

## **Status of Human Rights in India for the 41st Session of the Universal Periodic Review**

### **Introduction**

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organisation dedicated to promoting human rights around the world. The ECLJ holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of India (India) for the 41<sup>st</sup> Session of the Universal Periodic Review (UPR).

### **Background**

2. India is a country located in southern Asia with an estimated population of 1.3 billion people<sup>1</sup>. It is a predominately Hindu nation, with approximately 80% of the population identifying as Hindu, 14% as Muslim, 2% as Christian, 1% as Sikh and 2% as unspecified or other<sup>2</sup>. Despite being dubbed the world's largest democracy, India is one of the worst places for Christian and other religious minorities because of the growing Hindu nationalism, particularly from Hindu extremists who “believe that all Indians should be Hindus, and that the country should be rid of Christianity”<sup>3</sup>. Christians are a particular target because Christianity undermines India's millennia old caste system called *Varna*, which subjugates people of lower castes and indigenous tribes for economic gain.

3. India's previous UPR was held on 4 May 2017<sup>4</sup>. As a result of that review, India received 250 recommendations, 152 of which were supported by India<sup>5</sup>. None of the critical recommendations regarding religious freedom, however, were supported by India<sup>6</sup>. It was recommended that India “[r]epeal the requisite legislation to stop violence and discrimination against religious minorities”<sup>7</sup> and that India “[a]bolish anti-conversion laws and grant access to justice to victims of religious violence and discrimination”<sup>8</sup>. It was also recommended that India “[t]ake effective measures to combat rising instances of religious intolerance, violence and discrimination”<sup>9</sup>. Unfortunately, cases of rising violence under India's anti-conversion laws show that India has done nothing to implement these recommendations.

### **Legal Framework**

4. Article 15 of the Constitution of India requires that “[t]he State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them”<sup>10</sup>. Article 25 states that “all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion”, but that right is “[s]ubject to public order, morality and health and to the other provisions of this Part”<sup>11</sup>.

5. Despite these protections within the Constitution, nine states – Uttar Pradesh, Odisha, Madhya Pradesh, Karnataka, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, and Uttarakhand – have enacted laws that prohibit religious minorities from practising their religion<sup>12</sup>.

Some other states have passed such laws, but they are not in effect<sup>13</sup>. Ironically titled “Freedom of Religious Acts”, these laws instead work to stifle the practice of minority religions.

6. For example, the law in Chhattisgarh – similar in form to other states’ laws – provides that “[n]o person shall convert or attempt to convert, either directly or otherwise, any person from one religious faith to another by the use of force or by allurement or by any fraudulent means nor shall any person abet any such conversion”<sup>14</sup>.

7. The definitions of “allurement” and “force” grant authorities vast discretion in prosecution. Under the law, “‘allurement’ means offer of any temptation in the form of . . . any gift or gratification . . . [or] grant of any material benefit”<sup>15</sup>, and “force” includes “threat of divine displeasure or social ex-communication”<sup>16</sup>. These broad definitions outlaw many legitimate forms of proselytising – such as offering salvation or providing a Bible. Further, “conversion” does not include returning to one’s “original religion”<sup>17</sup>. Because of this provision, Hinduism is effectively exempt from the law since it is considered the only “original religion” in India.

8. While the anti-conversion laws are clearly in conflict with Article 25 of India’s Constitution, which protects the rights of citizens to freely practise their religion, the Supreme Court of India affirmed their constitutionality in 1977<sup>18</sup>. The Court held that:

[T]here is no fundamental right to convert another person to one’s own religion because if person purposely undertakes the conversion of another person to his religion, as distinguished from his effort to transmit or spread the tenets of his religion, that would impinge on the “freedom of conscience” guaranteed to all the citizens of the country alike<sup>19</sup>.

9. These anti-conversion laws also clearly violate the international covenants to which India is a party, particularly the International Covenant on Civil and Political Rights (ICCPR)<sup>20</sup>. Furthermore, India’s unwillingness to curb the violence that results from the anti-conversion laws and Hindu nationalism—which is simply a different face of India’s caste system—also violates the International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>21</sup>. While India has abolished its millinia old race-based caste system, in practice, it is very much still prevelant, especially in rural areas and states that have anti-conversion laws. Much of the Hindu nationalists’ violence against Christian minorities involves targeting people of lower castes and tribes who seek to convert to Christianity.

