⁵³ Commonwealth Human Rights Initiative (2016), *Attacks on RTI users in India: Hall of Shame statistics update*, <https://www.humanrightsinitiative.org/download/Attacks%20on%20RTI%20users%20in%20India.pdf>

⁵⁴ Commonwealth Human Rights Initiative (2016), *Attacks on RTI users in India: Hall of Shame statistics update*, <https://www.humanrightsinitiative.org/download/Attacks%20on%20RTI%20users%20in%20India.pdf>

these actions directly infringe upon the fundamental right to freedom of expression. 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.

F. Labour rights in India

33. In the ITUC Global Rights Index 2022, India reportedly has “no guarantee of [labour] rights”.⁵⁵ Concerns noted by the ITUC, beyond those listed above on the systematic targeting of civil society including trade unions, include laws that restrict collective bargaining by unions and violent attacks on striking labourers, ranging from teachers, to healthcare workers, to farmers, by police and other state actors.⁵⁶ These constitute violations of basic labour rights enshrined in the core conventions of the International Labour Organisation.



Source: ITUC Global Rights Index (2022)

34. Authoritative reports detail evidence of forced labour, bonded labour and child labour, including within Indian supply chains that provide exports to the EU.⁵⁷ While India's

⁵⁵ Global Rights Index (2023), *Workers' rights by laws and country*, <https://www.globalrightsindex.org/en/2022/countries/ind>

⁵⁶ Global Rights Index (2023), *Workers' rights by laws and country*, <https://www.globalrightsindex.org/en/2022/countries/ind>

⁵⁷ International Labour Organization (2017), *Child Labour in Cotton*, https://www.ilo.org/ipec/Informationresources/WCMS_IPEC_PUB_29655/lang--en/index.htm; Walk Free Foundation (2023), *Global Slavery Index*,

Bonded Labour Abolition Act (1976) prohibits bonded and forced labour, the 2023 Global Slavery Index by the Walk Free Foundation found that an estimated 11 million people lived in modern slavery in India in 2021.⁵⁸

India



Source: US Department of Labour (2021)

35. Similarly, extensive reports detail the role of the caste system in forced labour, and emphasise the apathy of the government towards abolishing caste-based discrimination and caste-based atrocities.⁵⁹ According to the 2011 census, Dalits – officially known as “scheduled castes” – constitute 201 million people. These figures do

<https://www.walkfree.org/global-slavery-index/findings/regional-findings/asia-and-the-pacific/>; US Department of Labour (2022), *Child Labor and Forced Labor Reports*, <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/india>

⁵⁸ Walk Free Foundation (2021), *Global Slavery Index*,

<https://www.walkfree.org/global-slavery-index/map/#mode=data:country=IND:dimension=p>

⁵⁹ International Labour Organization (2014), *Resource Handbook for Ending Manual Scavenging*, <http://www.indianet.nl/pdf/ResourceHandbookForEndingManualScavenging.pdf>

not include Dalits who have converted or are born and raised within a non-Hindu religious community.⁶⁰ Despite constitutional safeguards and special legislation for their protection⁶¹, violations of their fundamental human rights, especially through forced labour, continue on a massive scale.⁶² The ILO in particular, prohibits all forms of forced or compulsory labour, with specific attention to labour extracted from marginalised or vulnerable groups.

36. Apart from denying workers the ability to enforce their labour rights, India has weakened its labour laws in Special Economic Zones, and prioritised export oriented industries such as garments, with increased informalisation, casualisation, gender-based wage disparity, volatility of employment and worsening conditions of work.⁶³

37. India also weakened labour protections outside of SEZs, by suspending 35 out of 38 labour laws in the state of Uttar Pradesh during the COVID-19 pandemic.⁶⁴ As the Oxford Human Rights Hub argues, this legislative change violates workers' fundamental rights and exposes them to an increased risk of exploitation.⁶⁵

Short-term risks

38. As corporations desire to minimise costs and increase profits, human rights and protective labour laws are required to avoid an adverse impact on the workers in the supply chains. Without firm labour rights safeguards by EU and Indian companies, and domestic mechanisms in the EU and India to enforce labour rights, the EU-India trade agreement may exacerbate gross labour rights violations. This concern is amplified by the fact that the EU and India also seek to increase trade also between Small and

⁶⁰ International Dalit Solidarity Network (2019), *India*, <https://idsn.org/countries/india/>

