

Flygtningenævnets baggrundsmateriale

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KEY FINDINGS

In 2017, religious freedom conditions continued a downward trend in India. India's history as a multicultural and multireligious society remained threatened by an increasingly exclusionary conception of national identity based on religion. During the year, Hindu-nationalist groups sought to "Saffronize" India through violence, intimidation, and harassment against non-Hindus and Hindu Dalits. Both public and private actors pursued this effort. Approximately one-third of state governments enforced anti-conversion and/or anti-cow slaughter laws against non-Hindus, and mobs engaged in violence against Muslims or Dalits whose families have been engaged in the dairy, leather, or beef trades for generations, and against Christians for proselytizing. "Cow protection" lynch mobs killed at least 10 victims in 2017. Forced conversions of non-Hindus to Hinduism through "homecoming" ceremonies (*ghar wapsi*) were reported, and rules on the registration of foreign-funded nongovernmental organizations (NGOs) were used discriminatorily against religious minority groups. The worsening conditions for religious freedom largely impacted 10 states (Uttar Pradesh, Andhra Pradesh, Bihar, Chhattisgarh, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan); the 19 remaining states remained relatively open

and free for religious minorities. At the federal level, Prime Minister Narendra Modi has made statements decrying mob violence, but members of his own political party have affiliations with Hindu extremist groups and many have used discriminatory language about religious minorities. Despite Indian government statistics indicating that communal violence has increased sharply over the past two years, the Modi Administration has not addressed the problem. His administration also has done little to provide justice for victims of large-scale past incidents of communal violence, often caused by inflammatory speeches delivered by leaders of Modi's party. While serious capacity and other challenges hamper Indian institutions' ability to address these and other problems, the active and independent judiciary exemplified by India's Supreme Court, the Ministry of Minority Affairs, and the National Commission for Minorities provide opportunities for the government to protect minorities and counter intolerance. Based on these concerns, in 2018 USCIRF again places India on its Tier 2 for engaging in or tolerating religious freedom violations that meet at least one of the elements of the "systematic, ongoing, egregious" standard for designation as a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA).

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Integrate concern for religious freedom into bilateral discussions with India, including the framework of future Strategic Dialogues, at both the federal and state levels;
- Press the Indian government to allow USCIRF to visit the country and to invite the United Nations (UN) Special Rapporteur on freedom of religion or belief to visit India;
- Apply the Global Magnitsky Human Rights Accountability Act, Executive Order 13818, or other relevant targeted tools, to deny U.S. visas to and block the U.S. assets of specific officials and agencies identified as responsible for violations of the right to freedom of religion or belief;
- Increase the U.S. Embassy's attention to issues of religious freedom and related human rights, including through visits to areas where religiously motivated violence has occurred and meetings with religious communities, local governmental leaders, and police;
- Advocate for the central Indian government to press states with anti-conversion and anti-cow slaughter laws to repeal or amend them to conform with international human rights standards; and
- Work with the Modi Administration to create a multiyear strategy to deal with hate crimes targeting religious minorities, including by:
 - Supporting the Ministries of Home Affairs and Law and Justice to strengthen the training and capacity of state and central police to prevent and punish cases of religious violence, while also protecting victims and witnesses;
- Assisting the Ministry of Law and Justice to work with state prosecutors to increase the rate of prosecutions for hate crimes targeting religious minorities; and
- Pressing state governments to prosecute religious leaders, government officials, and media personalities who incite violence against religious minority groups through public speeches or articles, as was recommended by the National Minorities Ministry in July 2014; and
- Urge the Indian government to promote interfaith dialogue and harmony, including by empowering the National Commission for Minorities and the Ministry of Minority Affairs to expand the scope of their work to include interfaith dialogue and assisting victims of mass communal violence.

COUNTRY FACTS

FULL NAME

Republic of India

GOVERNMENT

Federal Parliamentary Republic

POPULATION

1,210,193,422

GOVERNMENT-RECOGNIZED RELIGIONS/FAITHS

Secular Constitution

RELIGIOUS DEMOGRAPHY*

79.80% Hindu

14.2% Muslim

2.3% Christian

1.7% Sikh

0.7% Buddhist

0.4% Jain

0.7% Other (including Zoroastrians, Jews, Baha'is, and tribal religions)

0.2% Religion not stated

*Estimates compiled from the 2011 Census of India (15th Census)

BACKGROUND

The world's largest democracy, India remains a leader in South Asia, with an active and independent judiciary, a vibrant and uninterrupted parliamentary system of democracy, and a prominent position in the global economy. India has a federal constitutional system that limits some powers of the central government and bolsters the authority of states to make policies and decisions suited to their local needs.

