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# India at the crossroads? Civil society, human rights and religious freedom: critical analysis of CSOs' third cycle Universal Periodic Review discourse 2012–2017

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## ABSTRACT

In order to provide a timely assessment of India's fulfilment of international obligations on religious freedom this article explores the nature and 'issue-salience' of different human rights 'pathologies'. It uses critical frame analysis of the corpus of civil society organisations' (CSOs) submissions to the third cycle Universal Periodic Review (UPR). The findings reveal CSOs' concerns over the weakening of rule of law institutions and restrictions on civil society during the period under study. This has impacted upon the ability of human rights defenders to protect religious freedom. The civil society discourse also highlights a broad range of failings; including communal violence, police malpractice/ judicial shortcomings, discrimination, oppression and incitement. In contrast, the Government's UPR submission fails to acknowledge these issues. In conceptual terms, this disconnect suggests performativity and legitimation are a feature of the post-2014 NDA administration's framing of human rights. It appears to embrace civil society engagement and the promotion of religious freedom in a way that advances political legitimacy, whereas civil society accounts suggest otherwise and point to 'legitimation' – or a disjuncture between rhetoric and reality.

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## Introduction

Recent years have seen growing international and domestic concern over 'the multiple forms of discrimination that may affect ... persons belonging to religious and linguistic minorities',<sup>1</sup> and 'violence against members of religious minorities and human rights defenders'.<sup>2</sup> Such concerns are intimately linked to India and the politics of the world's largest democracy. As the 2019 elections underline, notwithstanding its status as a secular state,<sup>3</sup> commentators point to the nexus between political context and religious freedom.<sup>4</sup> In particular, they point to the potential dangers of the rise of an alternative nationalism, based not on secular principles but rather on the premise that Indian culture is coterminous with Hindu culture.<sup>5</sup> For this reason urgent attention to the situation is now required in the wake of the Hindu nationalist party, Bharatiya Janata

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Party's (BJP), 2019 election victory. Thus, this study's principal research aims are: 1. to identify and explore which human rights issues civil society organisations (CSOs) highlight in the corpus of third cycle submissions to the United Nations' Universal Periodic Review (UPR) 2012–17, 2. To understand the priority (or 'issue-salience') they attach to different rights violations. And, 3. Using discourse analysis, to examine the way that CSOs' frame their critical views on the Indian government's response to its international rights obligations.

The present critical analysis of civil society organisations' (CSOs') perspectives on the human rights situation in India is the latest in a growing body of international work<sup>6</sup> – and is appropriate to human rights scholarship for the following reasons. First, as classical accounts – such as the work of Alexis De Tocqueville – underline,<sup>7</sup> civil society plays a key role in upholding minority rights and freedoms by acting as a democratic check on ruling elites. Second, allied to this, in methodological terms the strength of a civil society perspective lies in standpoint theory<sup>8</sup> and CSOs' 'situated knowledge' of rights implementation, as played out in the lifeworld. Here, building upon earlier studies adopting this approach,<sup>9</sup> attention to the language of CSOs provides a useful complement to jurisprudence and quantitative indicators. It is a point cogently underlined by Simin Fadaee, who notes that:

the Indian case shows that human rights discourse ... has enormous transformative potential in specific contexts and situations. It allows different meanings, interests and subjectivities to be attached to notions of human and right. [... it offers] a very powerful medium of social articulation which provides a base for diverse practical foundations by diverse agents (including social movements and civil society organisations).<sup>10</sup>

Lastly, in the wake of the 2019 BJP election victory, the present critical analysis of the UPR also provides needed insight into how the situation has changed since the election of the National Democratic Alliance in May 2014; not least because of increasing concerns over state suppression of civil society in today's India. This threat to exogenous criticism of the government's human rights record is aptly captured by Subrata Mitra who sagely warns, 'if civil society is to remain effective, however, it must resist manipulation by the state and special interests'.<sup>11</sup>

In conceptual terms, the wider international significance of this focus lies in providing a new empirical analysis of the challenges of applying universalist norms – upholding religious freedom as set out in UN rights agreements, whilst respecting religious particularism. In definitional terms, a broad literature charts the different meanings and interpretations of the contested notion of freedom of religion.<sup>12</sup> For the present purposes it refers to the tolerance of different theological systems of belief, and freedom of individual action to follow one's own beliefs. Thus, András Sajó and Renáta Uitz explain, what constitutes the legal contours of freedom of religion in the international and domestic constitutional contexts:

the formulation of freedom of religion and conscience as an individual right stems partly from placing religious choices in individual conscience ... In a legal sense it is the scope of protection a legal system is willing to provide to individuals and groups claiming that their religious liberty has been restricted.<sup>13</sup>

As explained below, in contrast, the notion of religious particularism<sup>14</sup> may be associated with intolerance and denotes 'a belief in the exclusive authenticity of one's own religious tradition. Religious particularists are likely to believe that salvation is confined to rather narrowly defined groups of believers'.<sup>15</sup> In light of this, an analytical framework linking

the contours of religious freedom, to the following data analysis was developed (See ‘Methodology’ – below).

The present analysis also has wider significance in (1). Underlining the dynamic relationship between party politics and religious ideology – and how this may affect rule of law institutions and the ability of individual actors (such as human rights defenders) to be able to effectively protect religious freedom; and (2). Providing new empirical insights into contemporary international attempts at securing a participatory approach to rights implementation via the UPR founded on civil society input and criticality. Viewed in the context of global religious strife,<sup>16</sup> this can be seen as a key challenge for contemporary rights practice; for as Ishita Banerjee-Dube notes, ‘the contingency and particularity of religion and politics/power enable their constant redefinition and co-constitution’.<sup>17</sup>

Accordingly, the remainder of the paper is structured thus: following an outline of the research context, attention turns to the study methodology. This is followed by a discussion of the study findings – first, in relation to the nature and salience of different pathologies (Research questions 1. And 2.), and second, CSOs’ use of critical framings (Research question 3). The implications of the analysis are outlined in the conclusion.

## Research context

Recent data confirm the religious diversity of India: Hindus constitute 79.8 per cent (966,257,353), Muslims 14.23 per cent (172,245,158), Christians 2.3 per cent (27,819,588), Sikhs 1.72 per cent (20,833,116), Buddhists 0.7 per cent (8,442,972), Jains 0.37 per cent (4,451,753), and other religions including Parsis and Jews constitute 0.6 per cent (7,937,734).<sup>18</sup> As Satya Narayan Sabat observes, attempts at securing a framework of inter-faith tolerance are nothing new,

Indian culture, which is an amalgamation of different faiths and religions and boasts of a written history of about five thousand years, imbibed and evolved human rights concepts long ago, long before the Universal Declaration of Human Rights or the European Renaissance.<sup>19</sup>

The legal contours of freedom of religion in the international and domestic constitutional contexts have two components. International human rights treaties and the constitution and Penal Code. In the former case, in 1960s and 1970s the country ratified a series of UN treaties related to the upholding of religious freedom and human rights including, the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), (1968), the International Covenant on Civil and Political Rights (ICCPR), (1979) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) (1979). Notwithstanding these gains, the country has been selective in its approach to UN treaties. For example, it has adopted reservations to ICERD<sup>20</sup> and has neither ratified the Optional Protocols to the ICCPR and ICESCR – nor the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Overall, existing analysis points to India’s mixed compliance record.<sup>21</sup>

In addition to international obligations, freedom of religion or belief is nominally enshrined in Articles 15, 25–28 and 325 of the Constitution, adopted by the Indian Constituent Assembly on November 26, 1949. Thus, for example, Article 15(1) requires that,

the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition.<sup>22</sup>

Such matters fall under the jurisprudence of the Indian Supreme Court which has considered arguments over secularism as part of the basic, unamendable features of the Indian Constitution.<sup>23</sup> In part, this is supported by Directive Principles and state practice; yet in practice there is deviation from this principle.<sup>24</sup> As Yüksel Sezgin notes, this secular/inclusionary state model ‘seeks to establish an institutionally and legally unified personal status system with jurisdiction over all citizens. However, due to opposition from some religious groups [... it] is only able to achieve partial unification’.<sup>25</sup> This is because in relation to the domestic legal code, the personal laws are inconsistent because different religious communities are governed by different laws. Thus, for example, in 1955–56 the state unified the personal status laws of Hindus, Sikhs, Buddhists, and Jains, yet Muslims, Parsis, and Christians retained their own laws.<sup>26</sup> As Hanna Lerner observes, in historical context:

instead of formalizing a “critical juncture” in state-religious relations through written constitutional provisions, political actors preferred to transfer decisive choices in the conflict over the religious character of the state to the more flexible arena of ordinary politics by adopting ambiguous constitutional formulations or provisional political compromises.

