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India: Anti-Conversion Laws Threaten Freedom of Religion of Belief and Religious Harmony

Joint written statement submitted by World Evangelical Alliance and the Religious Liberty Commission of the Evangelical Fellowship of India to the Human Rights Council's 45th session (14 September – 6 October 2020) under Agenda item 4: Human rights situations that require the Council's attention.

The World Evangelical Alliance (WEA) is a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

The Religious Liberty Commission of the Evangelical Fellowship of India (EFIRLC) endeavors to facilitate reconciliation, to promote religious liberty and fundamental freedoms, and to seek justice for those who are abused and oppressed in India. Founded in 1951, the Evangelical Fellowship of India is a member of the WEA. EFI is the national representative voice for the Evangelical Church in India representing more than 45000 Churches across India.

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1. Though religiously-motivated violence has existed for years in India, evidence suggests Hindu extremists have created an environment of hate and intolerance toward minority religions in the recent years, primarily against Christians and Muslims. This environment has seen an escalation of violence, social ostracism, property destruction, hate speech, disruption and condemnation of peaceful non-Hindu religious activities, and false accusations of “conversion” activities.
2. In 2019, the Evangelical Fellowship of India (EFI) recorded 366 incidents where Christians have been targeted using violence, intimidation or harassment.¹ Uttar Pradesh, the most populous state of India, maintained its position as the state with the highest number of recorded incidents against Christians. Disturbingly, in November 2019, Uttar Pradesh’s Law Commission drafted a controversial report recommending heavy penalties of up to seven years in prison to persons deemed to be violating a proposed new law against religious conversions.²
3. Tamil Nadu stands second in the number of incidents against Christians after Uttar Pradesh documented by the EFI. In Tamil Nadu, the anti-Christian violence is traced to caste supremacist attitudes in villages and their linkages with political elements currently positioning themselves for power in the state which goes for elections soon.
4. On 17 June 2020, the Chief Minister of Haryana state, Manohar Lal Khattar announced that the Haryana government is working on a draft law to prevent religious conversion by force or inducement.³
5. Such law would mirror other so-called anti-conversion laws that already exist in eight states in India: Odisha, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand and Uttarakhand.
6. The alleged purpose of anti-conversion laws is to prohibit conversions by force, fraud or inducement, but in practice civilians and law enforcement officers often misuse the laws and use them to restrict the religious freedom of individuals from minority religions, especially Christians and Muslims. Law enforcement officers often arrest or charge minority faith adherents for conducting constitutionally protected religious ceremonies. Across the country, hundreds of individuals languish for years behind criminal charges under anti-conversion laws, and their cases are dismissed only years later due to absence of evidence of any use of ‘force’ or ‘inducement’. The damage to the individuals charged, their families and communities are however permanent, and social disharmony between religious groups has only grown under these false claims.
7. Christians in Haryana already suffer from incidents involving false accusations for conversion activities, and such accusations often lead to police interrogation and detention of the accused. In the summer of 2019, in Haryana, police stopped a Christian prayer meeting after local Hindu nationalists complained that those praying were forcibly converting people. The police arrested the lead pastor and five other participants. Ultimately, they were released for a lack of evidence, but only after they had endured detention and ridicule. No action was taken against those who had made the false accusation.
8. On 21 June 2020, only a week before the Chief Minister announced the intention to have an anti-conversion law in Haryana, a group of Hindu extremists broke into a church under construction in Dayal Nagar, Faridabad, and forcefully installed a Hindu idol and started raising violent slogans against Christians. The piece of land where the church was under construction was purchased by Pastor Varun Malik, an Assemblies of God pastor. When the pastor arrived on site, after being called and warned about the incident, he was threatened and beaten by the attackers, who stole some of the construction material on site before leaving. The pastor called the police, who intervened and removed the idol without encountering any opposition.
9. If Haryana state enforced a new anti-conversion law, already occurring violations of freedom of religion or belief and other fundamental rights against already ostracized and vulnerable religious minorities would be legalized, institutionalized and encouraged from the state level. The condoned human rights violations and increased level of impunity for those who attack and falsely accuse minority faith adherents of forced conversions will contribute to disrupt and destroy social harmony between different religious groups in Haryana.

1 The 2019 EFI report is available at the following link: <http://efionline.org/articles/351/20200315/rlc-report-hate-and-targeted-violence-against-christians-in-2019-persecution-persecuted-church-church-in-india.htm>

2 Proposed anti-conversion law triggers panic in Uttar Pradesh Proposed anti-conversion law triggers panic in Uttar Pradesh, The Sentinel, 29 November 2019, <https://www.sentinelassam.com/national-news/proposed-anti-conversion-law-triggers-panic-in-uttar-pradesh/>

3 Haryana to introduce bill against “forced conversions”, Times of India, 17 June, 2020, <https://timesofindia.indiatimes.com/city/chandigarh/haryana-to-introduce-bill-against-forced-conversions/articleshow/76415633.cms>

Recommendations

10. In this context, the World Evangelical Alliance, together with the Evangelical Fellowship of India, ask the members of the Human Rights Council to address with India the country's situation of freedom of religion or belief, and make the following recommendations to the Government of India:
11. Guarantee the peaceful exercise of constitutionally protected rights – including the right to assembly and the right to profess and practice the religion of one's choosing – which is threatened by state anti-conversion laws and would be threatened by a national anti-conversion law;
12. Pressure states where anti-conversion laws exist and encourage local governments to repeal such laws, and to prevent and punish false accusations;
13. Promote India's rich ethnic and religious diversity, including Muslim and Christian communities, and promise to take prompt legal action against public officials and others who incite hatred or violence of religious minorities;
14. With regards to the specific case of Haryana, pressure the local government not to go forward with the draft law.