

Mandates of the Special Rapporteur in the field of cultural rights; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on the issue of discrimination against women in law and in practice

REFERENCE:
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Excellency,

We have the honour to address you in our capacities as Special Rapporteur in the field of cultural rights; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on violence against women, its causes and consequences and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 37/12, 35/15, 34/18, 32/19 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning threats, including death threats, against journalist Ms. **Swati Chaturvedi**.

Ms. Swati Chaturvedi is a journalist and columnist at NDTV and TheWire.in. She is known as a critic of Hindu fundamentalism and has been the target of two libel suits by a member of Prime Minister Narendra Modi's Bharatiya Janata Party. In November 2018 she was awarded the Press Freedom Award by Reporters Without Borders.

According to the information received:

On 21 November 2018, Ms. Chaturvedi was in New Delhi when she received a threat on her Twitter account. This was the latest in a large series of threats received in connection to her reporting. A Twitter user referred to Ms. Chaturvedi as "One more Gauri Lankesh in the making", implying that Ms. Chaturvedi would share the same fate of Ms. Gauri Lankesh, another journalist critic of Hindu fundamentalism and BJP who was murdered in September 2017, following a violent hate campaign targeting her on social media. Ms. Lankesh was the subject of a joint communication by Special Procedures sent on 11 September 2017 (ref. no. 11/2017). We regret that we have received no response from your Excellency's Government to that communication.

While the Tweet post was later deleted by the user, Ms. Chaturvedi made a screenshot of it in order to document the threat.

The Twitter threat occurred a few days after numerous Indian media websites reported that Ms. Chaturvedi had been awarded the Press Freedom Award by Reporters Without Borders (RSF) for her book "I am a Troll: Inside the Secret

World of the BJP’s Digital Army”, for which she became the target of online harassment campaigns.

On 22 November 2018, Ms. Chaturvedi filed a complaint before the Vasant Vihar Police Station in New Delhi, reporting threats received, including threats of rape, (ref. no. DD NO 52 B). Later the same month, Ms. Chaturvedi also reported the death threat received on Twitter (ref case no. 0099120504). The police has reportedly not initiated any investigation into the threats so far.

Since 23 November, Ms. Chaturvedi continued to receive a series of other threats, including threats of rape, after a video from media outlet Brut India, in which she was interviewed about her two years investigation into India’s online “trolls” who incite communal tension, and who sexually harass women journalists who question them, went viral online. It has been reported that the ruling party through the use of social media volunteers pushes critical messages about public figures perceived to be opposed to the BJP.

We express serious concern at the alleged threats, including death threats and threats of rape, received by Ms. Chaturvedi, which seem to be linked to her journalistic work and criticism of Government policies. We are also concerned by the apparent lack of steps taken to investigate the threats despite them having been reported to the Police. We are also concerned about what appears to be a wide presence of fundamentalist discourses and intolerance, including from members of the ruling Bharatiya Janata Party, which may encourage negative social mobilization leading to expression of intolerance, incitement to hatred, violence, including gender-based violence, as well as discriminatory practices against women and the perpetuation of harmful stereotypes that are inherently discriminatory and undermine a full range of women’s human rights in all spheres. Furthermore, we are concerned by the undermining of freedom of expression based on the lack of measures taken to create a safe and an enabling environment for freedom of expression, in particular for women, including in the online space.

The above allegations appear to be in contravention with international law, in particular with articles 6 (1), 19, and 20 (2) relating to the right to life and physical integrity, freedom of opinion and expression, and the prohibition against advocacy of national, racial or religious hatred that constitutes, incitement to discrimination, hostility or violence, under the International Covenant on Civil and Political Rights (ICCPR), acceded by India on 10 April 1979, and the right to take part in cultural life under article 15 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) likewise acceded to by India in 1979.

In view of the urgency of the matter, we call on your Excellency’s Government to investigate the threats and take all necessary measures to ensure the safety and security of Ms. Chaturvedi and would appreciate a response on the initial steps taken to safeguard her human rights in compliance with international human rights instruments and standards.

With respect to the threats against Ms. Chaturvedi, we remind your Excellency that states parties have a positive obligation to exercise due diligence and ensure the

protection of individuals against violations of rights, which may be committed not only by its agents, but also by private persons or entities (CCPR /C/103/D/1862/2009) and that it is incumbent upon States to provide “effective protection through judicial or other means to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats,” (paragraph 4 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted by the Economic and Social Council resolution 1989/65).

We are concerned that the comments made by public officials may foster intolerance and hostility which, may incite gender-based violence against journalists and other individuals critical of the Government and its policies. While freedom of opinion and expression is protected under article 19 of the International Covenant on Civil and Political Rights (ICCPR), article 20(2) of the ICCPR, requires States to prohibit “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”. Article 20(2) must be read in conjunction with the conditions for restrictions to the exercise of freedom of expression set out in article 19(3) of the ICCPR.

As pointed out by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, when high-level officials engage in hate speech, they undermine not only the right to non-discrimination of affected groups, but also the faith of such groups in State institutions and, thus, the quality and level of their participation in democracy (A/67/357, para. 67).

We would also like to draw your attention to a recent report by the Special Rapporteur in the field of cultural rights, which states that fundamentalist and extremist ideologies aim at forcing or coercing people into specific world visions, beliefs systems and cultural practices, therefore threatening human rights, and especially cultural rights. Governments must ensure there is a counterweight to fundamentalist and extremist discourses by publicly challenging them, by guaranteeing education in accordance with international standards specified in article 13 (1) of the ICESCR and article 26 (2) of the Universal Declaration of Human Rights and by creating conditions allowing all people to access, participate in and contribute to cultural life without discrimination (A/HRC/34/56, paras. 24 and 27).

Furthermore, reference is made to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women in which States agreed to take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations. The Working Group on Discrimination against Women in Law and Practice has pointed out that women human rights defenders are often the target of gender-specific violence, such as intimidation, attacks and death threats, sometimes condoned or perpetrated by State actors. States should eliminate all forms of violence against women in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life ((A/HRC/23/50, paras. 65 and 97(i)).

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

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 indicate whether the threats against Ms. Chaturvedi have been thoroughly investigated with a view to identifying the perpetrators and bringing them to justice? If so, what are the results of the investigation? If no investigation has been initiated, please explain why.
3. Please indicate the protection measures taken to protect Ms. Chaturvedi against new threats and other violations of her rights.
4. Please provide information about the status of any investigation into the murder of Ms. Gauri Lankesh (previously raised in a communication to your Excellency's Government, ref. no. IND 11/2017). If so, what are the results of the investigation? If no investigation has been initiated, please explain why.
5. Please indicate the actions taken by your Excellency's Government to condemn attacks against human rights defenders for exercising their rights to freedom of conscience, thought and expression.
6. Please indicate what measures have been taken to ensure that journalists and media workers, including women, in India are able to carry out their legitimate work in a safe and enabling environment without fear of threats, acts of intimidation directed against them or their family members, or harassment of any sort.
7. Please specify which steps have been taken to challenge Hindu fundamentalist discourses which may be giving rise to threats such as those against Ms. Chaturvedi.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence 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.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Karima Bennoune
Special Rapporteur in the field of cultural rights

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Dubravka Šimonović
Special Rapporteur on violence against women, its causes and consequences

Ivana Radačić
Chair-Rapporteur of the Working Group on the issue of discrimination against women in
law and in practice