

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on minority issues; and the Special Rapporteur on freedom of religion or belief

REFERENCE:
UA IND 6/2017

28 July 2017

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 35/15, 34/6 and 31/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged attacks on Muslims and Dalits by "cow protector" vigilante groups, acting against beef consumption, including killings of at least 10 Muslim persons since 2015 and injuries to many other Muslim and Dalit individuals.**

According to the information received:

Since 2010, numerous incidents have been reported and documented in which self-appointed "cow protectors" have allegedly harassed, threatened, assaulted, lynched, gang-raped and extorted money from Muslims and Dalits. In a number of cases, the attackers have also robbed their victims of cash and cell phones, and damaged their property.

These vigilante groups, many of which are linked to extremist Hindu groups, appear to operate in response to rumours that individuals have sold, bought or killed cows for beef. While in Hinduism traditional notions of worship, sacredness and divinity are attached to certain animals such as the cow, beef consumption is part of the Muslim dietary regime, including during religious celebrations such as Eid and Ramadan. Dalits are also vulnerable as they traditionally carry out jobs in connection with bovine industry, such as disposing of cattle carcasses, as well as the skinning of the carcasses for commercial purposes.

Between May 2015 and April 2017, seven separate attacks by different vigilante groups across the country, including in the states of Rajasthan, Uttar Pradesh, Jammu and Kashmir, Himachal Pradesh and Jharkhand, have resulted in the death of at least 10 Muslim persons. It is alleged that since 2010, 86 per cent of the victims killed in incidents of cow-related violence were Muslims.

It is further alleged that in many of these incidents, police have failed to protect the individuals being attacked, have not arrested anyone in connection with the assaults, and have not investigated the role of the animal rights group involved in the attacks. In addition, it is alleged that in a number of cases, the victims of these attacks have been arrested under legislation preventing cruelty to animals.

Furthermore, it is reported that these attacks are taking place in a context of some states passing stricter legislation on cattle slaughter, which in some cases include increased penalties for ‘crimes’ committed against cows. In 2016, the Haryana government gave licenses to some cow protection groups to help control cow smuggling. It is alleged, however, that group members are often seen patrolling the streets, especially highways, at night, stopping vehicles, checking them for cattle, intimidating drivers and reacting with violence if they find cows. These vigilantes have also physically assaulted legitimate cattle transporters even when they are transporting other animals, such as buffaloes.

In March 2017, the Gujarat State Assembly passed “The Gujarat Animal Preservation (Amendment) Act 2017”, which makes cow, calf, bull and bullock slaughter and its smuggling and other related activities, including sale, storage or transportation of beef a non-bailable offence. It also prescribes a minimum sentence of 10 years imprisonment, and a maximum of life imprisonment and a fine, for those involved in slaughtering a cow or its progeny.

While we do not wish to prejudge the accuracy of the information received, we express grave concern at the apparent trend of violent attacks, including at least 10 killings, targeted against Muslims and Dalits by cow vigilante groups, which is taking place in a general context of impunity.

Furthermore, we express grave concern at the tightening of cow slaughter regulations by India, which has resulted in stricter and disproportionate penalties for cow slaughter. In particular, we note “The Gujarat Animal Preservation (Amendment) Act 2017”, which prescribes extremely harsh punishments, including life imprisonment, for cow slaughtering. We express concern that this regulation may provide grounds for non-State actors to justify or promote further attacks against Muslims and Dalits.

The above allegations appear to be in contravention of the rights of every individual to life and not to be arbitrarily deprived of one’s life, and to freedom of religion as set out in articles 6(1) and 18 of the International Covenant on Civil and Political Rights (ICCPR), accessed by India on 10 April 1979. The Human Rights Committee, in its General Comments 6 and 31, stated that article 6(1) ICCPR must not be narrowly interpreted and includes the obligation of States to adopt positive measures to protect the right to life of individuals, and to prevent, investigate, prosecute and punish perpetrators, and redress the harm caused by State and non-State actors. The latter category, according to international human rights standards, includes private individuals

where there is a pattern of killings as appears to be the case with the above-mentioned cow vigilante killings. A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR (General Comment 31, para. 15).

The State also carries a responsibility to address “attitudes or conditions within society which encourage or facilitate” violence or killings committed by non-State actors (see E/CN.4/2005/7, para. 71). This is so because criminalization of certain acts leads to the social stigmatization of those accused and to the perception that the killings of the accused are legitimate. This responsibility is particularly heightened if the criminalization of the act in question violates international human rights principles, as appears to be the case with the Gujarat Animal Preservation (Amendment) Act 2017 in relation to the right to freedom of religion or belief.

Recognizing that those affected are predominantly members of minority groups in India, we would like to bring to the attention of your Excellency’s Government the international standards regarding the protection of the rights of persons belonging to minorities, in particular to article 27 of the ICCPR and the United Nations 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on Minorities), which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt measures to that end (article 1), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4).

We would also like to bring to the attention of your Excellency’s Government the Commentary of the Working Group of Minorities to the Declaration on Minorities. The Working Group emphasises the obligation to protect and promote conditions for the group identity of minorities and that the term “identity” expresses a clear trend towards the protection and promotion of cultural diversity, both internationally and internally within States. Moreover, it is stressed that minority group identity requires not only tolerance but a positive attitude towards cultural pluralism on the part of the State and the larger society. Protection of their identity means not only that the State should abstain from policies which have the purpose or effect of assimilating minorities into the dominant culture, but also that it should protect them against activities by third parties which have an assimilatory effect¹.

Furthermore, we recall the 2016 thematic report of the Special Rapporteur on minority issues to the Human Rights Council on “Minorities and discrimination based on caste and analogous systems of inherited status” (A/HRC/31/56), where she stated that caste-based discrimination confines Dalits in South Asia to certain occupations associated with their caste, which often involve the most menial tasks, including, inter alia, handling of human waste and animal carcasses and recommended that criminal penalties should be

¹ E/CN.4/Sub.2/AC.5/2005/2, paragraphs 27 and 28.

established for law enforcement officers who neglect or intentionally decide not to investigate and/or prosecute complaints filed by individuals regarded as “low caste”.

In the light of the above standards, we call on your Excellency’s Government to urgently undertake all necessary measures to effectively protect members of minority groups, including Muslims and Dalits, against any attack, to ensure the security of their members and to bring perpetrators of violence against them to justice.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency’s Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide the full details of any investigations undertaken in connection with the acts described above, including the 10 killings, as well as the details of any judicial, disciplinary or administrative proceedings ordered against their perpetrators; In particular, please indicate what actions have been taken in order to prevent and punish violence, including killings, by cow protection vigilante groups. If no investigations have taken place, please explain why.
3. Please indicate what actions have been taken to ensure the protection of minorities in India, including Muslim minorities and Dalits, and to prevent the recurrence of acts of violence against them, including by cow protection vigilante groups.
4. Please indicate how “The Gujarat Animal Preservation (Amendment) Act 2017”, which prescribes killing of a cow as a punishable crime, which may result in life imprisonment, is compatible with international human rights standards.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations against Muslims and Dalits and prevent their recurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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