

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on violence against women, its causes and consequences and the Working Group on discrimination against women and girls

Ref.: AL IND 2/2022
(Please use this reference in your reply)

9 February 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on freedom of religion or belief; Special Rapporteur on violence against women, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 43/16, 43/8, 40/10, 41/17 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the alleged repeated attacks against woman human rights defender, Ms. Bindu Ammini, due to her attempts and successes in entering the Sabarimala Temple.**

Ms. **Bindu Ammini** is a Dalit minority woman human rights defender, lawyer, professor and feminist activist from Kerala. She is one of the first two women between the ages of 10 and 50 years old to enter the Sabarimala Temple after the Indian Supreme Court decision, which allowed women of reproductive age to enter the temple. She was also part of the farmers' protests at the Ghazipur border, which have been ongoing since November 2020.

According to the information received:

On 22 December 2018, after the Supreme Court decision allowing the entry of women between the ages of 10 and 50 into the Sabarimala Temple, Ms. Ammini and three other women attempted to go to Sabarimala Temple but were stopped by protesters. Ms. Ammini and the three women went on hunger strike to protest the alleged lack of police protection afforded to them.

On 2 January 2019, Ms. Ammini successfully entered the Sabarimala Temple, but was subsequently forced to go into hiding. Her house was allegedly raided by people associated with Sabarimala Karma Samiti and other organisations, in retaliation for her entering the Temple. On 18 January 2019, the Supreme Court ordered the authorities to grant full protection round the clock to Ms. Ammini.

In November 2019, the Supreme Court organised for the case to be reviewed by a larger bench. The Kerala government then allegedly withdrew its support and police protection for women entering the Temple, pending the decision of the Supreme Court. Ms. Ammini and other activists reportedly went to the Ernakulam City Commissioner's Office in late November 2019 to seek police protection to visit the shrine again. Ms. Ammini was allegedly attacked by pepper spray outside of the Commissioner's Office, after which she was hospitalized.

On 18 December 2021, Ms. Ammini was reportedly attacked in a hit-and-run incident by an autorickshaw at approximately 9:45PM in Kozhikode, and suffered severe injuries to her head, mouth and teeth. There is reason to believe that this was a planned attack on her by persons associated with right-wing political groups. After the attack, Ms. Ammini was taken to the Kozhikode Medical Hospital and she received several stitches on her lips.

On 19 December 2021, police authorities registered a FIR (1392/2021) under sections IPC 324 (voluntarily causing hurt through use of a dangerous weapon) and 307 (attempt to commit murder) in the Koyilandy police station. However, no arrests have been made to date. There have since allegedly been other such attacks on Ms. Ammini's life.

While we do not wish to prejudge the accuracy of the alleged facts mentioned above, we wish to express our serious concerns regarding what appears to be deliberate, sustained and gender-based attacks against Ms. Bindu Ammini and her life. We are deeply concerned by the numerous alleged attacks against her life and at what may be coordinated attempts to further intimidate and threaten her, by unknown individuals allegedly associated with Sabarimala Karma Samiti and other organisations, in retaliation to her entering Sabarimala Temple. The intimidation of and attacks against Ms. Ammini are particularly concerning, as they appear to be in direct retaliation for her exercising her right to freedom of religion, constituting a violation of international human rights law and standards.

We would like to further convey our concern regarding the Kerala government withdrawing its support and police protection for women entering Sabarimala Temple, pending the decision of the Supreme Court. Such lack of protection further puts the lives of women attempting to enter the Temple at risk. We urge your Excellency's Government to pressure the Kerala government to indefinitely reinstate police protection for women entering Sabarimala Temple.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures undertaken to investigate the allegations of attacks against Ms. Ammini's life and physical integrity, and the allegations of individuals raiding her home, and to identify and prosecute those responsible. If such inquiry or investigation has not taken place or if it has been inconclusive, please explain the reasons why. Please also provide information about measures that have been taken to protect the life and physical integrity of Ms. Ammini, in particular since October 2019.

3. Please provide information on the measures undertaken to combat gender-based violence against women in the context of religious freedoms, particularly against lawyers, human rights defenders and academics carrying out their peaceful and legitimate activities, including those who advocate for the rights of women and girls, and gender equality.
4. Please provide detailed information on the measures undertaken to ensure the full respect and effective implementation of the 2018 Supreme Court ruling on the right of women and girls to access places of worship, and on your Excellency's Government's efforts to identify and sanction all those – including religious leaders – who act in a manner that contravenes the said ruling.
5. Please provide information on the measures undertaken by your Excellency's Government to ensure the effective protection and promotion of the human rights of persons belonging to minorities, including their right to freedom of thought, conscience, religion and belief, in accordance with the standards and principles of international law.