⁶¹ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, <https://www.indiacode.nic.in/bitstream/123456789/1920/1/a1989-33.pdf>

⁶² International Dalit Solidarity Network (2016), *Caste discrimination in India*, <https://idsn.org/wp-content/uploads/2016/09/IDSN-briefing-note-India-2016.pdf>

⁶³ Working Group on Human Rights (2017), *Factsheets India UPR*, <https://web.archive.org/web/20220319235515/https://wghr.org/wp-content/uploads/2022/03/WGHR-Factsheets-India-UPR-III-copy.pdf>

⁶⁴ Hetal Doshi (2020), *Suspension of Labour Laws in Uttar Pradesh Amidst COVID-19: A Fundamental Rights Emergency*, Oxford Human Rights Hub, <https://ohrh.law.ox.ac.uk/suspension-of-labour-laws-in-uttar-pradesh-amidst-covid-19-a-fundamental-rights-emergency/>

⁶⁵ Hetal Doshi (2020), *Suspension of Labour Laws in Uttar Pradesh Amidst COVID-19: A Fundamental Rights Emergency*, Oxford Human Rights Hub, <https://ohrh.law.ox.ac.uk/suspension-of-labour-laws-in-uttar-pradesh-amidst-covid-19-a-fundamental-rights-emergency/>

Medium Enterprises (SMEs)⁶⁶, which fall outside the purview of the textual proposals for a Corporate Sustainability and Due Diligence Act by both the European Parliament and the Commission.⁶⁷

Recommendations in the context of the Free Trade Agreement

39. In their trade and investment relations, the EU and India should jointly commit to ambitious provisions on an enforceable Trade and Sustainable Development chapter aligned with the Paris Agreement. They should also jointly commit to appropriate provisions regarding investors' duties on human rights. This is an unequivocal necessity, aligned with their international treaty obligations laid out above and their joint commitment to human rights and environmental protection in the EU-India Strategic Partnership Roadmap 2020.

40. The EU and India should include a clause in their trade agreements that

- a. ... allows for revision of the agreement in case of human rights violations, and in case any provision is found to threaten human rights.
- b. ... establishes an independent monitoring mechanism, in which civil society is encouraged and facilitated to play a key role.
- c. ... establishes a timeline for revisiting the agreement with a view to updating it in line with progressively evolving human rights standards.

G. Situation of religious minorities in India

41. 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.⁶⁸ In 2021, a panel of independent experts under the guidance of former International Criminal Court prosecutor Fatou Bensouda found credible evidence of crimes against humanity committed in India against its Muslim

⁶⁶ European Parliament (2023), *EU - India FTA in "A Stronger Europe in the World"*, <https://www.europarl.europa.eu/legislative-train/theme-a-stronger-europe-in-the-world/file-eu-india-fta-bit-and-gi-agreement>

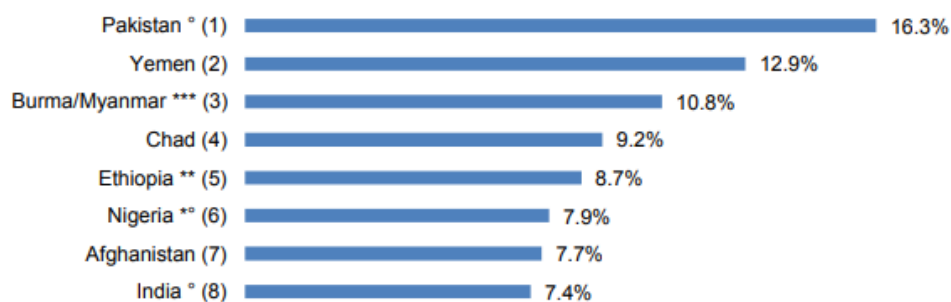
⁶⁷ European Parliament (2023), 2022/0051(COD) Corporate Sustainability Due Diligence, [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0051\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0051(COD)&l=en)

⁶⁸ The Wire (2020), *Anurag Thakur Leads Crowd to Chant 'Shoot the Traitors'*, <https://thewire.in/politics/anurag-thakur-delhi-chants>

minorities.⁶⁹ The Early Warning Project in 2023 ranks India 8th highest risk of concern for mass atrocities against religious minorities among 162 countries.⁷⁰

