

**Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on minority issues; the Independent Expert on the enjoyment of all human rights by older persons; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on discrimination against women and girls**

Ref.: AL IND 9/2023  
(Please use this reference in your reply)

29 August 2023

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 on extrajudicial, summary or arbitrary executions; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on minority issues; Independent Expert on the enjoyment of all human rights by older persons; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on freedom of religion or belief; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 44/5, 49/13, 52/9, 52/10, 52/4, 44/8, 50/6, 52/5, 51/4, 53/10, 52/36, 49/5, 49/10, 52/7 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **sexual and gender-based violence against Meitei and Kuki ethnic minority women in the context of the violence that has been taking place in Manipur since May 2023.**

According to the information received:

Violence between the Kuki ethnic minority and Meitei communities first erupted in May 2023 in Manipur, North India. The Kukis are predominantly Christian while the Meitei are predominantly adherents of the Hindu faith. While there have been episodes of tension and violence between both communities as well as others over the decades, the last spate of violence erupted following a judgment from the Manipur High Court on 20 April

2023 directing the state government to consider the Meitei community's request for inclusion on the Scheduled Tribes (ST) list. A solidarity march was organized by the ██████████ ██████████ in May to protest the Meiteis' demand for ST status. Starting in Churachandpur, a village in Manipur, the violence soon spread to ten other districts in the state, affecting eleven out of Manipur's sixteen districts.

On 3 May 2023, residences, neighborhoods, and hundreds of churches that predominantly belong to the Kuki ethnic minority were targeted and attacked in non-tribal areas, such as Imphal, the state capital. The police reported numerous attacks on tribal homes, resulting in the displacement of 500 individuals. About 1,000 Meiteis affected by the violence also fled Manipur and are now internally displaced in ██████████ a town in the State of West Bengal. On 4 May 2023, new incidences of violence were reported, leading the police to use tear gas shells.

The community violence was reportedly accompanied by acts of sexual violence against Kuki women. On 4 May 2023, a group of drunk Meitei men and boys, some as young as 15 years old, allegedly dragged a ██████████ woman and a teenage girl ██████████ and raped them. On 5 May 2023, ██████████ women ██████████ were reportedly attacked at their place of work by a mob that was targeting Kuki women. These ██████████ women were reportedly locked in a room and subjected to physical violence for two hours, and were later found dead.

Security forces in Manipur also came under attack. On 12 May 2023, persons suspected to be Kuki reportedly ambushed police officers ██████████, killing one officer and injuring five others. In a separate incident ██████████, ██████████ a soldier was reportedly stabbed, and ██████████ members of the Meitei community were kidnapped. On 14 May 2023, new reports of violence surfaced ██████████, with unidentified arsonists setting properties on fire, including houses and trucks. On the same day, an armed group reportedly attacked a relief camp ██████████ ██████████, and the firing of bullets continued nearly three hours.

By 16 May 2023, people in the area were reportedly suffering food scarcity, and businesses, schools, and offices were closed, and thousands of people were stranded in refugee camps. Violence over that weekend led to further displacements. On 17 May 2023, the Internet blackout that was in place was extended for an additional five days, and the army reportedly recovered explosives and a remote initiation mechanism for improvised explosive devices ██████████. On 29 May 2023, new violence reportedly resulted in the deaths of at least five people, including one policeman. On 15 July, one woman belonging to the predominantly Christian ██████████ tribes was reportedly killed ██████████. Spurs of violence have continued since then. On 6 August 2023, it was alleged that Meitei villagers were murdered in their sleep by a group of militants believed to be Kuki ██████████ ██████████. At least five suspected militants believed to the Kuki were killed in the retaliatory fire by state forces and armed village volunteers.

