



**JUNE
2022**

Political and Human Rights Situation in India

**STATUS REPORT FOR
EUROPEAN PARLIAMENT**

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- 1 Issue a public statement as the EU's Delegation for Relations with India condemning India's failure to address hate speech targeting religious minorities, and its deteriorating state of human rights. Inspiration can be taken from an open letter sent by 21 MEPs in March 2022.
- 2 Take concrete measures to follow up on the commitments made in the 2021 human rights dialogue between the EU and Indian authorities.
- 3 Operationalize the EU-India People's Roadmap as a parliamentary resolution.
- 4 Engage closely with the Human Rights Subcommittee on the matter, and communicate with the Rapporteurs of the EU-India future trade and investment cooperation to ensure all parties are informed of the situation in India.
- 5 Question the Vice President of the Commission and the EEAS on its steps to engage in diplomatic action with India on its deteriorating human rights and democracy.
- 6 Hold a dedicated session within the delegation on challenges to India's democracy, and extend invitations to human rights defenders in consultation with organizations such as Human Rights Watch, Amnesty International, Frontline Defenders, and The London Story.

INDIA'S GOVERNMENT AND HINDUTVA

In 2014, Narendra Modi was elected as India's Prime Minister. Narendra Modi leads the Bharatiya Janata Party (BJP), which is also the ruling party in most Indian states. The BJP openly embraces Hindu nationalism, or "Hindutva":

- An estimated 3 out of 4 ministers in the ruling BJP, including Narendra Modi, are members of the Rashtriya Swayamsevak Sangh (RSS), the world's largest volunteering organization.
- The RSS explicitly draws inspiration from Nazism and other majoritarian fundamentalist ideologies: In his 1939 book on India's nationhood, second Chief of the RSS M.S. Golwalkar hailed Germany's "purity" projects as an inspiration for India.
- As documented by reputed political scientist Christophe Jaffrelot, the RSS is to date convinced that India must be turned into a 'Hindu nation' with a homogenous religious and cultural identity.
- Some branches of the RSS provide combat training and weapons, including to youth.
- In late 2010, one of the RSS' leaders, Indresh Kumar, was charged as a conspirator in the 2007 bombing of a Sufi shrine in Ajmer. In 2008, Pragya Singh Thakur, a Hindu 'nun', was accused of participation in a Hindu-extremist terror attack meant to take "revenge" on Muslims. In April 2019, the Bharatiya Janata Party appointed Thakur as a Member of the Lok Sabha, the Lower House of Parliament.

EU RELATIONS WITH INDIA

India is designated a strategic partner of the EU:

- 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.
- The EU sees an important role for India in international peacekeeping, promoting democracy abroad, and guiding the EU's new Indo-Pacific strategy.
- The EU and India are in the process of preparing for negotiations for a future trade and investment cooperation.

EU-India documents emphasize "shared values of freedom, democracy, pluralism, the rule of law, equality, respect for human rights."

In 2021, over 80 experts launched the EU-India People's Roadmap as a People's Common Agenda to guide political action and strengthen the EU-India Strategic Partnership towards a common future and operationalize these values.

European Parliament Recommendation (2021/2023(INI)) of 29 April 2021 headed by AFET standing rapporteur on India Alviina Alametsä problematizes the crumbling rule of law and human rights situation in India. In May 2022, Alviina Alametsä issued a question to the VP/HR on progress on implementing the recommendation.

Religious Freedoms and Minority Rights

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**. Genocide scholars have identified 'signs and processes' of an approaching genocide in India against the Muslim community.

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. Home Minister Amit Shah announced that a National Registry of Citizens (NRC) would be conducted for the whole of India. In Assam, the NRC has already rendered 1.9 million citizens stateless. The NRC coupled with the CAA risks mass statelessness of Muslims and other marginalised groups, leading to mass protests across the country that were brutally quelled.