STATISTICAL RISK ASSESSMENT 2022–23

Figure 2: Top 30 countries by estimated risk of new mass killing, 2022–23



Source: Early Warning Project (2022)

42. In ongoing violence in Manipur, North-East India, over 120 people have lost their lives.⁷¹ This armed conflict started in May 2023 and has strong religious elements, with at least 250 churches being destroyed.⁷² On September 4, UN human rights experts issued a press release expressing their alarm over the scale of human rights violations involved in the Manipur violence and at the “inadequate humanitarian response” in its wake.⁷³ They said the situation was “grave” and pointed out that it has involved alleged acts of “sexual violence, extrajudicial killings, home destruction, forced displacement, torture and ill-treatment”.⁷⁴

⁶⁹ Centre for Human Rights, University of the Free State (June 2022), *Report of the Panel of Independent International Experts (PIIE) to examine information about alleged violations of international law committed against Muslims in India since July 2019*, https://www.ufs.ac.za/docs/librariesprovider21/default-document-library/piie-report-final.pdf?sfvrsn=624e4920_0

⁷⁰ 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>

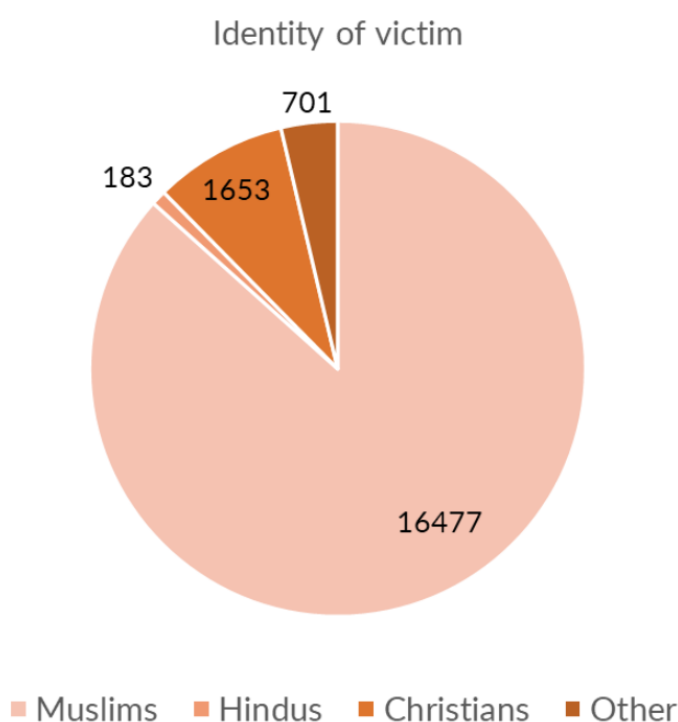
⁷¹ European Parliament (2023), *European Parliament resolution of 13 July 2023 on India, the situation in Manipur*, https://www.europarl.europa.eu/doceo/document/TA-9-2023-0289_EN.html

⁷² Foundation The London Story (2023), *Background Dossier on Ethno-Religious Violence and Human Rights Abuses in Manipur, India*, <https://thelondonstory.org/report/background-dossier-on-ethno-religious-violence-and-human-rights-abuses-in-manipur-india/>

⁷³ OHCHR (2023), *India: UN experts alarmed by continuing abuses in Manipur*, <https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>

⁷⁴ OHCHR (2023), *India: UN experts alarmed by continuing abuses in Manipur*, <https://www.ohchr.org/en/press-releases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>

43. There is evidence of widespread violence in India against people on grounds of protected characteristics, especially religion. Such targeted violence disproportionately affects 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.⁷⁵ Violence against Christians also rose by 81% between 2020 and 2021.⁷⁶ More than 2000 Christians were attacked and injured in the first nine months of 2021.⁷⁷ Additionally, Hindu supremacist groups have called for economic boycotts of Muslim vendors.⁷⁸



Source: DOTO database, status: May 2022 [33]

Source: Foundation The London Story (2022)

⁷⁵ The London Story (2022), *UPR Cycle IV India Factsheet*, <https://thelondonstory.org/wp-content/uploads/UPR-Cycle-IV-India-Factsheet-1.pdf>

⁷⁶ National Herald (2022), *Violent attacks against Christians up by 81 per cent since 2020, 505 incidents in 2021*, <https://www.nationalheraldindia.com/india/violent-attacks-against-christians-up-by-81-per-cent-since-2020-505-incidents-in-2021>