### *Sexual violence and other forms of gender-based violence*

Sexual violence and other forms of gender-based violence was reported by at least a hundred women of all ages, including girls and older women, primarily from the Kuki ethnic minority communities. It is reported that, in at least two instances, ambulances carrying injured women and children were attacked, and in at least one instance, an ambulance was burnt with the victim inside. Women and girls have reportedly been attacked in their homes, dragged in the street, tortured or severely beaten before being raped and killed. One victim was allegedly hacked to death. In some of these cases, the bodies of the victims are yet to be found or recuperated. Reportedly, corpses of dead women have also been burnt by their assailants as part of the attack (as they had not followed the proper burial rites associated with each of the two communities). Violent mobs and militias were accompanied by women who participated in the attacks. A group of armed persons believed to be Meitei reportedly attacked a village in May 2023, killing two men and sexually assaulted three women, including two girls, who were filmed in video, which became public on 26 July 2023. The two girls were ordered to strip off their clothes, then were groped, slapped, mocked and forced to walk naked by a mob of men, which allegedly included members of the security forces of the Manipur State Government, who then dragged the girls into a field where they were gang-raped.

### *Economic, social and cultural rights and humanitarian consequences of the violence*

As a result of the violence in the aforementioned areas, and in the span of about two weeks, the reported tally of casualties and property damage stood at 73 dead, 243 injured, 1,809 houses burned, 46,145 people evacuated, 26,358 displaced in 178 relief camps, 3,124 escorted on evacuation flights, and 385 criminal cases registered. While accurate figures are lacking, the Government estimates the number of deaths as 175, as of 29 July 2023. The number of injured persons is also estimated to have doubled during the same period. Additionally, churches and businesses that belong to members of the Meitei community and the Kuki ethnic communities have been destroyed by arson. At least 45,000 people are said to be currently living in IDP camps located in the valley and the hills.

[REDACTED]. The number of deaths was estimated to have reached more than 150 by the end of July 2023, mostly Kukis.

According to public sources, up to 6,000 first incident reports (FIRs) associated with the violence were registered with the police in Manipur for the period between May and end of July 2023. In addition, the large-scale forced displacement and attacks appear to have had a devastating impact on the communities, particularly on women of all ages. According to local actors, hundreds of hectares of land remained uncultivated, resulting in the inability to harvest around 15,599 metric tons of rice. Women from Meitei and Kuki communities predominantly work from home, and thousands engage in weaving, piggyery, vegetable cultivation, rearing chickens, as well as selling

produce in the local markets. Many others are engaged in sand quarries, brick production or local construction work as daily laborers. As a result of these events, women are reported to have lost their source of income and are struggling to feed themselves and their families.

The humanitarian conditions of internally displaced persons are below international standards, and those affected reportedly lack adequate access to food and basic facilities and items, including sanitation facilities. Individuals with specific needs, such as children, older persons and pregnant women, are particularly at risk due to malnutrition and limited access to health care. At least eight pregnant women have reportedly died in relief camps since May 2023. Furthermore, the attacks have resulted in many affected women experiencing insomnia, memory loss, post-traumatic stress disorder, depression, anger, anxiety, and other mental health issues. Persons with HIV/AIDS are also experiencing problems accessing the required health care.

### *Censorship, campaigns of disinformation and hate speech inciting violence*

The Internet was allegedly shut down for several weeks following the outbreak of violence in May 2023. This has made awareness raising about various human rights violations and abuses extremely difficult. A petition was submitted to the Manipur High Court which ordered the ban to be lifted by the Government of Manipur. The Supreme Court of India refused to entertain a plea against this decision and directed the Manipur Government to approach the High Court. At the end of July, the Internet shutdown was lifted.

Violence has been incited by campaigns of disinformation, which have been used by the perpetrators to justify the atrocities against Kuki women. [REDACTED], false information claiming that a Meitei nurse had been raped and killed widely circulated. The picture turned out to be coming from another murder that had taken place [REDACTED] in Northern India in 2022. Other instances of disinformation include a huge photo of a woman displayed by Meitei protestors [REDACTED] claiming it was of a Meitei woman who has been physically assaulted by members of the Kuki ethnic minority community. The photo was confirmed to be one of a domestic abuse victim from [REDACTED], another state in India. Another widely circulated piece of information falsely claimed to depict bodies of [REDACTED] Meitei rape victims along with that of a [REDACTED] lying in the morgue [REDACTED], which the hospital later denied. Furthermore, some government officials of Manipur were reportedly involved in the disinformation campaigns against the Kuki ethnic minority community and particularly against women.