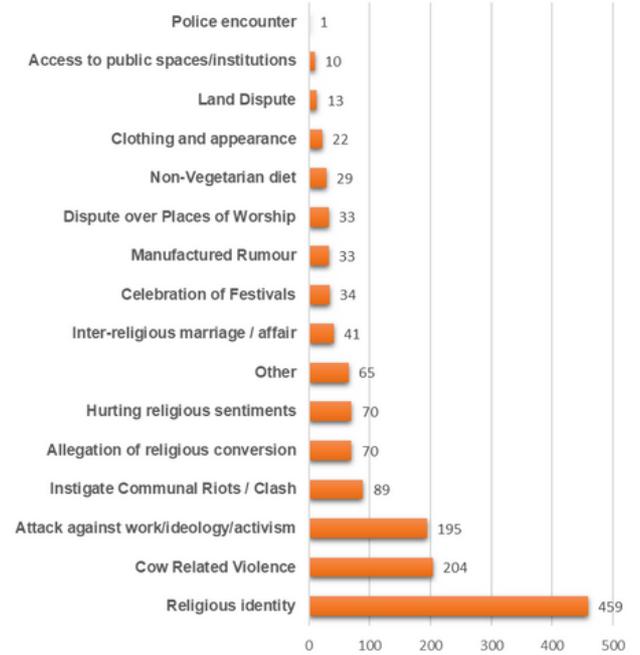
INCREASE IN DISCRIMINATORY LAWS

- 23 out of 29 states in India have introduced laws criminalizing cow slaughter, trade, and consumption of beef with harsh sentences. In the State of Gujarat, the punishment for cow slaughter was increased to life imprisonment.
- 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.

INCREASE IN HATE CRIME

- In the over 1369 verified instances of communal violence, physical assaults and lynching since 2017 (status: 20 May 2022), the majority of victims are Muslims.
- During COVID-19, rumours of Muslims purposely spreading COVID for "Corona-Jihad" led to attacks on Muslims, their businesses and mosques.
- In January 2022, a Muslim was murdered and cut up for the 'crime' of falling in love with a Hindu girl.
- In Uttar Pradesh, the state government detained 41 Muslim minors and subjected them to severe custodial torture in denial of child rights and dignity.
- In 2020, Muslim neighbourhoods in East Delhi were targeted by coordinated vigilante groups, and of the 53 killed, 200 injured and approximately 2000 displaced, the majority were Muslims.
- In 2022, the governments in several states bulldozed the houses and businesses of Muslims.
- On May 21, a 65-year-old man in India was killed on suspicion of "being a Muslim".

Identified reason behind violence



Source: DOTO database

State Actors and Hate Speech

Several legislators from the ruling BJP, including Home Minister [Amit Shah](#), have engaged in hate speech targeting Muslims.

Yogi Adityanath, the Chief Minister of Uttar Pradesh, made more than 100 distinct instances of hate speech during his three-month election campaign.

Hyderabad BJP MLA, Raja Singh, has created a vigilante army to deal with 'traitors' opposing a Hindu Nation.

Hindutva religious leaders have organized Dharam Sansads (Religious Congress) in which speakers openly call for Muslim genocide. They are publicly supported by BJP leaders, such as Uttar Pradesh MLA Anil Parashar.



Tweet by the BJP announcing it will "remove" everyone apart from members of specific religious communities. The tweet has now been removed. [Archived version](#).



A picture posted in 2022 by the BJP in Gujarat, where it is the ruling party. The caption reads, in Gujarati: "No apology for traitors".

Freedom House's [Freedom in the World 2020](#) report considers India a "country in the spotlight" for the "deterioration of basic freedoms", and moved India down 10 points from 2017, giving it the status of a "partly free" country. The V-Dem Institute categorizes India as an "electoral autocracy". The government of India abuses laws, especially the FCRA and UAPA, to **crack down on dissenting voices and human rights organizations**, and through **internet and media shutdowns imposes prolonged and excessive restrictions on civil society** that violate core civil and political rights essential for a democratic system.

INTERNET AND MEDIA SHUTDOWNS

In 2019 and 2020, India imposed the highest number of internet shutdowns in the world to curb dissent in regions with protests, despite the Supreme Court of India's judgement declaring the right to access internet a fundamental right. The seven-month shutdown in Kashmir constitutes the longest internet shutdown in a democratic country.



Number of internet shutdowns by country in 2020. Source: [Access Now](#)

TARGETING JOURNALISTS

The Indian government targets journalists and news channels critical of the government, or covering contentious topics.

- In October 2020, the Uttar Pradesh police arrested Siddique Kappan, a freelance reporter covering the Hathras gang rape case, who to date is held in pretrial detention on terrorism charges.
- In March 2022, renowned Muslim journalist Rana Ayyub was stopped at the airport when flying to Europe where she was scheduled to speak at an event on the targeting of journalists. In total, the government has imposed travel bans on over 22 journalists, several of whom have faced raids, threats, and detention.
- India suspended two Malayalam-language news channels, Asianet and MediaOne TV for 48 hours over their coverage of the communal violence in Delhi.

