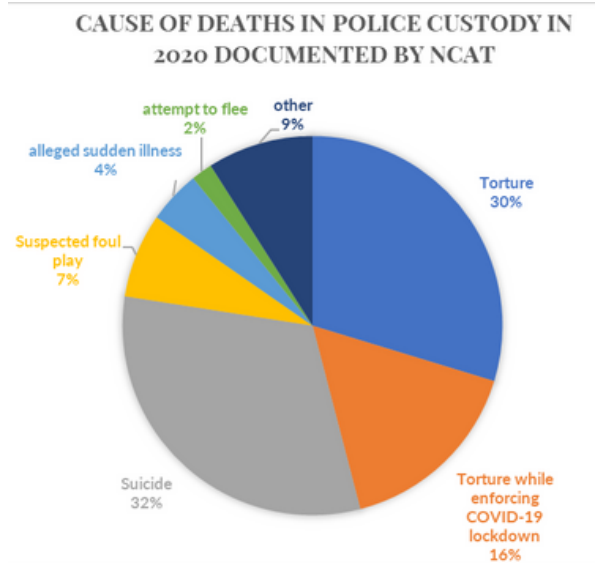


concerns remaining from last UPR cycle:

1. The Government of India recorded 1940 **custodial deaths** in 2020-21 and 2544 custodial deaths in 2021-22 [1].
2. The rate of **crimes against women** has increased from 14 in 2000 to **56.5 in 2020**, and **woman human rights defenders are particularly targeted** by state and non-state actors [2].
3. India stated it has **no intention of passing legislation on torture**, and has **not ratified the Convention on Enforced Disappearances** [3].
4. There is a noted democratic decline and decline of civic freedoms in India as noted by V-dem institute.
5. There is a **noticeable amplification of hate speech** against minorities and the **development of a legal apparatus to erase Muslim identity** which has been condemned by global leaders at the UN.

EXCESSIVE USE OF FORCE AND TORTURE

- The Government of India recorded 1940 custodial deaths in 2020-2021 and 2544 in 2021-2022 [1].
- Of the 111 deaths National Campaign against Torture analyzed (see chart), 30% were due to identified torture [4].
- 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 [5].
- The Government of India acknowledges **82 encounter deaths in 2020-21** and **151 encounter deaths in 2021-2022** [1].
- In 2018, **160 civilians were extrajudicially killed** in Kashmir, **31** of whom were **children** [6].
- In 2017-2018, **over 1100 police shootings** were reported in the state of Uttar Pradesh alone **predominantly targeting the Muslim community** [7].
- In Uttar Pradesh, the state **government detained 41 Muslim minors and subjected them to severe custodial torture** in denial of child rights and dignity [8].



Source: National Campaign against Torture [4]

IMPUNITY FOR VIOLENCE AGAINST WOMEN

- The rate of crime in cases of **crimes against women has increased** from 14 in 2000 to 56.5 in 2020 [2]. This rise is accompanied by impunity for crimes against women.
- Between October 2015 and January 2016, **30 indigenous women were sexually assaulted by security forces in Chhattisgarh**. Although the National Commission for Scheduled Castes and Scheduled Tribes and National Human Rights Commission corroborated the claims of the victims, the **officers involved have yet not been prosecuted six years later** [2].
- In August 2022, the Gujarat state government **released 11 people convicted for the gang rape of Bilkis Bano and the murder** of seven of her family members during religious riots in 2002 [9].

TARGETING OF FEMALE HUMAN RIGHTS DEFENDERS AND JOURNALISTS

- Journalist Gauri Lankesh was assassinated by Hindu fundamentalists in 2017. Lankesh was a critic of the Hindu right wing and the BJP Government [10].
- In 2020, **student activist Safoora Zargar** was arrested on fabricated charges of conspiring to defame India and **denied bail repeatedly despite being pregnant**. She was finally granted bail after her fourth application [11].
- In April 2021, UN Special Rapporteurs expressed concern over the **arbitrary detention of indigenous woman human rights defender Hidme Markam** in response to her legitimate human rights work [12].
- In August 2022, UN Special Rapporteur Mary Lawlor called out the Government of India for the unjustified detention of **Teesta Setalvad** for her work as a human rights defender [13].
- In 2021 and 2022, UN Special Rapporteurs called on the Indian government to provide a safe working environment for women journalists. [14, 15].