Hate speech allegedly aimed at inciting violence and genocide against the Kuki ethnic minority community reportedly spread online and offline. Reportedly, one of the of the slogans made against the Kuki who were being attacked was “Haomacha Hatlo” which translates into “kill smelly tribal children.” The [REDACTED] reportedly warned of a possible civil war, where the Kuki community would not be able to defend themselves and would be wiped out. Other similar hate speech has been attributed to individuals who are reported to have ties to the Bharatiya Janata Party-led government of Manipur as well as other Hindutva groups. Such speeches were reportedly made in public and broadcast through mainstream news channels.

### *Threats to human rights defenders and civil society organizations*

Organizations and rights groups have demanded an independent, impartial, and transparent investigation into the situation in Manipur; immediate legal action against the perpetrators of violence and the concerned officials; and to pass an order for compensation to the victims and their families. Reportedly, in some cases, those who have raised such demands and concerns have been subjected to reprisals. In July 2023, [REDACTED] [REDACTED] travelled to Manipur to conduct a fact-finding mission with regards to the violence. They held a press conference and published a report which claimed that the violence has been state-sponsored. Following the report, the Manipur police filed an FIR against several women fact-finders, alleging sedition, conspiracy, and other offences under the Indian Penal Code, resulting in arrest warrants being issued. The Supreme Court of India intervened and has since issued continued stays of the arrests since [REDACTED].

### *Response of the local and central government and role of law enforcement*

The Government of India reportedly remained silent about the violence until a video of sexual violence against [REDACTED] [REDACTED] women posted on social media in May went viral in July and caused a nation-wide outcry. Before then, the Central and Manipur State Governments reportedly failed to take measures to prevent, investigate, and curtail large-scale violence. When the relief camp was attacked on [REDACTED] May 2023, only few personnel of the [REDACTED] [REDACTED] police were reportedly deployed to guard the IDP camp. The police officers were allegedly called off by their high command soon after the attack started.

Reportedly, the Manipur local government issued a shoot-at-sight order, which stated that force could be used in extreme cases after all forms of persuasion, warning, and reasonable force had been exhausted and where the situation could not be controlled. The Central Government of India also invoked Article 355 of the Indian Constitution, assuming control of the security situation in Manipur. However, security forces have allegedly stood by and failed to act, while mobs have continued to commit violence. Security forces were reportedly not deployed to the epicenters of the violence, [REDACTED]

[REDACTED] Furthermore, the longstanding governance issues, specifically the misuse of counter-terrorism measures against ethnic and religious minorities in the country, as well as the corresponding dehumanization of peoples under the guise of “terrorism” rhetoric inform and fuel the above-reported violations, including sexual and gender-based violence. There are concerning reports alleging law enforcement’s involvement in the extrajudicial killings of civilians or others labeled as ‘terrorists’.

In May, law enforcement allegedly executed 40 persons from the Kuki tribe on the pretext that they were terrorists. In other cases, law enforcement officers

were reportedly involved in raping minority women, along with the perpetrators of violence and violent mobs. Meitei militant groups were allegedly assisted by the police, which reportedly facilitated the access of members of militant groups such as the [REDACTED].

In response to the reports of violence, the Ministry of Home Affairs established an investigation commission headed by the former Chief Justice of the Guahati High Court and two retired military officers. The investigation commission will inquire into the causes of violence, assess negligence on the part of the authorities, and the adequacy of measures taken to prevent and account for the violence. Additionally, the Ministry of Home Affairs established a Peace Committee led by the Governor of Manipur to facilitate peacemaking processes among various ethnic and religious groups. The Peace Committee was rejected by members of both the Kuki and Meitei communities for its expected failure to serve as a credible and effective body to assist with the situation. In July, the Indian's Supreme Court also announced its plans to be kept abreast of the steps taken by the Government to hold perpetrators accountable for the violence committed since May.

