

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

Ref.: AL IND 7/2022
(Please use this reference in your reply)

22 September 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur in the field of cultural rights; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on the right to privacy; Special Rapporteur on freedom of religion or belief and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/L.7, 46/9, 43/16, 43/8, 46/16, 49/5 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **systematic and serious risk of gender-based violence online that three Indian women belonging to the Muslim religious minority have been experiencing, against the backdrop of an increasing pattern of incitement to discrimination, hostility and violence against the Muslim religious minority in India.**

The cases concern Ms. [REDACTED], a poet from New Delhi; Ms. [REDACTED] a research student from Allahabad; and Ms. [REDACTED], a journalist from New Delhi.

According to the information received:

Increasing violence against Muslim women using online platforms

Throughout the year 2021, multiple chatrooms on the social media platform 'Clubhouse' have come to light, where participants rated and auctioned Muslim women from India and discuss 'fantasies' of sexual violence against them. Another social media platform called 'Sulli Deals' was created in the backdrop of a live online auction conducted on YouTube by a channel called 'LiberalDoge,' where photos and videos of Muslim women from India and Pakistan were also rated and auctioned. The English translation of the Hindi description of the video read: "Today we will stalk women with our lust-filled eyes." The event was promoted as an 'Eid Special' on the occasion of a holy Muslim holiday celebration and eventually spilled onto Twitter where a virtual bid was conducted to auction Muslim women describing them as 'Sullis.' The word 'Sulli' is a derogatory term to refer to Muslim women, targeting them on the grounds of their religion. Multiple Twitter handles circulated these posts and made sexually derogatory remarks about the targeted women.

In July 2021, Ms. [REDACTED] and Ms. [REDACTED] learned that their photographs had been circulating on 'Sulli Deals', along with over 80 Muslim women presented as objects of sexual barter to be traded and purchased on the internet. The

social media platform asked users to click on ‘Find your Sulli Deal of the Day - Find me a Sulli’ after which a photograph of a Muslim woman, accompanied with a link to her Twitter handle and the caption, “Your Sulli Deal of the Day is” was displayed with an option to share the result on Twitter. Shortly after this, both Ms. [REDACTED] and Ms. [REDACTED] reportedly suffered bullying, including demeaning and derogatory treatment. They received insulting, abusive and sexually explicit online messages with threats of physical violence and sexual assault.

On 1 January 2022, pictures of over a hundred Muslim women sourced from their social media accounts were circulated without their consent by a social media platform called ‘Bulli Bai.’ Ms. [REDACTED] Ms. [REDACTED] and Ms. [REDACTED] were victims of these actions. The word ‘Bulli’ is a negative term meaning ‘servant’ and used in a derogatory manner specifically against Muslim women. The posts from the social media platform circulated on Twitter with an embedded picture of a Muslim woman and a link to her Twitter handle, presented to the user as his/her “Bulli Bai of the Day.”

Violence targeting women as Muslims and activists

The three women were allegedly repeatedly sexually harassed via online platforms. They have been subjected to sexually derogatory and demeaning remarks that were posted on Sulli Deals and Bulli Bai online media platforms and subsequently widely shared on the platform Twitter.

The three women were reportedly attacked for being women who belong to the Muslim religious minority in India and use their social media accounts to express their political views in opposition to the growing and targeted attacks on the fundamental freedoms, rights and lives of the Muslim minority group in India. The social media platforms ‘Sulli Deals’ and ‘Bulli Bai’ therefore targeted Muslim women who are journalists, academics, students, activists and human rights defenders - amongst others - and who are perceived to be fighting against increasing restriction of political and civil liberties in India, particularly those enjoyed by the Muslim minority in India.

Ms. [REDACTED] is a journalist and human rights defender with The Wire, who has written several stories dealing with caste violence, COVID pandemic mismanagement and hate crimes against Muslims. In February 2021, the police in the State of Uttar Pradesh registered a first information report (FIR) against her for tweeting an article that implicated the police for the death of a farmer during the Indian Republic Day demonstration on 26 January 2021. Ms. [REDACTED] a PhD student, regularly posts about the violence that members of Muslim communities experience in India, including the targeting of Muslim human rights defenders. She has also been at the forefront of protests against the Citizenship Amendment Act (CAA), which was adopted in December 2019 and that provides a route to citizenship to members of six religious minority communities from Pakistan, Bangladesh, and Afghanistan, without extending the same rights to Muslims. As for Ms. [REDACTED] as a poet and human rights defender, she has written in support of political prisoners, the rights of women and minorities in India.

