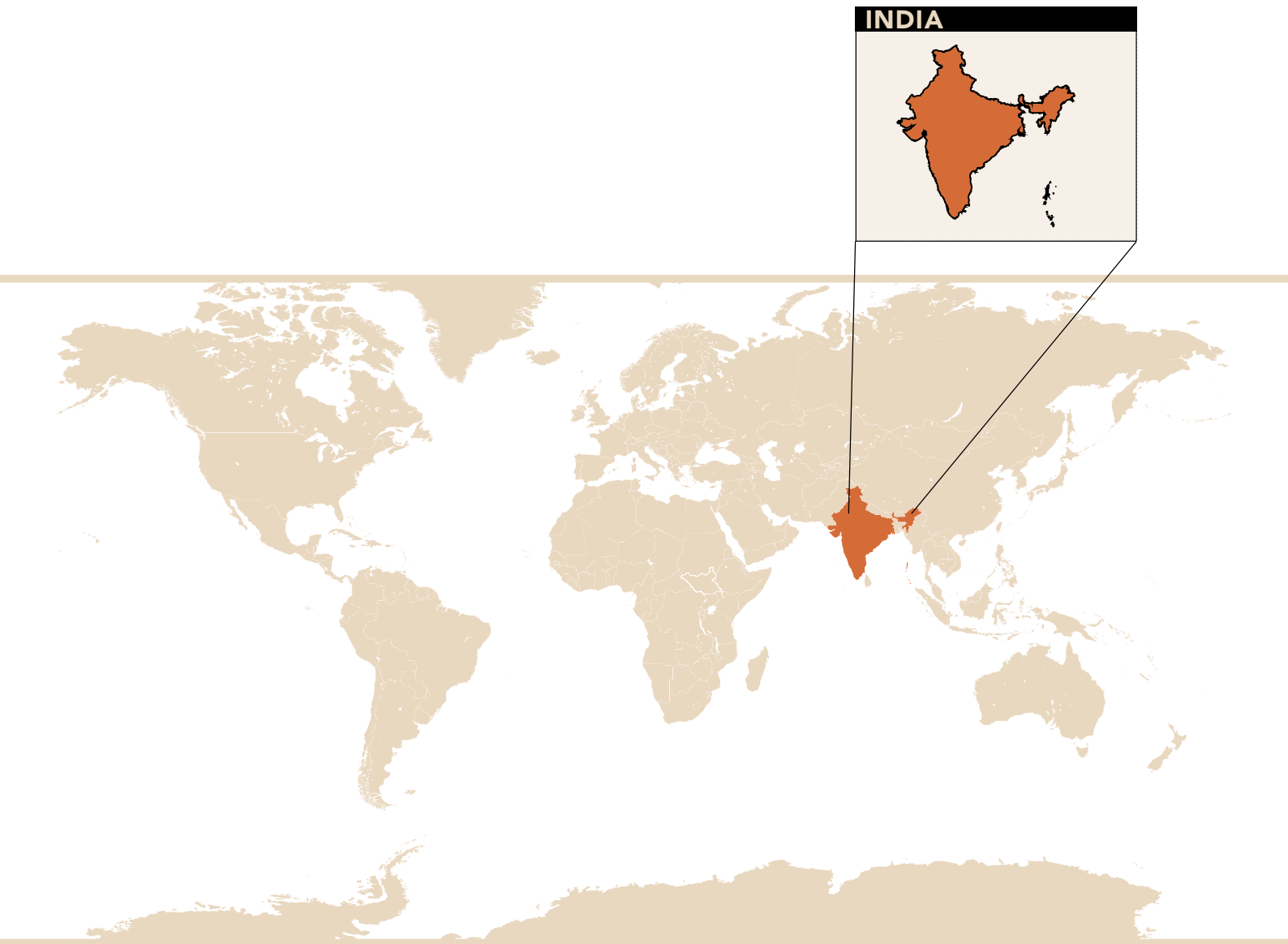


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	258
Land:	Indien
Kilde:	USCIRF
Titel:	International Religious Freedom – India (31 January - 31 January 2015)
Udgivet:	30. april 2015
Optaget på baggrundsmaterialet:	28. juli 2015



INDIA

Key Findings

Despite the country's status as a pluralistic, secular democracy, India has long struggled to protect minority religious communities or provide justice when crimes occur, which perpetuates a climate of impunity. Incidents of religiously-motivated and communal violence reportedly have increased for three consecutive years. The states of Andhra Pradesh, Uttar Pradesh, Bihar, Chattisgarhi, Gujarat, Odisha, Karnataka, Madhya Pradesh, Maharashtra, and Rajasthan tend to have the greatest number of religiously-motivated attacks and communal violence incidents. Non-governmental organizations (NGOs) and religious leaders, including from the Muslim, Christian, and Sikh communities, attributed the initial increase to religiously-divisive campaigning in advance of the country's 2014 general election. Since the election, religious minority communities have been subject to derogatory comments by politicians linked to the ruling Bharatiya Janata Party (BJP) and numerous violent attacks and forced conversions by Hindu nationalist groups, such as Rashtriya Swayam-sevak Sangh (RSS) and Vishva Hindu Parishad (VHP).