Despite the express constitutional protection of freedom of religion or beliefs (and notwithstanding the ruling in the case of *Rev Stanislaus vs Madhya Pradesh*, 1977 SCR (2) 611),<sup>27</sup> contemporary debate centres on whether this freedom is significantly restricted in individual state and national laws. For example, in the states of Orissa, Madhya Pradesh, Chattisgarh, Arunachal Pradesh, Gujarat and Himachal Pradesh ‘anti-conversion’ laws criminalise aspects of conversion from one religion to another. For example, the Freedom of Religion Act 2006 in Himachal Pradesh says:

No person shall convert or attempt to convert, either directly or otherwise, any person from one religion to another by the use of force or by inducement or by any other fraudulent means nor shall any person abet any such conversion.<sup>28</sup>

This issue links to the wider question of whether freedom of religion equals freedom to change religion, and the extent this effectively reflects cultural contingency. The Indian state has ratified the International Covenant on Economic, Social and Cultural Rights (ICCPR). Article 18 asserts that, ‘everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have *or to adopt* a religion or belief of his [*sic*] choice ...’.<sup>29</sup> This formulation is weaker than the original proposed wording recognising the ‘right to change’. The latter was rejected by Muslim states, particularly Saudi Arabia, resulting in the current, vaguer ICCPR formulation. According to a leading proponent<sup>30</sup> ‘there can be no doubt that the freedom to adopt a religion of one’s own choice includes the right to withdraw one’s membership in one religious society and join another’. This right is compatible with a state religion, ‘so long as the State permits other religions alongside the official one and does not exercise direct or indirect coercion to join the latter’. According to Manfred Nowak, the phrasing of ICCPR Article 18(2) ‘No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice’ does prohibit coercion. It

is based on an Egyptian proposal at the UN Human Rights Council aimed at ‘protection against legal barriers to a change of religion or those established by the religion itself. It also applies to indirect means of coercion, such as tax or social welfare benefits, which would ‘impair’ the exercise of the right to freedom of religion’.<sup>31</sup> Notwithstanding such assertions, the existence of state ‘anti-conversion’ laws in India does suggest cultural contingency as to whether freedom of religion equals freedom to change religion. As Iqtidar Karamat Cheema notes, there are fundamental incompatibilities between India’s domestic legal code and its international obligations: ‘there are constitutional provisions and state and national laws in India that do not comply with international standards of freedom of religion or belief, including Article 18 of the ICCPR’.<sup>32</sup>

The foregoing social, legal and constitutional issues underline the relevance of exploring the Indian situation, not least because of the fact that to a significant degree, rights practice is shaped by politics. Since the founding of the Republic, it is the rise of Hindu nationalism that has been one of the foremost political factors shaping inter-faith relations.<sup>33</sup> As Neera Chandhoke explains: ‘overtaking civil society in India, this nationalism – both exclusive and insular to a frightful degree – strongly bears the imprimatur of the state ... the BJP-led government has managed to legitimize a deep-seated intolerance in India’s civil society’.<sup>34</sup>

The result of this volatile mix is a continuing trend of religious-based violence in the country today. Here the complexity of the link between religious freedom and communal violence should be acknowledged. Intransigent governments may assert that violence against members of a religious community has nothing to do with their religious identity. In some instances this may be so; religious minorities may be caught up in what is primarily a rule of law issue. Yet, as leading accounts underline, to a significant degree, communal violence is intimately linked to religious intolerance and persecution. The malaise is compounded by the fact that, as the present analysis reveals, a weakening of rule of law institutions disproportionately affects the health and well-being of religious minorities.<sup>35</sup>

As some observers note, communal violence cannot be divorced from the prevailing political context. For example, Ravina Shamdasani notes,

the rise of Hindu nationalism ... actively promotes Hindutva (the notion of Hindu superiority and purity) [... this amounts to] an ongoing insidious attempt to build Hindu nationalism and destroy the secular principles central to India and firmly enshrined in the country’s constitution and legal and political structure.<sup>36</sup>

Moreover, there are worrying signs that the Indian Government is constraining the democratic role of civil society. For example, a recent account explained,

it is not surprising that the Indian state has proved notoriously coercive ... the domain of civil society is delineated by the state itself. And states simply happen to have their own notions of what is politically permissible, what is culturally permissible and what is socially permissible. And whereas these notions will enable some sections of civil society, they will necessarily disable others.<sup>37</sup>

According to another account,

in contemporary India, political dynamics of collaboration and confrontation between state and non-state actors increasingly unfold in legal-social fields ... [For example,] in April 2015, the Indian government revoked the licenses of 8,975 NGOs for violating FCRA [Foreign Contribution Regulation Act, 1976] regulations<sup>38</sup> ... The escalating state suspicion and tightening regulation of the voluntary sector in India today is part of a global trend.<sup>39</sup>

As the foregoing suggests, these are key challenges facing today's India. The political sphere is exerting undue influence over the nominally secular civil sphere driven by partisan religious nationalism. At a discursive level at least, the Indian government has acknowledged these challenges. For example, in the wake of the Second Cycle UPR in 2012, it accepted Human Rights Council (HRC) recommendations on safeguarding the role of civil society in preventing discrimination and violence against members of religious minorities.<sup>40</sup> Yet crucially, 2014 saw a change of administration with the election of the NDA government. The following discussion explores the impact of this change of government and the extent to which these commitments have been honoured. Following an outline of the methodology, attention turns to the study findings and civil society views on whether there has been progress – or further set-backs and ongoing rights violations.

## Methodology

In methodological terms, the present analysis offers a transferable discourse-based approach to studying human rights implementation. The analytical framework linking the contours of religious freedom (discussed earlier) to the data analysis stage was developed using an inductive analytical approach. Such an inductive approach is valued over deductive techniques for its ability to allow the data to speak for themselves.<sup>41</sup> Thus, detailed, close reading revealed the key pathologies associated with religious freedom issues in the UN Human Rights Council reportage associated with the Universal Periodic Review. The development of the analytical frame is illustrated in [Table 1](#) (below).

The discourse analysis subsequently applied the analytical framework of pathologies to 72 reports submitted by civil society organisations for the third cycle UPR covering the years 2012–17 (see [Appendix 1](#)). The aforementioned number of CSO submissions under-reports the breadth of civil society input into the UPR for many are joint submissions authored by broad coalitions of standalone organisations (one, for example, has input from 181 CSOs).<sup>42</sup> Application of the analytical framework to the CSO data allowed analysis of the 'issue-salience' or level of CSO attention to (and prioritisation of) the different pathologies in the corpus. During the coding process appropriate software<sup>43</sup> was used to divide the UPR reports into 'quasi-sentences' (or, 'an argument which is the verbal expression of one term, idea or issue').<sup>44</sup> Sub-dividing sentences in this manner controlled for long sentences that contained multiple references to religious freedom issues.<sup>45</sup> To ensure accuracy the coding was repeated by a research assistant. In the small minority of cases where coding differed<sup>46</sup> such instances were re-checked and a final coding agreed. All textual extracts were logged into a database that enabled descriptive statistical analysis of issue-salience and subsequent examination of framing. Religious-based violence and forced conversion were included in the analytical framework. The reason for this is twofold: both issues are included in UN and UPR discourse on upholding religious freedom and, they feature in the wider literature on religious freedom. Forced conversion undermines religious freedom by coercion and the denial of choice.<sup>47</sup> Whilst, religious violence is often designed to intimidate victims and undermine their right and ability to follow their faith.<sup>48</sup>

The second component of the analysis draws on a wider literature examining the way that human rights issues are framed.<sup>49</sup> Framing derives from the classic work of Erving Goffman.<sup>50</sup> It refers to the language used by policy actors. Effectively it is a 'schemata

**Table 1.** Inductive analytical framework based on religious freedom pathologies identified in UN reportage on India in the universal periodic review.

Pathology	Examples of reference to individual pathologies in UN UPR reports on India
Violence	'The country team indicated that incidents of religious minorities being targeted during riots, particularly prior to elections, needed to be addressed' (HRC, 2017a, p.6, para 3, 31).
Authorities' failure to uphold religious freedom (including police malpractice)	Need to 'further invest in dedicated human rights training of police officials to register and investigate cases of discrimination and violence and to hold them accountable when they fail to do so' (HRC, 2017b, p.17, para 160.66).
Discrimination, (in)equality and oppression	'The Special Rapporteur recommended that India enact legislation to curb all forms of de facto housing discrimination against any individual or group, especially religious or ethnic minorities' (HRC, 2017, p.15, para 3).
Human Rights incompatibility of current laws	The 'Special Rapporteur on executions noted with concern that the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 had not incorporated Dalit Muslims and Christians into the definition of scheduled castes and scheduled tribes, and recommended that the legislation be reviewed to extend the definition' (HRC, 2017a, p.4, para 17).
Restrictions on civil society	We remain 'worried about the social hardship endured by marginalised groups and restrictions on civil society' (HRC, 2017b, p.5, para 27); 'concern about the increasing restrictions imposed on independent civil society actors, including those belonging to religious minorities' (HRC 2017b, p.8, para 91).
Government failure to respond to earlier UPR recommendations	'Ensure previous recommendations are addressed . . . . To Ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, tribes, and other vulnerable populations' (HRC 2017b, p.17, para 160.72).
Forced Conversion issues	'Guarantee freedom of religion or belief by implementing existing laws to better protect individuals belonging to minority groups from hate speech, incitement to religious violence, discrimination on religious grounds and forcible conversions' (HRC 2017b, p. 21, para 160.133).
Incitement	'Take visible policy and other measures to ensure the freedom of religion and belief and address the alarming trend of racism, racial discrimination, xenophobia and related intolerance including mob violence committed, incited and advocated by right-wing parties and affiliated extremist organizations against minorities, particularly Muslims, Christians, Sikhs and Dalits' (HRC 2017b, p. 20, para 160.130).

Note: Human Rights Council (2017a), Working Group on the Universal Periodic Review Twenty-seventh session 1–12 May 2017, Compilation on India – Report of the Office of the United Nations High Commissioner for Human Rights, HRC, A/HRC/WG.6/27/IND/2.