The creators and some of the promoters of the Sulli Deals and Bulli Bai are reportedly part of an online highly radicalized group of persons who claimed to be “hardcore protectors of the Sanatana Dharma”, a term used by Hindus to refer to Hindu religious concepts. Sources in the Delhi police reportedly revealed to the media that [REDACTED], a co-creator of the ‘Sulli Deals’ platform, said he was “angry at ‘crusaders’ and ‘invader Muslims’ for ruining the country and demolishing the Hindu religion and culture.” In retaliation, [REDACTED] and his proponents identified Muslim women who were active on social media to then target and attack them via the social media platform.

Context of increasing Islamophobic attacks on members of the Muslim minority in India

A law was recently introduced in the most populous state of Uttar Pradesh, which outlaws “unlawful religious conversions” through marriage. It is also referred to as “Love Jihad” law by media – and contributes to demonising Muslims of India as supporting forced religious conversions through marriage, thereby encouraging attacks against them and embolding perpetrators of violence to commit acts of violence against Muslims.

The term ‘Love Jihad’ is an Islamophobic trope used to justify legislation passed by multiple state governments to allow state control and scrutiny of inter-faith marriages. Between 17 and 19 December 2021, at a religious parliament in Haridwar, open calls for the genocide of Muslims were reportedly made. One of the religious figures of Haridwar, [REDACTED] took part in another mass gathering in Delhi on 3 April 2022, where he reportedly impressed upon Hindus to take up arms and fight to protect their existence.

In a speech at Pataudi ‘mahapanchayat’ on 4 July 2021, the same day the Sulli Deals social media platform emerged in the public domain, a teenager who allegedly shot at a Jamia student during the anti-CAA protests, reportedly called on the youth to ‘pick up’ Muslim women as revenge for the alleged kidnapping of Hindu women through marriage, or waging the ‘Love Jihad.’

Lack of consideration from law enforcement officials

The inaction and acts of omission of the police between July 2021 and January 2022 reportedly enabled a repetition of these targeted attacks perpetuated through the ‘Bulli Bai’ platform.

On 11 and 12 July 2021 respectively, Ms. [REDACTED] and Ms. [REDACTED] filed complaints against the creators and promoters of the ‘Sulli Deals’ social media platform on the National Cyber Crime Reporting Portal (NCCR Portal). Their complaints were forwarded to multiple police stations. Section 154 of the Code of Criminal Procedure (Cr.P.C) mandates that the police register a First Information Report (FIR) as soon as they receive information (either written or verbal) relating to the commission of a cognizable offence and thereafter begin investigation. A copy of the FIR is to be given to the informant/complainant forthwith and free of cost.

Despite sending letters to senior police officials requesting information or updates regarding the registration status of their FIR, the police allegedly did not contact Ms. [REDACTED] and Ms. [REDACTED]. Only on 10 February 2022, more than six months after filing her complaint, Ms. [REDACTED] was called to record her statement under S. 164 Cr.P.C before a Magistrate. After being notified that her complaint had initially been closed, Ms. [REDACTED] had her statement recorded by the police on 29 March 2022, close to eight months after the incident.

Ms. [REDACTED] filed a complaint regarding the 'Bulli Bai' platform at the Cyber Crime Unit, Delhi Police on 1 January 2022, the day pictures of her were circulated. Ms. [REDACTED] and Ms. [REDACTED] also filed complaints against this platform on 29 January 2022 and 6 February 2022 respectively.

In less than six months since these auctions first surfaced, Muslim women were victims of multiple incidents involving communal and hate attacks, cyber bullying and sexual harassment. After the second incident in early 2022, in the face of strong public outpouring on social media, statements by various women's groups and some politicians, the IT Minister stated that the Indian Computer Emergency Response Team (CERT) and police authorities in Delhi and Mumbai would coordinate with GitHub and Twitter to take further action.