CRIMINALIZING PROTEST

- In 2019, the Unlawful Activities Prevention Act (UAPA), an anti-terror law, was amended to allow the government to designate individuals terrorists prior to committing unlawful activities, leading UN Special Procedure experts to warn about increased risk of discrimination.
- In April 2022, the central government passed the Criminal Procedure (Identification) Act that authorizes storing personal data of protestors for 75 years, exceeding the principles of necessity and proportionality.
- In 2020, the Uttar Pradesh in violation of privacy rights put up public billboards displaying names, photos, and residential addresses of people who had participated in protests against the CAA, a discriminatory law. It then passed the Recovery of Damages to Public and Private Property Ordinance, which enabled recovery for damages allegedly caused during protests the accused participated in without proving they personally contributed to the damages.
- The Bihar and Uttarakhand police in 2021 issued circulars threatening individuals participating in protests with obstacles to getting passports, government jobs, financial grants and bank loans, and started monitoring social media for "objectionable" comments against the State government.

Torture and Arbitrary Detention

There is ample evidence of police torture, arbitrary detentions and extrajudicial killings, and expansion and the misuse of anti-terror laws, especially against religious minorities and political dissidents.

ARBITRARY DETENTION AND TORTURE OF MINORS

In Uttar Pradesh, police arbitrarily detained 41 minors and subjected them to severe custodial torture in denial of child rights and dignity. The Delhi police also tortured and ill-treated student leaders who were arrested for organizing protests and speeches against the CAA, a discriminatory law. Many of the student leaders have been denied bail repeatedly. The COVID-19 pandemic in India has also been misused by the police authorities to arbitrarily detain and maltreat especially Muslims.

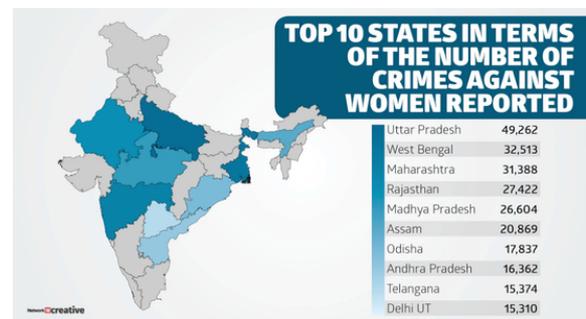
ABUSE OF ANTI-TERROR LAWS TO STIFLE DISSENT

- Anti-terror laws are widely used to target political dissidents. The sedition database notes a surge of 77% in sedition cases in Uttar Pradesh after politically contentious events.
- 96% of sedition cases after 2014 have been filed against citizens criticising the government and politicians.
- Student activists protesting against the Citizenship Amendment Act in 2020 were arrested under the Unlawful Activities Prevention Act (UAPA) and detained for a prolonged period without trial.
- In July 2021, Jesuit priest Father Stan Swamy died in custody while imprisoned without trial under sedition laws.

INCREASE IN EXTRAJUDICIAL KILLINGS AND IMPUNITY

- Between 2017 and 2021, there have been 655 recorded cases of deaths in police encounters across India.
- After the launch of “Operation Clean” in Uttar Pradesh by its Chief Minister Adityanath, over 1100 police shootings were reported within one year, with the Muslim community predominantly targeted.
- During the anti-CAA protests, 25 Muslims were reportedly extrajudicially killed by the police in Uttar Pradesh in cooperation with Hindu supremacist vigilante groups. In Delhi, an official fact-finding report found that the Delhi police stood and watched as the mob openly displayed weapons, damaged property and harmed persons from minority groups.
- In a massive eviction drive conducted by the Assam Government to remove illegal settlers, police extrajudicially killed two civilians.
- Encounter killings continue to be used in Kashmir to silence dissent: In 2018 alone, 160 Kashmiri civilians were extrajudicially killed, 31 of whom were children.

The World Economic Forum's [Global Gender Gap Report 2021](#) ranks India under Narendra Modi at the 140th position among 156 countries.



States led by the Hindunationalist ruling party, the BJP, perform worst, with the BJP-ruled state of Uttar Pradesh topping the chart for crimes against women in general, and women from minority communities.

"LOVE JIHAD" LAWS

- Several BJP-ruled states have passed laws requiring governmental permission for religious conversion for marriage, which are justified with reference to the "love jihad" conspiracy theory that Muslim men trick Hindu women into conversion.
- The affirmation such laws give to the conspiracy theory have led to a surge in violence. In January 2022, a Muslim was murdered and cut up for the 'crime' of falling in love with a Hindu girl.
- These laws, alongside others banning hijabs in schools and criminalizing triple talaq divorce, all violate principles of necessity and proportionality and the right to freedom of religion.

PUBLIC CALLS TO RAPE

- Hindutva religious leaders have organized Dharam Sansads (Religious Congress) in which speakers openly call for Muslim genocide. Legislators from India's ruling party attended and endorsed these events.
- In December 2021, Hindu nun Vibhanand Giri called on Hindu men to "rape and impregnate Muslim women if Muslim men cast even a glance at Hindu girls".
- In April, a head priest of a Hindu temple declared with loudspeakers in front of a mosque that he would kidnap and publicly rape Muslim women. The police did not register a case for several days.