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

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(s) responsible for the alleged violations.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Fernand de Varennes
Special Rapporteur on minority issues

Ahmed Shaheed
Special Rapporteur on freedom of religion or belief

Reem Alsalem
Special Rapporteur on violence against women, its causes and consequences

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to appeal to your Excellency's Government to take all necessary steps to ensure the fundamental rights in accordance with the principles as set forth in articles 2, 3, 17, 18, and 26 of the International Covenant on Civil and Political Rights (ICCPR) to which your Excellency's Government is state party since 10 April 1979, providing for the principle of non-discrimination, equal right to enjoyment of rights for men and women, the right to privacy, the right to freedom of thought, conscience and religion and the principle of equal protection before the law without discrimination.

We would like to remind you that the legitimate role of human rights defenders is recognised by international law and referred to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1 and 2 which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms;
- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration;

We would like to draw your attention to General Assembly resolution 68/181 as well as Human Rights Council resolution 31/32, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights. This should include the establishment of comprehensive, sustainable and gender-sensitive public policies and programmes that support and protect women defenders. Such policies and programmes should be developed with the participation of women defenders themselves.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

Article 18 (1) of the ICCPR that stresses “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.” Human Rights Committee General Comment No. 22 further explains that “[t]he freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts.

In addition, we wish also to recall that while the manifestation of religion or belief may be restricted as per Article 18(3) of the ICCPR, to protect public safety, order, health, morals and the fundamental rights and freedoms of others, any such limitation must fulfil a number of obligatory criteria of legality, proportionality and necessity, including being non-discriminatory in intent or effect and constitute the least restrictive measure.

In his report to the 43rd Session of the UN Human Rights Council on freedom of religion or belief and gender equality, the Special Rapporteur on freedom of religion or belief expressed his concerns at the conduct of certain Hindu leaders who continue to ban women “of menstruating age” from entering temples, despite the Supreme Court of India ruling declaring that the prohibition on women entering places of worship to be unconstitutional. Furthermore, he called on states to combat all forms of violence and coercion perpetrated against women and girls based on religious practices or beliefs; effectively address expressions of hostility against, and the perpetuation of harmful gender stereotypes; ensure women and girls’ personal safety and liberty; and hold accountable perpetrators of acts of violence and discrimination. (A/HRC/43/48, paras. 45 and 76).

We would like to respectfully remind your Government of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55), which in its Article 2 (1): “[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief.” In Article 4 (1), the General Assembly further states that: “All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]” Furthermore, we would like to refer your Government to Article 4(2) according to which: “All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter.

Article 27 of the ICCPR establishes that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities have the right, in community with the other members of their group, “to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

In connection with above alleged facts and concerns, we would also like to draw your Excellency's attention to the Declaration on the Elimination of Violence against Women, which was adopted by the United Nations General Assembly and states that women are entitled to the equal enjoyment and protection of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. These rights include, inter alia, (a) the right to life; (b) the right to equality; (c) the right to liberty and security of person; and (d) the right to equal protection under the law (Article 3). In this context, we wish to recall that the Committee on the Elimination of Discrimination against Women (CEDAW) in its General Recommendation No. 19 (1992), updated by General Recommendation No. 35 (2017) defines gender-based violence against women as impairing or nullifying the enjoyment by women of human rights and fundamental freedoms, and constitutes discrimination within the meaning of article 1 of the Convention on the Elimination of All forms of Discrimination Against Women (ratified by your Excellency's Government on 9 July 1993), whether perpetrated by a State official or a private citizen, in public or private life.

The CEDAW Committee considers that States parties are under an obligation to act with due diligence to investigate all crimes perpetrated against women and girls, to prosecute and punish perpetrators, and to provide effective reparations without delay. In General Recommendation No. 35, the Committee clarifies that States parties are responsible for acts or omissions of its organs and agents that constitute gender-based violence against women. This includes the acts or omissions of officials in its executive, legislative and judicial branches.

We would like to recall the thematic report of the Working Group on Discrimination against Women and Girls on participation in public life (A/HRC/23/50), where the Working Group has pointed out that stigmatization, harassment and outright attacks have been used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. In its thematic report on women deprived of liberty (A/HRC/41/33), the Working Group underlined the increasing risk faced by women human rights defenders of criminalization and detention as a result of their legitimate work and recommended States to support and protect women's engagement in public and political life, including the work of women human rights defenders.

Finally, we wish to refer to the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in General Assembly resolution 47/135, 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). Article 2 further establishes that persons belonging to minorities have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely, without any interference or any form of discrimination and provides for the effective participation of minorities in cultural, religious, social, economic and public life, as well as in decision-making processes on matters affecting them.