There are currently two ongoing investigations, one conducted by the Mumbai Police and one by the Delhi Police. On 4 January 2022, the Mumbai Police arrested [REDACTED], aged 21, an engineering student in Bangalore and [REDACTED], aged 18, a Class XII Graduate. On 5 January 2022, [REDACTED], aged 21, and who is a third year BSc chemistry student was arrested by the Mumbai Police. They are accused of posting pictures from the Bulli Bai App, promoting it on Twitter and are also allegedly involved in the Sulli Deals incident. On 6 January 2022, [REDACTED], who allegedly created the Bulli Bai platform, was arrested by the Delhi Police and it has been determined in Court that he is also involved with the creation of the Sulli Deals platform. The Delhi Police also arrested [REDACTED]. [REDACTED] was arrested by the Mumbai Police on 19 January 2022 for being allegedly involved in the creation of both platforms – Sulli Deals and Bulli Bai.

Following a decision of 21 June 2022, however, all six alleged perpetrators were released on bail, including the three men about whom the Mumbai Court confirmed that they had uploaded and shared the information pertaining to women that were followers of a specific religion with intent to harm and to disseminate hatred, namely Mr. [REDACTED], Mr. [REDACTED] and Mr. [REDACTED]. Among the arguments put forward in the bail application, the three accused told the court that they were innocent and not in a position to tamper with evidence. The prosecution opposed their bail plea arguing that their action was capable of adversely impacting the religious harmony in India.

Without prejudging the accuracy of these allegations, we express our deep concern regarding the alleged acts of sexual harassment, hate speech and abuse of women using online platforms, including women human rights defenders belonging to the Muslim Indian minority, as well as their deliberate targeting and intimidation online on intersecting grounds of their gender and religion. We are concerned by the reports we have received of the impact that online hate speech has had on further encouraging serious and sustained attacks against members of the Muslim minority in

India, particularly women. Furthermore, we note with concern that the police may not have proceeded with a timely, effective and thorough investigation following the complaints lodged by the victims. It would be of great concern if the conduct of the police and judicial authorities was based on socially entrenched prejudice against the Muslim religious minority. The cases of these young Muslim women appear to be illustrative of widespread online sexual humiliation, bullying and targeting of Muslim women who exercise their freedom of speech and expression over social media. Despite the presence of relevant laws directly dealing with online harassment or crimes pertaining to women in cyber space since the 2013 Criminal Amendment Act to the Indian Penal Code, the apparent failure of the legal system to respond decisively and promptly enables the perpetrators to act repeatedly with impunity; thereby denying justice to the victims and failing to deter future offenders, as pictures of over a hundred Muslim women sourced from their social media accounts without their consent were reportedly circulated on social media platforms well into 2022.

We are greatly concerned of the impact this has on freedom of opinion and expression and the rights of all, including women and persons belonging to minority groups, to security and to freely take part in cultural, political and social life. Most concerning to us is the apparent lack of access to a timely complaint mechanism as well as the lack of access to effective remedies and reparations for the abuses and violence that they have reportedly suffered. The alleged failure of state authorities to appropriately respond to these incidents fosters a culture of impunity, providing tacit sanction and encouragement to further attack women from the Muslim minority group.

The information received is particularly concerning in the current social context of India, where anti-Muslim popular campaigns are rising, stoking a wave of Islamophobic sentiment across the country and exacerbating violence against Muslim individuals and communities. The subject of the current communication has to be seen in connection with what appears to be acts of targeting and harassing members of the Muslim Indian minority, including women and girls. This is particularly alarming as the victims are especially vulnerable due to the intersection of religion and gender.

In a previous communication, IND 4/2022, sent to your Excellency's Government, we raised concerns regarding an order allowing Pre-University Colleges (PUCs) to prohibit women and girl students from wearing hijab. UN experts stated that this ban could set a detrimental precedence for other states in the country and has the potential to exclude large numbers of Muslim women and girls from education and to further marginalise the religious minority in the country.

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.