GROWING CONCERN: DEMOCRATIC DECLINE AND SHRINKING OF CIVIC SPACE



Internet Shutdowns

- In 2019 and 2020, India imposed the highest number of internet shutdowns in the world to curb dissent in regions with protests (109 in 2020) [16]. The seven-month shutdown in Kashmir constitutes the longest internet shutdown in a democratic country [17].
- 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 [18].

Arbitrary Arrests of Journalists, and student protestors

- Between 2010-2020, **154 journalists were arrested, detained, interrogated, or harassed for their work. Over 40% of incidents took place in 2020 itself** [19].
- In October 2020, the **Uttar Pradesh police arrested Siddique Kappan**, a freelance reporter **for covering the Hathras gang rape case**, who to date is held in detention on fabricated charges [20].
- In 2019, the UAPA was amended to allow the **executive power to designate individuals as terrorists without due process**. UN Special Procedure experts warned about the increased risk of criminalization [21].
- At least **38 student activists, academics, and lawyers** 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 [22].
- **96% of sedition cases** after 2014 have been filed **against citizens criticizing the government and politicians** [23].
- The government has imposed travel bans on over 22 journalists, several of whom have faced raids, threats, and detention [24].

Arbitrary State Sanction Against Protestors

- The State governments in Bihar and Uttarakhand police issued circulars in 2021 threatening **individuals participating in protests with obstacles to getting passports, government jobs, financial grants, and bank loans** [25].
- In 2020, the **Uttar Pradesh government put up public billboards displaying names, photos, and residential addresses** of people who had participated in protests against the Citizenship Amendment Act in **complete disregard for the privacy and safety of the protesting citizens**. The Supreme Court of India in a Public Interest Litigation brought before it on the matter held the action to be a violation of Privacy rights [26].
- In 2022, the **state governments in Uttar Pradesh, Madhya Pradesh, and Delhi bulldozed the houses and businesses of Muslims found at or near protests**. [27]

Curtailement of Civic Space

- Between 2015 and 2018, there has been a decline of 40 per cent in funding to NGOs in India following amendments to the Foreign Contribution (Regulation) Act (FCRA). In September 2020 government added further clauses restricting access to foreign funding for small NGOs [28].
- **Amnesty India was forced to suspend its operations in India in 2020** after the government froze the organization's bank accounts for alleged FCRA violations [29].

GROWING CONCERN: DECLINE IN RELIGIOUS FREEDOM AND RISE OF HATE SPEECH AND HATE CRIMES AGAINST MINORITIES

Hate Speech

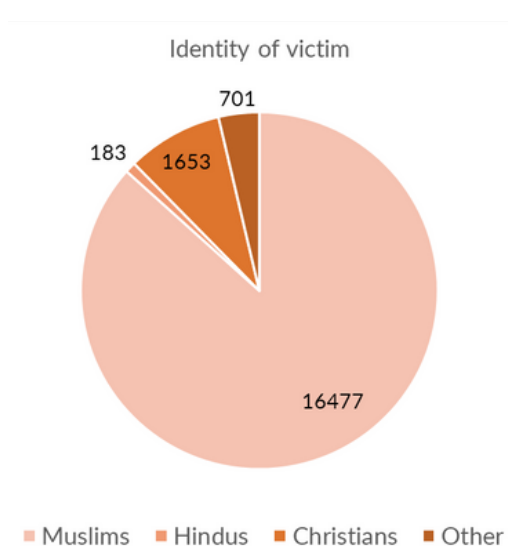
- In 2019, India's **Home Minister Amit Shah (BJP)** engaged in **hate speech targeting Rohingya refugees**, calling them 'termites' [30].
- In 2019, **Hyderabad MLA Raja Singh (BJP)** created a **vigilante army** to deal with **'traitors' opposing a Hindu Nation** [31].
- In 2020, Anurag Thakur, Government Minister of State for Finance (BJP) **called to "shoot the traitors of the country"**, the call triggered communal violence leading to the killing of at least 53 people in Delhi [32].

Hate Crime

- Over **1426 verified instances of communal violence, physical assaults, and lynching** have taken place since 2017 (status: August 2022), the majority of victims are Muslims (see chart below) [33].
- Maximum cases of Hate crime have been connected because of religious identity and in the name of Cow-vigilantism (see image below). [33]
- **Violence against Christians rose by 81%** between 2020 and 2021 [34]. In May 2021, **57 attacks on Christians were recorded** [35], and **more than 2000 Christians attacked and injured in the first nine months of 2021** [36].