### **Religious Persecution in India**

10. Regardless of the fact that anti-conversion laws violate both India’s Constitution and the international treaties to which India is a party and disregard the Working Group’s recommendations specifically targeting these laws and the violence resulting from them, the Government of India has not done anything to repeal these laws or taken measures to stop the violence that has resulted from them. Hindu nationalists continue to target Christians and Muslims for simply practising their religions. They also continue to target people of lower castes and tribes who seek to convert to Christianity. At least 486 distinct instances of persecution were recorded in 2021 alone, a nearly seventy-five percent increase from 2020<sup>22</sup>. About 371 of these cases occurred in the states that have anti-conversion laws<sup>23</sup>. According to one report, 102

instances of threats, violence, or prosecution under the anti-conversion laws occurred in Uttar Pradesh, 90 in Chhattisgarh, 59 in Karnataka, 44 in Jharkhand, and 38 in Madhya Pradesh<sup>24</sup>. Many of these instances follow a similar pattern: a mob harasses Christians who are peacefully practising their faith and then, when the police show up, instead of arresting individuals in the mob who have been harassing the Christians, the police arrest the Christians. The vigilante mobs perpetrating violence mostly enjoy impunity, and even help, from the local authorities. With so many instances of violence, not all can be mentioned here. But the following are a few recent examples in order to detail the gravity of the situation.

11. In Chhattisgarh, on 17 March 2022, a fifty year old evangelical pastor, Yalam Sankar, was attacked by five strangers in his home<sup>25</sup>. The pastor was dragged out of his home and beaten to death<sup>26</sup>. He had been threatened by Hindu groups, telling him to stop preaching his religion<sup>27</sup>.

12. In Madhya Pradesh, on 9 January 2022, police arrested a pastor and five other Christians during a worship service<sup>28</sup>. Also around that time, in a different village, police entered a worship service and arrested three Christians, including the pastor, “on false forced conversion charges”<sup>29</sup>. Police officers beat these Christians, badly injuring them<sup>30</sup>. Police demanded that the pastor’s wife pay 300,000 rupees, or else “she would never see her husband again”<sup>31</sup>.

13. In Chhattisgarh, in January 2022, a mob of more than 200 Hindus brutally attacked Christians who were worshipping in a house<sup>32</sup>. During the attack, the mob severely injured several Christians, claimed that Christians were “illegally converting Hindus”, and threatened to kill the Christians if they continued to worship in the village<sup>33</sup>. The following day, Christians in the village were forced to participate in a program meant to re-convert them to Hinduism<sup>34</sup>. “[F]ive Christian families fled the village . . . in fear for their safety”<sup>35</sup>.

14. In Uttar Pradesh, several Christmas events were attacked and disrupted, and statues of Jesus smashed, by right-wing Hindu groups over Christmas weekend, 2021<sup>36</sup>. The groups accused Christians of using festivities to force Hindus to convert<sup>37</sup>. The mobs burnt effigies of Santa Claus outside of missionary-led schools<sup>38</sup>. A right-wing politician accused Christians of luring “children by making Santa Claus distribute gifts to them and attract them towards Christianity”<sup>39</sup>. The stated reasons for the attacks clearly show how Hindus use the definitions of “allurement” and “force” in the anti-conversion laws (discussed above), targeting basic religious practices. A Christmas event at a church in Matridham Ashram, Uttar Pradesh, was targeted by Hindus who chanted slogans like “death to missionaries”<sup>40</sup>.

15. On 10 October 2021, police interrupted a prayer meeting and arrested seven pastors in the Mau District, Uttar Pradesh<sup>41</sup>. The police also initially detained fifty church members who were in attendance but later released them<sup>42</sup>. The seven pastors, however, remained in custody<sup>43</sup>.

16. In Uttarakhand, a mob attacked a church on 3 October 2021<sup>44</sup>. The mob punched and beat a woman who was leading prayer in the church<sup>45</sup>. The Hindu mob destroyed objects and furniture inside the church and threatened the people there with death<sup>46</sup>. The mob accused the Christians of luring poor people to convert<sup>47</sup>. Other church members were also assaulted and several had to be taken to the hospital<sup>48</sup>. Although a complaint of the attack was filed, the police failed to arrest the attackers<sup>49</sup>.

17. On 25 September 2021, police arrested a pastor and charged him with carrying out forced conversions under Uttar Pradesh's anti-conversion law<sup>50</sup>. According to locals, four police officers broke up a prayer gathering at 11:30 a.m. and arrested the pastor<sup>51</sup>. He was then taken to the police station where he was brutally beaten and denied food for twenty-four hours<sup>52</sup>. Police then searched the pastor's home and gathered Bibles and song books to be used as evidence against the pastor<sup>53</sup>. While the police were searching the home, a mob of Hindus formed, and the pastor's family fled the house in fear for their safety and moved to an undisclosed location<sup>54</sup>.

