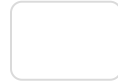


Flygtningenævnets baggrundsmateriale

Bilagsnr.:	540
Land:	Indien
Kilde:	Amnesty International
Titel:	India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards
Udgivet:	14. marts 2024
Optaget på baggrundsmaterialet:	24. maj 2024



Document #2105591

AI – Amnesty International (Author)

India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards

The operationalization of the Citizenship Amendment Act (CAA) 2019 is a blow to the Indian constitutional values of equality and religious non-discrimination and inconsistent and incompatible with India's international human rights obligations, said Amnesty International today.

"The Citizenship Amendment Act is a bigoted law that legitimises discrimination on the basis of religion and should never have been enacted in the first place. Its operationalization is a poor reflection on the Indian authorities as they fail to listen to a multitude of voices critical of the CAA – from people across the country, civil society, international human rights organizations and the United Nations," said Aakar Patel, chair of board at Amnesty International India.

The widely criticized Citizenship Amendment Act was enacted in 2019 and was operationalized this week by virtue of the new rules notified by the Ministry of Home Affairs on 11 March 2024.

The CAA removes barriers for acquiring Indian citizenship for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the neighbouring countries of Afghanistan, Bangladesh and Pakistan who arrived in India on or before 31 December 2014. While the 1955 Citizenship Act prohibited all undocumented migrants from acquiring Indian citizenship, the 2019 amendment fast-tracks the citizenship pathways for some and provides them legislative protection from deportation and imprisonment with the exception of those living in the tribal areas of Assam, Meghalaya, Mizoram and Tripura and the areas under the 'Inner line' special permit zones.

Discriminatory exclusion of groups

Many other groups in South Asia region such as Rohingya Muslims, Sri Lankan Tamils, Bhutanese, Hazaras, Shias and Ahmadiyyas face exclusion without justification by the discriminatory 2019 amendment. These groups too have suffered due to their religious identities and seek refuge in India, the largest country in the neighbourhood.

While the amendment purportedly aims to provide refuge to those facing repression, it fails to recognize and extend these protections to the Rohingyas who are often referred to as the world's most persecuted minorities and have a UN Refugee status and the Sri Lankan Tamils which form the largest refugee group in India.

Weaponization of the CAA against minority Muslim population of India

Multiple statements of political leaders from the ruling party, BJP, further exacerbate the risks that the CAA together with the proposed National Register of Citizens (NRC) and Foreigners Tribunals stands to create for the Muslim minority community in India. In June 2019, the Government had enabled setting up of Foreigners Tribunals in all of India. In November 2019, they announced the nation-wide NRC – a government created list of all Indian citizens. Together, they create a system that can be weaponized against Muslims. If left out of the NRC, the Foreigners Tribunals are empowered to deprive individuals of their citizenship and send them to a detention centre. In such a scenario, only the religious groups mentioned in CAA would be able to retain their citizenship through the discriminatory application of the Citizenship Amendment Act while others including Muslims would be rendered stateless.

Amnesty International has previously documented the [widespread](#) and [systemic](#) discrimination faced by Muslims in India.

Targeting of OCI card holders

The 2019 amendment also expanded the ambit of the criteria under which the Government of India can cancel the Overseas Citizen of India (OCI) registration and added the 'violation of Citizenship Act or any other law in force' as one of the grounds. These vague and overbroad criteria add another weapon in the ever-expanding arsenal of laws and policies brought by the Indian government to target and punish dissenting voices. As per government data, between 2014 and May 2023, 102 OCI cards have been cancelled including those of journalists Aatish Taseer and Vanessa Dougnaç and academic Ashok Swain and many others for expressing dissent, critical reporting or participation in protests.

Clampdown on freedom of expression and peaceful assembly

Rather than respecting, protecting and promoting the rights to freedom of expression and peaceful assembly, Indian authorities are clamping down on those protesting against the discriminatory act through [arbitrary detention](#), [heightened surveillance](#) and by [forcibly removing protesters](#), or [disallowing protests against the CAA by students](#) in or near university campuses. This pattern of arbitrarily detaining peaceful protesters was also witnessed in 2020 when Muslim students and activists including a pregnant woman was detained under the Unlawful Activities (Prevention) Act – India’s primary anti-terror law. Many continue to be detained without trial.

“The Indian authorities must immediately repeal the Citizenship Amendment Act due to its exclusionary and discriminatory provisions, structure and intent which run foul of India’s international human rights obligations including under the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights – not least because it reflects so poorly that a member of the Human Rights Council is acting with such impunity. We also urge the authorities to respect, protect, promote and fulfil the human rights of everyone including the rights to freedom of expression, peaceful assembly and association while responding to peaceful protests against the CAA and immediately release those detained in 2019 and 2020 for solely for peacefully exercising their human rights,” said Aakar Patel.

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Citizenship Amendment Act excludes members of several ethnic and religious groups, such as Rohingya Muslims, Sri Lankan Tamils, Bhutanese, Hazaras, Shias and Ahmadiyyas, from accessing Indian citizenship

Country:

India

Source:

[AI – Amnesty International](#) (Author)

Original link:

<https://www.amnesty.org/en/latest/news/2024/03/india-citizenship-amendment-act-is-a-blow-to-indian-constitutional-values-and-international-standards/>

Document type:
Appeal or News Release

Language:
English

Published:
14 March 2024

Available on ecoi.net since:
22 March 2024

Document ID:
2105591

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(ACCORD)		

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