Background

The world's largest democracy with about 1.22 billion people, India has a deeply religious, pluralistic society. A country with a Hindu majority, India is estimated to have the world's third largest Muslim population and over 25 million Christians. The country's religious diversity has been represented at the highest levels of government.

Despite these positive factors, India has long struggled with religious and communal harmony. Communal tensions between Muslims and Hindus have been a longstanding problem. Since 2008 and 2010 terrorist attacks, Muslim communities have reported facing undue scrutiny and arbitrary arrests and detentions, which the government justifies by the need to counter terrorism. In addition, for several years, Indian Christians, Christian missionary groups, and Hindus who convert to Christianity or another faith have reported more frequent harassment and violence, particularly in states with anti-conversion laws. Religious minority communities frequently accuse the RSS, VHP and other Hindu-nationalist groups and individuals of intolerance, discrimination, and violence against them. In addition, they cite police bias in failing to

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Christian NGOs and leaders report that their community is particularly at risk in states that have adopted "Freedom of Religion Act(s)," commonly referred to as anti-conversion laws. Based on these concerns, USCIRF again places India on its Tier 2 list of countries, where it has been since 2009.

investigate sufficiently and arrest perpetrators of violence. Moreover, religious minority communities voice concern that high-ranking BJP members protect or provide support to these groups. In light of these concerns, Prime Minister Narendra Modi's statement in support of religious freedom made after the close of

the reporting period (discussed more fully below) was a positive development.

The country has experienced periodic outbreaks of large-scale communal violence against religious minorities, including in Uttar Pradesh in 2013, Odisha in 2007-2008, Gujarat in 2002, and Delhi in 1984. India has established special structures, such as Fast-Track Courts, Special Investigative Teams, and independent commissions, to investigate and adjudicate crimes stemming from these incidents. However, their impact has been hindered by limited capacity, an antiquated judiciary, inconsistent use, political corruption, and religious bias, particularly at the state and local levels. As a result, a climate of impunity continues to exist in some Indian states, exacerbating the social and religious tensions among communities.

Religious Freedom Conditions 2014–2015

Violations against Christians

Christian communities, across many denominations, report an increase of harassment and violence in the last year, including physical violence, arson, desecration of churches and Bibles, and disruption of religious services. The perpetrators are often individuals and groups associated with the RSS and VHP and operate with near impunity. Reportedly, local police seldom provide protection, refuse to accept complaints, rarely investigate,

by an estimated 25 Hindu nationalists for displaying images of Jesus in the storefront window.

Violations against Muslims

The Muslim community in India also has experienced increased harassment and violence. It faces significant hate campaigns perpetrated by Hindu nationalist groups and local and state politicians that include widespread media propaganda accusing Muslims of being terrorists; spying for Pakistan; forcibly kidnapping, converting, and marrying Hindu women; and disrespecting Hinduism by slaughtering cows. Additionally, the Muslim community reports that its mosques are monitored and young boys and men are detained indiscriminately under the pretext of countering terrorism. Muslims also complain that most Indian states violate their religious freedom by restricting or banning cow slaughter, which is required for Muslims during Eid al-Adha (Festival of the Sacrifice).

In addition, in the past year, there have been a number of violent incidents leading to deaths and displacement of Muslims. For example, in January 2015, a mob of more than 5,000 people attacked the majority-Muslim village of Azizpur, Bihar after a young Hindu man had been abducted and killed. Three Muslims were burned alive and about 25 houses set on fire. Police have arrested some perpetrators. In September 2014, police

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and in a few cases encourage Christians to move or hide their religion. The Evangelical Fellowship of India has documented more than 38 incidents targeting Christians in November and December 2014 alone. Catholic communities in India also have documented a number of incidents, including at least six attacks on churches and a school between December 2014 and February 2015. For example, in December, St. Sebastian Catholic Church in Delhi was set on fire, Catholic Christmas carolers in Hyderabad were beaten badly by a mob, and a Catholic shopkeeper in Delhi was attacked brutally

arrested nearly 150 people in the state of Gujarat after violence left dozens, mostly Muslims, severely injured. Reportedly, the violence broke out after Hindu nationalists posted on the Internet images of the Hindu Goddess Maa Ambe and Lord Ram superimposed over images of Mecca and the Ka'aba.