Human Rights Council (2017b), Working Group on the Universal Periodic Review Twenty-seventh session 18 May 2017, Report of the Working Group on the Universal Periodic Review: India, A/HRC/WG.6/27/L.8.

Human Rights Council (2017a), *ibid.*

Human Rights Council (2017a), *ibid.*

Human Rights Council (2017b), *ibid.*

of interpretation<sup>51</sup> that is concerned with the inherent meanings, sentiments, messages and criticality in relation to social and political communication.<sup>52</sup> As the following reveals, framing deepens the analysis for it moves beyond the level of attention to different types of rights violation – or pathology<sup>53</sup> – to consider the way that language is expressed.<sup>54</sup> The frames and associated tropes (or, crosscutting 'terms, figures of

speech and argument that give persuasive power to larger narratives [including frames] of which they are part')<sup>55</sup> were inductively generated through systematic reading of the corpus of religious freedom extracts in the database, for example: 'protection', 'rights', 'criminality', 'freedom', 'politics', and 'hatred'. The level of attention to the different frames in the corpus was determined by content analysis of electronic versions of the CSOs' UPR submissions.<sup>56</sup>

## Contemporary pathologies in upholding human rights and religious freedom

This section addresses research questions 1 and 2. Namely; to identify and explore which human rights issues civil society organisations (CSOs) highlight in the corpus of third cycle submissions to the United Nations' Universal Periodic Review (UPR) 2012–17 and; to understand the priority (or 'issue-salience') they attach to different rights violations. This reveals the pathologies highlighted in the civil society organisations' UPR discourse. These are summarised in [Table 2](#). Each is discussed in one of eight sub-headings below.

### (i) Religious-based violence

Religious-based violence is the lead pathology in the CSOs' third cycle UPR discourse (constituting 42.1 per cent of all quasi-sentences). Whilst 'violence among Hindus, Muslims, and Sikhs has been a relatively regular feature of postcolonial Indian society',<sup>57</sup> over recent years the contemporary interplay of politics and law has driven a rise in violence. This finding is supported by official data showing an increase after the election of the NDA government in 2014. According to India's Federal Interior Ministry, there was a 17 per cent increase in communal violence in 2015, compared to the previous year (751 incidents, several go unreported); 97 people were killed and 2,246 people were injured. States with significant instances of communal violence include Uttar Pradesh, Bihar, Maharashtra, Madhya Pradesh, Karnataka, and Gujarat. Official figures vary for 2016. According to the Ministry of Home Affairs 703 communal incidents took place across the country in which 86 persons lost their lives and 2,321 were injured;<sup>58</sup> whereas the National Crime Records Bureau records 876 incidents of sectarian rioting under 'offences against public tranquillity'.<sup>59</sup>

The present analysis provides situated knowledge in the form of CSOs' description of the problem today. For the hundreds of civil society organisations taking part in the UPR

**Table 2.** Issue-salience of human rights pathologies on religious freedom in the third cycle UPR discourse of CSOs ( $N = 1,063$ ).

Pathology	Percentage
Violence	42.1
Authorities' failure to uphold religious freedom (inc. police malpractice)	16.8
Discrimination, (in)equality and oppression	13.3
Human Rights incompatibility of current laws	11.0
Restrictions on civil society	4.5
Government failure to respond to earlier UPR recommendations	4.4
Forced Conversion issues	4.1
Incitement	3.8

religious-based violence over-shadows all other religious freedom issues in India during the period 2012–17. As Cecilia Jacob observes:

Communal violence continues to be highly politicized in India. In the lead up to the 2014 general elections the United Progressive Alliance, led by Congress,<sup>60</sup> attempted unsuccessfully to re-introduce the Draft Prevention of Communal Violence (Access to Justice and Reparations) bill to the upper house in the last parliamentary session, inflaming political debate. The original bill, drafted by secular civil society actors and adapted without their approval, was introduced into the lower house of parliament in 2011 where it was rejected. The Hindu nationalist party, Bharatiya Janata Party (BJP), is ideologically opposed to the bill, and their position is defended on the basis that the definition of ‘majority’ communities in India discriminates against Hindu populations.<sup>61</sup>

According to the CSO discourse, Hindu nationalism is the principal political force driving the inter-faith violence witnessed over past decades.<sup>62</sup> This viewpoint is typified by the observations of one CSO that noted:

With a regime change in India in 2014 when a more liberal and ‘secular’ UPA-II [United Progressive Alliance] gave way to the “right” wing NDA-II [National Democratic Alliance] there has been an increase in violence against Christians and Muslims, the two non-Indic religious minorities in India ... [Hindu nationalists’ view is that] ‘Hindus alone are national, and the Muslims and others (i.e. Christians, Muslims and followers of other non-Indic religions), if not actually anti-national, are at least outside the body of the nation. Hence the constant need to Indianise Christians and Muslims; and violence against them is a tactic to assimilate them into the Hindu nation.’<sup>63</sup>

Others gave graphic illustrations of the problem. One alleged, ‘Catholic nuns are attacked deliberately to teach a lesson to, shame and intimidate the Christian community in India, and to force it to a subservient status in Indian society’.<sup>64</sup> Another alluded to

serious problems with the treatment of Muslims in India. Significant human rights challenges include: extrajudicial executions committed by police and security personnel, as well as non-State actors; arbitrary and unlawful detentions; torture and cruel, inhuman and degrading treatment of terrorism suspects in police custody.<sup>65</sup>

A further strand of the discourse centred on what a number of CSOs saw as government under-reporting of the problem. For example, one noted that:

according to the latest available National Crime Records Bureau (NCRB) report (2015),<sup>66</sup> there were 1,227 communal incidents in 2014 and 789 communal incidents in 2015, which blatantly contradicts the Home Ministry statistics. Moreover, there are still a substantial number of communal incidents that go unrecorded formally by any government agency.<sup>67</sup>

Others alluded to ‘the absence of a systematic reporting requirement for deaths and injuries in crowd control settings ... largely underestimate the prevalence of deaths and injuries’,<sup>68</sup> and noted that for episodes of civil unrest ‘accurate estimates are currently unavailable for the number of people killed or injured’.<sup>69</sup> In contrast, for its part, the Government of India’s submission to the UPR set out two retroactive policy measures (i.e. to deal with outbreaks of violence rather than proactive violence avoidance measures). The first, was to enhance ‘compensation to victims of communal violence’ (from Rs. 300,000 to Rs.500, 000). The second was the issuing of ‘Communal Harmony Guidelines which lay down Standard Operating Procedures to deal with communal violence’.<sup>70</sup>

Aside from physical violence the CSO discourse also highlights symbolic violence. This aligns with the classic theorisation of Pierre Bourdieu and refers to cultural imperialism and disrespect for individuals' cultural capital as expressed in art, rituals, social norms and traditions. Bourdieu explains how 'its oppressive power is as malevolent as physical violence ... With the mechanism of symbolic violence, domination tends to take the form of a more effective, and in this sense more brutal, means of oppression'.<sup>71</sup> Thus, for example, one CSO referred to the fact that, in its view:

In the last three decades Muslims have been subjected to increased symbolic violence. They have been chronically stigmatized on the basis of their way of life, the way they dress, their appearances, their eating habits, their worship patterns, etc. Christians too experience similar symbolic violence ... The biggest symbolic violence against both Christians and Muslims is that they are portrayed as cultural outsiders.<sup>72</sup>

According to the CSO corpus the underlying reasons for symbolic violence towards Muslims and Christians are '(i) they are looked at as the products of colonialism; (ii) they are perceived to have embraced Christianity for petty benefits; and (iii) they are said to be indulging in fraudulent proselytisation. The biggest symbolic violence against both Christians and Muslims is that they are portrayed as cultural outsiders'.<sup>73</sup> According to the CSO discourse the symbolic violence operates through discourse. Notably, in political speeches that incite and denigrate Muslim and Christian culture and practices and articulate these as 'un-Indian'. In a manner that variously resonates with Becker's classic work on labelling theory,<sup>74</sup> Young on oppression and cultural imperialism,<sup>75</sup> and De Beauvoir (1949)<sup>76</sup> on 'othering'. This is 'a process (...) through which identities are set up in an unequal relationship ... the simultaneous construction of the self or in-group and the other or out-group in mutual and unequal opposition. Othering thus sets up a superior self/in-group in contrast to an inferior other/out-group'.<sup>77</sup> As one CSO noted,

The highest in the government and the *Sangh Parivar* are in unison in sending across the message that Islam is un-Indian and Muslims by and large anti-national. We must take these signs seriously because the implications of linking up religion and nationalism are bound to be disastrous.<sup>78</sup>

(ii) Authorities' failure to uphold religious freedom (including police malpractice)

This is the second-ranked pathology in the UPR discourse (16.8 per cent of quasi-sentences). A recent account explains the roots of the problem:

The currency that communal violence has in generating cohesion within political constituencies, and the depth of impunity enjoyed by the judiciary and police, have made addressing this form of political violence an enduring blight on the country's democratic track record, rather than an impetus for the creation of robust preventive and protection mechanisms.<sup>79</sup>

The impunity with which authorities ignore intimidation, religious violence or fail to follow due process is further confirmed by Moyukh Chatterjee's account:

since the anti-Muslim violence in Gujarat, India, in 2002, NGOs, activists, and survivors have relied on India's criminal-justice system to hold Hindu perpetrators accountable. But lower courts ... effectively immunized perpetrators from prosecution. This impunity effect ... allows public, even spectacular violence to go unpunished.<sup>80</sup>

