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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by European Centre for Law and Justice, The / Centre Européen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 May 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.

REQUESTING THAT THE U.N. PROTECT INDIA'S MINORITIES' FREEDOM OF EXPRESSION

1. INTRODUCTION

In India, the religious minorities continue to face serious consequences for expressing their religious beliefs. Under the pretext of preventing “fraudulent” or “forcible” religious conversions, several states in India have enacted laws that stifle the expression of religious faith. Further, the Hindu majority continues to perpetrate violence against Christians, Muslims, and people belonging to Scheduled Castes and Scheduled Tribes (Adivasi or indigenous people) for simply expressing their faith. This persecution occurs with the full endorsement of the state. Police often arrest pastors and Christian converts under false charges of forced conversions. The persecution of religious minorities in India by both state and nonstate actors has become a dire situation that demands attention from the international community.

2. BACKGROUND

Currently, Uttar Pradesh, Odisha, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Uttarakhand, Karnataka, and Haryana have laws that, on their face, prohibit forced religious conversions but, in reality stifle the practice of minority religions, including expression of religious beliefs.

The anti-conversion laws in these states prohibit people of minority religions from sharing their faith with Hindus. They state 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.”[1] Definitions of terms like “allurement” and “force” are so broad that they outlaw even legitimate forms of proselytising—a form of expression protected under international law.[2] For example, “allurement” is defined as an “offer of any temptation in form of . . . any gift or gratification . . . [or] grant of any material benefit,”[3] and “force” includes “threat of divine displeasure or social ex-communication.”[4] Under these definitions, a Christian’s expressing his belief with a Hindu that Christianity offers forgiveness of sins by believing in Jesus Christ becomes a punishable offense. Such a broad law that punishes sharing one’s beliefs with others is a violation of the ICCPR.

While anti-conversion laws conflict with Article 25 of India’s Constitution, which protects citizens’ rights to “freely profess, practise, and propagate religion,”[5] the Supreme Court of India affirmed the constitutionality of the anti-conversion laws in 1977.[6] The court’s wrongful affirmation ensured the laws’ continued existence and endorsed their continued use.

3. VIOLATIONS

We noted in our previous report that the year 2021 had been the most violent year for India’s Christian community since 2014. At least 761 instances of violence were recorded.[7] Now, in 2022, violence against Christians has only continued. In the first 103 days of this year alone, there were 127 reported instances of persecution against Christians in several states in India.[8] According to one report, 89 pastors or priests have been physically assaulted or threatened for leading worship services.[9] Approximately “68 churches were attacked, 367 women and 366 children were injured.”[10] Finally, 82 of these reported instances resulted from mob violence by Hindu nationalists.[11]

With so many instances of violence, not all can be mentioned here. But following are a few examples from just the last few months in order to help see the gravity of the situation.

In April 2022, extremist groups in Karnataka filed complaints after a Bible was discovered in the prison cell of a non-Christian inmate.[12] This incident occurred after seven

evangelical Christians visited the prison where they distributed copies of the Bible to inmates.[13] Now, extremist groups are urging for a state-wide ban on Christian missionaries and prison chaplains as they assert chaplains strive to convert prisoners to Christianity.[14] While it is commonplace for other religious texts to be distributed amongst prisoners, these groups have singled out the Bible for opposition.[15]

Similarly, there has been uproar over the use of the Bible in Christian secondary schools in India.[16] A Christian high school in Karnataka has received complaints “after someone reported that the registration form for the 11th grade includes a paragraph asking non-Christian families for their consent to allow their children to take Bible classes.”[17] Although the school has been in operation for over 100 years, this is the first time it has received a complaint of this kind.[18] While the school does not force students to read the Bible, Hindu nationalists, nonetheless, claim that the school is forcibly attempting to convert its non-Christian students.[19] As a result, authorities of Karnataka will reportedly be conducting investigations into all Christian schools within the state.[20]

On April 14, 2022, Evangelical Christians were celebrating Maundy Thursday at their church in Uttar Pradesh.[21] A mob of Hindu extremists surrounded the building and locked the doors of the church with patrons inside.[22] 36 of the Christian churchgoers were subsequently arrested and jailed for the violation of the state’s anti-conversion laws by allegedly converting 90 people to Christianity in a span of 40 days.[23]

In Chhattisgarh, on March 27, 2022, two Christian pastors were arrested at their worship hall and jailed on forced conversion charges.[24] Before the arrest, a mob of Hindu nationalists interrupted the worship service and created chaos for the congregation.[25] Shortly after this attack, approximately fifteen police officers arrived at the church and arrested the pastors.[26] There had been a prior complaint about these two Christians, accusing them of violating anti-conversion laws imposed by the state.[27]