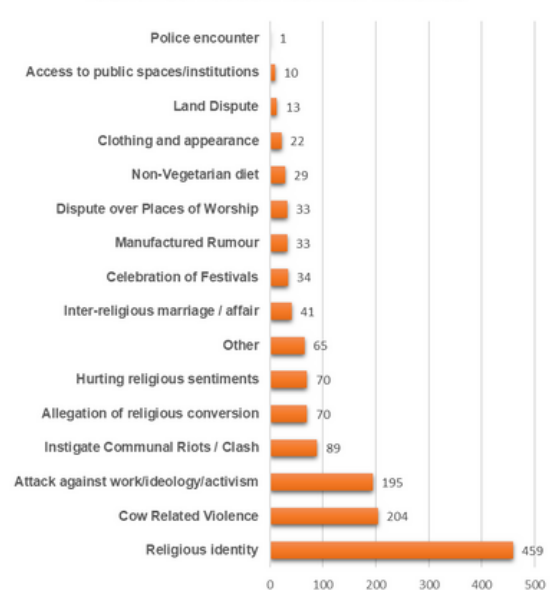
Criminalization of religious practices

- **23 out of 28 states in India have introduced laws criminalizing cow slaughter, trade, and consumption of beef with harsh sentences including up to life imprisonment** [37].
- **10 states in India have laws restricting religious conversions** by requiring governmental permission for religious conversion for marriage [37].



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

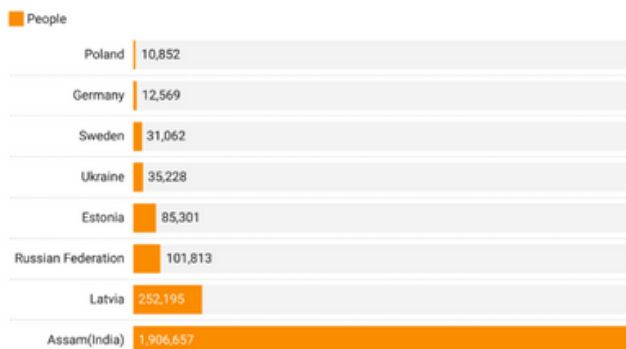
Identified reason behind violence



GROWING CONCERN: ARBITRARY DEPRIVATION OF CITIZENSHIP

Number of stateless people in different regions

Data for Assam from 2019



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

- Home Minister Amit Shah announced that a National Registry of Citizens (NRC) would be conducted for the whole of India to identify irregular immigrants residing in India. **The NRC exercise in the state of Assam rendered 1.9 million citizens stateless.** [38]
- In 2019 India enacted Citizenship Amendment Act (CAA) to grant citizenship on basis of religious identity to people found without valid travel documents. **The Act excludes Muslims.** The NRC coupled with the CAA risks mass statelessness of Muslims throughout the country. [39]
- The OHCHR called the amendment 'fundamentally discriminatory', as it adds a religious criterion to citizenship and specifically excludes Muslims. [40]

RECOMMENDATIONS

- 1 Enact the Prevention of Targeted Violence Against Minorities Act**, including provisions to prevent and counter hate speech and hate crimes against minorities.
- 2 Reform the Citizenship (Amendment) Act** to ensure that document-less people in India do not face statelessness.
- 3 Release human rights defenders, journalists, and student protesters** who are detained for peacefully exercising their rights to freedom of expression, peaceful assembly, or association.
- 4 Adopt Data Privacy Legislation** that is in line with Convention 108+ and take steps towards instituting an independent and impartial data protection body.
- 5 Repeal laws that discriminate against religious minorities**, i.e. the discriminatory anti-conversion laws, laws criminalizing triple talaq, cow-slaughter ban laws and laws banning hijabs.
- 6 Repeal or revise the Foreign Contribution (Regulation) Act to ensure freedom of association and enable civil society organizations** to access funding for human rights and development projects.
- 7 Enact comprehensive national legislation for the prevention of torture**, cruel, inhuman and degrading treatment or punishment.