Conditions for religious minorities have deteriorated over the last decade due to a multifaceted campaign by Hindu-nationalist groups like Rashtriya Swayamsevak Sangh (RSS), Sangh Parivar, and Vishva Hindu Parishad (VHP) to alienate non-Hindus or lower-caste Hindus. The victims of this campaign include Muslims, Christians, Sikhs, Buddhists, and Jains, as well as Dalit Hindus, who belong to the lowest rung in the Hindu caste system. These groups face challenges ranging from acts of violence or intimidation, to the loss of political power, to increasing feelings of disenfranchisement and "otherness."

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In 2017, the Indian government's criminal data collection agency, the National Crime Records Bureau, reported that communal violence increased significantly during 2016. Further, just after the reporting period, Union Minister of State for Home Affairs Hansraj Ahir reported to parliament that 111 people were murdered and 2,384 injured in 822 communal clashes during 2017 (as compared to 86 people killed and 2,321 injured in 703 incidents the previous year). However, religious minorities are not only concerned with security; they also faced diminishing representation in the legislature despite a growth in their population numbers. For example, in the state of Uttar Pradesh, Muslims constituted 19 percent of the population but their representation in the legislative

assembly dropped to 6 percent in 2017, which is likely a consequence of discrimination faced by Muslims. In addition, out of 1,400 members of Prime Minister Modi's Hindu-nationalist Bharatiya Janata

Party (BJP) serving as ministers of state assemblies across the nation, only four were Muslim.

Various nationalist groups in India have adopted the ideology of Hindutva, or “Hindu-ness,” which has three pillars—common nation, race, and culture—and forms the basis of an exclusionary national narrative focused exclusively on the rights of Hindus. These groups’ views and activities range across a spectrum. Yet, both moderate and extreme forces within the Hindutva movement point to the fact that the Muslim percentage of the total population rose from 10 percent in 1950 to 14 percent in 2011, which in their view necessitates their actions against the Muslim community. For the more extreme Hindutva groups, this means the expulsion, killing, or conversion of all non-Hindus, while more moderate forces merely

want greater influence of Hindu principles in the state’s decision-making process. Members of the BJP have affiliations with Hindu extremist groups, and many have used discriminatory language about religious minorities. For example, in early 2018, just after the reporting period, BJP parliamentarian Vinay Katiyar stated that “Muslims have been given their share (of land). They should go to Bangladesh or Pakistan.”

The influence of these groups is evident across a range of areas. For example, the RSS and other Hindutva extremist groups have expanded the scope and size of the religious schools—which teach their intolerant ideology—in their Vidya Bharti system to nearly four million students, and have tried to distribute their own books in the public schools. Their youth wings have used intimidation and violence in colleges to silence their secular or non-Hindu classmates and shut down events that challenge their viewpoints. Hindutva extremist groups rioted and burned down cinemas in response to allegations that the 2017 movie *Padmaavat* depicted a Hindu queen having a romantic daydream about a Muslim king. The director of the film rejected these accusations, saying no such scene was in the film. The public response, inflamed by Hindutva groups, caused some state legislatures and courts to temporarily ban the film’s showings. Hindutva-nationalists also have attempted to erase or downplay the influence of non-Hindus in Indian history. For example, the central government omitted the Taj Mahal, which was built by a Muslim ruler, from its “cultural site”

list in 2017. Some members of the BJP have alleged that the Taj Mahal was built on the grounds of a Hindu temple and should be renamed as a Hindu religious site; a court, however, rejected these claims based on the testimony of historical experts.

Beyond the challenges from Hindutva groups, institutional challenges impact progress on all issues, including religious freedom. Indian state and central

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has left more Indians suffering from poverty and has exacerbated historical conditions of inequality for certain religious and social minorities.

RELIGIOUS FREEDOM CONDITIONS 2017

Positive Developments

Despite an overall deterioration of religious freedom conditions in 2017, there were positive developments. Some government entities have made efforts to counter increasing intolerance in the country. The active and independent judiciary, exemplified by India’s Supreme Court, decided several cases during the year that protect the rights of religious minorities. For example, in the Hadiya case, the Supreme Court held that if a Hindu woman willingly consents to marrying a Muslim man and converting to his religion, the judicial system has no role in examining the validity of that relationship. In another case involving the central government-administered Kendriya Vidyalayas schools, the Supreme Court demanded an investigation into whether students at public schools could be forced to recite compulsory Hindu prayers, given that the state must remain secular in India. The court cited articles 19 and 28(1) of the Indian constitution, which guarantee the right to freedom of expression and prohibit religious instruction in state-funded schools, respectively.