On 4 August 2023, the Chief Justice of India and other justices hearing a number of petitions on the Manipur violence were critical of the fact that only a few First Incident Reports (FRIs) had been registered in the first three months of the events; that the police had been slow to investigate and that very few arrests had been made. The first FRI was lodged with the police of Manipur on the 18 May 2023 with regards to the incidents that took place on 4 May 2023, when two women were sexually assaulted. Police reportedly only opened an investigation after the video of the sexual violence against the two women went viral. Similarly, the National Commission of Women of India (NCW) had reportedly been sent a report on 12 June 2023 about the above incidents, but failed to act on the complaint. The NCW reportedly only took note of the incident and spoke to it publicly after the video went viral. Moreover, the fact-finding mission undertaken by the [REDACTED] that took place between 28 June and 1 July 2023. They held a press conference and published a report regarding the violence. Following the report, an individual reportedly filed a complaint against the group, resulting in arrest warrants being issued. The Supreme Court of India then intervened and issued an order protecting the group of lawyers from the arrest.

The level of spatial and other forms of segregation between the Meitei, Kuki and Naga communities is without many parallels and is at the root of the problems in Manipur state.

While we do not wish to prejudge the accuracy of these allegations, we express our utmost concerns about reports of acts of sexual and gender-based violence, extrajudicial killings, forced displacement, acts of torture and ill-treatment, the destruction of homes and other human rights violations and abuses in Manipur. Sexual and gender-based violence appears to have been used to attack, ethnic minority women of all ages, including girls and older women, on account of their ethnicity and religious belief, as an apparent tool of subjugation and violence. We are also concerned about the reported lack of effective and timely intervention by law enforcement as well as the failure to hold the perpetrators accountable, resulting in *de*

*facto* impunity. We are particularly concerned at the manifest lack of political responsibility and accountability in the face of these patterns of crimes. We are further deeply concerned that officials either ignored or contributed to advocacy of religious and ethnic hatred that incited violence without any consequences against them for doing so, in contravention of India's international human rights law obligations.

We are deeply concerned that despite large-scale attacks against religious and ethnic minorities in different parts of India over the past few decades, the central and state governments appear not to have adopted adequate proactive and preventive strategies to avert such tragedies in compliance of their obligations to uphold human rights under international and national laws.

Furthermore, in light of the alleged killings of civilians under the pretext that they were *terrorists*, we recall that under international human rights law on the right to life and the use of force by law enforcement officials, as well as customary international law, the use of force must be proportionate and the use of lethal force, as the *ultima ratio*, must be used only in self-defense and when all other means have been exhausted, including non-lethal force. Any alleged death in the framework of a counter-terrorism operation should be investigated as an individual case, regardless of whether the victim is a civilian or an alleged "terrorist" who died in the course of or as a result of counterterrorism or security operations.

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 taken to prevent the occurrence of human rights violations and abuses in Manipur, including by law enforcement, and to ensure accountability for crimes committed.
3. Please provide information on the number, and where available the results, of any investigations conducted so far on allegations of human rights violations and abuses in the context of the violence in Manipur since May 2023.
4. Please indicate whether investigations that have been conducted into these killings have been guided by the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, commonly known as the Minnesota Protocol.
5. Please indicate the measures taken to provide immediate protection and assistance to civilians who have been affected by the violence, including internally displaced persons, and to ensure that they receive

immediate and adequate humanitarian assistance, on an impartial basis and providing the most affected and the most vulnerable in line with international standards, including *inter alia* the Sphere Standards.

6. Please indicate what immediate assistance and protection has been provided to the women and girls that have been subjected to gender-based violence, including sexual violence.
7. Please indicate the measures taken or envisaged to investigate attacks against camps for displaced persons and humanitarian aid providers and bring perpetrators to justice, as well as facilitate the delivery of humanitarian aid to displaced and conflict-affected populations.
8. Please indicate the measures adopted to investigate and punish those responsible for the violence, in particular sexual violence and other forms of gender-based violence against women of all ages, including girls and older women, and to ensure access to restitution and reparations, including mental and psychological care.
9. Please explain what measures have been taken to ensure that all human rights defenders in India, in particular those working on violations in Manipur, can carry out their peaceful and legitimate activities without fear of judicial harassment, or other restrictions.