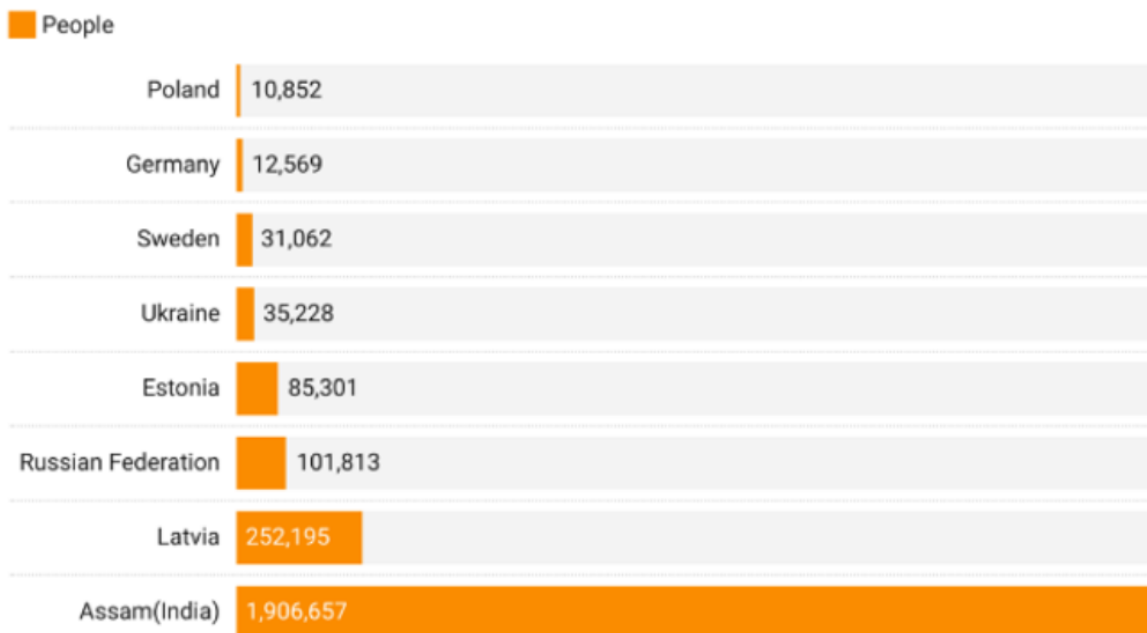
⁷⁷ DW (2021), *Why are Christians being targeted in India?* <https://www.dw.com/en/why-are-attacks-on-christians-increasing-in-india/a-60293867>

⁷⁸ Kaushik Raj (2023), *Indian Muslims in Haryana face calls for economic boycott after violence*, AlJazeera, <https://www.aljazeera.com/news/2023/8/12/muslims-in-haryana-face-calls-for-economic-boycott-after-violence-in-nuh>

44. India is systematically excluding its minority population in violation of religious freedoms enshrined in the ICCPR. The Citizenship Amendment Act 2019 (CAA) allows the government to fast-track asylum claims of irregular immigrants from specific communities.⁷⁹ The OHCHR called the CAA “fundamentally discriminatory in nature”, as it adds a religious criterion to citizenship and specifically excludes Muslims.⁸⁰ Home Minister Amit Shah announced that a National Registry of Citizens (NRC) would be conducted for the whole of India.⁸¹ In Assam, the NRC has already rendered 1.9 million citizens stateless.⁸² 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.⁸³

Number of stateless people in different regions

Data for Assam from 2019



Source: Global Trends: Forced Displacement in 2015 (2016), • Created with Datawrapper

Source: Foundation The London Story (2022)

⁷⁹ USCIRF (2020), The Citizenship (Amendment) Act in India,

<https://www.uscirf.gov/resources/factsheet-citizenship-amendment-act-india>

⁸⁰ United Nations (2019), *New citizenship law in India ‘fundamentally discriminatory’*: UN human rights office, <https://news.un.org/en/story/2019/12/1053511>

⁸¹ 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-sha-h-in-rajya-sabha/article61670698.ece>

⁸² Foundation The London Story (2021), *Assam Dossier*, <https://thelondonstory.org/2021/09/20/assam-dossier-2021/>