Violations against Sikhs

India's Sikh community has long pursued a change to Article 25 of India's constitution which states, "Hindus shall be construed as including a reference to persons

professing the Sikh, Jain or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.” The lack of recognition of Sikhism as a distinct religion denies Sikhs access to social services or employment and educational preferences that are available to other religious minority communities and to scheduled caste Hindus. (This is also true for the other faiths listed in Article 25.) Sikhs are often harassed and pressured to reject religious practices and beliefs that are distinct to Sikhism, such as dress, unshorn hair, and the carrying of religious items, including the *kirpan*.

Communal Violence

Communal violence, which generally occurs in states that have large minority communities, has been a long-standing issue in India. According to India’s Union Home Ministry, in 2013 there were 823 incidents of communal violence nationwide, leaving 133 dead, and thousands injured, some critically. Uttar Pradesh had the highest number of incidents (247), followed by the states of Maharashtra (88), Madhya Pradesh (84), Karnataka (73) and Gujarat (68). According to Muslim and Christian NGOs that track communal incidents, 2014 statistics, yet to be released by the Ministry, will be likely higher.

Hindu Nationalist Groups and Forced Conversion

In December 2014, Hindu nationalist groups announced plans to forcibly “reconvert” at least 4,000 Christian families and 1,000 Muslim families to Hin-

“postponed” according to Mohan Bhagwat, a RSS leader. Hindu nationalist groups also reportedly give monetary incentives to Hindus to convert Christians and Muslims to Hinduism. In early December, hundreds of Muslims reportedly were forcibly “reconverted” to Hinduism in a mass ceremony in Agra, Uttar Pradesh. Members of the RSS allegedly tricked dozens of Muslims families into attending a meeting by telling them they would be provided financial help, but instead a Hindu religious leader performed a Hindu conversion ceremony; an investigation is underway. In September 2014, Dalit Seventh-day Adventists filed a report in Uttar Pradesh that they were forcibly converted to Hinduism and their church was converted to a Hindu temple. It is not known if a police investigation was conducted. The nationalist groups also allegedly target Dalits if they are believed to be considering conversion away from Hinduism.

Anti-Conversion Laws

Six Indian states – Chhattisgarh, Himachal Pradesh, Gujarat, Madhya Pradesh, Arunachal Pradesh, and Odisha – have so-called “Freedom of Religion Act(s),” commonly referred to as anti-conversion laws, and Rajasthan’s parliament passed an anti-conversion bill but it was never signed by the state’s Chief Minister. These laws generally require government officials to assess the legality of conversions out of Hinduism only and provide for fines and imprisonment for anyone who uses force, fraud, or “inducement” to convert

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duism in Uttar Pradesh on Christmas day as part of a so-called “Ghar Wapsi” (returning home) program. In advance of the program, the Hindu groups sought to raise money for their campaign, noting that it cost nearly 200,000 rupees (US \$3,200) per Christian and 500,000 rupees (US \$8,000) per Muslim. After both domestic and international criticism, the day was

another. While these laws purportedly protect religious minorities from forced conversions, they are one-sided, only concerned about conversions away from Hinduism but not towards Hinduism. Observers note they create a hostile, and on occasion violent, environment for religious minority communities because they do not require any evidence to support accusations

of wrongdoing. In 2015, high-ranking members of the ruling BJP party, including the party's president Amit Shah, called for a nationwide anti-conversion law. There are reports that some evangelical groups use tactics that are unethical and insulting to Hinduism and Hindus, which exacerbate religious and communal tensions.

Redress for Past Large-Scale Violence

The Indian courts are still adjudicating cases stemming from large-scale Hindu-Muslim communal violence in Uttar Pradesh in 2013 and in Gujarat in 2002, Hindu-Christian communal violence in Odisha in 2007-2008, and Hindu-Sikh communal violence in Delhi in 1984. NGOs, religious leaders, and human rights activists allege religious bias and corruption in these investigations and adjudications. A one-member special judicial inquiry commission is still investigating the 2013 riots in Muzaffarnagar, Uttar Pradesh that left dozens, mostly Muslims, dead and tens of thousands, mostly Muslims, displaced. Cases stemming from the 2002 Gujarat violence also continue, including a special court case pertaining to the killing of 68 people, including former Congress Party Parliamentarian Ehsan Jafri. More than five years after the Odisha violence, cases are still being adjudicated. In July 2014, the national Supreme Court ruled that churches damaged during those riots are not entitled to additional compensation, because they receive sufficient foreign funds. Since 1984 there has been little progress in prosecuting perpetrators of crimes during the anti-Sikh riots, which allegedly occurred with the support or encouragement of government officials or prominent members of India's Congress Party. However, in late 2014 the central government established a committee to determine if a Special Investigation Team should be created to reinvestigate cases that had been previously closed.