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.

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 you to clarify the issue/s in question.

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

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Claudia Mahler  
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Olivier De Schutter  
Special Rapporteur on extreme poverty and human rights

K.P. Ashwini  
Special Rapporteur on contemporary forms of racism, racial discrimination,  
xenophobia and related intolerance

Nazila Ghanea  
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Fionnuala Ní Aoláin  
Special Rapporteur on the promotion and protection of human rights and fundamental  
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Alice Jill Edwards  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or  
punishment

Dorothy Estrada-Tanck  
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, we would like to draw the attention of your Excellency's Government to the international norms and standards that are applicable to the issues brought forth by the situation described above.

We would like to draw your attention to Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which India acceded on 10 April 1979, which provides that every individual has the right to liberty and security of the person. Article 6(1) of the ICCPR calls on the States Parties to take measures to prevent and punish deprivation of life by criminal acts.

We would like to refer to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which India ratified on 9 July 1993, which calls on States to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. Article 2 of the Convention also calls on States Parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

We would like to recall the CEDAW Committee's General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, which calls on States Parties to protect women's human rights at all times, advance substantive gender equality before, during and after conflict as well as to provide access to justice for victims of sexual violence (CEDAW/C/GC/30). Furthermore, in General Recommendation No. 35 (2017) on gender-based violence against women, updating the General Recommendation No. 19 (1992), the CEDAW Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women (CEDAW/C/GC/35).

In addition, Article 1 of the United Nations Declaration on the Elimination of Violence against Women adopted by the General Assembly resolution 48/104 of 20 December 1993 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. Article 4 of the Declaration further stipulates that States should implement policies that eliminate violence against women by all appropriate means and without delay.

We wish to highlight that rape and sexual violence suffered at the hands of agents of the State, such as police or military officers, are considered to constitute an act of torture under international human rights law. International criminal law recognizes that rape committed in a systematic or widespread manner may amount to crime against humanity, and when committed in the context of an armed conflict, a war crime. International humanitarian law also provides that, in case of displacement, all possible measures must be taken in order that the civilians concerned are received

under satisfactory conditions of shelter, hygiene, health, safety and nutrition (Rule 131 and article 17 of the Additional Protocol II to the Geneva Conventions).

Moreover, we would like to draw your attention to Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which India acceded on 10 April 1979, which provides that every individual has the right to liberty and security of the person. Article 6(1) of the ICCPR calls on the States Parties to take measures to prevent and punish deprivation of life by criminal acts.

We would also like to draw your Excellency's Government's attention to Article 2 of the International Convention on the Elimination of all Forms of Racial Discrimination, which India ratified on 3 December 1968, which calls for States Parties to prohibit and to eliminate racial discrimination in all its forms. We further highlight article 5 of ICERD, which to guarantees a range of civil, political, economic, social and cultural rights, including the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution, to everyone without distinction as to race, color, or national or ethnic origin, to equality before the law, in the enjoyment of all.

International standards relevant to the protection and promotion of the rights of minorities call on States to ensure that persons belonging to minorities can exercise their rights without discrimination and in full equality before the law. In particular, Article 1 of the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities refers to the obligation of States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to adopt the appropriate measures to achieve this end.

Article 2(1) of the Convention on the Rights of the Child, to which India acceded on 11 December 1992, requires States Parties to respect and fulfil the rights to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Article 34 of the Convention urges States Parties to protect the child from all forms of sexual exploitation and sexual abuse, and Article 35 provides that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

We also wish to highlight Article 2 of the International Covenant on Economic, Social and Cultural Rights, acceded to by India on 10 April 1979, which provides that States Parties should provide international assistance and cooperation to ensure the full realization of covenant rights, without discrimination of any kind, including on the grounds of religion or belief, political or other opinion, and national or social origin. Article 11(1) of the Convention recognizes the right to an adequate standard of living, including rights to food, housing and the continuous improvement of living conditions.