18. On 10 September 2021, twenty-five Christians had gathered together in a house for a prayer service when Hindu extremists attacked the house accusing the Christians of carrying out forced conversions<sup>55</sup>. The attackers then reported Christians to the police<sup>56</sup>. According to local reports, the police initially wanted to let five of the Christians go but were pressured by politicians into arresting them under the anti-conversion laws<sup>57</sup>. The pastor, who was one of those arrested, said: "This is the third time I was put into jail in the last ten years"<sup>58</sup>.

19. On 1 September 2021, three Christians were arrested by police in Tatmuraini, Uttar Pradesh<sup>59</sup>. The Christians were gathered together in a home when the neighbors contacted police and accused them of committing forced religious conversions<sup>60</sup>. The Christians were then taken to the police station where they were interrogated and beaten<sup>61</sup>. One of the Christians stated: "The [officer] in-charge of the police station charged at us with bamboo, shouting casteist slurs; he told us, 'You filthy rogues, you eat the food from Indian soil and serve foreign masters.' . . . As this exchange continued, the officer bruised our backs and hands with [a bamboo stick] until he grew tired"<sup>62</sup>. The officers threatened to charge them under the anti-conversion laws unless they paid a "fine" of 5,000 rupees<sup>63</sup>. They reluctantly paid the "fine" and were released the next day<sup>64</sup>.

20. In another incident in September 2021, police arrested seven Christians in Uttar Pradesh for violating the state's anti-conversion law during a prayer meeting<sup>65</sup>. Twenty-five Hindu extremists stormed a prayer meeting and accused those praying of converting Hindus<sup>66</sup>. When the police arrived, they charged seven of the Christians for violating the anti-conversion laws<sup>67</sup>. One of the Christians arrested stated: "The police officer and officials from the district administration demonized us saying we have deserted India's traditional religion of Hinduism and have accepted a foreign religion . . . They told us we should deny our Christian faith and go back to Hinduism"<sup>68</sup>. The Christians were kept in prison for three days and were released on bail<sup>69</sup>.

21. In Himachal Pradesh, in September 2021, a pastor and two other Christians were arrested for using money to convert individuals to Christianity<sup>70</sup>. The pastor was arrested while handing out Bibles and Gospel booklets with church members<sup>71</sup>. A group of extremists approached him ordering him to stop handing out the religious materials<sup>72</sup>. Police then arrested the pastor and two other men with him for forced conversion<sup>73</sup>. The pastor denied the accusation and stated: "I only offered the Bible, and I gave it to those who freely accept the Good News . . . If anyone refused, I didn't insist. We did not convert anyone"<sup>74</sup>.

22. In Bihar, on 11 August 2021, a sixteen-year-old Christian boy was attacked by unknown assailants who threw acid on him<sup>75</sup>. While the identities of the assailants are unknown, the boy's family believed that the attackers demanded the boy renounce his Christian faith or be killed<sup>76</sup>. Tragically, the boy succumbed to his injuries and passed away forty-six days after the attack<sup>77</sup>.

23. In July 2021, a mob of Hindus attacked a house church in Raipur, Chhattisgarh, while shouting anti-Christian insults<sup>78</sup>. Rather than arresting the attackers, police arrested Firoz Bagh, pastor of the church, based upon allegations of forced conversions<sup>79</sup>. After his arrest, the mob surrounded the police station and threatened to attack the pastor again<sup>80</sup>.

24. In Haryana, on 30 June 2021, a pastor was murdered because of his Christian faith<sup>81</sup>. According to reports, he was visiting a sick villager and when he was leaving the villager's home he was ambushed and beaten on the head three times<sup>82</sup>. Local Christian leaders believed he was killed because of his faith. His attacker was taken into custody by police<sup>83</sup>.

25. In Rajasthan, on 18 May 2021, fifteen Hindu nationalists armed with swords, sickles, and a gun attacked a pastor and his family while they were at home after the pastor refused to renounce Christianity<sup>84</sup>. During the assault, one of the attackers shot and killed the pastor's father and knocked the pastor unconscious<sup>85</sup>. Two other members of the family were injured and taken to the hospital<sup>86</sup>.

## Conclusion

26. The incidents mentioned here are merely the tip of the iceberg for a long list of violent attacks and arrests under anti-conversion laws. Religiously motivated attacks against Christians in India are all too common, and the Government of India is doing nothing to stop them. In fact, as the incidents described above indicate, government authorities are not only complicit in the attacks, but sometimes take part in them. India must take action to ensure that freedom of religion granted in its Constitution applies to all its citizens. Anti-conversion laws clearly inhibit the ability of Indian citizens to practice minority religions or adopt a religion of their choice. Not only that, the anti-conversion laws have legitimised violence by Hindu nationalists and, therefore, these laws must be immediately repealed. Christians and other religious minorities should be able to openly and freely practise the tenets of their faith and share the good news of Jesus Christ without the fear of being harassed, attacked, or arrested. India should repeal the anti-conversion laws and ensure that all of India's citizens can peacefully exercise their faith without the fear of being harassed, attacked, or arrested.

