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India: Anti-Conversion Laws Incentivize Violence Against Religious Minorities

Joint written statement submitted to the Human Rights Council 46th session, 22 February - 23 March 2021, 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 Evangelical Fellowship of India (EFI) is a member of the WEA. Founded in 1951, the EFI is the national representative voice for the Evangelical Church in India representing more than 45,000 Churches across India. The Religious Liberty Commission of the EFI (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.

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Increasingly Deteriorating Environment for Religious Minorities in 2020

1. Through 2020-2021, human rights groups and religious liberty watchdogs have documented escalation of violence, social ostracism, property destruction, hate speech, disruption and condemnation of peaceful non-Hindu religious activities, and false accusations of “conversion” activities. Although religiously-motivated violence has existed for years in India, evidence suggests that xenophobic moods promoted by the ruling Hindu nationalist Bharatiya Janata Party have further solidified the environment of hate and intolerance toward religious minorities, primarily Christians and Muslims.

2. During the COVID-19 pandemics the situation has further aggravated, with global indexes assessing democracy backsliding at “high risk” and noting “major violations” of democratic standards in India between March – December 2020.(1) The latter provided grounds for sharp deterioration in adhering to human rights and freedom of religion or belief, including increasing impunity and government inaction against persecution of religious minorities.

3. In its reports on the Persecution of Christians during 2020(2) through January 2021(3), WEA member, the Evangelical Fellowship of India (EFI) documented in total 356 incidents, where Christians have been targeted using violence, intimidation or harassment. At least five people lost their lives, at least six Churches were burnt or demolished, and 26 incidents of social boycott were recorded. According to EFI, many of such incidents remain unreported.

4. Per EFI reports(4), Uttar Pradesh, the most populous state of India, maintained its position as the state with the highest number of 101 recorded incidents against Christians during 2020 through January 2021. It is followed by Chhattisgarh with 60 incidents, most taking place in the tribal region of Bastar, now saturated by volunteers from Hindu right-wing organizations posted to “counter Christian influence. In fact, there is a well-planned political campaign by these groups to ‘Hindutvaize’ tribal society. In Chhattisgarh, as in contiguous tribal regions, these groups face almost no political challenge. The Church has been present in the state and in the region for the last 200 years.

5. The push of the Hindu Right wing in Jharkhand is ominously similar to that of Chhattisgarh and has resulted in violence and social boycott of the Christians. Madhya Pradesh and Jharkhand registered 34 and 29 incidents, respectively. Tamil Nadu in south India had 23 incidents. The state had the second largest number of cases in 2019, registering 60 incidents of some sort of violent action against the Christian community. It is the fifth highest in 2020.

6. The EFI, notes that “the most alarming development has been the expansion and scope of the notorious Freedom of Religion Acts..., to many more states ruled by the Bharatiya Janata Party. Once targeting only Christians, they are now armed also against Muslims.” Inter-faith marriages among Muslim men and Hindu women have been particularly targeted by the xenophobic campaign against ‘Love Jihad’”.The laws ostensibly punish forced or fraudulent religious conversions. But in practice, they are used to criminalise all conversions, especially in non-urban settings.

7. In parallel to increased targeting of Muslims, Christians, especially pastors in rural areas of several states across the country, were victims of violence, their congregational prayers disturbed, and places of worship attacked. Political excoriation, police impunity, and vigilante

groups on their trail, marked the experience of many Christian communities in several parts of the country at the height of the COVID-19 spread.

Incitement to Religious Violence Through Anti-Conversion Laws

8. The unconstitutional Freedom of Religion Acts, known as the anti-conversion laws, are allegedly aimed to prohibit conversions by force, fraud or inducement, but in practice civilians and law enforcement officers often misuse them to restrict the religious freedom of individuals from minority religions, especially Christians and Muslims. These laws have become instrumental for the increase of xenophobic moods in Indian society by creating a hostile and occasionally violent environment for religious minorities and legitimizing arbitrary accusations and other forms of intolerance towards them.

9. 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.

10. According to the EFI, in 2020, the anti-conversion laws continued to be misused to criminalize all conversions, especially in non-urban settings. Hostility and acts of violence against Christians and Muslims have been justified by referring to "attempting to converts." The laws also take away all agency from Hindu women, rejecting or controlling their free will, and effectively denying them the right to marry non-Hindu men.

11. Until 2020, the anti-conversion laws have been in force in eight out of twenty-nine states: Arunachal Pradesh, Odisha, Madhya Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand. A new "anti-conversion" law that went into effect in Uttar Pradesh state, India on 28 November 2020. The new laws in Uttar Pradesh, Uttarakhand and Himachal Pradesh are especially troublesome as they infringe on personal freedoms even more than the laws in other states.

Recommendations to the Government of India

12. In this context, the World Evangelical Alliance, together with the Evangelical Fellowship of India, make the following recommendations to the Government of India:

13. Comply with India's human rights commitments under the international law and take action on recommendations and concerns expressed in the 2009 Report(5) by Special Rapporteur on freedom of religion or belief following their mission to India in 2008; namely 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;

14. Instruct states where anti-conversion laws exist and encourage local governments to repeal such laws, and to prevent and punish false accusations;
15. Enact a comprehensive national legislation against targeted and communal violence;
16. Advise the state governments, especially Uttar Pradesh, Chhattisgarh, Jharkhand, and Madhya Pradesh to deal with the right wing organizations operating in these states, whose primary agenda is to create an atmosphere of fear among the Christian community and other religious minorities.
17. Prosecute police officials who fail in their constitutionally mandated duty to enforce the law of the land, by being complicit in attacks against religious minorities, and by shielding the attackers or otherwise scuttling due process of law.

Recommendations to the International Community

18. We ask the members of the Human Rights Council to take note of the deteriorating situation with the freedom of religion or belief in India, and to address with India the country's situation of freedom of religion or belief.
19. We also call on the European Union and its member states to take decisive action to maintain their commitment that the human rights would “underpin all aspects of the internal and external policies of the European Union”, including in its relations with Indian government in line with the EU Action Plan on Human Rights and Democracy 2020 – 2024.

References

- (1) Pandemic Backsliding: Democracy During COVID-19 (March to December 2020) <https://www.v-dem.net/en/analysis/PanDem/>
- (2) The 2020 EFI report is available at the following link: <https://efionline.org/wp-content/uploads/2021/01/RLC-Report-2021.pdf>
- (3) The Persecution Watch by EFIRLC, 15 – 31 January 2021 <https://files.constantcontact.com/cf0c2406701/ec8d07a0-ca8f-4467-afd2-f2d109104315.pdf>
- (4) Ibid.
- (5) Report by the Special Rapporteur on Freedom of Religion or Belief, 26 January, 2009, PP. 16-17. <https://undocs.org/A/HRC/10/8/add.3>