Furthermore, two government entities—the National Commission for Minorities and the Ministry

of Minority Affairs—have addressed issues of security, education, and employment for religious minorities and have made efforts to address threats faced by religious minorities, including Muslims, Christians, Sikhs, Buddhists, and Jains. For 2018, the Ministry of Minority Affairs was granted a 12 percent increase in its budget from the central government. The National Commission for Minorities also has been working over the last several years to document and report to the government incidents in which politicians and government officials engage publicly in incitement to violence against religious minorities.

Anti-Conversion Laws and Forced Conversion

Anti-conversion laws have been passed in six states, including Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Arunachal Pradesh, and Himachal Pradesh. These laws prohibit conversion based on force, allurement, inducement, or fraud, but have been applied discriminatorily in many instances against Muslims and Christians engaged in proselytization. In some states, anyone engaged in conversion must register with local government authorities. In 2017, religious minority leaders and adherents faced intimidation and arrest as a result of these laws. For example, a Catholic nun, along with four tribal women, were detained in June 2017 based on suspicion of induced conversion. In April 2017, three Christians were arrested in the Khandwa district based on allegations that they were converting people. In July 2017, Christians protested in Ludhiana, Punjab, after Sultan Masih, the pastor of the Temple of God Church, was murdered in public based on suspicions of his engaging in the conversion of others.

In 2017, the media dedicated a great deal of coverage to inflammatory allegations that Muslim extremist groups in India were leading a “love jihad,” or an organized campaign to coerce Hindu women to marry Muslim men and convert to Islam. The media coverage has fueled private citizens to commit horrific attacks, including the incident involving Shambhu Lal Regar’s viral video. In December, 2017 Regar released a video in which he hacked to death

and then burned the corpse of Afrazul Khan, a Muslim day laborer. Regar narrated the video by warning Muslim viewers that the same fate will come to those who engage in the conversion of Hindu women. Khan’s family approached the National Human Rights Commission because they feared Regar would not be properly prosecuted by Rajasthan’s courts, and that they would face threats without adequate police protection.

While greater scrutiny has been paid to the conversion of Hindus away from Hinduism, some Hindu-nationalist groups have sought to convert non-Hindus to Hinduism through “homecoming” conversion ceremonies (*ghar warpsi*) that in some cases reportedly involve force or coercion. These ceremonies are based on the view that all individuals born in India are Hindus by default, even if their communities have practiced other faiths for several generations. There continued to be reports of such ceremonies in 2017, although their number and nature were impossible to confirm.

Cow Slaughter Laws and Vigilante Groups

Under article 48 of India’s constitution, the slaughter of cows is prohibited. Accordingly, 21 out of 29 states in India prohibit cow slaughter in various forms, with prison sentences ranging from six months to 14 years. Since 2005, the Supreme Court has accepted the constitutionality of cow slaughter laws. In 2017, several state governments changed their laws to increase the punishment for cow slaughter.

While prohibitions on cow slaughter have a long history in India, “cow protection” lynch mobs are a new phenomenon, and such groups murdered at least 10 victims in 2017. Not only do these mobs take the law into their own hands by publicly beating or murdering individuals suspected of cow slaughter, usually with impunity, but they also often harass and intimidate individuals engaged in the dairy industry without connections to cow slaughtering. One incident that took place in Alwar, Rajasthan, led to the public murder of a dairy farmer named Pehlu Khan. Khan made a deathbed statement to the police identifying six people who were responsible

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for his beating. While some of the suspects were arrested, criminal charges against all six suspects were dismissed, and none were charged with murder.

NGO Registration

Several international missionary and human rights groups have been prohibited from operating in India since the Foreign Contribution Regulation Act (FCRA) of 1976 was updated in 2010. Under the revision to the law, the government can shut down any internationally funded NGO engaged in “any activities detrimental to the national interest.” The government has used this provision to shut down thousands of international NGOs since 2014; some reports estimate that 10,000 to 33,000 NGOs have been denied licenses to operate or continue operations. The NGOs targeted were often political opponents of the Modi Administration, but also included non-Hindu religious organizations, especially Christian churches or missionary groups.

Some Hindutva extremists see the potential of Christian missionaries converting Dalits as particularly threatening to the Hindu population, as there are nearly 200 million Dalits in India. Many observers assert that it was this fear of mass conversion that led to the 2017 shutdown of Compassion International, the largest religious-affiliated charity operating in India, which provided services to nearly 150,000 Indian children. While Compassion International hopes to reopen its operations in India in the future, this may prove difficult considering the discriminatory way the FCRA has been applied against Christian groups. Additionally, the process for NGO certification lacks transparency, and often, newly shuttered NGOs cannot seek reasons for the denial of their operational license.