U.S. Policy

Since the end of the Cold War, India and the United States have enjoyed increasingly closer ties, with India now described as a "strategic" and "natural" partner of the United States. In 2009, then Secretary of State Hillary Clinton launched the U.S.-India Strategic Dialogue, through which the countries discuss a wide range of bilateral, global, and regional issues, such as economic

development, business and trade, education, technology, counter-terrorism and the environment. Five strategic dialogues have been held since 2009, none including issues related to religious freedom. The July 2014 dialogue included issues related to gender equality and urban safety, resulting in USAID, state governments of India, and the government of Japan partnering with UN Women to implement the "Safe Cities" program to monitor gender-based violence, strengthen systems to prevent and respond to it, and build women's confidence in the justice system.

As part of the initiative to build ties between the United States and India, the Obama Administration has made significant overtures to the Indian government. The first state visit President Barack Obama hosted after taking office was for then Prime Minister Manmohan Singh in November 2009. In November 2010, President Obama made a three-day state visit to India, and he returned in January 2015 to be the chief guest at India's annual Republic Day festivities, becoming the first U.S. President to travel to India twice.

During his 2015 visit, and again in February 2015 at the U.S. National Prayer Breakfast, President Obama made notable remarks on India's religious freedom issues. In his speech at a town hall event in New Delhi and again a few weeks later at the Prayer Breakfast, President Obama underscored the importance of religious freedom to India's success, urging the country to not be "splintered along the lines of religious faith" and stating, "Michelle and I returned from India - an incredible, beautiful country, full of magnificent diversity - but a place where, in past years, religious faiths of all types have, on occasion, been targeted by other people of faith, simply due to their heritage and their beliefs - acts of intolerance that would have shocked [Mahatma] Gandhiji, the person who helped to liberate that nation."

In mid-February 2015, at an event honoring Indian Catholic saints, Prime Minister Modi stated publicly, for the first time, that his government "will ensure that there is complete freedom of faith and that everyone has the undeniable right to retain or adopt the religion of his or her choice without coercion or undue influence." This statement is notable given longstanding allegations that, as Chief Minister of Gujarat in 2002, Mr. Modi was complicit in anti-Muslim riots in that state. In light of these allegations, in 2005, the State Department

revoked a tourist visa he had been granted to visit the United States, under a provision in the Immigration and Nationality Act that makes any foreign government official who “was responsible for or directly carried out, at any time, particularly severe violations of religious freedom” ineligible for a U.S. visa. Prime Minister Modi remains the only person known to have been denied a visa based on this provision.

Recommendations

Since 2004, the United States and India have pursued a strategic relationship based on shared concerns about energy, security, and the growing threat of terrorism, as well as shared values of democracy and the rule of law. As part of this important relationship, USCIRF recommends that the U.S. government should:

- Integrate concern for religious freedom into bilateral contacts with India, including the framework of future Strategic Dialogues, at both the federal and provincial level, and encourage the strengthening of the capacity of state and central police to implement effective measures to prohibit and punish cases of religious violence and protect victims and witnesses;
- Increase the U.S. embassy’s attention to issues of religious freedom and related human rights, including through visits by the Ambassador and other officials to areas where communal and religiously-motivated violence has occurred or is likely to occur and meetings with religious communities, local governmental leaders, and police;
- Encourage the establishment of a program similar to the “Safe Cities” program (described above) of impartial government officials, interfaith religious leaders, human rights advocates, and legal experts to discuss and recommend actions to promote religious tolerance and understanding, and protect religious minorities from intimidation and violence;
- Urge India to boost training on human rights and religious freedom standards and practices for the police and judiciary, particularly in states and areas with a history or likelihood of religious and communal violence;
- Urge the central Indian government to press states that have adopted anti-conversion laws to repeal or amend them to conform with internationally-recognized human rights standards; make clear U.S. opposition to laws that restrict freedom of thought and association; and
- Urge the Indian government to publicly rebuke government officials and religious leaders that make derogatory statements about religious communities.