It is our responsibility, in accordance with the mandates given to us by the Human Rights Council, to seek to clarify the information brought to our attention. In this regard, we would be very grateful to have your cooperation and comments on the following matters:

1. Please provide any additional information and/or comments you may have on the above allegations.
2. Please provide an update on the status of the investigation that is ongoing against those accused of having created the two above-mentioned platforms, sharing the personal photos and contacts of Muslim women against their will, which have led to these acts of intimidation and violence against the above-mentioned women.
3. Please provide information on the measures undertaken and enactment of laws to combat incitement to religious hatred and online gender-based violence to adequately protect human rights online, including the right to privacy and data protection of women who peacefully and legitimately exercise their rights to freedom of opinion and expression and to take part in cultural life through online activities. Explain how these measures take into account intersecting aspects of their identity, including political opinion and their freedom of religion or belief.
4. Please provide information on measures your Excellency's government has taken or is planning to take to prevent acts of violence against Indian women and girls that belong to the Muslim minority, as well as providing them with access to effective protection and assistance.
5. Please provide information on the measures your Excellency's Government has taken or is planning to take to ensure the participation of Muslim women in this matter, as a matter that affects them directly.
6. Please explain what measures have been taken to ensure that all human rights defenders in India in particular those working on minority issues can carry out their peaceful and legitimate activities without fear of harassment or other restrictions.

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.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your

Excellency's Government's to clarify the issue/s in question.

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

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Special Rapporteur on violence against women and girls, its causes and consequences

Alexandra Xanthaki
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Ana Brian Nougrères
Special Rapporteur on the right to privacy

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

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

Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, the Special Rapporteur on violence against women and girls, its causes and consequences would like to bring to Your Excellency's attention on article 1 of the United Nations Declaration on the Elimination of Violence against Women, which your Excellency's Government ratified in 1993. It provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. 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), 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, whether perpetrated by a State official or a private citizen, in public or private life.

In her report on online violence against women and girls, the Special Rapporteur on violence against women states that despite the benefits and empowering potential of the Internet and ICT, women and girls across the world have increasingly voiced their concern at harmful, sexist, misogynistic and violent content and behaviour online. Emerging forms of ICT have facilitated new types of gender-based violence, which hinder women's and girls' full enjoyment of their human rights and their ability to achieve gender equality. It is therefore important that States acknowledge that the Internet is being used in a broader environment of widespread and systemic structural discrimination and gender-based violence against women and girls (A/HRC/38/47).

Similarly, the Working Group on discrimination against women and girls has noted that technological developments have also created new risks and challenges related to inclusion, safety, privacy, accountability and transparency, including the heightened exposure of women and girls to the risk of violence and abuse in technology-enabled spaces and has recommended that States strengthen regulatory frameworks for technology providers to ensure they prevent and eliminate all forms of violence against women and girls online (A/HRC/44/51).

The report further mentions the risk of excluding women and girls from the Internet as a result, including by reducing their presence online and socially isolating, whereby victims or survivors can withdraw from public life, including with family and friends, and limited mobility, when they lose their freedom to move around safely. In this regard, the Special Rapporteur deems it appropriate to make reference to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women in freely participating in public matters. By ratifying the Convention, the Government of India has 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 concerned with the public and political life of the country. Further, the Special Rapporteur wishes to reiterate the principle

reiterated in Resolution 2005/38 of the Commission on Human Rights which calls on States to facilitate the full, equal and effective participation and free communication of women at all levels of decision making in their societies and in national, regional and international institutions, including in mechanisms for the prevention, management and resolution of conflicts.

As some of the victims are human rights defenders, we deem appropriate to remind you of the important and legitimate role that human rights defenders play and the protection they are entitled to by international law.

Specifically, we would like to draw your attention to the General Assembly Resolution 68/181, which urges States to acknowledge publicly the important and legitimate role of women human rights defenders in the promotion and protection of human rights, democracy, the rule of law and development as an essential component of ensuring their protection, including by publicly condemning violence and discrimination against them (OP7). We invite you to refer to the Human Rights Council resolution 31/32 as well, in which States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. 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 defense 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 (OP5, 19 and 20).

We also wish to highlight the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms also known as the Declaration on Human Rights Defenders, and 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 the primary responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

The Working Group on discrimination against women and girls has noted that in their cultural communities, women express their opinions on politics also through the arts, including writings, music and plays, and their works have been attacked, criminalized and condemned by State and non-State actors and 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. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder by community members. The Working Group has recommended States to support women's equal participation in political and public life through ICTs, including by ensuring gender-responsiveness in the promotion and protection of human rights on the Internet and improving women's access to the global governance of ICTs (A/HRC/23/50).

