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India: Human Rights Assessments

Overview

As reported by the State Department's *2022 Country Reports on Human Rights Practices* (Human Rights Reports or HRRs), India is a multiparty, federal, parliamentary democracy. States and union territories have primary responsibility for maintaining law and order, and the central government provides policy oversight. India is identified by U.S. government agencies, the United Nations, and some nongovernmental organizations as the site of numerous human rights abuses, many of them significant, some seen as perpetrated by agents of state and federal governments. The reported scope and scale of abuses has increased under the leadership of Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party, particularly since their reelection in 2019.

Many analyses also warn of democratic backsliding in India. For example, since 2019, the Sweden-based Varieties of Democracies project has classified India as "an electoral autocracy"; in 2023, it called India "one of the worst autocratizers in the last 10 years." Since 2021, U.S.-based nonprofit Freedom House has re-designated India as "Partly Free," contending that "Modi and his party are tragically driving India itself toward authoritarianism." The New Delhi government issued a "rebuttal" of the Freedom House conclusions, calling them "misleading, incorrect, and misplaced." The following sections describe selected areas of human rights concerns.

Religious Freedom

About 80% of Indians are Hindu and 14% are Muslim. The State Department's *2022 Report on International Religious Freedom* (IRF) asserts that, "Attacks on members of religious minority communities, including killings, assaults, and intimidation, occurred in various states throughout the year" in India. It notes "cow vigilantism" against non-Hindus based on allegations of cow slaughter or trade in beef (cows are considered sacred animals in the Hindu religion), reported violent attacks against Christians averaging about 11 per week, and adoption of laws restricting religious conversions in 13 Indian states. Secretary of State Antony Blinken in 2022 noted "[W]e've seen rising attacks on people and places of worship" in India, and the U.S. Ambassador at Large for IRF added, "[I]n India some officials are ignoring or even supporting rising attacks on people and places of worship." The Indian government's response noted what it called "ill-informed comments by senior U.S. officials" and suggested the IRF report was "based on motivated inputs and biased views."

Since 2020, the U.S. Commission on International Religious Freedom has recommended that the Secretary of State designate India as a Country of Particular Concern (CPC) under the International Religious Freedom Act "due to the Indian government's promotion of Hindu

nationalism, and engagement and facilitation of systematic, ongoing, and egregious violations of religious freedom."

Press Freedom

The 2022 HRRs state that, while the Indian government generally respected press freedom in 2022, "there were instances in which the government or actors considered close to the government allegedly pressured or harassed media outlets critical of the government, including through online trolling." It notes "restrictions on freedom of expression and media, including violence or threats of violence, unjustified arrests or prosecutions of journalists, and enforcement of or threat to enforce criminal libel laws to limit expression." France-based Reporters Without Borders' (RSF) *2023 Press Freedom Index* ranks India 161st of 180 countries, down from 150th in 2022 and continuing a seven-year downward trend. RSF says "press freedom is in crisis" in India, which it calls "one of the world's most dangerous countries for the media." It finds "charges of defamation, sedition, contempt of court and endangering national security are increasingly used against journalists critical of the government, who are branded as 'anti-national.'" According to Freedom House, "attacks on press freedom have escalated dramatically under the Modi government," with Indian authorities using various laws "to quiet critical voices in the media."

Freedom of Expression

According to the 2022 HRR, violations of online freedoms in 2022 included restrictions on internet access, disruptions of internet access, censorship of online content, and occasional government monitoring of users of digital media, as well as threatening "to enforce criminal libel laws to limit expression." Access Now, a global digital rights group that calls internet shutdowns "dangerous acts of digital authoritarianism," named India the "world's largest offender" for the fifth consecutive year for blacking out the internet at least 84 times in 2022. The group reports India accounted for more than half of all documented shutdowns globally since 2016, and in 2022 declared that, "Free expression is not safe in India." Freedom House finds that, in India, "Academic freedom has significantly weakened in recent years, as professors, students, and institutions have faced intimidation over political and religious issues."

Meanwhile, the Indian government is escalating pressure on U.S.-based tech platforms including Facebook, Twitter, and WhatsApp over the companies' reluctance to comply with data and takedown requests, and scrutinizing video streaming services such as Netflix and Amazon for content deemed controversial by Hindu nationalists and their allies in the Indian government.