Furthermore, we would like to refer to the report of the Special Rapporteur on violence against women and girls, its causes and consequences, in which she noted that the current international human rights framework and jurisprudence recognizes rape as a human rights violation and a manifestation of gender-based violence against

women and girls that could amount to torture (A/HRC/47/26, para. 9). The Special Rapporteur also called on States to provide adequate services and support to victims of rape as well as to address and resolve all structural and institutional factors that result in impunity of perpetrators.

The Working Group on discrimination against women and girls recommended States to implement gender-sensitive measures on conflict, crisis, terrorism and national security and warned against depriving women's liberty for the purposes of pursuing Government aims (A/HRC/41/33). In their report on sexual and reproductive health rights (A/HRC/47/38), the experts noted that women belonging to ethnic and other minority groups have been systematically subjected to a complex spectrum of human rights abuses involving discriminatory and coercive practices, including systemic sexual abuse and reproductive violence. And in the Working Group's report on the gendered inequalities of poverty (A/HRC/53/39), it noted that these inequalities are exacerbated as a result of conflict and violence, often affecting especially ethnic minority women and girls. It highlighted that the absence of effective protection against violence not only deprives women living in poverty of their right to personal integrity, it also impedes their right to equal participation in public life, education and employment, and impedes income-earning activities.

In the report on gender perspectives on torture and other cruel, inhuman and degrading treatment or punishment, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment confirms that rape constitutes torture when carried out by, at the instigation of, or with the consent or acquiescence of public officials (A/HRC/31/57).

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. We wish to highlight in particular 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.

Additionally, we would 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.

Regarding Internet shutdowns, we refer your Excellency's Government to the general comment No. 34 of the Human Rights Committee, in which the Committee indicated that generic bans on the operation of certain sites and systems are not compatible with article 19 (3) of the International Covenant on Civil and Political Rights. The Human Rights Council has unequivocally and strongly condemned Internet shutdowns (A/HRC/RES/44/12).

In relation to allegations of hate speech, including hate speech amounting to incitement to hatred and violence, we wish to refer your Excellency's Government to article 20 of the ICCPR which makes clear that "any advocacy of national, racial or

religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law". We also wish to draw your attention to article 4 of ICERD, which outlines "States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end." We would also highlight the Committee on the Elimination of Racial Discrimination's General Recommendation No. 35 on racist hate speech. The general recommendation underlines the role of racist hate speech in conflict situations and explicates the obligations of States under articles 4, 5 and 7 to eliminate all forms of hate speech, including hate speech on the basis of ethnicity. We would further wish to draw your Excellency's attention to the 2012 Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Rabat Plan of Action makes clear that Article 20 of the Covenant requires a high threshold because, as a matter of fundamental principle, limitation of speech must remain an exception and take into account the provisions of article 19 of the Covenant. The Rabat Plan of Action contains a six-part threshold test for defining restrictions on freedom of expression, incitement to hatred, and for the application of article 20 of the ICCPR, taking into account context, speaker, intent, content and form and extent of the speech act.

Moreover, 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 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 (OP5, 19 and 20).

Article 6(1) of the ICCPR provides that every individual has the right to life and that no person shall be arbitrarily deprived of his or her life. We refer to the Human Rights Committee's, [General Comment 36](#) which notes that the right to life is the supreme right from which no derogation is permitted (paragraph 2). It is most precious for its own sake as a right that inheres in every human being, but it also constitutes a fundamental right, whose effective protection is the prerequisite for the enjoyment of all other human rights and whose content can be informed and infused by other human rights. General Comment 36 makes clear that the right to life must be respected and ensured without distinction of any kind, including race.