In a similar vein, another study highlighted that law enforcers sometimes, ‘interpret human rights and what they see as traditional values in ways that support police use of violence. At other times, they compromise on the extent to which they can protect human rights’.<sup>81</sup>

The latter resonates with the civil society discourse. For example, one CSO observed: ‘in March 2015, a trial court in Delhi acquitted 16 policemen accused of killing 42 Muslim men 28 years previously arbitrarily picked up from Meerut city of Uttar Pradesh, 70 km to Delhi’s northeast. Charges were dismissed due to “scanty, unreliable and faulty investigation”’.<sup>82</sup> Another recalled:

Christians in Chhattisgarh especially in the Bastar area have been facing massive politically inspired opposition, which has manifested itself in the form of physical violence and social discrimination. The apathy, impunity and partisanship of the administration at various levels has compounded the human tragedy, and the gravity of the violation of Constitutional guarantees of Freedom of Expression, Freedom of Association and Movement, and most important, the Freedom of Religion and Belief.<sup>83</sup>

Here it is important to reflect on CSOs’ reports of police apathy. Analysis of the UPR corpus suggests that it extends to all kinds of offences and is reflective of the declining capacity of law enforcement institutions since 2014. For example, one CSO referred to

India’s judiciary also suffers from the lack of resources, rendering it ineffective ... The result of this apathy is a huge number of cases pending disposal in India. According to National Judicial Data Grid there are 21,909,846 cases pending before District Courts across the country as on 4 May 2016.<sup>84</sup>

However, as the following analysis indicates, it is clear that police apathy and allied failings are worse in the case of religious freedom issues. Furthermore, it is necessary to be cognisant of the federal nature of public administration in India. Whilst some CSOs refer to the ‘administration’ as if it were a monolithic entity, others present a more accurate picture. They allude the fact that, under federalism law and order questions rest primarily with states and that these, as well as central government, shape the way in which religious freedom issues are dealt with. The UPR corpus reveals CSOs’ concerns with the capacity of state level jurisprudence. For example, one alluded to the fact that, ‘more than 18 states in India are not even spending 1% of the budget allocated to judiciary’.<sup>85</sup> The discourse also reveals that addressing contemporary shortcomings is not solely a matter of increasing resources but also a question of the need for police reform. Thus for example, another CSO asserted:

We recommend that the Indian government or the UN train India’s police forces to act in an unbiased manner. They must be trained to anticipate violence stemming from religious tensions, stop and prosecute attackers, and protect victims of violence ... authorities should set a standard for tolerance by giving fair treatment to all citizens regardless of religion.<sup>86</sup>

A significant trope within this pathology is a reference to failings in judicial proceedings on religious violence and persecution. For example:

communal violence against religious minorities in India has increased ... yet many of the individuals responsible for these acts have not been brought to justice. Although there are court cases pending for these incidents, NGOs report religious bias and corruption and intimidation of witnesses in court proceedings<sup>87</sup>

and

India should address the significant gaps in the delivery of justice and compensation to victims of communal violence by ... ensuring that First Information Reports (FIRs) are effectively investigated and prosecuted [... and] providing protection to victims and witnesses before, during and after the trial process.<sup>88</sup>

Religious intolerance is a further prominent trope in the CSO discourse. It refers to the failure of a given faith community to accept the coexistence and religious freedom of another faith community. Commonly, this is expressed through negative discourse and discrimination but may extend to incitement, violence and intimidation. In the present case it is evident in CSOs' observations on the intolerance of some Hindus, notably in government circles, towards minority religions.<sup>89</sup> For example, one CSO described how,

a culture of intolerance has taken root in India and has grown more menacing ... Dissent – whether political, religious, cultural or social – now entails greater risks. India has become a battleground on which the definition of what is national or, indeed, anti-national is fought.<sup>90</sup>

Another added that,

the situation of freedom of belief, thought and expression [... is one of] growing intolerance: any expression narrating a different point of view is perceived with resentment and hostility and there are high-pitched demands for bans and followed by physical threats, vandalism and abusive campaigns via media.<sup>91</sup>

### (iii) Discrimination, (in)equality and oppression

Religious discrimination is the third ranked pathology (13.3 per cent of quasi-sentences). The importance of this issue is that it undermines societal well-being in contemporary India. Furthermore, as noted, it fuels communal violence and leads to a range of ills, including maladministration in the justice system, mistrust and social division. The malaise is revealed by the country's international rankings. Globally, India is ranked as 34th out of 253 countries in terms of having the highest level of state discrimination against minority religions. It is also ranked 13/253 in relation to societal discrimination against minority religions.<sup>92</sup> These indices are at odds with the government's UPR discourse which asserts:

Recognizing the importance of religious freedom for the safe and secure enjoyment of human rights and life with dignity for all, India remains committed to protecting its secular, multi-ethnic, multi-religious, pluralistic character, and combating instances of religious intolerance, violence and discrimination.<sup>93</sup>

In contrast the CSO discourse points to the institutional basis of religious discrimination. For example, one asserted that there is, 'deep rooted prejudice and institutional bias against the religious minorities in India's law and order machinery – police, federal investigation agencies, para-military, and army needs rigorous correction'.<sup>94</sup> Another explained:

India's "personal law" code, which governs matters like marriage, divorce, and inheritance, differs depending on one's religious community, [it ...] disadvantages converts to Christianity by denying them rights of inheritance and child custody that would have been theirs if they had not converted. Similarly, low-caste converts to Christianity (and Islam) lose

advantageous access to reservations set aside for low-caste “Hindus” (construed broadly, to include Buddhists, Jains, etc.) in the civil service, legislative bodies, and educational institutions’.<sup>95</sup>

Ayelet Harel-Shalev underlines the gendered-nature of this institutionalised discrimination:

religious and cultural norms continue to be the most prevalent and widely accepted justifications in India for discrimination based on sex/gender ... Were the state and its judicial system willing to listen to the voices of Indian women, particularly those of Muslim Indian women, perhaps the outcomes of the Hindu–Muslim negotiation process would have been different.<sup>96</sup>

Other CSOs pointed to the wider patterns of inequality. For example, one observed

there is no substantial improvement in economic and social situation of religious minorities even a decade after the Recommendations of the Sachar Commission<sup>97</sup> and the Rangannath Mishra Commission.<sup>98</sup> They still lack inclusion in employment within government institutions, civil services, police and access to basic public amenities.<sup>99</sup>

(iv) The incompatibility of current laws with international human rights obligations

This was the fourth-ranked pathology in the CSOs’ discourse (11 per cent of quasi-sentences). Inconsistencies and omissions mean that, as Iqtidar Karamat Cheema explains, ‘national and state laws are used to violate the religious freedom of minority communities’. Examples are manifold. They include articles in the Constitution (for example, Article 48 and a raft of state laws that significantly restrict or ban cow slaughter), as well as enactments on forcible conversion. Caste law provides a further example. Caste and religion are not coterminous, as a recent account makes clear,

while many religious leaders continue to teach the continuation of the caste system and discriminatory practices, and religion clearly has contributed to the perpetuation of the caste system, the problem of caste discrimination is fundamentally a problem of society and not of religion.<sup>100</sup>

Notwithstanding this, the current framing of the law has discriminatory effects. As one CSO complained, ‘as a result of the 1950 Order,<sup>101</sup> Muslim and Christian Dalits are excluded from the purview of ‘Scheduled Castes’, denied reservations in jobs and elected bodies which are available to their Hindu, Buddhist and Sikh counterparts’.<sup>102</sup> As another CSO put it,

The continuance of Part (iii) of Article 341 of the Constitution effectively denies 200 million of Scheduled Castes persons (Dalits) the Rights to Freedom of Faith and Belief by making it compulsory that they remain Hindus to avail of affirmative action.<sup>103</sup>

The CSO discourse also highlights how current laws are being used to stifle freedom of speech on religion. For example, one referred to Section 295A of the Indian Penal Code<sup>104</sup> arguing that:

[It] criminalises expression “intended to outrage religious feelings of any class by insulting its religion or religious beliefs.” The offense is punishable with up to four years’ imprisonment and/or a fine. In order to find an individual guilty, prosecutors need only prove an intention to insult, regardless of whether another person is actually insulted ... as part of an out-of-court settlement ... [a named publishing house withdrew a title from sale as part of an

agreement with ...] complainants, who argued that the book was offensive to Hindus and therefore violated Section 295A'.<sup>105</sup>

In the UPR corpus CSOs also allude to how the police are able to take advantage of legal shortcomings. For example, one noted that

According to the Indian Code of Criminal Procedure (CrPC) Section 197<sup>106</sup> and its current interpretation and implementation, courts may not hear a case against a police officer unless Central or State government gives authorization for prosecution ... The decision to prosecute or not to prosecute must be only lie with a judicial authority.<sup>107</sup>

(v) Government restrictions on civil society

This the fifth-ranked pathology (4.5 per cent of quasi-sentences). It is particularly concerning given civil society's key role in holding the government to account. Debika Goswami and Rajesh Tandon describe the recent shift affecting the civil sphere:

Religious foundations are coming up with their own networks, associations, and NGOs to build public opinion behind their own interests. Overall, civil society in India today has experienced a perceptible change; earlier it approached issues from people's perspective and the state was seen as duty bound. The approach was to support the interests of the people to claim their rights in relation to the state. Now a significant section of civil society has been co-opted by the state; they act like extended hands of the state'.<sup>108</sup>

In contrast, the government's UPR discourse denies a post-2014 shift in the approach to civil society. It refers to

a multi-ethnic, multi-religious, multi-linguistic population ... Supported by a rights-oriented constitutional framework, a secular polity, and independent judiciary, a range of national and state level commissions that monitor compliance with human rights, a free press, and a vibrant and vocal civil society.