REFERENCE

- [1] **Lok Sabha.** (2022). **Unstarred Parliamentary Question** No. 1459. <http://164.100.24.220/loksabhaquestions/annex/179/AU1459.pdf>
- [2] Vidhi Centre for Legal Policy. (2022). Crimes Against Women. <https://crimesagainstwomen.in>
- [3] **Lok Sabha.** (2020). **Unstarred Parliamentary Question** No. 290. <http://loksabhaph.nic.in/Questions/QResult15.aspx?qref=16540&lsno=17>
- [4] **National Campaign Against Torture.** (2021). **India: Annual Report on Torture 2020.** <http://www.uncat.org/wp-content/uploads/2021/03/IndiaTortureReport2020.pdf>
- [5] **BBC.** (2021). Stan Swamy: Jailed activist dies at 84. <https://www.bbc.com/news/world-asia-india-57718356>
- [6] International Federation for Human Rights. (2019). **Key human rights issues of concern in Indian-Administered Jammu & Kashmir.** https://www.fidh.org/IMG/pdf/20190315_kashmir_briefing_note_-_final.pdf
- [7] **The Indian Express.** (2019). In Uttar Pradesh, law is misused to target minorities. <https://indianexpress.com/article/opinion/columns/lok-sabha-elections-uttar-pradesh-yogi-adityanath-up-police-law-and-order-5640693/>
- [8] **Quill Foundation**, Citizens Against Hate, and HAQ: Centre for Childs Rights. (2020). **Brutalizing Innocence.** <https://www.haqrc.org/wp-content/uploads/2020/02/brutalizing-innocence-report.pdf>
- [9] **LiveLaw.** (2022). Bilkis Bano Gang Rape Case: 11 Convicts Sentenced To Life Imprisonment Released Under Gujarat Govt's Remission Policy. <https://www.livelaw.in/news-updates/bilkis-bano-gang-rape-case-11convicts-sentenced-life-imprisonment-released-gujarat-govt-remission-policy-206565?infiniteScroll=1>
- [10] **UNOHCHR.** (2017). UN rights experts urge India to act after murder of journalist Gauri Lankesh. <https://www.ohchr.org/en/press-releases/2017/09/un-rights-experts-urge-india-act-after-murder-journalist-gauri-lankesh>
- [11] **UN Working Group on Arbitrary Detention.** (2020). **Opinion No. 91/2020 concerning Safoora Zargar (India).** Opinions adopted by the Working Group on Arbitrary Detention at its eighty-ninth session, 23–27 November 2020. https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session89/A_HRC_WGAD_2020_91.pdf
- [12] **UN Special Rapporteurs.** (2021). UN Letter to the Indian Government. <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26326>
- [13] **Mary Lawlor UN Special Rapporteur HRDs.** (2022). Tweet. <https://bit.ly/3QLiKla>. See Also **UN Human Rights Tweet.** <https://twitter.com/UNHumanRights/status/1541842068246564866?s=20&t=IF7PH1znHQRllipESKOHJQ>
- [14] **Committee to Protect Journalists.** (2022). Indian journalist Rana Ayyub receives rape, death threats. <https://cpj.org/2022/01/indian-journalist-rana-ayyub-receives-online-rape-and-death-threats/>
- [15] **OHCHR.** (2022). Halt all retaliation attacks against Indian journalist Rana Ayyub - UN experts. <https://news.un.org/en/story/2022/02/1112362>