Under international law any loss of life that results from the excessive use of force without strict compliance with the principles of necessity and proportionality is an arbitrary deprivation of life and therefore illegal. Intentional lethal use of firearms should only be made when strictly unavoidable in order to protect life. Force used

must be proportionate to the legitimate objective to be achieved. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated. Medical assistance should be provided as soon as possible when necessary.

We underscore the importance of conducting investigations into all suspected unlawful deaths in line with international standards, particularly the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016)). It is noted that international human rights law applies at all times and in all circumstances, including during war, public emergencies, civil strife, or situations of internal disturbances or armed conflict.

Per the Guiding Principles on Internal Displacement, national authorities have the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within their jurisdiction (Principle 3) without discrimination of any kind, including on the basis of religion or belief or ethnic or social origin (Principle 4). Arbitrary displacement is particularly prohibited in instances when it is based on policies of apartheid, “ethnic cleansing”, or similar practices aimed at or resulting in altering the ethnic, religious, or racial composition of the affected population (Principle 6). Displacement shall not be carried out in a manner that violates the rights to life, dignity, liberty, and security of those affected (Principle 8). States are under a particular obligation to protect against the displacement of indigenous people and minorities, *inter alia* (Principle 9).

Every human being has the inherent right to life, and internally displaced persons shall be protected in particular against genocide, murder, summary or arbitrary executions, and enforced disappearances including abduction or unacknowledged detention, threatening or resulting in death; threat and incitement to commit any of the foregoing acts are also prohibited (Principle 10(1)). Attacks or other acts of violence against internally displaced persons who do not or no longer participate in hostilities are prohibited in all circumstances and internally displaced persons shall be protected, in particular, against *inter alia* direct or indiscriminate acts of violence, starvation as a method of combat, and attacks against their camps or settlements (Principle 10(2)). Every human being has the right to dignity and physical, mental, and moral integrity, and shall be protected in particular against *inter alia* rape, mutilation, torture, cruel, inhuman or degrading treatment or punishment and other outrages upon personal dignity, such as acts of gender-specific violence, forced prostitution, and any form of indecent violence, acts of violence intended to spread terror among internally displaced persons, and threats and incitement to commit any of the foregoing acts shall be prohibited (Principle 11).

Every human being has the right to liberty and security of person, and no one shall be subject to arbitrary arrest or detention, and to give effect to this right for internally displaced persons, they shall not be interned in or confined to a camp (Principle 12). All internally displaced persons have the right to an adequate standard of living, which at a minimum should include essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation (Principle 18) and access to the medical care and attention they require without distinction, with special attention paid to the health needs of women including appropriate counselling for victims of sexual and other abuses (Principle 19)

Humanitarian assistance should be provided to internally displaced persons in line with the principles of humanity and impartiality and without discrimination, and the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with national authorities, who should grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to the internally displaced (Principle 25). Persons engaged in humanitarian assistance, their transport, and supplies shall be respected and protected and should not be the object of attack or other acts of violence (Principle 26).

We further refer to the relevant provisions of the United Nations Security Council resolutions 1373 (2001), 1456(2003), 1566 (2004), 1624 (2005), 2178 (2014), 2242 (2015), 2341 (2017), 2354 (2017), 2368 (2017), 2370 (2017), 2395 (2017) and 2396 (2017); as well as Human Rights Council resolution 35/34 and General Assembly resolutions 49/60, 51/210, 72/123 and 72/180. These resolutions require that States must ensure that any measures taken to combat terrorism and violent extremism, including incitement of and support for terrorist acts, comply with all of their obligations under international law.

We note that to categorize an offense as a 'terrorist act' consistent with good practice in international law implies three elements that must be cumulatively present: a) the means used must be deadly; b) the intent behind the act must be to cause fear among population or to compel a government or international organization to do or refrain from doing something; and c) the aim must be to further an ideological goal. In this regard, we recall that the definition of terrorism and terrorism offences must be confined to acts that are 'genuinely' terrorist in nature in accordance to the elements identified by the Security Council in its resolution 1566 (2004). Criminal offences must thus be set out in precise and unambiguous language that narrowly defines the punishable offence.