It vows 'to continue involving civil society in the UPR process' and asserts that its priority is 'recognizing that a vibrant civil society keeps the Government accountable for its commitments, and provides crucial feedback for drafting effective policy responses for advancing human rights'.<sup>109</sup>

In response, the CSO discourse is often caustic in describing state restrictions. For example, one asserted:

The middle ground for human rights work throughout India is eroding fast. Social activists, civil society leaders and "right to information" activists are increasingly facing the wrath of the state, despite it being the largest democracy in the world. Instead of treating these activists as partners in a very vibrant democratic process, the state more often perceives them as threats to "national security" and "national interests". As a result, the state is increasingly targeting, harassing, imprisoning—and sometimes even killing—many of these defenders.<sup>110</sup>

In a similar vein, another noted that:

Article 19 (c) of the Indian Constitution<sup>111</sup> guarantees the right to form associations and unions. Moreover, article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party, also guarantees freedom of association. However, despite these commitments, the government has since 2012 used restrictive legislation and policies to target civil society organisations, suspended the operations of some and cancelled the registration others.<sup>112</sup>

Kamlesh Kumar's account powerfully illuminates the deteriorating situation, 'human rights defenders face violence, victimization and violations of human rights not only individual level but their families too. Both the genders [a]re victimized by state actors like police and other civil servants'.<sup>113</sup> It is a trend that is repeatedly highlighted in the CSO discourse. For example, one complained:

there are significant concerns that human rights defenders and NGOs, and foreign organisations which provide them with funding, are becoming targets for state repression. This is exacerbated by nationalist groups who are calling on the government to curb the work of foreign NGOs in the country, claiming that foreign involvement is not conducive for India's development.<sup>114</sup>

Part of the repression stems from the legal requirement that all CSOs receiving external funds are required to register and submit periodic reports of their activities to the Ministry of Home Affairs, under Section 12(4)(f) of the Foreign Contributions (Regulations) Act (2010).<sup>115</sup> Subsequent amendments to the Act<sup>116</sup> have significantly altered the licensing requirements for CSOs in India, as well as limited their ability to receive foreign funding, upon which many of these organisations are heavily dependent. In consequence, since 2014 the Ministry of Home Affairs has cancelled the licenses of 24,000 NGOs.<sup>117</sup>

#### (vi) Government failure to respond to earlier UPR recommendations

This is a reoccurring pathology highlighted in the CSO discourse (4.4 per cent of quasi-sentences). It links to the burgeoning academic literature on human rights implementation gaps.<sup>118</sup> The underlying causes are diverse. As one account underlines, we can

attribute gaps between human rights principles and practices to wilful disobedience, self-interested defection, and ineffective enforcement ... [As well as] state capacity in particular — [this maps onto] bureaucratic efficacy; noncompliance is often inadvertent and conditioned by a state's ability to implement treaty terms.<sup>119</sup>

All of these factors resonate with the UPR discourse. For example, the HRC's Second Cycle UPR Recommendations of 2012 stated that India, should 'ensure that laws are fully and consistently enforced to provide adequate protections for members of religious minorities, scheduled castes, and Adivasi groups, as well as, women, trafficking victims, and LGBT citizens'.<sup>120</sup> Yet, as one CSO complained, this has only been 'partially implemented'. It proceeded to note that, 'while some progressive laws exist ... implementation is weak'. In another instance, the second cycle UPR recommendations called on the Government of India to 'continue efforts to allow for a harmonious life in a multi-religious, multicultural, multi-ethnic and multi-lingual society and to guarantee a society constituting one-fifth of the world's population to be well fed, well housed, well cared for and well educated'.<sup>121</sup> Again, the CSO discourse protests that this has only been 'partially implemented' and that 'the State must ensure that health services are provided to all persons ... irrespective of their gender identities, sexual orientation, caste and religious denominations'.<sup>122</sup>

#### (vii) Forced Conversion issues

This is the seventh-ranked pathology in the UPR corpus (4.1 per cent of quasi-sentences). Lela Fernandes' account explains the issue:

the secular Indian state and the Hindu nationalist movement are invested in restricting changes in religious membership in ways that intensify religious and caste-based inequalities. The secular state and the Hindu nationalist movement attempt to enforce a shared model of religion that takes the form of a fixed territory.<sup>123</sup>

Moreover, as Chad Bauman observes, it is in this context that,

Christianity represents a political threat to the Hindu nationalist ... conversions to Christianity are seen (or portrayed) as a threat to the nation because they diminish the numbers of those united by the common national identity, presumed to be at least vaguely Hindu in nature.<sup>124</sup>

The problem is enshrined in the domestic code for,

individual state “Freedom of Religion” bills are active in half a dozen states. These “anti-conversion” laws, prohibit conversion by ‘force, fraud, and inducement’. The fact that these laws often expressly do not in any similar way manage or restrict conversion or reconversion to Hinduism makes it plain that Christians (and, secondarily, Muslims) are their real target.<sup>125</sup>

For those that do convert from Hinduism there are discriminatory consequences. As Jeremy Sarkin and Mark Koenig explain, ‘famously, the Indian government decided that low-caste Hindus who convert to other religions may no longer be legally considered for the benefits being extended to their caste groups’.<sup>126</sup> For its part the state submission to the UPR does not problematise the issue:

the government is duty bound to ensure that there is complete freedom of faith and that everyone has the undeniable right to retain or adopt the religion of his or her choice without coercion. India views anti-conversion laws as important safeguards against coercion and inducement to convert or reconvert from one religion to another in a multi-religious society.<sup>127</sup>

The CSO discourse offers a contrary view. It is typified by the following observation:

These laws purport to outlaw “improper” conversions of Hindus to other religions, but they fail to define clearly an “improper conversion.” The laws do not contain evidentiary requirements and are not applied to prohibit forceful conversion to Hinduism ... The authorization process serves as a barrier to discourage individuals from converting from Hinduism.<sup>128</sup>

Over recent years, and illustrating the non-discrete nature of the prevailing pathologies, the issue of conversion has fuelled religious violence. As Satish Kolluri observes,

Hindu nationalists ... in a move to prevent what they perceive as the ‘forcible conversions’ of low-caste Hindus to Christianity and Islam have escalated violence against minority communities, especially against the Christian missionaries, who have seemed to replace the Muslims as the (Hindu) object of hate, at least for the time being.<sup>129</sup>

The CSO discourse provides a series of examples of this. For example, one submission complained,

soon after election results came out in May 2014, Christians were targeted in Uttar Pradesh in incidents of Church attacks and physical violence ... A *Shuddhikaran* (literally Purification) ceremony was planned for December 25, 2014 where in the RSS’s *Dharma Jagran Vibhag* planned to ‘reconvert’ thousands of Christians back to Hinduism.<sup>130</sup>

## (viii) Political incitement

This is the eighth-ranked pathology (3.8 per cent of quasi-sentences). It is supported by official statistics that record 976 offences in 2016 of ‘promoting enmity between different groups on the basis of religion, race and place of birth’.<sup>131</sup> The CSO discourse shows the principal cause to be the role of party politics in administering policy and law in this nominally secular state. In turn, this points to the need for a more robust UN framework on the issue. Yet, as Tahir Mahmood notes, ‘time and again efforts have been made at the international level for the adoption of a UN instrument against defamation of religion, but nothing has yet come out of these concerns of a sizable number of member states’.<sup>132</sup> Nominally, at least, legal protections do exist in domestic law. Under the Indian Penal Code, Section 153(A), it is unlawful to promote ‘enmity between different groups on the ground of religion’. Moreover, Section 153(B) of the Code further affirms that ‘imputations and assertions prejudicial to national integration are a crime’.<sup>133</sup> However, as the CSO discourse underlines, political incitement remains a key underlining factor in contemporary rights abuses. For example, one observed that in its view,

the status of Religious Minorities in India [has] worsened after the last UPR in 2012 [... This] has to be understood in the context of the present regime in power in India. One illustration is the slew of remarks that incite mobs to violence against India’s religious minorities (especially Muslims and Christians), made by members of the Central Council of Ministers and Members of Parliament since May 2014.<sup>134</sup>

Another offered the succinct observation that ‘the erosion of the principles of secularism and toleration risks fanning inter-religious tensions’.<sup>135</sup> Having identified the rights pathologies in the UPR discourse, attention now shifts to CSOs’ use of language and the framing of their observations.

