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Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 August 2024]

* Issued as received, in the language of submission only.



A Call for India to Uphold its Commitments under the International Covenant on Civil and Political Rights

We are submitting this written statement to the United Nations Human Rights Council to address the ongoing human rights violations, in India. This statement is based on information from reports by human rights organizations like Human Rights Watch, Freedom House and Civicus which have documented the governments systematic suppression of basic freedoms and its failure to uphold international human rights obligations.

Use of Travel Restrictions for Control

The Indian government has been using travel restrictions frequently such as seizing passports suspending them and canceling them to silence dissent and limit the activities of journalists, academics, lawyers and human rights advocates in the region of Jammu and Kashmir that India administers.

According to the Freedom House report between 2014 and May 2023 at 102 Overseas Citizen of India (OCI) holders. Including known individuals. Had their status revoked without clear guidelines or criteria. This arbitrary process has left people like Indian scholar Nitasha Kaul stuck abroad without a way back, to India where their families and careers are rooted. Moreover the presence of "no fly lists" aimed at government dissenters and reporters especially those reporting on or residing in Indian Administered Jammu and Kashmir has instilled a sense of apprehension and doubt. Those impacted by these actions encounter challenges, in accessing information. Pushing back against the imposed limitations rendering them powerless and incapable of fulfilling their obligations.

These travel constraints infringe upon the right to freedom of movement stipulated in Article 12 of the International Covenant on Civil and Political Rights (ICCPR) a treaty to which India's a signatory. The lack of transparency and procedural fairness in carrying out these actions also goes against the principles of justice and the right to a trial as specified in Articles 14 and 15 of the ICCPR.

Propagation of Hate Speech and Discrimination During Elections

The electoral campaign, for the 2024 election was tainted by the Bharatiya Janata Party (BJP) governments calculated use of divisive language and prejudiced rhetoric targeting religious minorities, particularly Muslims. A detailed study conducted by Human Rights Watch scrutinized 173 speeches delivered by Prime Minister Narendra Modi during his campaign revealing that at 110 speeches contained Islamic comments aimed at isolating the Muslim community and instilling fear among the Hindu majority.

Modis speeches have depicted Muslims as a challenge, to Hindu culture, security and assets with accusations that the opposition would prioritize rights over those of Hindus. This provocative language has fueled fear and division as Modi insinuated that the oppositions agenda was aligned with Pakistan and terrorists thus widening the gap.

The BJPs campaign has also been characterized by actions that have marginalized and oppressed minority groups further including demolishing residences, businesses and places of worship under the guise of "bulldozer justice." These demolitions often occur without procedures and seem to function as collective retribution against Muslims for communal conflicts or dissent.

The Indian Election Commissions insufficient response to these breaches of conduct rules along, with its inability to deter the BJP from using rhetoric has worsened the situation. The failure to effectively address hate speech and discriminatory actions during elections violates Indias commitments under Article 20 of the ICCPR, which prohibits advocating national, racial or religious hatred leading to discrimination, animosity or violence.

Ongoing Violations of Human Rights, in Indian Administered Jammu and Kashmir

The current situation regarding rights in Indian Administered Jammu and Kashmir remains concerning following the government's decision to revoke the regions special status in 2019. This action has resulted in a restriction on freedoms. A recent report from Human Rights Watch has brought attention to the occurrences of arrests, unlawful killings and other severe violations by Indian security forces despite a decrease in political unrest.

Individuals such as journalists and human rights advocates in this area are facing significant suppression with many being held under strict laws like the Public Safety Act (PSA) and the Unlawful Activities Prevention Act (UAPA). The case of Khurram Parvez, a Kashmiri human rights defender who has been detained since November 2021 serves as an example of the government's attempts to stifle society and opposing voices.

Moreover there has been an escalation in the government's crackdown on professionals in Indian Administered Jammu and Kashmir. Known figures like Nazir Ahmad Ronga and Mian Abdul Qayoom have been arrested on charges. Despite reprimands from the High Court of Indian Administered Jammu and Kashmir against use of PSA for detentions these violations persist without interruption.

Additionally prolonged internet shutdowns imposed by the authorities have caused disruptions in daily life and essential services across the region. One such shutdown lasting than 500 days between 2019 and 2021 has had an impact, on residents lives.

Indias actions go against its responsibilities outlined in Articles 19 and 21 of the ICCPR, which protect the rights to freedom of speech and peaceful gatherings. Here are some suggestions, for the Indian Government;

1. Stop using travel restrictions to suppress dissent; The government should halt the seizure, suspension and cancellation of passports and OCI status ensuring that these actions are transparent, justifiable and open to scrutiny. Additionally any informal "no fly lists" targeting journalists, activists and critics should be dismantled.
2. Combat hate. Discrimination; Political leaders must publicly denounce hate speech and discriminatory language while taking measures to prevent behavior during election periods. The Election Commission should have the authority to enforce codes of conduct and hold those accountable.
3. Restore freedoms, in Indian Administered Jammu and Kashmir;

The Indian government needs to act to uphold the rights of expression, association and peaceful assembly, in Indian Administered Jammu and Kashmir. It is crucial to stop detentions, extrajudicial killings and other violations by security forces. Additionally releasing all individuals held under the PSA and UAPA is essential along with granting access to human rights monitors and the media.

Accountability and transparency are key. Independent mechanisms should be set up to investigate any human rights abuses thoroughly. Perpetrators, including security forces must be held responsible. Enhancing transparency and providing information to affected individuals and their families is crucial.

Collaboration with the United Nations is vital. The Indian government should invite UN Special Rapporteurs and relevant human rights bodies for visits and investigations within the country. Full cooperation with their inquiries and recommendations is necessary.

We call upon the United Nations Human Rights Council to monitor India's human rights situation. Measures must be taken to ensure that India fulfills its obligations under the International Covenant on Political Rights. The Council should consider implementing sanctions and other accountability measures against officials and entities responsible, for severe human rights violations.

We stand united, with the individuals in India those belonging to minorities and marginalized groups, who are still being subjected to systematic bias and mistreatment. We urge the community to support us in protecting human rights and ensuring that the Indian government is held responsible, for its conduct.

Indian American Muslim Council NGO(s) without consultative status, also share the views expressed in this statement.