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<sup>1</sup> India, THE WORLD FACTBOOK (12 Oct. 2021), <https://www.cia.gov/the-world-factbook/countries/india/>.

<sup>2</sup> *Id.*

<sup>3</sup> India, OPENDOORS, <https://www.opendoorsusa.org/christian-persecution/world-watch-list/india/>.

<sup>4</sup> *Universal Periodic Review – India*, <https://www.ohchr.org/EN/HRBodies/UPR/Pages/INIndex.aspx>.

<sup>5</sup> Rep. of the Working Group on the Universal Periodic Review, India, Appendix, U.N. Doc. A/HRC/36/10/Add.1 (2017).

<sup>6</sup> The recommendations were merely noted. *Id.*

<sup>7</sup> Rep. of the Working Group on the Universal Periodic Review, India ¶ 161.129, U.N. Doc. A/HRC/36/10 (2017).

<sup>8</sup> *Id.* ¶ 161.128.

<sup>9</sup> *Id.* ¶ 161.200.

<sup>10</sup> Constitution of India art. 15, [https://legislative.gov.in/sites/default/files/COI\\_1.pdf](https://legislative.gov.in/sites/default/files/COI_1.pdf).

<sup>11</sup> *Id.* art. 25.

<sup>12</sup> ASIA/INDIA – *There are 145 Cases of Violence Against Christians in the First Half of 2021: “Anti Conversion Laws are Worrying”*, AGENZIA FIDES (27 Jul. 2021), [http://www.fides.org/en/news/70569-%20ASIA\\_INDIA\\_There\\_are\\_145\\_cases\\_of\\_violence\\_against\\_Christians\\_in\\_the\\_first\\_half\\_of\\_2021\\_Ant%20i\\_conversion\\_laws\\_are\\_worrying](http://www.fides.org/en/news/70569-%20ASIA_INDIA_There_are_145_cases_of_violence_against_Christians_in_the_first_half_of_2021_Ant%20i_conversion_laws_are_worrying); Kiran Parahar, *What Does Karnataka's Contentious Anti-Conversion Bill Propose*,

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IND. EXPRESS (Dec. 23, 2021), <https://indianexpress.com/article/explained/karnatakas-anti-conversion-bill-explained-7686686/>.

<sup>13</sup> *Id.*

<sup>14</sup> Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, Act No. 27 of 1968, § 3 (19 Oct. 1968), <http://www.bareactslive.com/MP/MP218.HTM>.

<sup>15</sup> *Id.* § 2(a).

<sup>16</sup> *Id.* § 2(c).

<sup>17</sup> Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] (Amendment) Act, Bill 18 of 2006, § 2 (2006).

<sup>18</sup> *Rev. Stainislaus v. State of Madhya Pradesh & Ors*, 1977 SCR (2) 611 (India).

<sup>19</sup> *Id.*

<sup>20</sup> International Covenant on Civil and Political Rights art. 18, 16 Dec. 1966, 999 U.N.T.S. 171.

<sup>21</sup> International Covenant on the Elimination of All Forms of Racial Discrimination, 7 Mar. 1966, 660 U.N.T.S. 195.

<sup>22</sup> Soniya Agrawal, *486 Incidents of Violence Against Christians in 2021, Up 75% Since 2020: Christian Rights Body*, THE PRINT (31 Dec. 2021, 4:47 PM), <https://theprint.in/india/486-incidents-of-violence-against-christians-in-2021-up-75-since-2020-christian-rights-body/792328/>.

<sup>23</sup> *ASIA/INDIA - 2021 "the Most Violent Year" for Christians in India*, AGENZIA FIDES (4 Jan. 2022), <http://www.fides.org/en/news/71399>; Shweta Velayudhan & Shreyam Sharma, *Anatomy of Anti-Conversion Laws*, THE LEAFLET (25 Dec. 2021), <https://www.theleaflet.in/anatomy-of-anti-conversion-laws-part-ii/>.