### **The framing of CSOs’ third cycle UPR discourse on religious freedom**

This section addresses research question three – namely, using discourse analysis, to examine the way that CSOs’ frame their critical views on the Indian government’s response to its international rights obligations. Here a key finding is that civil society organisations’ identification of violence as the principal human rights pathology in the UPR corpus is reflected in the framing of the discourse on religious freedom. The most prominent frame used by civil society organisations is the ‘attack’ on minorities and religious freedom (Table 3). Together with associated tropes (see below), it accounts for almost a quarter (23.9 per cent of all quasi-sentences,  $N = 1,695$ ). As noted, the present frame analysis is a ‘schemata of interpretation’<sup>136</sup> that is concerned with the inherent meanings, sentiments, messages and criticality in relation to social and political communication.<sup>137</sup> It deepens the analysis for it moves beyond the level of attention to different types of rights violation – or pathology<sup>138</sup> – to consider the way that language is expressed.<sup>139</sup> The frames and associated tropes (or, crosscutting ‘terms, figures of speech and argument that give persuasive power to larger narratives [including frames] of which they are part’)<sup>140</sup> were inductively generated through systematic reading of the corpus of religious freedom extracts in the UPR database. For example, ‘protection’, ‘rights’, ‘criminality’, ‘freedom’, ‘politics’, and ‘hatred’. The level of attention to the

**Table 3.** Content analysis of the principal frames and associated tropes in the corpus of CSOs' third cycle UPR discourse on religious freedom<sup>a</sup>.

Principal frames	Associated tropes																Total	
Attack	6.7	<i>terror</i>	1.4	<i>harassment</i>	2.1	<i>victimisation</i>	1.9	<i>threat</i>	4	<i>torture</i>	1.8	<i>killing</i>	1.8	<i>force</i>	2.4	<i>intimidation</i>	1.8	23.9
Protection	8.3	<i>fear</i>	1.2	<i>safety</i>	1.2	<i>prevention</i>	3.8	–	–	–	–	–	–	–	–	–	–	14.5
Rights	9.9	<i>violation</i>	2.9	<i>denial</i>	1.1	–	–	–	–	–	–	–	–	–	–	–	–	13.8
Criminality	8.9	<i>prosecution</i>	2.9	–	–	–	–	–	–	–	–	–	–	–	–	–	–	11.9
Freedom	8.0	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	8.0
Political	5.1	<i>nationalism</i>	1.4	<i>BJP</i>	1.2	–	–	–	–	–	–	–	–	–	–	–	–	7.7
Targeting	4.5	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	4.5
Education	3.0	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	3.0
Hatred	2.9	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2.9
Citizenship	2.7	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2.7
Justice	2.5	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2.5
Implementation	2.5	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2.5
Marginalization	2.2	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	2.2
																		100

<sup>a</sup>Figures are each frame/ trope's percentage of the total number of incidences of all frames and tropes in the corpus,  $N = 1,695$ .

different frames in the corpus was determined by content analysis of electronic versions of the CSOs' UPR submissions.<sup>141</sup>

The civil society discourse framed in terms of the 'attack' on minorities and religious freedom discourse is typified by the recollection of one CSO:

when attacked witnesses request the assistance of the local police, they receive minimal or no relief. Rather than arresting the perpetrators, the police are influenced by the mob to arrest the witnesses on fabricated charges of forced conversion, blasphemy, insulting religious beliefs, and disturbing the peace.<sup>142</sup>

As noted, a number of reoccurring tropes were associated with the attack on religious minorities. These give power and immediacy to the civil society accounts and underline the troubling nature of contemporary religious intolerance:

- *Terror* – (e.g. 'in Tamil Nadu one writer was terrorized to withdraw his [religious] books. Often they (writers and artists) are not provided with adequate security and protection and on the other hand, their abusers are not restricted. Mostly such abusers get backing, encouragement, even felicitation by the *Hindutya* organizations and ruling elites');<sup>143</sup>
- *Harassment* – (e.g. 'Christians have suffered harassment from both the government and civil society. Their requests for help and protection have also frequently been ignored by authorities');<sup>144</sup>
- *Victimisation* – (e.g. 'the authorities have failed to prevent religious violence across the country. Draft legislation aimed at preventing and punishing communal and targeted violence, and ensuring access to justice and reparations for victims, has yet to be passed');<sup>145</sup>
- *Threats* – (e.g. 'religious minorities, especially Muslims and Christians, are feeling increasingly at risk. Some BJP leaders have made inflammatory remarks against minorities while militant Hindu groups, who often claim to be supporters of the BJP government, threatened and harassed Muslims and Christians, in some cases physically attacking them');<sup>146</sup>
- *Torture* – (e.g. 'Police use of torture on individuals accused under MCOCA<sup>147</sup> in Maharashtra has been widespread ... [there are many accounts] detailing the torture to which they had been subjected to extract the confessions');<sup>148</sup>
- *Killing* – (e.g. 'in March 2015, a trial court in Delhi acquitted 16 policemen accused of killing 42 Muslim men 28 years previously arbitrarily picked up from Meerut city of Uttar Pradesh ... charges were dismissed due to a "scanty, unreliable and faulty investigation"');<sup>149</sup>
- *Force* – (e.g. 'now again, just before the 2015 Panchayat elections, a Hindu attacked the Muslims, torched their homes and forced them to seek refuge at the Ballabhgarh police station');<sup>150</sup>
- *Intimidation* – (e.g. 'Converts are often subjected to violence and intimidation, especially those who leave the Hindu faith for Islam, Buddhism or Christianity').<sup>151</sup>

The second most prevalent frame in the UPR submissions is 'protection' (14.5 per cent of quasi-sentences). For example, in its recommendations to the HRC a CSO stated, 'India should provide more effective protection for human rights defenders, by removing the

legal obstacles and societal repression undermining their legitimate activities to promote and protect human rights'.<sup>152</sup> In addition to physical protection of those threatened by communal violence, much of the discourse under this frame is concerned with legal protections. For example, one CSO observed that:

the Government should enact a special 'witness protection' law to protect the lives of witnesses associated with cases of communal incidents. Across the country, a large number of witnesses turn hostile in courts and conviction rates for communal crimes are low, and therefore there is a need to create legal provisions for witnesses to feel secure so that justice is not compromised.<sup>153</sup>

Others used the trope of 'fear' to articulate what many saw as a deteriorating situation caused by the prevailing political climate. For example, one CSO complained that:

The narrow notion of nationalism, which the Hindu fundamentalist organisations are propagating on the streets, is creating a wave of communal feeling among both the religious majority group as well as the minorities. There is fear and apprehension among all minority communities and marginalised social groups that the new government has a hidden agenda of ending diversity and trying to establish a nation-state with a monolithic culture as the Hindu extremist groups run campaigns with impunity ...<sup>154</sup>

The third most prominent frame centred on religious freedom 'rights' (13.8 per cent of all quasi-sentences). It is typified by the following example, there needs to be greater

attention to serious problems with the treatment of Muslims in India. Significant human rights challenges include: extrajudicial executions committed by police and security personnel, as well as non-State actors; arbitrary and unlawful detentions; torture and cruel, inhuman and degrading treatment ... [and] the Indian government's failure to adequately investigate and effectively prosecute perpetrators of these human rights violations against members of minority groups.<sup>155</sup>

Amongst the remaining frames it is significant that CSOs framed their UPR discourse in terms of what they saw as the 'political' provenance of rights violations. It was the sixth-ranked frame (7.7 per cent of all quasi-sentences). Thus, for example, one CSO observed:

There has been an alarming rise in discrimination and violence against religious minorities. Violence and discrimination against Muslims and other religious minorities has long been a problem in India ... The frequency and scope of such violence, however, has substantially increased ... since 2014, and can be attributed, at least in part, to the rise in Hindu nationalism connected with his Bharatiya Janata Party (BJP).<sup>156</sup>

In the context of the heated recent debate<sup>157</sup> over the religious implications of The Citizenship (Amendment) Act, 2015,<sup>158</sup> a further noteworthy frame in the CSO discourse is the loss or denial of citizenship. As one CSO succinctly stated, 'the citizenship rights of Muslims and Christians challenged and denied'.<sup>159</sup>

Overall, the frame-analysis shows civil society organisations' powerful evocations of 'attack', 'victimisation', 'fear' and 'terror' in their UPR submissions. This lends credence to Vikash Singh's account of the impact of religious tensions on the lifeworld; notably 'the prevalence of 'dread' in religious practice in contemporary India [... something that] pervades the phenomenal environment, connects and transfers between religious practices and everyday life in India for the marginalized masses'.<sup>160</sup>

## Conclusion

At the outset of a new BJP administration following the 2019 elections, the present analysis of the corpus of civil society organisations' submissions to the UPR reveals how the situation in relation to religious freedom has changed since the election of the National Democratic Alliance in May 2014. The civil society discourse highlights pathologies affecting religious freedom and human rights practice in today's India that are contingent on the interplay of the political and legal spheres. The findings reveal CSOs' concerns over the weakening of the rule of law institutions and restrictions on civil society during the period under study. This has impacted upon the ability of individual actors, notably human rights defenders, to protect religious freedom. CSOs also express widespread concern over a range of rights issues. Foremost is communal violence, followed by authorities' failure to uphold religious freedom (including police malpractice), discrimination, (in)equality and oppression and growing restrictions on civil society. In contrast, analysis of the Indian Government's submission to the UPR reveals the ruling administration to be sanguine. It does not acknowledge the issues highlighted by CSOs. Instead, it alludes to 'a multi-ethnic, multi-religious, multi-linguistic population that has lived together for millennia with an ethos of respect for diversity and plurality'.<sup>161</sup>

CSOs' discourse also highlights government failure to fully address the Human Rights Council's earlier concerns over faith-based violence and multiple forms of discrimination against religious minorities and human rights defenders.<sup>162</sup> The critical framings provide powerful evocations of the consequences of human rights pathologies on the lifeworld, including and the widespread prevalence of hatred and fear. The endurance of diverse rights pathologies over successive UPR cycles further points to the inadequacy of international rights enforcement. In turn, this suggests a pressing need for reforms in line with the Paris Principles.<sup>163</sup>