On March 17, 2022, a Protestant pastor in Chhattisgarh was brutally killed in his home by members of a militant group.[28] The event took place while members of the pastor’s neighborhood were celebrating the Hindu festival of “Holika Dahan.”[29] Pastor Shankar was a known advocate for minority Christians in his local village community, and his well-known reputation led to various death threats before this event.[30] There has been an increase in targeted attacks on Christians throughout the state of Chhattisgarh.[31]

In the state of Karnataka in February 2022, a twenty-foot statue of Jesus was demolished in a small Christian village.[32] The statue was erected 18 years ago and has been a place of prayer for approximately five hundred Christians in the village.[33] The village members state that a pro-Hindu organization filed complaints with the High Court.[34] Subsequently, the Indian government voted to demolish the statue because it was on government-owned land.[35] Although Christian villagers requested that the statue be delicately removed and returned to them, it was bulldozed and hauled away in a tractor.[36] Church representatives claim this is a clear example of persecution by the Bharatiya Janata Party.[37]

The incidents mentioned here are merely the tip of the iceberg for a long list of violence and arrests under the anti-conversion laws. All too often, violence against religious minorities has the tacit approval or even assistance of government actors, especially the police and politicians from the ruling Bharatiya Janata Party (BJP). Christians and other religious minorities are regularly denied the opportunity to express their religious faith.

4. RECOMMENDATIONS

This Council should take swift action by calling on India to repeal the anti-conversion laws and ensure that all of India’s citizens can peacefully share about their faith with others. India should be held responsible for these laws and the violence they legitimize. Religious expression is denied by laws that discriminatorily target religious speech for punishment.

1. E.g., Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, Act No. 27 of 1968, § 3 (19 Oct. 1968) (emphasis added).
2. Human Rights Committee Gen. Comment 34, U.N. Doc. CCPR/C/GC/34 (Sep. 12, 2011).
3. Chhattisgarh Dharma Swantantraya Adhiniyam [Freedom of Religion] Act, Act No. 27 of 1968, § 2(a).
4. Id. § 2(c).
5. India Const. art. 25, § 1.
6. Rev. Stanislaus v. State of Madhya Pradesh & Ors, 1977 SCR (2) 611 (India).
7. Federation of Indian American, Christian Organizations of North America, FIACONA Annual Report 2022. April 29, 2022.
8. In the First Months of 2022, 127 Episodes of Violence against Christians in India, AGENZIA FIDES (21 Apr. 2022), http://www.fides.org/en/news/72034-ASIA_INDIA_In_the_first_months_of_2022_127_episodes_of_violence_against_Christians_in_India.
9. Id.
10. Id.
11. Id.
12. Extremist Groups in Karnataka, India Issue Complaints about Bibles in School and Prison, BARNABAS AID (4 May 2022), <https://www.barnabasfund.org/us/news/extremist-groups-in-karnataka-india-issue-complaints-about-bibles-in-sch/>.
13. Id.
14. Id.
15. Id.
16. Nirmala Carvalho, Hindu Nationalists in Karnataka against Bible in Christian School, ASIA NEWS (28 Apr. 2022), <https://www.asianews.it/news-en/Hindu-nationalists-in-Karnataka-against-Bible-in-Christian-school-55685.html>.
17. Id.
18. Id.
19. Id.
20. Id.
21. Anugrah Kumar, Christians in India Arrested during Maundy Thursday Service, THE CHRISTIAN POST (Apr. 17, 2022), <https://www.christianpost.com/news/christians-in-india-arrested-during-maundy-thursday-service.html>.
22. Id.
23. Id.
24. Two Pastors Jailed in Central India, INTERNATIONAL CHRISTIAN CONCERN (Mar. 28, 2022), <https://www.persecution.org/2022/03/28/two-pastors-jailed-central-india/>.
25. Id.
26. Id.
27. Id.
28. A Protestant Christian Pastor Killed in Chhattisgarh, AGENZIA FIDES (Mar. 28, 2022), <http://www.fides.org/en/news/71910>.
29. Id.
30. Id.
31. Id.
32. Andrea Morris, Indian Gov't Approves Demolition of 20-foot Jesus Statue in Christian Village after Pro-Hindu Group Complains, CBN NEWS (Feb. 20, 2022), <https://www1.cbn.com/cbnnews/cwn/2022/february/indian-govt-approves-demolition-of-20-foot-jesus-statue-in-christian-village-after-pro-hindu-group-complains>.
33. Id.
34. Id.
35. Id.
36. Id.
37. Id.