<sup>24</sup> *Id.*

<sup>25</sup> Nirmala Carvalho, *Evangelical Pastor murdered, Doubts Shroud Attribution to Maoists*, ASIA NEWS (29 MAR. 2022), <https://www.asianews.it/news-en/Evangelical-pastor-murdered,-doubts-shroud-attribution-to-Maoists-55465.html/>.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Nine Christians in Central India Arrested on False Forced Conversion Charges*, INT'L CHRISTIAN CONCERN (15 Jan. 2022), <https://www.persecution.org/2022/01/15/nine-christians-central-india-arrested-false-forced-conversion-charges/>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Mob of 200 Attacks House Church in Central India*, INT'L CHRISTIAN CONCERN (13 Jan. 2022), <https://www.persecution.org/2022/01/13/mob-200-attacks-house-church-central-india/>.

<sup>33</sup> *Id.*

<sup>34</sup> *Families Forced to Convert or Flee After Attack in East India*, INT'L CHRISTIAN CONCERN (25 Jan. 2022), <https://www.persecution.org/2022/01/25/families-forced-convert-flee-attack-east-india/>.

<sup>35</sup> *Mob Attacks*, *supra* note 29.

<sup>36</sup> Hannah Ellis-Petersen, *Jesus Statue Smashed in Spate of Attacks on India's Christian Community*, THE GUARDIAN (27 Dec. 2021), <https://www.theguardian.com/world/2021/dec/27/jesus-statue-smashed-in-spate-of-attacks-on-indias-christian-community>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Indian Pastors Arrested Over Claims of Conversions*, UCA NEWS (12 Oct. 2021), <https://www.ucanews.com/news/indian-pastors-arrested-over-claims-of-conversions/94517>.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> Varsha Torgalkar, *"We Will Cut You Up": A Glimpse of Violence Christians Face in India*, TRT WORLD (10 Dec. 2021), <https://www.trtworld.com/magazine/we-will-cut-you-up-a-glimpse-of-violence-christians-face-in-india-52505>.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

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<sup>50</sup> *Another Pastor in India's Uttar Pradesh State Arrested on False Forced Conversion Charges*, INT'L CHRISTIAN

CONCERN (4 Oct. 2021), <https://www.persecution.org/2021/10/04/another-pastor-indias-uttar-pradesh-state-arrested-false-forced-conversion-charges/>.

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Five Christians in India's Uttar Pradesh State Arrested on False Forced Conversion Charges*, INT'L CHRISTIAN CONCERN (26 Sep. 2021), <https://www.persecution.org/2021/09/26/five-christians-indias-uttar-pradesh-state-arrested-false-forced-conversion-charges/>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> *Police Beat Christians in Custody in Uttar Pradesh, India*, MORNING STAR NEWS (12 Oct. 2021), <https://morningstarnews.org/2021/10/police-beat-christians-in-custody-in-uttar-pradesh-india/>.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> *Some 30 Christians Arrested Under Uttar Pradesh's Anti-Conversion Law*, ASIA NEWS (23 Sep. 2021), <http://www.asianews.it/news-en/Some-30-Christians-arrested-under-Uttar-Pradesh's-anti-conversion-law-53715.html>.

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> *Another Twelve Christians Arrested on False Forced Conversion Charges in India*, INT'L CHRISTIAN CONCERN (7 Sep. 2021) <https://www.persecution.org/2021/07/22/another-twelve-christians-arrested-false-forced-conversion-charges-india/>.

<sup>69</sup> *Id.*

<sup>70</sup> *Another Pentecostal Pastor Arrested in Himachi Pradesh*, ASIA NEWS (1 Oct. 2021), <http://www.asianews.it/news-en/Another-Pentecostal-pastor-arrested-in-Himachal-Pradesh-54185.html>.

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Christian Attacked With Acid in India Dies After 46 Days in Hospital*, INT'L CHRISTIAN CONCERN (1 Oct. 2021), <https://www.persecution.org/2021/10/01/christian-attacked-acid-india-dies-46-days-hospital/>.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

<sup>78</sup> *Sunday Service Interrupted by Hindu Extremists in Chhattisgarh*, ASIA NEWS (6 Jul. 2021), <http://www.asianews.it/news-en/Sunday-service-interrupted-by-Hindu-extremists-in-Chhattisgarh-53579.html>.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Pastor Seriously Wounded, Father Killed in Northern India*, MORNING STAR NEWS, (3 JUN. 2021), <https://morningstarnews.org/2021/06/pastor-seriously-wounded-father-killed-in-northern-india/>.

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

<sup>84</sup> *52-Year-Old Christian Shot and Killed by Radical Hindu Nationalists in India*, INT'L CHRISTIAN CONCERN (20 May 2021), <https://www.persecution.org/2021/05/20/52-year-old-christian-shot-killed-radical-hindu-nationalists-india/>.

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*