In conceptual terms, the present analysis suggests that the 'universalism [evident in UN treaties] appears to be in conflict with the particularism inherent in religion'. As a leading account continues,

the solution does not lie in excluding religion in the discussion of common good. For religion is part of human rights history. *The challenge lies, instead, in making religion part of the civil society and nurturing a culture of intellectual solidarity.*<sup>164</sup>

However, as the foregoing discussion indicates, meeting this challenge is unlikely to be easy. This is because of the nexus between religious freedom issues and the prevailing political context. In particular, the deteriorating post-2014 political context in which civil society organisations operate. Again, this is reflected in the UPR discourse which details constraints on CSOs' advocacy and mobilisation. As one put it, the government has 'used restrictive legislation and policies to target civil society organisations, [it has] suspended the operations of some and cancelled the registration of others'.<sup>165</sup> Latterly, the nexus between political context and religion has been further underlined by government's use of reservations – such as the Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019.<sup>166</sup> Designed to provide a 10 per cent quota to economically weaker sections of society, irrespective of their religion or caste, critics predict that it will disproportionately benefit poorer segments of upper caste Hindus.<sup>167</sup>

In conceptual terms, juxtaposition of civil society and the Indian Government's submissions to the UPR suggests performativity and legitimation<sup>168</sup> are a feature of the post-2014 NDA administration's framing of human rights.<sup>169</sup> In other words, its

submission to the UPR *appears to* embrace civil society engagement and the promotion of religious freedoms in a way that advances political legitimacy.<sup>170</sup> Whereas, the CSO data shows that ‘legitimation’ applies.<sup>171</sup> This is a form of ‘institutional decoupling’, or the disjuncture between rhetoric and reality.<sup>172</sup> In the face of this, with a new BJP administration, the run-up to India’s fourth cycle UPR in 2022 can be viewed as a critical juncture; one that requires greater alignment between contemporary rights practice and UN principles. This needs to be secured through internal legal reform, government’s adoption of fully participatory policy and law-making practices, boosting the capacity of legal institutions, police reform and stronger civil society advocacy of inter-faith understanding and tolerance. As one CSO put it, ‘India stands at a crossroads and must be careful to reassert its commitments to the tenets of religious toleration and secularism’.<sup>173</sup>

## Notes

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we, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens: justice, social, economic and political; liberty of thought, expression, belief, faith and worship; equality of status and of opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation. [https://www.india.gov.in/sites/upload\\_files/npi/files/coi\\_part\\_full.pdf](https://www.india.gov.in/sites/upload_files/npi/files/coi_part_full.pdf) (accessed March 15, 2018).
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12. See for example, Winnifred Fallers Sullivan et al., eds., *Politics of Religious Freedom* (Chicago: The University of Chicago Press, 2015).
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31. Manfred Nowak (2005), 416.
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the treatment of Muslims in India. Significant human rights challenges include: extra-judicial executions committed by police and security personnel, as well as non-State actors; arbitrary and unlawful detentions; torture and cruel, inhuman and degrading treatment of terrorism suspects in police custody; discriminatory laws and practices; harassment of human rights defenders; as well as the targeting of NGOs through prohibitive legislation. Additionally, this report highlights the Indian government's failure to adequately investigate and effectively prosecute perpetrators of these human rights violations against members of minority groups  
  
(Advocates for Human Rights, an NGO in special consultative status, in collaboration with the Indian American Muslim Council, Jamia Teachers Solidarity Association and The Quill Foundation, 2016, p.17) was coded under multiple pathologies: 'violence', 'restrictions on civil society', 'discrimination and inequality', 'HR Incompatibility of current laws' and 'Authorities' failure to uphold religious freedom.
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148. Advocates for Human Rights et al, *ibid*, 2016, p. 5.
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150. National Council of Churches India, *Submission to the Third Cycle UPR* (NY: UN, 2016), 11.
151. Zo Indigenous Forum, *Submission to the Third Cycle UPR* (NY: UN, 2016), 15.
152. Christian Solidarity Worldwide, *Submission to the Third Cycle UPR* (NY: UN, 2016), 8.
153. CSCFRSPI, *ibid*, 2016, p.7.
154. CSCFRSPI, *ibid*, 2016, p.14.
155. Advocates for Human Rights, et al, *ibid*, 2016, p. 19.
156. Advocates for Human Rights, et al, 2016, p. 8.
157. Inter alia, debate centred on the fact that the Bill amends earlier legislation to exclude “minority-religious individuals” – specifically Hindus, Sikhs, Jains, Parsis and Christians – from “Muslim-dominated countries” – specifically Afghanistan, Bangladesh and Pakistan – from the ambit of being an “illegal immigrant”. The Bill further reduces the requirement of 11 years to acquire “citizenship by naturalisation” to only six years of ordinary residence for such immigrants. As once source put it, ‘In simpler terms, this means that a Hindu from Pakistan can cross the border illegally and simply claim Indian citizenship after six years’ <https://thewire.in/67272/citizenship-amendment-bill-2016/> See also, <https://www.indiatoday.in/pti-feed/story/joint-par-panel-discusses-citizenship-amendment-bill-715661-2016-10-13> (accessed March 24, 2018).
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163. To which India is an ‘A’ category party. See <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx> (accessed March 24, 2018).
164. Man Yee Karen Lee, ‘Religion, Human Rights and the Role of Culture’, *The International Journal of Human Rights* 15, no. 6 (2010): 887–904, 882 emphasis added
165. PEN International et al, *ibid*, p.17.
166. [http://164.100.47.4/BillsTexts/LSBillTexts/PassedLokSabha/3C\\_%202019\\_LS\\_Eng.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/PassedLokSabha/3C_%202019_LS_Eng.pdf) (accessed May 11, 2019).
167. See for example: <https://www.businesstoday.in/current/economy-politics/in-depth-who-is-eligible-for-the-new-reservation-quota-for-general-category/story/308062.html> (last accessed May 11, 2019).
168. This resonates with recent analysis elsewhere – see P. Chaney, ‘Civil Society, Human Rights and Religious Freedom in the People’s Republic of China: Analysis of CSOs’ Universal Periodic Review Discourse’, *International Journal of Human Rights* 22, no. 4 (2017): 503–24.
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171. In other words, ‘communicative actions aimed at managing the public’s perception that government actions are effective in promoting their desired ends, whether that is in fact true’ - Louella Moore, ‘Legitimation Issues in the State-Non-profit Relationship’, *Non-Profit and Voluntary Sector Quarterly* 30 (2001): 707–19. (p.712). [https://www.researchgate.net/publication/237766326\\_Legitimation\\_Issues\\_in\\_the\\_State-Nonprofit\\_Relationship](https://www.researchgate.net/publication/237766326_Legitimation_Issues_in_the_State-Nonprofit_Relationship)
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## Appendix 1. List of CSO submissions to the third cycle UPR

Access Now; ADF International; AI – Amnesty International; Association of Parents of Disappeared Persons; Centre for Child and the Law; National Law School of India University; Christian Solidarity Worldwide; Creating Resources for Empowerment in Action; Cultural Survival; EAJCW – European Association of Jehovah’s Christian Witnesses; Four Freedoms Forum; HRW – Human Rights Watch; ICJ – International Commission of Jurists; Indigenous 1893; Internet Democracy Project; JS01 – Joint Statement by Banglar Manabadhikar Suraksha Mancha (MASUM) (– an alliance of over 20 civil society organisations); JS02 – Joint Statement by United NGOs Mission-Manipur (UNMM) (an alliance comprising the Council for Anti-Poverty Action and Rural Volunteer (CAPARV), Centre for Social Development (CSD), Village Development Organisation (VDO), Social Upliftment & Rural Education. (SURE), Abundant Life Ministry (ALM), Rural Service Agency (RUSA), Development of Human Potential (DHP), Action for Welfare and Awakening Rural Environment (AWARE), Rural Education and Action for Change Manipur (REACH-M), United Tribal Development Project (UTDP), Christian Social Development Organisation (CSDO), Chandel Khubol Social Welfare Arts and Culture Assn. (CKSWACA), Good Samaritan Foundation (GSF), Evangelical Assembly Churches (EAC), Joint Action for Relief and Development Association (JARDA), Rural Aid Services (RAS), Integrated Rural Development Agency (IRDA), Socio Economic Development Organisation (SEDO), Centre for Community, Centre for Rural Development and Educational Organisation (CERDEO), Paomei Development Society Tungjoi (PDST), Zougam Institute for Community & Rural Development (ZICORD), Rural Development Association (RDA), Socio Economic & Environment Development Organisation (SEEDO), Integrated Rural Development Welfare Association (IRDWA), and Tangkhul Theological Association (TTA)); JS03 – Joint Statement by a coalition of Internet Rights, Freedom of Expression (FOE), Online and Freedom of Association and Assembly (FOAA),