⁸³ PUDR (2019), *Bloody Sunday*,

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

45. India grossly discriminates against its minority population through laws, in violation of the fundamental freedom of religion in Article 18 of the ICCPR. 23 out of 29 states in India have introduced laws criminalising cow slaughter, trade, and consumption of beef with harsh sentences.⁸⁴ 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.⁸⁵ Such laws violate the right to family life (Article 23) and right to freedom of religion (Article 18) in the ICCPR. Such laws have also emboldened vigilante groups, who engage in extrajudicial violence against people from religious minorities in response to alleged violations of these laws.⁸⁶

Short-term risks

46. Worsening persecution of religious minorities places India at the risk of mass atrocities, which is already visible in the ongoing armed conflict in Manipur.⁸⁷ Violence against Muslim vendors, traders and business people, and calls for boycott against minority businesses, create potentially serious concerns for the consequences of increased trade moving forward.⁸⁸ Given that the EU does not traditionally consider religious minorities stakeholder groups in their human rights impact assessments, the risks for this stakeholder group are not yet known, and urgent research is needed to identify and mitigate potential harms. This lack of awareness can result in inadequate protection of the rights and well-being of religious minorities.

⁸⁴ 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>

⁸⁵ 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>

⁸⁶ Mahibul Hoque (2023), *Muslim man with mental health conditions lynched in Assam*, Maktoob Media, <https://maktoobmedia.com/latest-news/muslim-man-with-mental-health-conditions-lynched-in-assam/>; Sukrita Baruah (2023), *4 lynchings in a month in Assam, DGP tells team to act 'irrespective of caste, creed, religion*, Indian Express, <https://indianexpress.com/article/india/assam-4-lynchings-dgp-8897182/>

⁸⁷ 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>

⁸⁸ CSW (2023), *CSW input to the Trade Sustainability Impact Assessment of the EU/India trade and investment agreements*, https://www.eu-india-tsia.eu/_files/ugd/70e9b1_edae9a42a886427180d0c9510ad1078c.pdf

Recommendations in the context of the Free Trade Agreement

47. 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, especially on religious minorities. This should particularly examine the effects of economic boycotts of Muslims ongoing in India.
48. 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.
49. 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. Discriminatory laws that restrict the free choice of religion can be used as tools of religious persecution and violate the right to equality and freedom of choice.

H. Overarching recommendations

50. The EU and India must adopt a consistent approach to addressing human rights violations within each others' territories, treating such violations with the same level of attention and commitment as they would when addressing human rights abuses in any other foreign nation.
51. The EU and India should insist that any trade liberalisation agreement, whether in the form of a comprehensive free trade agreement or a bilateral investment agreement, thoroughly addresses and provides solutions to all concerns raised during negotiations. The EU and India must refrain from entering into an agreement with inadequate inclusion of human rights, social and environmental concerns, just for the sake of expediency. Instead, they should mutually 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.
52. The EU and India should place negotiations on hold until both partners have conducted Human Rights Impact Assessments, and have made these assessments



publicly available in unredacted form within a defined time period.

- 53. The EU and India must take concrete and proactive steps to fulfil their agreed-upon human rights commitments, such as those enshrined in the EU-India Strategic Partnership Roadmap. The EU and India must urgently convene the 2023 edition of their bilateral Human Rights Dialogue.**



Further reading

Foundation The London Story (September 2023), A People's Recommendation on EU-India Relations,

<https://thelondonstory.org/wp-content/uploads/A-Peoples-Recommendation-on-EU-India-Relations.pdf>

Foundation The London Story (February 2023), Overarching human rights concerns of an EU-India FTA,

<https://thelondonstory.org/wp-content/uploads/Human-rights-concerns-of-an-EU-India-FTA-Summary-for-Trade-Impact-B.V..pdf>

Foundation The London Story and Indian American Muslim Council (June 2022), Political and Human Rights Situation in India,

<https://thelondonstory.org/wp-content/uploads/India-Human-Rights-Political-Situation-Status-Report-June-2022-2.pdf>

Foundation The London Story (June 2023), India Developments Jan-May 2023,

<https://thelondonstory.org/wp-content/uploads/Overview-of-India-Developments-2023.pdf>

Foundation The London Story (April 2023), Joint statement on human rights commitments in the upcoming EU-India Free Trade and Investment Agreements,

<https://thelondonstory.org/2023/04/12/joint-statement-on-human-rights-commitments-in-the-upcoming-eu-india-free-trade-and-investment-agreements/>