

EU: Speak Out Against India's Rights Violations

Bilateral Human Rights Dialogue Scheduled for January 12

(Brussels, January 11, 2021) -- The EU should take a strong stand and press India to immediately end systemic human rights violations, seven organizations said today, ahead of the European Union-India human rights dialogue scheduled for January 12, 2021. India should also free all detained human rights defenders and others arrested on politically motivated charges.

In July 2020, the EU and India recommitted to a Strategic Partnership based on “shared principles and values of democracy, freedom, rule of law, and respect for human rights.” However, the year was marked by India’s systematic and brutal crackdown on human rights, further restrictions on dissent and civic space, growing prosecutions of human rights defenders, and the rise of hate speech and discrimination against vulnerable groups and minorities. Despite this, the EU has not publicly expressed concerns over the deteriorating situation.

In the EU Action Plan on Human Rights and Democracy 2020-2024, the EU and its member states committed to ensuring that human rights would “underpin all aspects of the internal and external policies of the European Union.” Decisive action by the EU and its member states in areas such as civil society space, refugee rights, and minority protections in the EU will be paramount to ensure a coherent, credible human rights policy, the groups said.

In the past year, mass protests in India against the Citizenship (Amendment) Act, a law that discriminates against Muslims, were often met with excessive use of force by the security forces. At least 31 people were killed and scores injured. Hundreds were arrested and many remain detained despite the severe overcrowding of Indian prisons and the health risks associated with the Covid-19 pandemic.

Repressive laws such as the Foreign Contribution Regulation Act (FCRA) and the Unlawful Activities Prevention Act are frequently used to target and jail government critics, as well as to prevent human rights defenders and organizations from accessing resources and continuing their work with dignity and in safety.

Some human rights organizations, including Amnesty International India, have been forced to shut down. The National Investigation Agency, India’s counter-terrorism agency, has raided the offices of other groups. Human rights defenders, including 83-year-old Stan Swamy, a prominent advocate for the rights of tribal communities, have been detained under politically motivated charges. Muslims and Dalits were targeted by supporters of the ruling Bharatiya Janata Party (BJP) and some mainstream media. Initially, after the outbreak of Covid-19, both communities faced further discrimination, social and economic boycotts, and physical attacks.

Violations by police and security forces also continued, with the National Human Rights Commission reporting 77 deaths in police custody, 1,338 deaths in judicial custody, and 62 alleged extrajudicial killings through October 2020. In Jammu and Kashmir, the revocation of Article 370

of the Indian Constitution in August 2019, which provided a degree of autonomy to Kashmir, was followed by mass arrests, a rise in allegations of torture and other ill-treatment, and a communications shutdown. Scores of people remain detained without charge, and by limiting mobile internet to only 2G service in some Muslim-majority areas, the authorities have impaired access to information, healthcare facilities, education, and justice, with even more serious consequences during a pandemic. Human rights defenders and journalists have been subject to baseless prosecutions.

“The Indian government’s crackdown on civil society represents a grave breach of India’s national and international commitments on the rights to freedom of expression, association and peaceful assembly,” said Eve Geddie, head of office and advocacy director of the Amnesty International European Institutions Office, stressing that “the country sits on the UN Security Council and the UN Human Rights Council, whose members are required to ‘uphold the highest standards in the promotion and protection of human rights’”.

The human rights situation in India continues to deteriorate amid timid or no response from the international community, the groups said.

“As it becomes more and more evident that there is no political will by the Indian government to truly address human rights violations in the country, ongoing human rights violations should meet a robust reaction from the international community,” said Gerald Staberock, secretary general of the World Organisation Against Torture (OMCT). “The current approach based mainly on quiet diplomacy has yielded little result. The EU and its member states need to send a clear message that India’s persistent disregard for its human rights obligations carries a political cost, and that real changes will have to be implemented if Delhi wants to meet its ambition to be an influential actor in the international community.”

The reinstatement of the EU-India human rights dialogue is an important opportunity for the EU to articulate its concerns with the Indian government and press it to adhere to its human rights obligations. However, for this to be effective, the EU should take a strong stand and establish clear benchmarks for human rights progress in India. These should be used in all exchanges with its Indian counterparts, up to highest level, to ensure public oversight and accountability of the EU’s India policy.

As a matter of priority, the EU should insist that India immediately release all arbitrarily detained human rights defenders, journalists and other critics; repeal or amend repressive laws used to silence dissent; ensure accountability for human rights violations; and grant access to all EU and United Nations independent experts and international human rights monitoring mechanisms, including in Jammu and Kashmir. Failing to do so would not only betray the EU’s human rights commitments, but also betray the victims and human rights defenders who are counting on the EU to hold India up to scrutiny and to ensure accountability for abuses.

“The EU and its member states have pledged to speak out against any attempt to undermine respect for universality of human rights and to throw their full weight behind courageous human rights defenders throughout the world,” said Claire Ivers, head of the EU Office at Front Line Defenders. “An ineffective dialogue, held as a box-ticking exercise with no real ambition to robustly raise concerns and prompt much-needed change in the country, would send the wrong message that India is allowed to dodge international scrutiny, and that the EU and its member states are willing to put political and economic interests above human rights.”

The organizations are:

Amnesty International
Christian Solidarity Worldwide (CSW)
International Dalit Solidarity Network (IDSN)
International Federation for Human Rights (FIDH)
Front Line Defenders (FLD)
Human Rights Watch (HRW)
World Organisation Against Torture (OMCT)

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