Online in India by Digital Empowerment Foundation, Internet Democracy Project, Point of View, Nazdeek and Association for Progressive Communications (APC); JS04 – Joint Statement by the Civil Society Coalition for Freedom of Religion & Strengthening Pluralism in India (CSCFRSPI) is a coalition of churches, ecumenical organisations, religious bodies, and civil society organisations who are concerned with the Freedom of Religion and minorities in India; JS05 – Joint Statement by Women Enabled International (WEI) and Women with Disabilities India Network; JS06 – Joint Statement by Police Reforms Watch, Jharkhand Women’s Network, Socio Legal Information Centre, People’s Vigilance Committee on Human Rights, All India Secular Forum, White Lotus Charitable Trust, Citizens for Justice and Peace, People’s Action For Rural Awakening, Centre for Human Rights and Development, Commonwealth Human Rights Initiative, Towards Advocacy Network Developmental Action, National Alliance Group for Denotified and Nomadic Tribes, People’s Watch, South India Cell for Human Rights Education And Monitoring, Helpage India, National Dalit Movement for Justice, and Human Rights Alert; JS07 – Joint Statement by Zo Indigenous Forum (ZIF), Naga Peoples Movement for Human Rights (NPMHR), Karbi Human Rights Watch (KHRW), Meghalaya Peoples Human Rights Council (MPHRC), Indigenous Women’s Forum of Northeast India (IWFNEI), Zomi Human Rights Foundation (ZHRE); JS08 – Joint Statement by The International Center for Advocates Against Discrimination (ICAAD), Nazdeek, and PAJHRA; JS09 – Joint Statement by National Network of Sex Workers (NNSW), India, Veshya Anyaya Mukti Parishad (VAMP), Karnataka Sex Workers Union, (KSWU), Uttara Karnataka Mahila Okkuta, (UKMO), Me and My World, Vadamalar Federation, Kerala Network of Sex Workers (KNSW), SANGRAM, Women’s Initiatives (WINS), South India AIDS Action Project (SIAAP), Tamil Nadu, Centre for Advocacy on Stigma and Marginalisation, and the Srijan Foundation; JS10 – Joint Statement by National Alliance for Maternal Health and Human Rights, India; JS11 – Joint Statement by the Asian Legal Resource Centre & Nervazhi; JS12 – Joint Statement by the Asian Centre for Human Rights; JS13 – Joint Statement by the New Wind Association, Emmaus Aurinkotehdas ry, and Global Human Rights Communications; JS14 – Joint Statement by Citizens For Justice And Peace Commonwealth Human Rights Initiative FIAN India HAQ: Centre For Child Rights, Housing and Land Rights Network Human Rights Alert India Alliance for Child Rights Lawyers Collective Multiple, Action Research Group National Campaign On Dalit Human Rights, Partners For Law In Development, and People’s Watch; JS15 – Joint Statement by Evangelical Fellowship of India; JS16 – Joint Statement by Housing and Land Rights Network India (HLRN); JS17 – Joint Statement by HAQ: Centre for Child Rights, New Delhi, Ankuram, Holistic approach for People’s Empowerment (HOPE), Housing and Land Rights Network (HLRN), Jabala Action Research Group, Leher, New Delhi, Mines, Minerals & People (MM&P) – A network of 100 grassroots groups, Samata – Assertion for People, and Nine is Mine Campaign, VIDYAL; JS18 – Joint Statement by Creating Resources for Empowerment and Action (CREA) and Sexual Rights Initiative; JS19 – Joint Statement by the National Campaign on Dalit Human Rights (NCDHR); JS20 – Joint Statement by Human Rights Education India, Asian Development Research Institute (ADRI), Holistic approach for People’s Empowerment (HOPE), Institute of Human Rights Education & Protection, Institute of Human Rights Education, People’s Action for Rural Awakening (PARA), RIGHTS, SAMEEKSHA, and South India Cell for Human Rights Education and Monitoring (SICHREM). JS21 – Joint Statement by Centre for Health Law, Ethics and Technology Jindal Global Law School, and the India HIV/AIDS Alliance; JS22 – Joint Statement by Partners for Law in Development (PLD); JS23 – Joint Statement by the Centre on the Death Penalty, National Law University, Delhi, India; JS24 – Joint Statement by the Centre for Justice & Peace (CJP), India, and Indian American Muslim Council (IAMC); JS25 – Joint Statement by the Civil Society Coalition on Human Rights in Manipur and the UN, Centre for Organisation Research & Education (CORE), Centre for Research and Advocacy Manipur (CRAM), Citizens Concern for Dams and Development (CCDD), Civil Liberties and Human Rights Organisation (CLAHRO), Civil Liberties Protection Forum (CLPF), Committee on Human Rights, Manipur (COHR), Extra-judicial Execution Victim Families’ Association Manipur (EEVFAM), Families of the Involuntarily Disappeared’s Association Manipur (FIDAM), Human Rights Alert (HRA), Human Rights Initiative (HRI), Human Rights Law Network Manipur (HRLN-M), Indigenous Perspective (IP), Just Peace Foundation (JPF), Movement for Peoples’ Right to Information

Manipur (M-PRIM), Threatened Indigenous Peoples Society (TIPS) and, United Peoples Front (UPF); JS26 – Joint Statement by Centre for Health, Education, Training and Nutrition Awareness, and Family Planning Association of India; JS27 – Joint Statement by the Advocates for Human Rights, an NGO in special consultative status, in collaboration with the Indian American Muslim Council, Jamia Teachers Solidarity Association, and The Quill Foundation; JS28 – Joint Statement by Evangelical Fellowship of India (EFI) – World Evangelical Alliance, Nagel Institute for the Study of World Christianity, Indian Social Institute – Bangalore, Biblica – The International Bible Society, India, Missions Association, United Christian Forum, Oxford Center for Religion and Public Life – South Asia, Alliance Defending Freedom in India, Theological Research and Communications Institute, and Indian American Muslim Council, Center for Policy Research; JS29 – Joint Statement by Karbi Human Rights Watch (KHRW), Meghalaya Peoples Movement for Human, Naga Peoples Movement for Human Rights (NPMHR), Karbi Human Rights Watch (KHRW), Zo Indigenous Forum (ZIF), and Asia Indigenous Peoples Pact (AIPP); JS30 – Joint Statement by Anti-Slavery International, Jan Jagriti Jendra, The National Domestic Workers’ Movement, and Volunteers for Social Justice; JS31 – Joint Statement by PEN International, PEN Canada, and the International Human Rights Program at the University of Toronto Faculty of Law (IHRP); JS32 – Joint Statement by National Solidarity Forum (a coalition of organisations and individuals) and others on the situation of Freedom of Belief, Thought and Expression; JS33 – Joint Statement by ActionAid India, NGO partner organisations, Knowledge Hubs and Policy Unit; JS34 – Joint Statement by National Coalition for Abolition of Bonded Labour (NCABL) – a platform of 22 organisations (involving human rights organisations, CSOs, individual activists, media personnel and associations of bonded labourers); JS35 – Joint Statement by the Centre for Internet and Society India and Privacy International; JS36 – Joint Statement by the Center for Reproductive Rights; JS37 – Joint Statement by Edmund Rice International, Franciscans International, and NINEISMINE; JS38 – Joint Statement by CIVICUS: World Alliance for Citizen Participation, NGO in General, Human Rights Defenders Alert – India, Civil Society Forum on Human Rights, Police Reforms Watch, Jharkhand Women’s Network, Socio Legal Information Centre, Human Rights Alert, All India Secular Forum, White Lotus Charitable Trust, Citizens for Justice and Peace, People’s Action For Rural Awakening, Centre for Human Rights and Development, Commonwealth Human Rights Initiative, Towards Advocacy Network Developmental Action, National Alliance Group for Denotified and Nomadic Tribe, Helpage India – Delhi, National Campaign on Dalit Human Rights, People’s Watch, South India Cell For Human Rights Education And Monitoring, Voice of Patient and Centre for Human Rights Studies, and O. P. Jindal Global University; JS39 – Joint Statement by National Coalition for Education, India; JS40 – Joint Statement by IIMA – Istituto Internazionale Maria Ausiliatrice, and VIDES International – International Volunteerism Organization for Women, Education and Development; JS41 – Joint Statement by Tamil Nadu Civil Society Coalition; JS42 – Joint Statement by SuMa-Rajasthan White Ribbon Alliance for Safe Motherhood and SuMa Secretariat: CHETNA; JS43 – Joint Statement by National NGO Child Rights Coalition (NNCRC); JS44 – Joint Statement by Global Human Rights Communications (GHRC); JS45 – Joint Statement by Jammu Kashmir Coalition of Civil Society & Association of Parents of Disappeared Persons; JS46 – Joint Statement by Adivasi Women’s Network (AWN), Asia Indigenous Peoples Pact (AIPP), Borok Peoples Human Rights Organization (BPHRO), Centre for Research and Advocacy (CRA); Chhattisgarh Tribal Peoples Forum (CTPF), Indigenous Peoples Forum, Odisha (IPFO), Jharkhand Indigenous and Tribal Peoples for Action (JITPA), Karbi Human Rights Watch (KHRW), Meghalaya Peoples Human Rights Council (MPHRC), Naga Peoples Movement For Human Rights (NPMHR), and Zo Indigenous Forum (ZIF); JUBILEE CAMPAIGN; Kashmir Institute of International Relations; Kashmir Scholars Action Group; Lawyers Collective; Oceania Human Rights Hawaii; Physicians for Human Rights; Programme Against Custodial Torture & Impunity; PVCHR – Peoples’ Vigilance Committee on Human Rights; SAHRDC – South Asia Human Rights Documentation Centre; The Child Rights International Network; The Good Group; Zo Indigenous Forum.