Likewise, and concerning specifically girls and young women activists, the Working Group has noted that the lack of safety and security are major barriers to their activism, that digital gender-based violence and harassment, including sexual

harassment and the sharing of private images without their consent, add a further layer of challenges to girls' and young women's activism, and it has emphasized how digital technologies may be used to blackmail, control, surveil, coerce, harass, humiliate or objectify girl and young women activists. Consequently, it has recommended that States, private companies and all stakeholders concerned should take appropriate measures to ensure online access and safety by, among others, taking measures to foster a safe online environment for girls and young women, in particular by creating effective regulatory frameworks, including for content moderation and reporting mechanisms, sanctioning perpetrators and providing reliable information to address online gender- and age-related discrimination and violence (A/HRC/50/25).

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 set forth in the International Covenant on Civil and Political Rights (ICCPR) to which your Excellency's Government is State party since 1979. We would like to highlight in particular articles 2, 17, 18, 19, 20, 26 and 27 which provide for the principles of non-discrimination, the right to privacy, the right to freedom of thought, conscience and religion, as well as the freedom of opinion and expression, the equality of all men and women before the law and the protection of the rights of persons that belong to minorities.

Article 17 of the ICCPR guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. It further states that everyone has the right to the protection of the law against such interference or attacks.

Further, General Assembly resolution 71/199, recognizes that women were particularly affected by violations of the right to privacy in the digital age, and called upon all States to further develop preventive measures and remedies. Human Rights Resolution 47/23 recognizes the risks that new and emerging digital technologies may have for the protection, promotion and enjoyment of human rights, including but not limited to the right to equality and non-discrimination, the right to freedom of opinion and expression, the rights to freedom of peaceful assembly and freedom of association, the right to an effective remedy and the right to privacy, in accordance with States' obligations under international human rights law.

Article 18 of the ICCPR guarantees the right of freedom of thought, conscience, and religion. The Human Rights Committee stressed in General Comment No. 22, paragraph 2 that it "views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community".

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) states 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 19 of the ICCPR guarantees the right to freedom of opinion. Furthermore, article 19 protects the right to hold opinion of any kind. In its General Comment no. 34, paragraph 9, the Human Rights Committee affirmed that “no person may be subject to the impairment of any rights under the Covenant on the basis of his or her actual perceived or supposed opinions”. The afore-mentioned paragraph continues to say that “it is incompatible with paragraph 1 to criminalize the holding of an opinion”.

Article 19 guarantees the right of freedom of expression to everyone, which includes the right to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally or in writing or in print, in the form of art or through any other media of one’s choice. Any limitation to the right of freedom of expression must meet the criteria established by international human rights standards such as article 19(3) of the ICCPR. According to the standards established, limitation must be determined by law and must conform to the strict test of necessity and proportionality. Furthermore, they must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated. In her report about gender justice and freedom of expression to the General Assembly, the Special Rapporteur on the protection and promotion of the right to freedom of opinion and expression highlighted the disproportionate risks faced by female journalists and their subjugation to sexual and gender-based violence based online and offline (A/76/258).

Moreover, as in accordance with article 20 of the ICCPR, no manifestation of religion or belief may amount to propaganda for war or advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. In this regard, we would also like to recall that the General Assembly and the Human Rights Council adopted resolutions 76/157 and 49/31 on combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief, urging States to foster a domestic environment of religious tolerance, peace and respect.

Article 26 of the ICCPR guarantees that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The Special Rapporteur on freedom of religion or belief stressed that, in order to realize the right to freedom of religion or belief, States must “[g]uarantee equal protection under the law [...] as specifically mandated by article 26 [...]” of ICCPR. “Any interference with the right to manifest one’s religion or belief must be limited to the exhaustive grounds specified by article 18 (3), but in every case while ensuring the freedom of thought, conscience and religion or belief for everyone on the basis of equality and non-discrimination” (see A/HRC/37/49 para 31).

