

Situation of HRDs in India ;
Freedom of Expression, Association &
Assembly in India;
Freedom of Religion & Belief in India

Human Rights Defenders Alert - India

“India is a state which doesn’t properly protect human rights defenders. I’m appalled by the treatment of human rights defenders such as Father Stan Swamy who embodies solidarity”

**—-Mary Lawlor,
UN Special Rapporteur on the situation of
human rights defenders
Jan 2021**

SITUATION OF HRDs in INDIA

- 4th largest no. of HRDs killed in India (FLD Global Analysis 2021)
- Between 2015 and 2019, OHCHR recorded 53 killings of HRDs in India.
- 36 Right To Information (RTI) activists in India, killed between 2017-2022 (*Commonwealth Human Rights Initiative*)
- In May 2018, 16 HRDs were killed, 100+ injured in Tamil Nadu when police opened fire on peaceful protestors-Anti Sterlite protests

Some HRDS arrested in India

- Father Stan Swami, Jesuit priest, tribal activist, deceased
- Sudhir Dhawale, social activist, in prison
- Rona Wilson, Phd scholar, in prison
- Shoma Sen, professor, in prison
- Mahesh Raut, social activist, in prison
- Surendra Gadling, lawyer, in prison
- Arun Ferreira, writer, in prison
- Vernon Gonsalves, writer, in prison
- Varavara Rao, poet, on bail
- Sudha Bhardwaj, lawyer, on bail
- Anand Teltumbde, professor, in prison
- Hany Babu, professor, in prison
- Jyoti Raghoba Jagtap, cultural activist, in prison
- Sagar Tatyaram Gorkhe, cultural activist, in prison
- Ramesh Murlidhar Gaichor, cultural activist, in prison

HRDS arrested...

- Umar Khalid, student activist, in prison
- Teesta Setalvad, minority rights activist, in prison
- Khalid Saifi, social activist, in prison
- Hidme Markam, women rights activist, in prison
- Khurram Parvez, Kashmir human rights activist, in prison
- GN Saibaba, physically disabled professor, in prison
- RB Shreekumar, retired police officer, in prison
- Sharjeel Imam, PhD scholar, in prison
- Sharjeel Usmani, student activist, in prison
- Shifa Ur Rehman, social activist, in prison
- Meeran Haider, Phd scholar, in prison
- Asif Iqbal Tanha, student activist, in prison
- Ishrat Jahan, Lawyer , in prison
- Gulfisha Fatima, student activist, in prison

FATHER STAN SWAMY:

“Father Swamy, a renowned human rights activist, who had dedicated decades of his life to fighting for social justice, paid the ultimate price for his activism – his own life. United Nations human rights experts have said that Father Swamy’s death in custody will forever remain a stain on the human rights record of India. The Working Group agrees. “

-UN Working Group on Arbitrary Detention, at its ninety-second session, 15-19 Nov, 2021

ANTI CAA PROTESTORS

“These defenders, many of them students, appear to have been arrested simply because they exercised their right to denounce and protest against the CAA (Citizenship Amendment Act), and their arrest seems clearly designed to send a chilling message to India’s vibrant civil society that criticism of government policies will not be tolerated”

-The Special Rapporteurs, OHCHR (2020)

Freedom of Expression in India

- India ranked 150 of 180 countries in Press Freedom Index 2022 (Reporters Without Borders).
- India has the highest number of journalists (5) murdered in retaliation for their work. (*CPJ 2021*)
- 20 female Muslim journalists were listed “for sale” in the notorious Bulli (derogatory slang for Muslim women) Bai app.
- 7 journalists were detained in Jammu & Kashmir. Authorities uses Jammu and Kashmir Public Safety Act, a preventive detention law, to keep Kashmiri journalists behind bars after they were granted court-ordered bail in separate cases. (*CPJ 2021*).
- List of journalists arrested/ facing reprisal include Siddique Kappan, Fahad Shah, Muhammad Zubair, Rana Ayyub, Asif Sultan, Sajad Gul, Rupesh Kumar Singh, Manan Dhar...

"The FCRA has been invoked over the years to justify an array of highly intrusive measures, ranging from official raids on NGO offices and freezing of bank accounts, to suspension or cancellation of registration, including of civil society organizations that have engaged with UN human rights bodies."

— Michele Bachelet,
UN Human Rights Commissioner

FCRA

- Since 2011, 29,000 CSOs have had their FCRA license cancelled or not renewed.
- By September 2021, at least 90 international NGOs, supporting Indian CSOs have been placed on government's Prior Reference Category (PRC)
- February 2022, 22,489 CSOs continue to have the valid FCRA license with many of them awaiting the status of their renewal application
- National Human Rights Commission (NHRC) has refrained from providing any relief in any of these cases or review the law

NGOs targeted by revoking/ suspending FCRA

- Amnesty International India
- Commonwealth Human Rights Initiative
- Oxfam India
- Greenpeace India
- People's Watch
- Indian Social Action Forum
- Lawyers Collective
- Sabrang Trust
- Navsarjan Trust
- Anhad (Act Now For Harmony and Democracy)

Freedom of religion and Rights of Religious Minorities in India

- Indian Ministry of Home Affairs (MHA) reported 111 deaths and 2,384 injuries in 822 incidents of communal/ethnic violence in a single year marking a 28 % rise since 2014.
- Hate crimes against Muslim and Christian minorities
- Hate Speech against minorities
- Cow vigilantism
- Love Jihad
- Enforcement of anti-conversion laws

Recommendations on HRDs in India

- Ensure that all HRDs charged under anti-terror legislation and subjected to prolonged pre-trial detention are immediately released.
- Enact a comprehensive law, in compliance with international law, for the protection of human rights defenders.
- Undertake a review of the Unlawful Activities Prevention Act (UAPA) and assess its compliance with international law.
- Strengthen co-operation with the UN Special Procedures, including the communications procedure in cases of attacks against HRDs.

Recommendations on Freedom of Expression, Association & Assembly in India

- Amend Foreign Contributions Regulations Act (FCRA), in compliance with India's international human rights obligations related to freedom of association, notably by repealing the 2020 amendments.
- Ensure that law enforcement officials and security forces are adequately trained and abide by the United Nations basic principles on the use of force and firearms and in accordance with other international standards.
- Strengthen Indian penal provisions that criminalise hate speech both online and offline.
- Enact a law to ensure a safe working environment of journalists, in line with the recommendation accepted during the second UPR.

Recommendations on Freedom of Religion and Belief in India

- Enact the Prevention of Communal and Targeted Violence Bill
- Review and repeal anti-minority laws like CAA 2019 within one year
- Review and repeal all “Anti-conversion” laws which target religious minorities passed by six states.
- Specific policy assurance not to implement an all India NPR/NRC (Indian Government).
- Strong punitive measures for hate speech and hate crimes against minorities.