- [16] **Access Now.** (2022). The Return of Digital Authoritarianism. Internet Shutdowns in 2021. <https://www.accessnow.org/internet-shutdowns-2021/>
- [17] **AlJazeera.** (2020). India restores internet in Kashmir after 7 months of blackout. <https://www.aljazeera.com/news/2020/3/5/india-restores-internet-in-kashmir-after-7-months-of-blackout>
- [18] **Freedom House.** (2021). Freedom in the World 2020. https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf
- [19] **Free Speech Collective.** (2021). Behind Bars Arrest and Detention of Journalists in India 2010-20. <https://freespeechcollectivedot.in.files.wordpress.com/2020/12/behind-bars-arrests-of-journalists-in-india-2010-20.pdf>
- [20] USCIRF. (2022). Siddique Kappan. <https://www.uscirf.gov/religious-prisoners-conscience/forb-victims-database/siddique-kappan>
- [21] **OHCHR.** (2020). Comments to the Unlawful Activities Amendment Act 2019 and the 1967 Unlawful Activities Prevention Act, OL IND 7/2020. <https://bit.ly/3yKPfcZ>
- [22] **OHCHR.** (2020). UN experts urge India to release protest leaders. <https://www.ohchr.org/en/news/2020/06/un-experts-urge-india-release-protest-leaders>
- [23] **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>
- [24] **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>
- [25] **The Quint.** (2021). Want Passport, Jobs? Be Wary Online, Offline: Bihar & U'khand Cops. <https://www.thequint.com/news/india/bihar-uttarpradesh-police-monitor-protests-social-media-posts-jobs-passports-loans>
- [26] In Re: **Banners Placed on Roadside in the City of Lucknow v. State of Uttar Pradesh.** PIL No. 532 of 2020. Case Summary. <https://globalfreedomofexpression.columbia.edu/cases/in-re-banners-placed-on-roadside-in-the-city-of-lucknow-v-state-of-uttar-pradesh/>
- [27] **BBC.** 15th April (2022). Why an Indian state is demolishing Muslim homes. <https://www.bbc.com/news/world-asia-india-61042315>
- [28] **Ministry of Law and Justice.** (2020). The Foreign Contribution (Regulation) Amendment Act, 2020. [https://prsindia.org/files/bills_acts/bills_parliament/2020/Foreign%20Contribution%20\(Regulation\)%20Amendment%20Act,%202020.pdf](https://prsindia.org/files/bills_acts/bills_parliament/2020/Foreign%20Contribution%20(Regulation)%20Amendment%20Act,%202020.pdf)
- [29] **Amnesty International.** (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/>
- [30] **Reuters.** (2019). Amit Shah vows to throw illegal immigrants into Bay of Bengal. <https://www.reuters.com/article/india-election-speech/amit-shah-vows-to-throw-illegal-immigrants-into-bay-of-bengal-idUSKCN1RO1YD>
- [31] **The News Minute.** (2019). Hyd BJP MLA Raja Singh announces 'vigilante army' to deal with 'anti nationals'. <https://www.thenewsminute.com/article/hyd-bjp-mla-raja-singh-announces-vigilante-army-deal-anti-nationals-109097>
- [32] **FirstPost.** (2020). 'Shoot the traitors': BJP's Anurag Thakur leads crowd in chant against anti-CAA protesters at BJP rally in New Delhi. <https://www.firstpost.com/india/shoot-the-traitors-bjps-anurag-thakur-leads-crowd-in-chant-against-anti-cao-protesters-at-bjp-rally-in-new-delhi-7963121.html>
- [33] Documentation of the Oppressed (**DOTO**) Database. <http://www.dotodatabase.com>
- [34] **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>
- [35] **LiveLaw.** (2022). Supreme Court To Hear Plea To Stop Attacks Against Christians On July 11. <https://www.livelaw.in/top-stories/supreme-court-to-hear-plea-to-stop-attacks-against-christians-on-july-11-202447?infinite-scroll=1>
- [36] **Indian Express.** (2021). Karnataka witnessing rise in attacks on Christians since anti-conversion law proposal: Report. <https://indianexpress.com/article/cities/bangalore/karnataka-attacks-against-christians-anti-conversion-law-7658233/>
- [37] **Legislations and Regulations passed** : The Orissa Freedom of Religion Act , 1967 (Orissa), M.P. Dharma Swatantrya Adhiniyam, 1968 (Madhya Pradesh), the Arunachal Pradesh Freedom of Religion Act, 1978 (Arunachal Pradesh), Chhattisgarh Religion Freedom (Amendment) Act, 2006 (Chhattisgarh), Gujarat Freedom of Religion Act, 2003 (Gujarat), The Himachal Pradesh Freedom of Religion Act (Himachal Pradesh), Jharkhand Freedom of Religion Act, 2017 (Jharkhand), Rajasthan Freedom of Religion Act (Rajasthan), The Uttar Pradesh Prohibition of Unlawful Conversion of Religion Ordinance, 2020 (Uttar Pradesh) and Uttarakhand's Freedom of Religion Act, 2018 (Uttarakhand, Act No: 28 of 2018)
- [38] **Foreign Policy.** (2020). A Year After Rendering Millions Stateless, India Has Yet to Hear a Single Appeal. <https://foreignpolicy.com/2020/09/10/2-million-people-india-assam-stateless-year-nrc/>
- [39] **CNN.** (2019). India passes controversial citizenship bill that excludes Muslims. <https://www.cnn.com/2019/12/11/asia/india-citizenship-amendment-bill-intl-hnk>
- [40] **UN News.** (2019). New citizenship law in India 'fundamentally discriminatory': UN human rights office. <https://news.un.org/en/story/2019/12/1053511>