TARGETING OF FEMALE HUMAN RIGHTS DEFENDERS AND JOURNALISTS

- In January 2022, photographs of more than 100 Muslim women, including multiple journalists, activists and politicians, were put on the app "Bulli Bai" to be "auctioned".
- In May 2020, UN Special Rapporteurs wrote to the Government about the arrest and detention of woman human rights defender Hidme Markam, expressing concern over her alleged arbitrary detention, which appeared to be in response to her legitimate human rights work, in particular highlighting instances of sexual violence against women by State security forces.
- In 2020, student activist Safoora Zargar was arrested on fabricated charges of conspiring to defame India, and denied bail repeatedly despite being pregnant and developing pregnancy-related complications. She was only granted bail after her fourth application.
- Female human rights defenders continue to be oppressed through the misuse of counter-terrorism laws such as the Unlawful Activities (Prevention) Act, 1967 (UAPA).
- Following government-critical writing in January 2022, journalist Rana Ayyub received over 26,000 tweets, including many rape and death threats, from social media users who posted in support of the Saudi and Indian BJP government.
- Journalist Gauri Lankesh was assassinated by Hindu fundamentalists in 2017.

India is the world's largest democracy and a strategic partner of the European Union, with whom it is increasingly planning free data and technology exchanges and trade. Yet, investigations have shown worrying trends in India, ranging from **governmental use of surveillance technology** to sophisticated **"troll farms" capable of influencing several elections**. Especially platforms that are increasingly regulated in the EU, especially Facebook, are used to **spread hate speech and calls to genocide**. Additionally, **India's ruling party has used political ads, a lack of platform accountability, and troll networks** for harmful purposes. This is a potential threat to the European Parliament elections in 2024 that must be monitored and taken seriously.

INDIAN TROLL FARMS INFLUENCE ELECTIONS

- Facebook Whistleblower Sophie Zhang claimed that she identified "a politically-sophisticated network of more than a thousand actors working to influence" the local elections in Delhi. Facebook never publicly disclosed this network or that it had taken it down.
- Troll farms in rural India have influenced candidate perception in elections abroad. Within two weeks of US Presidential candidate Joe Biden selecting Kamala Harris as his vice, his Twitter following jumped by over 700,000 - most of which were fake followers purchased on the open market from troll farms in rural India.
- India's ruling party, the BJP, has spread disinformation both as part of its election campaign and outside elections, which is amplified through Facebook. Amit Shah, India's home minister, proudly stated: "We are capable of delivering any message we want to the public, whether sweet or sour, true or fake."

INCITEMENT TO GENOCIDE AMPLIFIED THROUGH SOCIAL MEDIA

- Mainstream social media such as Facebook, YouTube and Twitter are regularly deployed to amplifies content that glorifies State and non-State led atrocities and everyday violence against minorities especially Muslims. One video in which a radical Hindu monk said "I want to eradicate Islam from the face of the earth" receive 32 million views.
- In 2020, Meta commissioned a law firm to conduct a Human Rights Impact Assessment (HRIA) to evaluate the human rights impact of its platform in India. Two years later, this report has still not been released and steps are being taken to stifle the scope of the HRIA.
- The calls for Violence Against Muslims are not exclusive to India but were also made by Indian migrants, most notably in Australia, where Mr. Vishal Judd was deported for his hateful views.

THE BJP AND SOCIAL MEDIA

- Ahead of the national elections in India in 2019, Meta's advertising platform undercut competition in the election, giving unfair advantage to the BJP, the Hindu-nationalist ruling party of India.
- Facebook India's head of public policy prevented hateful posts from accounts affiliated with India's ruling party from being taken down, even if they violated community standards.
- Meta allowed surrogate advertisers to secretly fund BJP's election campaign.
- The BJP uses the political ad exemption on Facebook to pay for amplification of outright lies. In one state, its ad claimed that a political opponent had been instrumental in getting a politician killed

DIGITAL THREATS TO DEMOCRACY

- India's ruling party, the BJP, was found to have links with the app Tek Fog, which is used to hijack social media and encrypted messaging platforms. It was employed for engineering public narratives on Twitter and Meta, phishing 'inactive' WhatsApp accounts and using database of private citizens for targeted harassment.
- India acquired the Pegasus spyware from Israel as part of a defence deal in 2017. According to an investigation, 160 Indians, including prominent activists, lawyers and politicians, were spied on using the Pegasus malware.

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