Civil Society

The 2022 HRR notes the government's "increased monitoring and regulation of some NGOs that received foreign funding" in India, as well as reports of some NGOs being "denied renewals [of their operating permits] as reprisal for their work on 'politically sensitive' topics such as human rights or environmental activism." Freedom House reports that some NGOs in India, particularly those working on human rights, "continue to face threats, legal harassment, excessive police force, and occasionally lethal violence." Foreign NGOs have for years faced financing restrictions in India via the Foreign Contribution (Regulation) Act. The act has been "misused by government agencies to silence NGOs," according to Amnesty International (AI), which in 2020 ended its India operations following what it called "years of official threats, intimidation and harassment."

Corruption

The 2022 HRR contends that India suffers from "serious government corruption," and, despite government efforts to address abuses and corruption, "A lack of accountability for official misconduct persisted at all levels of government, contributing to widespread impunity." Berlin-based Transparency International's "Corruption Perceptions Index," which measures relative degrees of global corruption, ranks India 85th of 180 world countries. Its "Global Corruption Barometer" found 89% of Indian citizens "think government corruption is a big problem." Freedom House argues that, "Large-scale political corruption scandals have repeatedly exposed bribery and other malfeasance, but a great deal of corruption is thought to go unreported and unpunished, and the authorities have been accused of selective, partisan enforcement."

Human Trafficking and Bonded Labor

The State Department's 2023 *Trafficking in Persons Report* places India in the "Tier 2" category, meaning its government "does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so. ... However, the government did not meet the minimum standards in several key areas," including anti-trafficking law enforcement efforts "inadequate compared to the scale of the problem" and high acquittal rates (84%) for accused traffickers. Freedom House notes that, while the Indian constitution bans human trafficking and bonded labor is illegal, estimates suggest that 20-50 million workers are affected, and, "The use of child labor reportedly surged during the COVID-19 lockdowns."

Human Rights in Kashmir

Until recently Jammu and Kashmir was India's only Muslim-majority state; today India has none. In 2019, the government repealed Article 370 of the Indian Constitution and Section 35A of its Annex, removing the state's (nominally) autonomous status and bifurcating it into two "Union Territories," each with reduced administrative powers. The U.N. Office of the HCHR said the changes "risk undermining minorities' rights." The 2022 HRR states, "Journalists working in Jammu and Kashmir continued to face barriers to free reporting through communications and movement restrictions," and notes reports that human rights monitors have been "restrained or

harassed" by state agents there. Human Rights Watch's (HRW) *World Report 2023* criticizes the Public Safety Act and the Armed Forces (Special Powers) Act as allowing for mass detentions without charges and impunity for security forces "even for serious human rights abuses." According to AI, "Jammu and Kashmir accounted for the highest proportion of deaths involving the police in India between April 2020 and March 2022."

Women's Status

According to the 2022 HRR, there was a "lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, femicide, and other forms of such violence" in India. It notes reports that "low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported." Dowry disputes, so-called honor killings, and domestic violence also "remain serious problems." HRW's 2021 report identified "systemic barriers to justice for survivors of sexual violence in India, including stigma, fear of retaliation, hostile or dismissive police response, and a lack of access to adequate legal and health support services."

Other Issues

The 2022 HRR also finds significant human rights issues in India included "credible reports of" unlawful and arbitrary killings, including extrajudicial killings by the government or its agents; torture and cases of cruel, inhuman, or degrading treatment or punishment by police and prison officials; harsh and life-threatening prison conditions; arbitrary arrest and detention; politically motivated imprisonments or detentions; arbitrary or unlawful interference with privacy; refoulement of refugees; and crimes involving violence and discrimination targeting members of minority groups based on social status or sexual orientation or gender identity.

Issues for Congress

In February 2023, the Chairman of the Senate Foreign Relations Committee, Sen. Bob Menendez, issued a report on U.S. Indo-Pacific strategy which includes a call for the Biden Administration to "make advancing human rights and democracy, which are vital to long-term stability and prosperity, core tenants" of that strategy.

In the 117th Congress, H.Res. 1196, "Condemning human rights violations and violations of international religious freedom in India, including those targeting Muslims, Christians, Sikhs, Dalits, Adivasis, and other religious and cultural minorities," garnered 12 cosponsors.

The Biden Administration requests \$134 million in foreign assistance to India for FY2024. Congress could consider whether to condition some or all such aid on improvements in human rights and civil liberties in India.

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