We would also like to draw your Excellency Government’s attention to article 27 of the ICCPR, which 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”. Recognizing that Ms. Nabiya Khan, Ms. Afreen Fatima and Ms. Ismat Ara are persons belonging to religious minorities in India, we would like to bring to your attention the provisions of 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. The Declaration refers to the obligation of States to protect the existence and the identity of religious or belief minorities within their territories and to adopt measures to that end (article 1), to ensure that they enjoy their own culture and profess and practice their own religion (article 2), as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination (article 4). The Human Rights Committee in its General Comment 22, paragraph 2, raised concern about any tendency to discriminate against any religion or belief for any reason, including the fact that they represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

We would like to refer your Excellency’s Government article 15 of the International Covenant on Economic, Social and Cultural Rights, ratified by your Excellency’s Government on 10 April 1979, which guarantees the right to take part in cultural life. As clarified by the UN Committee on Economic, Social and Cultural Rights in its General Comment no. 21, this right includes the right of everyone to contribute to the development of the community to which a person belongs, and in the definition, elaboration and implementation of policies and decisions that have an impact on the exercise of a person’s cultural rights. Accordingly, every person, without discrimination, has a right to contribute in shaping culture and the society they live in, and “to be involved in creating the spiritual, material, intellectual and emotional expressions of the community” (E/C.12/GC/21, para. 15 c).

We also refer to the report of the Special Rapporteur in the field of cultural rights (A/HRC/34/56) warning about the negative impact of fundamentalism and extremism on the exercise of a range of human rights, including the rights to freedom of peaceful assembly and association, to freedom of opinion and expression and the right to take part in cultural life. The report calls upon states to publicly challenge fundamentalist discourses in order to protect internationally guaranteed human rights. In a successive report on the impact of fundamentalism and extremism on the cultural rights of women (A/72/155), the Special Rapporteur recommended States to “act in accordance with due diligence standards to ensure that non-State actors engaging in fundamentalist and extremist abuses of women’s cultural rights are prosecuted and punished according to international norms; ensure that all women victims of fundamentalist or extremist abuses, including in the cultural rights area, have access to adequate remedy, reparation and compensation; in consultation with women human rights defenders and affected groups, develop plans of action to protect women, including those from religious, ethnic and sexual minorities, from extremism and fundamentalism; and implement urgent action policies when such groups are targets of fundamentalist and extremist threats or violence; and involve women human rights defenders, with relevant expertise, in all programmes and policy discussions regarding combating fundamentalism and extremism, including at international conferences and negotiations” (para 98).

We would like to remind the report from the Special Rapporteur on freedom of religion or belief on the elimination of all forms of religious intolerance which states

that discrimination against women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief. Human rights violations at the intersection of religious intolerance and gender inequality may originate from stereotyped perceptions of individuals based on their religion or belief. Gender stereotypes and stereotypical pictures of believers often exist in tandem, a problem disproportionately affecting women from religious minorities. As a result, many women suffer from multiple or intersectional discrimination or other forms of human rights violations on the grounds of both their gender and their religion or belief. States parties must legally recognize and prohibit such intersecting forms of discrimination and their compounded negative impact on the women concerned. The Special Rapporteur therefore invites your Excellency's Government to consider the relationship between freedom of religion or belief and the elimination of violence against women and girls. These considerations would do justice to the life situation of many millions of individuals whose specific needs, wishes, claims, experiences and vulnerabilities fall into the intersection of both human rights, a problem disproportionately affecting women from religious minorities (A/68/290).

Furthermore, we would like to highlight the interim report from the Special Rapporteur on freedom of religion or belief which the frequency in which a State's adherence to faith-based claims interferes with its capacity to protect the human rights of women. The breadth of restrictions or impositions on women's human rights, including those which limit their full participation in political, social and economic life, leaves States unprepared to promote gender equality and creates an environment in which harmful practices against women can occur. This includes the refusal to provide adequate legal and policy safeguards against various forms of gender-based violence (A/72/365 paragraph 24), including online violence.

Lastly, we wish to draw your attention on the "Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (A/HRC/22/17/Add.4). It clarifies State obligations and other stakeholders' responsibilities under articles 19 and 20 of the ICCPR and sets out a framework of measures via the implementation of legislation, jurisprudence and policies to combat activities that constitute incitement to violence and discrimination on multiple grounds, including religion.