Continued Impunity for Large-Scale Communal Violence

India has suffered through instances of large-scale communal violence that remain unresolved years later. In 1992, after Hindutva activists destroyed the Babri Mosque in Uttar Pradesh, nearly 2,000 people lost their

lives after months of rioting. In 2002, three days of violence in Gujarat left 790 Muslims and 254 Hindus dead, according to government reports; other organizations and scholars have reported that nearly 2,000 people lost their lives. In 2007 in Odisha, Christians suffered several months of unrest that killed 100 people and destroyed 300 churches and 6,000 homes. In 2013, the Muzaffarnagar district of Uttar Pradesh saw communal clashes that killed 42 Muslims and 20 Hindus, along with the displacement of 50,000 people.

Although each incident had unique characteristics and causes, there are commonalities. There has

not been accountability for the killings due to ineffective prosecutions. Furthermore, victims have complained that the government has not provided adequate assistance to rebuild destroyed neighborhoods, homes, and places of

worship. Finally, these instances of communal violence were often preceded by incitement to violence against minorities by politicians or religious leaders. Massive violent incidents are more likely to reoccur if the Modi Administration and state governments continue to fail to punish individuals who engage in violence and incitement to violence against religious minorities.

U.S. POLICY

India and the United States have strengthened ties over the last several decades, with India now described as a “strategic” and “natural” partner of the United States. Since 2004, the United States and India have pursued a strategic relationship based on shared concerns relating to energy, security, and the growing threat of terrorism, as well as shared values of democracy and the rule of law. In 2016, Prime Minister Modi visited the United States, where he met with then President Barack Obama and addressed a joint session of the U.S. Congress. President Donald Trump stated in August 2017 that “another critical part of the [the U.S. government’s] South Asia strategy . . . is to further develop its strategic relationship with India [which has made] important contributions to stability in Afghanistan.” The Trump Administration

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has emphasized that India is a central partner to U.S.-South Asia relations. The two nations deepened their connections when then Secretary of State Rex Tillerson visited India in October 2017 and when Ivanka Trump, special adviser to the president, attended the Modi Administration's Global Entrepreneurship Summit in India in November. Much of the increased focus has been on trade and economic relations.

In 2009, then Secretary of State Hillary Clinton launched the U.S.-India Strategic Dialogue, through which the countries have discussed a wide range of bilateral, regional, and global issues such as economic development, business and trade, education, technology, counterterrorism, and the environment. Human rights and religious freedom, however, have not been emphasized. In 2017, senators John Kennedy (R-LA), Roy Blunt (R-MO), Mike Crapo (R-ID), James Lankford (R-OK), and Amy Klobuchar (D-MN) wrote a letter to President Trump urging him to raise the issue of deteriorating religious freedom in India during Prime Minister Modi's June 2017 visit to Washington, DC, although it is unknown whether he did so. During a joint address with Prime Minister Modi at the Association of Southeast Asian Nations (ASEAN) summit in November 2017, President Trump complimented the Modi Administration for "bringing around lots of factions in India—bringing them all together."

Since 2001, USCIRF has attempted to visit India in order to assess religious freedom conditions on the ground. However, on three different occasions—in 2001, 2009, and 2016—the government of India refused to grant visas for a USCIRF delegation despite requests being supported by the U.S. State Department.

ADDITIONAL STATEMENT OF COMMISSIONER TENZIN DORJEE

India is secular, democratic, and the second-most-populated nation with a multifaith, multiethnic, multilingual, and multicultural society. Many religions such as Hinduism, Buddhism, Jainism, and Sikhism originated in India and many other religions including Islam, Christianity, and the Baha'i faith coexist there, too. From ancient time, India has an exemplary tradition of Ahimsa (nonviolence), respect, and tolerance for different faiths and tenets including that of nihilists (Chravakas). Ancient India witnessed outstanding

debate and dialogue among different religions based on mutual respect, appreciation, and learning. Unfortunately, this exemplary tradition has eroded in India due to religious fundamentalism and mixing religion with politics, among other factors. India is a land of multiple faiths and philosophies, and she must uphold the pride and dignity of her ancient secular tradition. Last December, while engaging in voluntary teaching in India, I attended two public events of His Holiness the Dalai Lama in Bengaluru and Tumkur. His Holiness profoundly admires India's secular values—such as interfaith respect and appreciation of ancient—traditions and advocated for reviving them within the modern education system for the greater good of the country and beyond. Overall, I believe India has practiced peaceful coexistence of diverse religions and beliefs for centuries. However, India must systematically address identity politics conjoined with religion in order to protect the freedom of religious minorities and ensure secular India thrives. Emphasizing centuries-old secular values, India can set an example for the globe to transcend polarized interfaith conflicts while advancing interfaith exchanges, peace, harmony, respect, and understanding.